



Policy Review

The owners of this Policy will review this document should the legislation change or there is a further need to develop the Policy further. However, our Policy review group will annually review this policy to ensure it remains compliant with key changes nationally.

POLICY NAME	Flexible Working Policy	VERSION NO.	1
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Version	Date	Page Number	Details of Change	Author

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FLEXIBLE WORKING POLICY

1. Scope

- 1.1 The policy applies to all sites and services and there are no regional variations.
- 1.2 This policy applies to all contracted colleagues with Milewood. This policy excludes agency and bank workers.

2. Introduction

- 2.1 This policy aims to set out for employees their right to request flexible working and how Milewood will respond to such requests. Milewood recognises that promoting a better work-life balance can help employees achieve a better balance between work and other priorities such as caring responsibilities, leisure activities and further learning.
- 2.2 Milewood is committed to ensuring its employment arrangements match the needs of the people we support as well as those of our colleagues recognising that providing flexible working can be beneficial not only to the colleague, but also to Milewood.
- 2.3 Milewood is committed to agreeing any flexible working arrangements provided that the needs and objectives of both Milewood and the employee can be met.

3. Policy

- 3.1 Milewood Healthcare Ltd.'s Flexible Working Policy outlines our commitment to the view that flexible working arrangements increases staff motivation, reduces employee stress, improves employee performance, productivity and encourages staff retention and organisational success. Flexible working also helps Milewood structure working patterns and staff levels in line with varying services' and Milewood needs and around demands need.
- 3.2 Milewood will seek to facilitate the granting of a reasonable request. Any colleague who thinks they may benefit from flexible working is encouraged to contact their line manager to arrange an informal discussion to talk about the changes.
- 3.3 No employee will be treated less favourably, suffer detriment or be dismissed because they have requested flexible working or move to a flexible working arrangement.

4. What is Flexible Working?

- 4.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when the employee works. Employees may request a change in the times they work or the location at which they work. Examples include part-time working, flexitime, job sharing, working compressed hours, adjusting starting and finishing times, and working at other locations such as remote or hybrid working.
- 4.2 Employees do not have an automatic right to have their request granted. Consideration of any request must take into account the needs of Milewood and the needs of the service to achieve its objectives efficiently.

Milewood Healthcare LTD – Flexible Working Policy

- 4.3 It is important to understand that an accepted application for flexible working constitutes a permanent change to their contract of employment, unless mutually agreed otherwise. A three-month trial period will be put in place for all requests to determine whether the change/agreement works for the employee, line manager and Milewood.
- 4.4 If a staff member's circumstances subsequently change in relation to the need for flexible working, there is no statutory right to return to the terms and conditions that previously applied, however Milewood will give due consideration to such applications.

5. Eligibility

- 5.1 To make an application for flexible working under the Flexible working regulations, you must:
- Be an employee of Milewood either on permanent or fixed term contract.
 - Be either full time or part-time.
- 5.2 The statutory right to request flexible working applies from the first working day of employment.
- 5.3 An employee may make two statutory requests for flexible working in a 12-month period.
- 5.4 You must have a contract of employment with Milewood or Milewood's subsidiary companies.

6. Applying for Flexible Working

6.1 Application

Flexible working requests should be discussed informally with the appropriate line manager, prior to a formal application being made. Requests for changes to hours of work, place of work and time of work are given serious consideration.

- 6.2 Formal applications should be made to the appropriate line manager, by completing a **Flexible working request form**. The organisation will endeavour to invite the employee to attend a meeting with their line manager to discuss their application within 28 working days. Applications will need to:
- Be in writing;
 - State the date the request is made, the change to working conditions which they seek and the date they would like the change to take effect;
 - Confirm they have not submitted two requests in the previous 12-months;
 - State if they are making their request in relation to the Equality Act 2010, this should be made clear in the application;
 - Indicate the details of the working pattern proposed and the likely effects, if any, on the department, colleagues, service levels etc and describe how in the colleague's view it could be accommodated.

6.3 Meeting

The aim of the meeting is to explore the suggested working arrangement in more detail and to discuss how it might be accommodated. Alternative working patterns should also be discussed, if there could be a problem accommodating the working arrangement requested.

- 6.4 The line manager will arrange to meet with the employee within 28 working days of receiving the written request (this time may be extended with the agreement of both employee, line manager and/or HR). In this meeting employees are encouraged on a voluntary basis to share and discuss the reason they seek the change as this will help us respond in the most appropriate way.
- 6.5 The staff member may be accompanied at the meeting by a recognised trade union representative or work colleague. If the employee or their representative cannot attend the meeting on the

proposed day and time, the meeting will be postponed to an alternative day and time, normally within 5 working days of the original meeting.

- 6.6 Colleagues should be aware, under the statutory right, there is a two-month decision period (inclusive of appeal stage) from the date the application is received. A final decision may not be made until the end of the two-month period. Colleagues should therefore submit their application to their line manager well in advance of the date they wish the proposed change to take effect.

7. Withdrawing an application

- 7.1 If the employee wishes to withdraw their application, they should do so in writing to their line manager.

