

Document Control Page

Name of policy	Flexible Working Policy
Date effective:	6 April 2024
Purpose of policy	To allow colleagues an opportunity to request flexible working arrangements with effect from first date of employment
Sustain department	Human Resources
Applicable legislation, guides, standards and references	<ul style="list-style-type: none"> • The Flexible Working (Amendment) Regulations 2023 • https://www.legislation.gov.uk/ukxi/2014/1398 • The Equality Act • https://www.legislation.gov.uk/ukpga/2010/15/contents • https://www.gov.uk/flexible-working • www.acas.org.uk/flexible-working
Policy author	Danila Ardé, Head of HR and Operations
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Consultation	Trade Union Representative
Approved by	Kath Dalmeny, Chief Executive
Date last approved	10 October 2024
Substantive changes since last update and reason for update	The Flexible Working (Amendment) Regulations 2023, which come into force on 6 April 2024, extend to England, Scotland and Wales and update the Flexible Working Regulations 2014 by removing the requirement for an employee to be continuously employed for at least 26 weeks to make a flexible working application.

	<p>Regulation 6 provides that 8 weeks' pay of the employee is the maximum compensation that an employment tribunal can award if it finds a complaint made by the employee under section 80H of the 1996 Act is well-founded. A week's pay is calculated in accordance with Chapter 2 of Part 14 of the 1996 Act. A week's pay is subject to a maximum limit as set out in section 227 of that Act.</p>
Impact assessment by Sustain	<p>This policy applied to all staff and also internships, volunteers, work experience placements, temporary workers, seconded workers.</p> <p>Employees will have a right of appeal which is detailed in the policy and may use informal routes to resolve issues or submit a complaint using the grievance policy if applicable.</p> <p>If an employer does not handle a request in a reasonable manner and has not attempted to resolve the complaint via internal resolution methods, the employee can take them to an employment tribunal.</p> <p>Clear guidelines and forms are in place for statutory applications for Flexible Working.</p>
Review cycle	Annually, or earlier if required by applicable legislation
Next review date	September 2025
Policy location	Sustain Intranet and shared drives for all staff
Policy Drive	HR Drive

Quick notes:

- The right to request flexible working is a **day 1 right**, and no qualifying employment service is required.
- Employees may make two statutory requests within 12 months and the charity supports an additional two applications within the same period. Employees can therefore **submit up to 4 flexible working requests per 12 months**.
- Applications must be decided within **2 months of the date of submission**, including appeals.
- **Meetings must be arranged within 10 days** of receipt if consultation is required.
- There are **ONLY 8 reasons an application can be declined**.
- **Statutory** requests result in a **permanent change to a contract**, however both the employer and employee can decide to mutually agree a review date.
- **Informal requests can be used for ad-hoc short-term changes**. (Please be clear in your application which type you are applying for)
- Requests must be **made in writing** based on the form wording **via email** directly to the **line manager and copying HR**.
- Managers must **complete a risk assessment** with the employee before **submitting the request to SMT**.
- Managers make a **recommendation to the SMT** who are responsible for approving or declining the request.
- **SMT are responsible for decisions** on flexible working applications to ensure consistency, assessment of workplace trends, health and safety and contractual changes are put in place along with DSE assessments.
- **Appeals should be made in writing via HR** who will **contact the SLT** who must decide within 2 months of the date of the initial application.
- While the right to request Flexible Working is a Day 1 right the implementation date of a successful request may be determined by a number of factors which may include **ensuring induction and compulsory training** are completed.

Flexible Working Policy

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Introduction

Sustain encourages staff to consider flexible working arrangements. The charity recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the charity wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

The charity is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the charity and the employee can be met.

It is the charity's policy to encourage open discussion with employees. If an employee thinks they may benefit from flexible working, they can either:

- Contact their **line manager** to arrange an **informal discussion** to talk about the options for a short-term ad-hoc arrangement
- submit a **statutory flexible working request**, by following the steps in this policy

This policy does not form part of the employment contract, and can be amended at any time.

What flexible working is

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

For example:

- compressed hours
- flexitime
- hybrid working
- job sharing
- part-time working
- remote working
- part-remote working
- staggered hours
- working from home

These examples are considered to be the typical arrangements that employees will request. However, the charity recognises that there may be alternatives or a combination of options which are suitable to both the charity and the employee.

