

## Flexible Working Policy

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|------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------|------------|-------------------------------|
| V2.0                                                                                                             | March 2024                          | Change in legislation                | Head of HR | March 2027                    |
| V1.0                                                                                                             | Dec 2020<br>ExCo                    | Major update<br>Review every 3 years | Head of HR | December 2023 and as required |
| <b>Related policies</b>                                                                                          |                                     |                                      |            |                               |
|                                                                                                                  |                                     |                                      |            |                               |
| <b>External Reference</b>                                                                                        |                                     |                                      |            |                               |
| Flexible Working (Amendment) Regulations 2023<br>Employment Rights Act 1996<br>Flexible Working Regulations 2014 |                                     |                                      |            |                               |

## **1. Introduction**

Flexible working has many potential benefits for ICMP and its employees. Research shows that flexibility can support inclusion and empower the employee, help to reduce any gender pay gap, have financial benefit, support sustainability initiatives, attract and retain talented individuals, increase productivity, and support wellbeing.

ICMP recognises that a better work/life balance can improve employee motivation and performance and reduce stress. Therefore, ICMP wants to support its employees achieve a better balance between work and other priorities, such as caring responsibilities, leisure activities, further learning, and outside interests. ICMP is committed to considering any formal and informal flexible working arrangements, providing that the needs and objectives of both ICMP and the employee can be met.

We also believe it is important to maintain a sense of teamwork across different departments within ICMP, and therefore even if a flexible working schedule is approved, individuals will still be required to attend the office on certain days to participate in ICMP team development activities such as team briefings, training, etc.

## **2. Scope**

This Policy applies to all ICMP staff.

## **3. Purpose**

- 3.1 The purpose of this document is to set out the statutory rights and responsibilities of ICMP and its staff in relation to flexible working practices and the procedures to be adopted by staff in seeking changes in their working arrangements within this context.
- 3.2 The purpose of this policy and related procedures is to provide the context for our approach to flexible working and to ensure consistency of approach in line with employment legislation and best practice.

## **4. Principles**

- 4.1 ICMP recognises its duties under employment legislation concerning requests for flexible working from staff that have a statutory entitlement. ICMP believes that flexible working opportunities can be of enormous benefit, particularly where they enable us to retain skilled staff, reduce recruitment costs and support staff in achieving effective work/life balance.
- 4.2 Any member of staff thinking about changing their work pattern should speak to their line manager and seek advice from HR, as early as possible, in order to explore what opportunities might be available. This policy also lays down the formal written procedure to be adopted so that flexible working requests are properly considered.

- 4.3 The onus is on the member of staff to submit an application well in advance of when they would like the desired working pattern to take effect. Management will then follow the procedure set out in section 6 to help ensure that the request is considered seriously, to facilitate discussion and to enable both parties to gain a clear understanding of each other's thinking. If management does agree to the request, this will result in a permanent or temporary change to the member of staff's contract of employment.
- 4.4 ICMP agreeing to grant an individual request to work flexibly will not set a precedent or create a right for another employee to be granted the same or similar change to their working pattern.
- 4.5 In line with published ICMP Values, we aim to create a more inclusive, diverse, and productive workplace that suits both the needs of ICMP and employees and continues to put the student at the heart of everything we do. There should be equality of access to flexible working, and a fair and inclusive process. Flexibility can be built into the recruitment process, to attract diverse talent and improve talent pipelines.

## 5. Definitions

- 5.1 **Flexible working** can be described in a number of ways and may relate to the way in which the working hours are organised or the location for the work or the type of contract held by the member of staff.

Common kinds of flexible working include:

- Part time working - contracted hours that are worked part day, week or year, e.g. employee may start later and finish earlier to take care of children after school;
- Flexible working hours scheme - allows for flexible start and finish times to meet particular individual circumstances;
- Term-time working - allows for time off to be taken during school holidays;
- Job sharing - two or more employees sharing responsibilities of one position;
- Working remotely;
- Annualised hours – hours are worked at peak times of the business.

## 6. Entitlements

- 6.1 Eligible members of staff who have a legal right to request flexible working are defined as:
- Be a member of staff.
  - Not be an agency worker or a member of the armed forces.
  - Not have made more than two applications to work flexibly under the right during the past 12 months. This is regardless of whether previous applications was made in relation to different caring responsibilities. Each year runs from the date that application was made.
- 6.2 Staff who do not meet the criteria for a statutory request may still approach ICMP to request opportunities to work flexibly, using the same procedure detailed in section 6, but must be aware that they do not have a legal right to request flexible work.

## 7. Making a Formal Request

7.1 Staff can make a request to:

- Change the hours they work.
- Change the times when they are required to work; or
- Work remotely (whether for all or part of the week).

Since flexible working actually incorporates a wide variety of working practices, a flexible working arrangement can be any working pattern other than the normal working pattern in an organisation.