Requests will be considered withdrawn if:

- 7.1.1 The employee withdraws their application either verbally or in writing;
- 7.1.2 The employee fails to attend the meetings to discuss the request without good reason. The manager will liaise with HR who will confirm this to the employee in writing;
- 7.1.3 If the employee decides to withdraw their application, it will count as one of the two requests that can be submitted in a 12-month period.

8. Outcome

- 8.1 Notification of the outcome will be communicated to the employee in writing after the meeting has taken place within two-months of receipt of written flexible working application.
- 8.2 No application will be approved or rejected without consultation with the relevant senior manager and HR to ensure consistency across the department and Milewood.
- 8.3 If the application is successful, the employee will receive a contract variation, confirming the trial period, reflecting the change in working arrangement and the date the change will be effective from.
- 8.4 A request may be granted in part or in full;
- 8.4.1 We may propose a modified version of a request;
 - 8.4.2 A request may be granted on a temporary basis;
 - 8.4.3 It may be requested to try the flexible working for a trial period;
- 8.5 In very rare circumstances, flexible working arrangements will be kept under review and may be revoked and where this occurs, the colleague will be given the reason in writing.
- 8.6 Each application will be reviewed individually and considered on a case-by-case basis. Agreeing to one application will not set precedent or create the right for another colleague to be granted similar changes to their work pattern.
- 8.7 If the manager initiates a trial period, the manager should meet with the colleague at regular intervals to review the suitability of the proposed working arrangement. At the end of the trial period, the line manager will review whether the proposed arrangement can be accommodated on a permanent basis. If accepted, a variation in contract change form must be completed and sent to HR, clearly stating the arrangement is subject to a trial period.
- 8.8 The manager will meet with the employee at the end of the trial period to discuss and review the arrangement. If it is deemed that the new pattern is not suitable by either party, the employee will revert to their original work pattern. If it is deemed that the new pattern is successful, the original contract variation will remain in place and the arrangement will continue on a permanent basis.
- 8.9 In cases where the Flexible Working application is rejected the following procedure must be followed.

NB: If the request increases an individual's working hours, then a business case (Rationale Form) will need to be completed and approved before the approval of the request.

9. Rejecting an application

- 9.1 There may be circumstances where, due to the needs of the business or service it is not possible to accept the application. In this situation, the decision will be confirmed in writing following the flexible working meeting or at the end of the trial period.
- 9.2 If the request is unsuccessful, the employee will be notified in writing. The line manager should provide a clear and accurate explanation for the refusal, including the business reason. The line manager should provide the employee with sufficient reasons to allow the employee to understand the decision.
- 9.3 The employee should be notified within a reasonable timeframe, ideally within 14 days after the date of the meeting stating the reasons why the application cannot be accepted. Legally an employer must respond to a flexible working request within two-months.
- 9.4 A request for flexible working may be refused for the following reasons;
 - 9.4.1 extra costs that will damage the business;
 - 9.4.2 the work cannot be reorganised among other staff;
 - 9.4.3 people cannot be recruited to do the work;
 - 9.4.4 flexible working will affect quality;
 - 9.4.5 flexible working will affect performance;
 - 9.4.6 the business will not be able to meet customer demand;
 - 9.4.7 there's a lack of work to do during the proposed working times;
 - 9.4.8 the business is planning changes to the workforce;
- 9.5 To ensure consistency across Milewood, no application should be refused without consultation with the Head of HR.

10. Appeals

- 10.1 Employees no longer have a statutory right to an appeal but may still be able to appeal, because at Milewood, an employee has the right to appeal against a declined flexible working request. The appeal should be made in writing and sent to the Head of Human Resources within 5 working days of receipt of the outcome/decision.
- 10.2 A meeting will be held within 10 days (unless communicated otherwise) of the receipt of the notice of appeal which will be chaired by a higher or equal seniority to the manager who made the original decision. The chair should not have had significant involvement in making the original decision. A member/representative of the Human Resources team will attend the meeting.
- 10.3 A staff member may be accompanied at the meeting by a Milewood recognised trade union or a work colleague.
- 10.4 If the employee and/or representative cannot attend the meeting on the proposed day and time, the meeting will be postponed to an alternative date and time, normally within 5 days of the original meeting. The employee will be notified of the outcome within 5 working days of the meeting. If the appeal is successful, the line manager will notify the employee of the new working arrangement, start date and length of the trial period. If the appeal is unsuccessful the notification will explain the reasons for the decision to reject the appeal.

NB: If the request increases an individual's working hours a business case (rationale form) will need to be completed and approved before final approval of the Flexible Working request.

Links to Related Legislation / Best Practice

Employment Relations (Flexible Working) Act 2023

RELATED POLICIES AND OTHER REFERENCES

This policy should be read in conjunction with our other Policy Guides:

- Staff Handbook
- **Authorisation and Signature**

This Policy is the authorised version agreed by the Owners. The policy is also Authorized by the CEO of Milewood Health Care and their associated organisations. All employees are expected to follow this policy and failure to do so could result in disciplinary action.

Approved by Owner Head of HR - Signature:	
Date:	
Approved by Owner, Head of Quality- Signature:	
Date:	