Types of flexible working

Compressed hours

Compressed hours means an employee works their usual full time hours in fewer days by working longer blocks. There is no reduction in the employee's pay. For example, a 5-day week is compressed into 4 days, or a 10-day fortnight into 9 days.

Flexitime

Flexitime allows an employee to choose when to begin and end work, within certain limits.

An employee is required to work during core hours and must work an agreed number of hours during the accounting period of **a month**. Their hours of attendance should be monitored by both the employee and the line manager to ensure that they are neither over or underworking in any given month.

Hybrid working

Hybrid working is a mixture of working remotely and in the employer's premises. Working remotely can include working from home or other agreed locations.

The charity recognises employees' needs for a work-life balance, and a reduced commuting times (which has an associated environmental benefit) and also the benefits of work-place collaboration, creativity and social cohesion which arises from office attendance.

Hybrid working arrangements after the induction period has been completed are the most beneficial as they allow employees to complete induction and develop good working relationships with colleagues and partners.

Induction will include developing good working relationships with colleagues and charity partners, understanding the working systems, programmes and technology, along with communication and culture styles.

In practice hybrid arrangements which involve 50% of workplace attendance each week and remote working are the most practical and beneficial.

Remote working arrangement for IT equipment, office furniture, confidentiality, data protection (GDPR), workplace risk assessments and display screen set-ups, including key equipment insurance, will be covered if and when remote working arrangements are agreed.

Job sharing

Job sharing is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the charity.

Pay and benefits are shared in proportion to the hours each person works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time.

Part-time working

Part-time working covers any arrangement where an employee is contracted to work anything less than typical full-time hours for the type of work in question. For example, an employee who works Monday to Wednesday.

Remote working

Remote working means working from anywhere other than the employer's premises. This can include working from home or any other agreed location. Attendance at annual events and important meetings remain an expectation.

Agreed locations for remote working include locations that are safe, secure, comfortable to work in and where reliable facilities and internet speeds are available, and are within the UK.

Any remote workplace locations beyond the UK will involve potential tax, , employment legislation, and health and safety issues which should be discussed with the line manager before any arrangements are made by the employee.

If the employee wishes to work from outside the UK for short, temporary periods (e.g. doing online research or a writing/editing project; attending an online meeting during a period of annual leave; attending an international conference), this should be discussed with the line manager before any arrangements are made by the employee. Sustain cannot agree to longer periods of employment outside the UK.

The charity can consider remote working as being an occasional agreed day or a mix of working remotely and in the workplace.

Remote working arrangement for IT equipment, office furniture, confidentiality, data protection (GDPR), workplace risk assessments and display screen set-ups, including key equipment insurance, will be covered if and when remote working arrangements are agreed.

Staggered hours

Staggered hours means having a different start and finish time to other employees. For example, working from 7am to 3pm instead of 9am to 5pm. For security reasons lone working in the office late in the evening is to be avoided.

Working from home

Working from home or homeworking is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The charity can consider homeworking being an occasional agreed day or a mix (hybrid) of working at home and in the workplace.

Attendance in-person at annual events and important meetings remain an expectation.

Our approach to flexible working

The charity is committed to providing a range of appropriate working patterns.

There are many different types of flexible working. While some might not be practical for every job, it's likely other types will work. The charity commits to look at what's possible.

Where a flexible working arrangement is requested, the charity will take into account a number of criteria. This includes:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role
- whether it is a request for a reasonable adjustment related to a disability or long-term health condition, including physical and mental health and neurodiversity
- health and safety issues

The charity is committed to supporting flexible working arrangements, provided that the needs and objectives of both the charity and the employee can be met.

Eligibility

All employees have a statutory right to request flexible working from the first day of employment.

The charity is also open to discussing flexible working arrangements with employees before their first day.

Hiring managers will:

- include flexible working options that are available in job adverts
- discuss flexible working with the successful applicant before they start

Submitting a flexible working request

An employee is entitled to submit two statutory flexible working requests in a 12-month period.

The charity allows employees an additional **two** requests in a 12-month period, on top of the statutory entitlement.