7.2 The member of staff must make a formal application that sets out their desired working pattern. The initial onus is on the member of staff to provide a written application to ICMP well in advance of when the change is to take effect. The application must explain the business case, and:

- Be in writing.
- State the application is being made under the statutory right to request a flexible working pattern, (if that is the case).
- State the reason for requesting the flexible working pattern.
- Specify the flexible working pattern applied for.
- State the date on which it is proposed the change should become effective.
- State whether more than two previous applications have been made to ICMP and, if so, when it was made.
- Be dated.

7.3 Staff should use the form at Appendix B to this document to make an application. Appendix B reflects the minimum requirements for an application to be valid. However, ICMP may need to seek further detail in order to make a decision.

7.4 The written application must state the date when the member of staff would like the new working pattern to start. The proposed date should allow time for the application to be considered and implemented. There is no set time, but staff must expect it to take around 14 weeks or longer if a problem arises.

7.5 ICMP will acknowledge receipt of the request and this will confirm the date on which the application was made.

7.6 If a member of staff fails to provide all the required information on the form, ICMP will tell the member of staff what they have omitted and ask them to resubmit the application when complete. ICMP will also inform the member of staff that it is not obliged to consider the application until it is complete and resubmitted. If the member of staff unreasonably refuses to provide ICMP with the information needed to assess whether the change should be agreed to, for example they have not described the desired future working pattern, ICMP will treat the application as withdrawn.

7.7 Although not required by law, ICMP will find it very helpful to be provided with as much information as possible, including evidence of a caring relationship. This will assist the decision making process and ensure that ICMP has an overview of the situation. All information received will be dealt with sensitively and confidentially.

7.8 A request that is made and accepted will **normally** be a permanent change to the member of staff's contractual terms and conditions. They will have no right to revert

back to the previous working pattern (unless otherwise agreed). If a member of staff is concerned about this, then they should consider suggesting that a trial period or a limited period of working flexibly might be appropriate and should make this clear when making their application. There may be cases when a member of staff has a short term need and these requests will be considered in the same way. ICMP has the right to agree a request on a temporary basis with a review period.

## **8. Consideration of an Application**

- 8.1 Management will consider all applications and establish whether the desired work pattern can be accommodated within the needs of the business. Each application will be considered objectively on this basis, and there will be no attempt to judge whether one applicant's need for flexible working is greater than another's.
- 8.2 If we are able to agree to a request to work flexibly simply on the basis of the application itself, then the member of staff will be informed accordingly. HR will write formally to the member of staff as soon as reasonably possible, specifying the contract variation that has been agreed and the effective date.
- 8.3 Where it is not possible to reach a decision as in 8.2, then a meeting will be arranged with the member of staff, their manager and a member of HR. This meeting will be held to consider the request as soon as reasonably possible.
- 8.4 The member of staff has the right to be accompanied to the meeting by a work based colleague or trade union representative. The companion can address the meeting or confer with the member of staff during it, but is not allowed to answer questions on the member of staff's behalf. If the companion is unable to attend the meeting, the member of staff may seek to rearrange the meeting for a date within seven days of the originally proposed time, ensuring the new time is convenient to all parties; or consider an alternative companion.
- 8.5.1 The meeting is an opportunity for the details of the proposed changes to be discussed in full and for the implications to be considered. Management will be prepared to consider all aspects and possible solutions. Consideration will be given to:
  - a) *The effect on service delivery.*
  - b) *Existing staff providing cover.*
  - c) *Recruiting additional staff.*
  - d) *The effect on the staff member's performance.*
  - e) *Whether there is sufficient work during the period the employee proposes to work.*
  - f) *The budgetary implications that may arise.*
  - g) *Any planned structural changes to ICMP.*
  - h) *If there is sufficient notice for the request in order to make suitable arrangements.*

If the requested working pattern cannot be accommodated, the meeting also provides an opportunity to see if an alternative working arrangement may be appropriate.

- 8.6 Once the meeting has taken place, the manager determine whether it is approved or not. The member of staff will be notified of the outcome of their application, in writing without reasonable delay.

If a request is accepted, the notification will:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated.

If a request is rejected, the notification will:

- State the business ground(s) for refusing the application
- Provide a sufficient explanation as to why the business ground(s) for refusal applies in the circumstances
- Provide details of the member of staff's right to appeal
- Be dated

8.7 Applications will only be refused where there is a clear business reason as a result of one or more of the following:

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the member of staff proposes to work.
- Planned structural changes.

ICMP will provide a specific business reason and an explanation about why the business reason applies in the circumstances.

## **9. Appeals**

9.1 A member of staff has the right to appeal against a decision. To do so, they must write to the Head of Human Resources within 7 days after the date they receive written notice that their request has been rejected. An Appeal meeting will then be arranged with the Head of Human Resources, or their representative, and a senior member of staff who has not previously been involved in the case.

9.2 ICMP will arrange the appeal meeting within 7 days after receiving notification that the member of staff wishes to appeal.

9.3 The Appeal meeting will consider the request and any further issues which the individual wishes to raise. The Appeal meeting is the final opportunity for the member of staff to put their case. The member of staff can be accompanied by a work-based colleague or trade union representative. This is on the same basis as the meeting to discuss the original request.

