

Sustain's flexible working policy

Sustain is committed to offering flexible working and is happy to consider all reasonable requests. Sustain recognises the importance for all staff of being able to balance work and home life by offering flexible working arrangements, which allow you to manage other priorities including parental and caring responsibilities, life-long learning, charity and voluntary roles, leisure activities and other interests. We also recognise that for some people (e.g. single parents, those living with disabilities or mental health conditions), the ability to work flexibly may also be critical. Flexible working can also benefit people who are not based within close reach of the Sustain office and have long commutes. Offering flexible working therefore enables us to ensure a more diverse and inclusive workplace, and to recruit from a wider and more diverse pool of talent, backgrounds and experience.

We will be flexible and supportive. We invite you to discuss your circumstances with Sustain to help us work out how best to do so. This policy sets out your rights and our mutual responsibilities on flexible working. The policy is designed to be as comprehensive as possible, however people's individual circumstances do vary, and if you have any queries that are not answered, or if you have any other questions about the policy, please talk to your line manager or to a member of the Senior Management Team.

Please note that this policy covers all those with an employment contract with Sustain. For those on freelance contracts, all terms and conditions are included in the contract agreement and based on the needs of the project.

We also note that people experience life events that can be easier to manage with flexibility or time off. Please see Sustain's range of policies on matters such as mental health, menopause, parental leave and bereavement, available on the Sustain intranet.

Sustain also has a Working from Home policy that sets out how we manage requests and arrangements for staff working a proportion of their time from home or at a remote place of work.

A useful website for information is: www.gov.uk/flexible-working

1. Right to request flexible working

From 30 June 2014, the Employment Act 2002 and regulations made under it give the right for all employees with 26 weeks continuous service to request a change to the number of hours that they work, the times that they work or their place of work.

As a matter of course, Sustain offers flexibility on start and finish times, within reasonable bounds, which includes respecting that staff and other colleagues should not expect to work or to be required to respond to requests (other than mutually agreed or emergency requests) during unsocial hours.

Sustain is open to discussing and agreeing various forms of flexible working to meet the needs of individuals, within reasonable bounds and due considerations relating to the needs of the project, organisation and colleagues. This is part of our ethos, and also helps to ensure we are able to recruit and retain a diverse and inclusive workforce. Sustain will also make clear that if specific flexible working arrangements are needed in order for a candidate for a role to be able to take up an offer of employment, then such requests should be stated and considered as part of the appointment process.

2. Meaning of 'flexible working'

Flexible working could be considered on a temporary or short-term basis (for example, child-care during school holidays vs term time, undertaking a short course of study, to cope with bereavement, or changes to normal working patterns for a religious or cultural occasion such as Ramadan); or on a longer-term basis, in recognition of a person's ongoing personal situation, [preferences](#) and needs. If approved on a long-term or permanent basis, there may be an initial trial period and review, to ensure that it is working well for both the staff member and the organisation, and to adjust if necessary.

Please make sure that you read Sustain's Working from Home policy that sets out how we manage requests and arrangements for staff working a proportion of their time from home or at a remote place of work.

3. Eligibility for flexible working

All staff have the right to request flexible working arrangements without any arbitrary barriers. Whilst there is no automatic right for staff members to be able to change their own working pattern, all staff members are eligible to make a request via their line manager, and all requests will be considered openly and equally. Requests will be assessed in terms of any implications for delivery of work, and any potential positive or negative effect for the individual, team or wider organisation.

4. How to make a request for flexible working

- Requests for short-term flexible working or Working from Home, for example to edit a report or manage a one-off personal situation, can be agreed with your line manager.
- Requests for flexible working over a longer period should be discussed in the first instance with your line manager, who will help to talk you through the options and consider any adjustments that may need to be made. The proposed arrangement can be discussed and negotiated between yourself and your line manager, in consultation with your team and/or close colleagues. You will also need to fill in a Working from

Home request form, which includes questions on your equipment needs and a home risk assessment. It also asks you to think through and record your responses to matters to be explored, including the reason for the request, details of the hours/days/pattern being proposed, any practical implications the project, team or organisation may need to consider and whether it is a permanent or temporary change being sought. The agreed arrangement should be communicated to the Head of Finance and the relevant member of the senior leadership team, who will generally approve the request, but can come back with questions or further matters for consideration if needed.