An employee can only have one live request at a time. A request will remain current until any of the following happen:

- the charity makes a decision
- the employee withdraws the request
- the employee and charity agree an outcome
- it's been two months since the date of the request

All requests must be made by **submitting a flexible working request using the form/wording in this policy and should be emailed the line manager and copied to HR. Managers and employee should complete a risk assessment along with the application which will be submitted to the Senior Management team for a decision.**

Any request must include:

- the date of the request
- the changes that the employee is seeking
- the date the employee would like the proposed change to start
- whether the request is for a permanent or temporary change
- whether this is a statutory or non-statutory request
- whether the employee has made any previous flexible working requests to the charity
- the dates of any previous requests
- A risk assessment completed by both the employee and line manager

If the request relates to a reasonable adjustment for a disability under the Equality Act 2010, the employee should make this clear in the request.

If a request does not contain all of the required information, **HR/the Line Manager** will advise the employee of what else they need to provide and ask the employee to resubmit the request with the required information.

Responding to a flexible working request

The line manager, with advice from HR will consider the proposed flexible working arrangements. They will look at the potential benefits and adverse effects to the employee and to the charity in implementing the proposed changes.

Each request will be considered on a case-by-case basis, in the order they are received. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Where an employee's request needs further discussion, the charity will invite the employee to a consultation meeting. If a meeting is arranged it will be held within **10 working days** of the charity receiving the request. This time limit may be extended with the agreement of both the employee and **the line manager in consultation with HR**.

Where an employee's request can be approved in full without a consultation meeting, the charity will confirm this in writing within **10 working days** of receiving the request. This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both the employee and the line manager in consultation with HR.

The charity will make a decision on all requests, including any appeal within a maximum of 2 months. This time limit may be extended with the agreement of both the employee and the line manager in consultation with HR.

Consultation meetings about flexible working

If the employee is invited to a consultation meeting, **the line manager in consultation with HR** will discuss:

- the request
- how the proposed working arrangements might work
- how it could be of benefit to both the employee and charity
- how any issues or impacts identified will be addressed

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed. This meeting will be in person or a video call, or a telephone call if neither of those are possible.

At the meeting the employee may, if they wish, be accompanied by a colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their request will be deemed to have been withdrawn.

Communicating a decision after consultation

After a consultation meeting, the request may be granted in full, in part or refused.

The charity may:

- propose an alternative option
- grant the request on a temporary basis
- ask the employee to try the flexible working arrangement for a trial period

If a working arrangement is agreed, the employee will be sent a confirmation letter within **10 working days** of the consultation meeting. This will include details of the new arrangements and an invitation to talk about the new arrangements.

If the charity refuses the request, the employee will be given the decision in writing within **10 working days** of the consultation meeting.

Right to appeal a decision

An employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may submit an appeal within **5 working days** of being notified of a decision on their request. This should be done in writing and clearly state the reasons for their appeal.

The appeal will be heard within **5 working days**. The employee will then be informed of the outcome of their appeal within **5 working days** of an appeal meeting. These time limits may be extended with the agreement of both the employee and **the line manager in consultation with HR**.

At the appeal meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

Appeals will be heard by the Senior Leadership Team or a representative of the team.

Requesting a reasonable adjustment

The charity is committed to reducing and removing disadvantages for Disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

To request a reasonable adjustment, send your request by email or letter to **your line manager** and include:

- that you're making a request for a reasonable adjustment under the Equality Act 2010
- the adjustment you're requesting

The line manager in consultation with HR will discuss your request with you within **10 working days** of the charity receiving the request. The outcome will be confirmed in writing within **10 working days** of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and **The line manager in consultation with HR** .

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practical for an employee or the charity, a trial period may be agreed.

A trial period will allow enough time to implement and get used to the new arrangement before making any decisions on its viability.

The charity will put any trial arrangements in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.

The employee will be informed in writing of the start and end dates of the trial period. The charity may reduce or lengthen the trial period where necessary, with the agreement of the employee.

The charity will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, the charity will give the employee **4 weeks'** notice.

Varying an employee's contract

Where flexible working practices are agreed as a permanent change, any variation to the employee's terms and conditions will be put in writing. Written confirmation of the changes will be sent to the employee within one month of the change being agreed.

If the employee has any questions or concerns they should contact **HR**.

Complaints and further information

An employee should raise any concerns with **their line manager, or HR where appropriate** if they:

- are not satisfied with any stage of the flexible working request process
- feel they have been treated unfairly because they've made a flexible working request

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the charity's grievance procedure.

