

Flexible Working Policy & Procedure

Reviewed: Apr 24

Next Review: 2027



1. Introduction

- 1.1 Rosehill recognises that introducing a flexible working policy will help to ensure compliance with the statutory right to request flexible working set out in the Employment Rights Act 1996.
- 1.2 The policy has also been introduced to help ensure equality and fairness throughout the process and aid employees' work-life balance. Employees have the right to request changes to their working hours or place of work.

2. Background

- 2.1 Rosehill believes its staff members are its most valuable asset and is committed to attracting and retaining the best and utilising all available talent and experience.
- 2.2 Rosehill understands that it is important for staff members to establish a work-life balance as many individuals have personal responsibilities outside of work. Flexible work may allow more freedom for employees to organise their employment to fit in with other parts of their life.

3. Legal Framework

3.1 Employment Rights Act 1996

The Employment Rights Act ("ERA") sets out workers' and employees' main statutory employment rights.

3.2 Employment Act 2002

In April 2003 the Employment Act amended the ERA by introducing the right for parents of young and disabled children to apply to work flexibly to strike a better balance between their home and work responsibilities.

3.3 Work and Families Act 2006

The Work and Families Act extends this right to include employees who care for or expect to care for adults.

3.4 Flexible Working (Amendment) Regulations 2023

These regulations extend the right to all employees to request flexible working from day one of employment.

4. Policy Principles

4.1 The policy has been produced as Rosehill's response to the legislation brought in by the Employment Rights Act 1996 as amended by the Employment Act 2002, Work and Families Act 2006, and Flexible Working (Amendment) Regulations 2023.

4.2 This policy applies to all employees. It does not apply to agency workers, consultants, or self-employed contractors.

4.3 This policy does not form part of any employee's contract of employment, and we may amend it at any time.

4.4 Aims to provide employees with the opportunity to request to change their standard working arrangements to strike a better balance between their home and work responsibilities and for Rosehill to retain talent and skills in the workforce and react effectively to changing market conditions.

4.5 Details the flexible working procedure that must be followed and also provides standard letter templates and forms to use.

4.6 Details of the employers' responsibilities contained in the Act and the recommendations to consider workers' request for a flexible working arrangement.

4.7 Is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).

4.8 Re-emphasises a desire to create a good place to work for everyone by aiming to retain skills and experience and adapting to changes in society.

5. Eligibility

- 5.1 Under provisions set out in Section 80F of the Employment Rights Act 1996 every employee, irrespective of length of service, has the right to request a change to their contractual terms and conditions of employment.
- 5.2 An employee can make two statutory requests within a 12-month period.

6. Types of Flexible Working

- 6.1 Some examples of flexible working are documented below, however, please note this list is not exhaustive.

6.1.1 Part-time working

A system whereby the employee is contracted to work fewer than the standard full-time hours. There are many variations to part-time work such as later start or earlier finish times, afternoons, or mornings only, and fewer working days in the week.

6.1.2 Job-sharing

An arrangement whereby two part-time (or occasionally more) employees share the responsibility of a position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job simply by picking up the work where the other employee left off. A 'divided responsibility' arrangement is when the duty of the position is divided between the two individuals, with each being able to provide cover for the other as and when necessary.

6.1.3 Term time working

The employee remains on a permanent contract but can take unpaid leave of absence as agreed.

6.1.4 Working from home.

An approach whereby an employee carries out a proportion of his/her duties from home rather than on Rosehill's premises (over and above the Hybrid Working Policy).

6.1.5 Compressed Hours

A system permitting employees to work their total number of contractual hours over fewer working days. For example, a five-day working week may be compressed into four days.

7. Data Protection

- 7.1 On the 25th of May 2018, the legislation governing data protection changed with the introduction of the General Data Protection Regulation (GDPR).
- 7.2 Following the UK's exit from the EU and the end of the transition period that followed, the GDPR formed part of the retained EU law and became the UK GDPR which together with the Data Protection Act 2018 constitute the UK's data protection legislation.

8. Equality and Diversity

- 8.1 We are committed to ensuring equal opportunities and fair treatment for all people in our work. In implementing this Policy, we will provide a fair and equal service to all people, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
- 8.2 Rosehill is committed to removing any barriers to communication. Therefore, if required this Policy can be produced in another format e.g., braille, large print, etc.

9. Risk Management

- 9.1 In all key areas of our business, we need to consider any risks which may arise. To this end, we have in place a robust Risk Management Policy and from these flows our Risk Register. We have identified our material risks which are regularly monitored by our Management Team and Audit Sub-Committee.
- 9.2 To ensure we continue to manage the associated risks we will periodically review this policy to ensure compliance with all legislative requirements and regulatory and best practice guidance.