- In the event of a more complex request, or in the event of a decision not being agreed between the staff member and their line manager, a member of the senior management team should be involved in discussing and resolving the questions and coming to a decision. In such circumstances, a written note should be kept of the discussion, any points of contention, how the issues were dealt with and any reasons for the decision arising. This should be done in a way that keeps a fair and accurate record and could also be used as evidence in an appeal or complaints procedure.
- To ensure fair treatment, the senior leadership team will keep a check on decisions being taken across the organisation, and the reasons for any refusal or request for alternation of a request to Work from Home in discussion with the Line Managers group. These reasons will be available for challenge and review.
- Throughout this process, Sustain commits to treating all information regarding the reasons for requesting flexible working with care, compassion and sensitivity.

If any change requires a change to the contract agreement between you and Sustain, the Head of Finance will provide the contract variation for mutual agreement.

Initially, flexible working will be agreed for a trial period – usually three months – to check that it is working for everyone. A review date should be put in writing.

5. What happens if Sustain cannot agree to the request?

If Sustain feels it cannot accommodate a staff member's request for flexible working, a meeting will be set up to discuss the circumstances and reasons for this, and to discuss and explore if there is any alternative way forward. Staff members have the right to invite another work colleague or a trade union representative to join this meeting. Following this meeting, Sustain will confirm the decision, either agreeing a new work pattern and start date, or to explain the business grounds why it was unable to accept the request.

Reasons why Sustain may not feel able to accommodate a request for flexible working could include, for example:

- Burden of additional cost to the organisation.
- Inability to organise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality of work, operational matters or organisational culture
- Detrimental effects on your ability to meet project needs or workplan milestones.
- Detrimental impact on performance.
- Insufficiency of work during the periods being proposed.

- Planned structural changes.
- Such other grounds as may be specified in government regulations.

All staff have the right to appeal a decision. This will be set up by a Sustain senior manager within 14 days of the initial decision and will be heard by another Manager and/or a Trustee of Sustain. You can be accompanied to the meeting by a work colleague, a Trade Union representative or another person not acting in a legal capacity. Sustain will give a decision within 14 days of that meeting. If Sustain decides to dismiss the appeal, the grounds will be clearly stated, citing one or more of the reasons above.

6. Making a complaint against a decision

If your application for more flexible working has been rejected by Sustain following appeal, you still have the right to complain to an employment tribunal if you believe that the rejection of your application is based on grounds other than those listed above (e.g. on grounds of gender, race, disability or trade union membership) or that Sustain's letter failed to fully address or explain the reasons for refusing the application.

If an employment tribunal finds such a complaint to be well founded, it will make a declaration to that effect and may order Sustain to reconsider your application and/or take other remedial action.

7. Protecting your rights

All staff members should feel able to exercise or assert your right to flexible working without any fear of negative consequence. Sustain commits to protect staff members from any form of detrimental treatment (e.g. contractual changes, redundancy or other unfair treatment) as a result of a flexible working request, or in challenging or questioning the upholding of your rights or the final decision via appeal or employment tribunal.

8. Data protection

Sustain will treat all information about your reasons for seeking flexible working with care, compassion and sensitivity.

In the implementation of this policy, Sustain may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform the organisation for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's GDPR and data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under Sustain's disciplinary procedure.

9. Information for internal use

Date of most recent update:	July 2021		
Reviewer and lead on policy:	Kath Dalmeny, Barbara Crowther, Merav Shub, working with CBR Solutions		
Staff consultation:	Yes, in June 2021		
Considered by management team:	Yes	Done (date):	July 2021
Considered by Trustee lead(s)	Yes		
Approved by (usually Chief Executive):	Kath Dalmeny	Done (date):	July 2021
Sustain Council of Trustees approval required?	Yes		
At which Council meeting?		Done (date):	July 2021
Is this policy in the list of 'required' policies?	Yes		
For <u>required</u> policies only, updates include (describe the changes in brief list format; keep and add older date to the list of previous updates):	Policy published as part of HR Healthcheck 2021, adapted from CBR Solutions template		
Next review date:	July 2024		
Filed in Sustain drive (drive and folder names):	Line Managers / HR and other policies		
Publish privately on intranet?	Yes		
Publish publicly on Sustain website? (include location – full URL):	Yes – link here		
Policy adapted from template provided by CBR Solutions: www.cbrsolutions.org.uk			