For further information an employee should contact **HR**.

Flexible working application guidance

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to eligible employees. Before completing this form, read the [guidance on the right to request flexible working](#) on GOV.UK, and check that you are eligible to make a request.

You should note that under the right it may take up to 2 months for your employer to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

Once you have completed the form, you should immediately forward it to your employer (you might want to keep a copy for your own records). If the

request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the employer

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have 2 months after the day you received this application in which to decide whether to grant the request. This period can be extended if you agree to a longer deadline with the employee; any such agreement must be made either within period in which the decision is to be made or in the 2 months immediately following the end of that deadline.

You should confirm receipt of this application using the sample text provided at the end of this document.

Forms accompanying the guidance have been provided for you to respond to this application.

Reasons for declining a request

Employers can refuse an application for any of the following reasons:

- extra costs that will damage the business
- the work cannot be reorganised among other staff
- people cannot be recruited to do the work
- flexible working will affect quality
- flexible working will affect performance
- the business will not be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

Appendix 1: Flexible working request letter template

(to be completed by employee and emailed to line manager and copy to HR)

[Today's date]

Dear [name of your line manager and HR],

I am writing to make a statutory flexible working request.

[Use either A or B]

- [A] I have not made any previous statutory flexible working requests.
- [B] I have previously made [a statutory flexible working request / statutory flexible working requests] on [give dates].

My current working pattern is [give details, for example the days, hours, times and place you work].

- Describe your current working pattern and/or the location of your work (days/hours/times worked/place of work):
- Describe the working pattern and/or the location you would like to work in future (days/hours/times worked/place of work):
- I would like this working pattern to commence from:

I would like to [give details of the change you would like to make to your working pattern. For example:

- reduce my hours from 35 to 30 per week
- work from home 2 days per week
- start at 7:30am and finish at 3:30pm, instead of working from 9am to 5pm]

I would like this change to start from [date].

The reason I want this change is [give details, or clarify reasonable adjustments]

The impact on my workload and colleagues will be [give details], and the following mitigation could be put in place [give details].

I look forward to your reply.

Yours sincerely,

[Your name, and job title]

Notes: A disabled employee might need to ask for adjustments to where, when or how they work because of their disability.

In this situation they could make either:

- a reasonable adjustment request, under the Equality Act 2010
- a statutory flexible working request, under the Employment Rights Act 1996

As an employee, you should carefully consider each option to decide what's best for your circumstances.

Making a reasonable adjustment request

A reasonable adjustment is a change that removes or reduces a disadvantage related to someone's disability. By law (Equality Act 2010), employers have a legal duty to make reasonable adjustments for disabled employees.

Appendix 2: Employer's confirmation of receipt template

(to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

Date:

I shall notify you of my decision on this application within 2 months of this date, unless we agree a longer deadline for this decision.

I will arrange a meeting to discuss your application and complete a risk assessment.

OR: Please could you provide additional information as follows; (describe the information you require)

From

[Your name, and job title]

Appendix 3: Flexible working request outcome letter template

- **Today's date]**
- Dear **[name of your employee]**,
- I am writing to confirm our decision on the statutory flexible working request you made on **[date]**.
- **[Use Option A, B, or C]**
- **[Option A: if you've decided to accept the request in full]**
- I'm pleased to confirm we can accept your request in full as follows:
- **[give details of agreed working arrangement]**
- If you'd like to discuss next steps or clarify any details, please contact me at **[give contact details]**.
- We will confirm any contract term changes in writing within 1 month of the new arrangement starting.
- **[Option B: if you've decided to accept an alternative option]**
- After reviewing your request and discussing with you on **[date of consultation meeting with employee]**, we can accept the following working arrangement:
- **[give details of agreed working arrangement]**
- If you'd like to discuss next steps or clarify any details, please contact me at **[give contact details]**.
- We will confirm any contract term changes in writing within 1 month of the new arrangement starting.
- Unfortunately we could not accept your original request in full for the following business **[reason / reasons]**:
- If you would like to appeal this decision, **please write to HR.**
- **[Option C: if you've decided to not accept a request]**
- After reviewing your request and discussing with you on **[date of consultation meeting with employee]**, unfortunately we cannot accept this working arrangement.