10. Policy Review

- 10.1 This policy will be reviewed at least every 3 years or sooner if required to ensure it continues to meet legislative requirements.

Flexible Working Procedure

Rosehill aims to deal with requests as soon as possible and within 2 months of first receiving the request, including any appeal.

If for some reason the request cannot be dealt with within 2 months, then the employer can extend this time limit provided the staff member agrees.

Application for flexible working

To apply for flexible working, employees need to follow the steps below:

- Apply in writing, by completing the flexible working application.
- State the date of the application, the change to working conditions the employee is seeking, and when they would like this change to come into effect.
- State that it is a statutory request.
- State whether a previous application has been made to Rosehill and the date of the application.
- Sign and date it.

Where the employee is making their request as a reasonable adjustment for a disability, childcare, or religious requirements, then they should state this.

All written requests, for staff up to Managers, must be made to the Corporate Services and HR Manager. Applications from Managers should be made to the Director.

Once the request is received

We may at our discretion confirm our acceptance in writing without the need for a meeting. In most cases, however, a meeting will be arranged.

The Meeting

- The employee will be invited to a meeting, in writing. They can be accompanied by a fellow employee or trade union representative of their choice.
- The companion can address the meeting and confer with the employee during the meeting but cannot answer questions on the employee's behalf.
- At the meeting the employees' proposal will be discussed.
- If the employee's proposal is not suitable for the business, alternative solutions will be discussed.
- Acceptance of an application in the past does not create a precedent as we will consider each application in light of the circumstances and business requirements pertaining to the time the request is considered, including the working patterns of other staff members who may have already changed their working patterns.
- If an employee fails to turn up for a meeting without prior notification on more than one occasion and fails to provide a satisfactory explanation, Rosehill will treat the application as withdrawn. This will be confirmed in writing.
- After the meeting the Corporate Services and HR Manager, or Director will inform the employee of our decision in writing, along with all the details of the change to the extent the request has been granted.
- Any change will be permanent and constitute an amendment to your contract unless a trial period is agreed.
- Agreement to a trial period will constitute agreement by both parties to extend the three-month decision period to the end of the trial period.

Flexible working Acceptance

- Once both sides have agreed to the changes requested, a permanent variation of the employees' terms and conditions will be issued. The employee will have no right to return to the original

arrangement unless the variation is expressly agreed by both parties to be for a limited period.

- A trial period for a specified time may be applicable to establish if the new arrangement is suitable for the needs of the business. Acceptance at the end of the trial period will constitute a permanent variation.

Flexible working rejection

If the employee's application is declined, that will be confirmed in writing, specifying, and explaining the business reasons for rejection.

One (or more) of the following reasons may apply:

1. Burden of additional cost that will prove detrimental to the business.
2. Inability to reorganise work amongst existing staff.
3. An inability to recruit additional staff.
4. A detrimental impact on quality.
5. A detrimental impact on performance.
6. Detrimental effect on the ability to meet customer demand.
7. Insufficient work for the periods the employee proposes to work.
8. A planned structural change to the business.

Withdrawal of application

Rosehill can treat an application as withdrawn under the statutory provisions where the employee has:

- Notified Rosehill verbally or in writing, that the application is withdrawn.
- Without a reasonable explanation failed more than once to attend a meeting or appeal meeting
- Refused to provide Rosehill with the information required to assess whether the contract variation should be agreed to.

Appeal Process

An employee has no statutory right to appeal but Rosehill will allow appeals as best practice.

- The staff members can appeal against Rosehill's decision to refuse an application if they wish to bring to the Director's attention something they may not have been aware of when the application was rejected.
- There is only one opportunity to appeal.
- The appeal should be made in writing to the Director within 5 days of the decision setting out the new matter the employee wishes to bring to the Director's attention. A meeting will be held to discuss the grounds of appeal.
- The employee can be accompanied to the meeting by a fellow employee or trade union representative of their choice.
- After the meeting, the employee will be notified in writing, confirming the outcome and reasons for the decision.

Responsibilities

Both the employee and the employer have certain responsibilities within this procedure as follows:

Employee's responsibilities

- To provide a carefully thought-out application.
- To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all necessary information.
- To ensure the application is made well in advance of when the change is proposed to take effect.
- To arrive at meetings on time and to be prepared to discuss their application openly and constructively.

- If the employee wishes to be accompanied by a representative, the employee must ensure that their representative can attend on the date proposed by the employer or an alternative date within the time frame previously stipulated.

Employer's responsibilities

- To consider requests reasonably and in good faith in accordance with the set procedure.
- To deal with requests as quickly as possible and within 2 months unless an extension is agreed.
- To decline a request only where there is one or more of the aforementioned business grounds for refusal and to explain to the employee why it applies.
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing.
- Not to subject an employee to detriment or dismissal for making a flexible working request.