- This is for the following business **[reason / reasons]**:

Eight reasons for refusing a flexible working request

- The burden of additional costs.
- An inability to reorganise work amongst existing staff.
- An inability to recruit additional staff.
- A detrimental impact on quality.
- A detrimental impact on performance.
- Detrimental effect on ability to meet customer demand. Insufficiency of work during the periods you propose to work.
- Planned structural changes
- **[Optional]** To help make this decision, we took into account **[include any additional information that helps explain your decision. For example:**
 - **the steps you took to investigate whether you could accept the request**
 - **any practical aspects of the job that prevented you accepting the request**
 - **any alternative options you considered**
 - **any data you used to help make your decision – for example staffing levels or recruitment costs**
 - **any health and safety considerations related to the request]**
- If you would like to appeal this decision, **please write to HR.**
- Yours sincerely,
- [Your name]
[Your job title]

Appendix 4: Flexible working risk assessment template



Flexible Working Risk Assessment

Likelihood / Probability	1 Rare	Very Low 1	Very Low 2	Low 3	Low 4	Medium 5
	2 Unlikely	Very Low 2	Low 4	Medium 6	Medium 8	High 10
	3 Moderate	Low 3	Medium 6	Medium 9	High 12	Very High 15
	4 Likely	Low 4	Medium 8	High 12	Very High 16	Extreme 20
	5 Almost Certain	Medium 5	High 10	Very High 15	Extreme 20	Extreme 25
		1 Insignificant	2 Minor	3 Significant	4 Major	5 Severe
		Effect				

This form should be completed and **agreed by both the employee and the line manager** to ensure all **risks and mitigations** are considered and monitored to ensure that the employee's **health, safety, wellbeing and productivity** are maintained.

Below are some examples which will help you get started. You may add, amend or delete as appropriate. Please consider the risks and how to reduce any risks, and aim for all risks to reduce to low and very low. These risks can apply to both working from home, hybrid working, reduced hours, working pattern changes, etc.

Current working pattern	
Flexible Working Request	
Reasons for flexible Working Request	

No .	Category	Details of risk	Risk Assessment Score	Mitigation steps	New Risk Assessment Score
1.	Equipment at home (WFH)	Potential of physical risk/injury to employee due to poor work set-up, desk, etc.	12 (high)	<ul style="list-style-type: none"> • DSU Assessment, provide desk, standing desk, suitable chair, screen if required. • Provide access to eye care vouchers/reimburse DS test and glasses. 	2 (very low)
2.	Workplace Cohesion / relationships with colleagues	Loneliness , lack of relationship building with colleagues and line manager	16 (high)	<ul style="list-style-type: none"> • Regular teams meetings / Zoom – booked and planned. • Collaborative working in the office on specific planned days. • Attending organized events in person. • Regular 1-1 meetings. • Compulsory online attendance at all staff meetings. 	4 (Low)
3.	Peer support	Lack of peer support	16 (high)	<ul style="list-style-type: none"> • Regular teams meetings / Zoom – booked and planned. • Collaborative working in the office on specific planned days. • Attending organized events in person. 	4 (Low)

				<ul style="list-style-type: none"> Regular meetings and working groups. 	
4.	Line Manager support	Lack of contact with line manager	16 (high)	<ul style="list-style-type: none"> Regular teams meetings / Zoom – booked and planned. Collaborative working in the office on specific planned days. Attending organized events in person. Regular meetings and working groups.	4 (Low)
5.	Loss of files / data	Loss of critical information, access to data, loss of content created.	20 (extreme)	<ul style="list-style-type: none"> Laptops should be labelled with Sustain and the employee's name and contact details. All files and content should be stored on shared drives. Regular 1-1 with line manager and tracking of report progress. 	Medium (6)
6.	Access to training	Lack of workplace training	20 (extreme)	<ul style="list-style-type: none"> Ensure all training opportunities are made available to all staff. Recordings are available on the intranet. Key training at induction. Recording training logs to track training and link to staff development. Hybrid training 	
7.	Workload (employee)	Issues with employee managing current workload with			

		respect to the flexible working request			
8.	Workload (organization)	Issues with charity managing current workload with respect to the flexible working request – consider impact on work, and colleagues ability to take on additional workload if necessary.			
9.					
10.					

Employee Name:	
Signature:	
Job Title:	
Date:	

Line Manager Name:	
Signature:	
Job Title:	
Date:	