9.4 Following the Appeal meeting, a final decision will be made and will be communicated within 7 days after the date of the meeting, to the member of staff. If the appeal is upheld the written decision will:

- Include a description of the new working pattern;
- State the date from which the new working pattern is to take effect; and
- Be dated.

If the appeal is dismissed the written decision must:

- State the grounds for the decision. These will be appropriate to the member of staff's own grounds for making the appeal;
- Provide an explanation as to why the grounds for refusal apply in the circumstances. The same principles apply as to what is a sufficient level of explanation at appeal as the amount of explanation that should be given following the initial decision; and
- Be dated.

9.5 A written notice of the appeal outcome constitutes ICMP's final decision.

## **10. Failure to Attend a Meeting or Appeals Meeting**

10.1 A member of staff who fails to attend either their initial meeting or an Appeals meeting, without notification should contact management as soon as possible to explain their absence. Management will seek to rearrange the meeting at the next mutually convenient time. If the member of staff fails to attend a meeting more than once and does not provide a reasonable explanation, then management may treat the application as having been withdrawn. In such circumstances, management will write to the member of staff informing them that the application is considered withdrawn.

## **11. Withdrawn Applications**

11.1 Under the statutory procedure, there are three reasons why an application may be treated as withdrawn:

11.1.1 The member of staff decides to withdraw the application. A member of staff who withdraws their application will not be eligible to make more than two applications under the formal statutory procedure within a 12 month period. Where the member of staff decides to withdraw their application, they must notify management in writing as soon as possible.

11.1.2 The member of staff fails to attend two meetings. Where a member of staff misses two meetings without reasonable cause, management may treat the application as withdrawn.

11.1.3 The member of staff unreasonably refuses to provide management with the required information. There may be occasions where management is willing to accept a request for flexible working, but requires the member of staff to provide them with certain information. If a member of staff unreasonably refuses to provide management with the information, then management can treat the application as withdrawn.

## **Appendix A**

### **SUMMARY OF STATUTORY RIGHTS & RESPONSIBILITIES RIGHTS RESPONSIBILITIES**

#### **MEMBER OF STAFF**

- To apply to work flexibly.
- To have their application considered properly in accordance with the set procedure and refused only where there is a clear business ground for doing so.
- To have a companion when meeting management to discuss the application.
- Where an application is refused, to have a written explanation.
- To appeal against management's decision to refuse an application.
- To take a complaint to a tribunal in certain circumstances.
- To be protected from detriment or dismissal for making an application under the right.
- 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 the necessary information.
- To ensure the application is made well in advance of when they want it to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, be prepared to be flexible themselves in order to reach an agreement with ICMP management.

#### **ICMP**

- To reject an application when the desired working pattern cannot be accommodated within the needs of the business.
- To seek the member of staff's agreement to extend timescales where it is appropriate.
- To consider an application withdrawn in certain circumstances.
- To consider requests properly in accordance with the set procedure.
- To ensure they adhere to the time limits contained within the procedure.
- To provide the member of staff with appropriate support and information during the course of the application.
- To decline a request only where there is a recognised business ground and to explain to the member of staff in writing why it applies.
- To ensure that any variation of the procedure is agreed in advance with the member of staff and recorded in writing.
- To ensure that they do not subject a member of staff to detriment or dismissal for making an application under the right.

## Appendix B

### Model Form – Request for Flexible Working

#### Note to applicants

- i. Please use this form to make an application to work. Before completing this form, you might find it helpful to read Guidance on the right to request flexible working. This is available on <https://www.gov.uk/flexible-working> and ACAS websites.
- ii. It may take up to two months to decide on a request. Please ensure that you submit your application to the HR Department well in advance of the date you wish the request to take effect.
- iii. It will help management to consider your request if you provide as much information as you can about your desired working pattern. Please complete all the questions as otherwise your application may not be valid.
- iv. Once you have completed the form, submit it to the HR Department. ICMP will then arrange a meeting to discuss application as soon as reasonably possible. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

#### Personal Details

|              |  |                       |  |
|--------------|--|-----------------------|--|
| Name         |  | Payroll No            |  |
| Line Manager |  | National Insurance No |  |

#### To ICMP

I should like to apply to work a flexible working pattern which is different to my current working pattern.

I confirm I meet the eligibility criteria:

☐ I have not made more than two requests to work flexibly under this right during the past 12 months.

Dates of any previous requests to work flexibly under this right: \_\_\_\_\_

***If you are not sure whether you meet any of the criteria, information can be found in Guidance from <https://www.gov.uk/flexible-working> or ACAS.***

If you are unable to tick the relevant box, then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered so please indicate here that you do not have a statutory right but you are still seeking a change in working arrangements.

**2a. Describe your current working pattern (days/hours/times worked):**

**2b. Describe the working pattern you would like to work in future (days /hours /times worked):**

**2c. I would like this working pattern to commence from:**  
Date:

Signature:

Print Name:

Date:

### Request for Flexible Working Approval

|                                                                                                                                                                       |                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| <b>Employee Name</b>                                                                                                                                                  |                      |
| <b>Job Title</b>                                                                                                                                                      |                      |
| <b>Department</b>                                                                                                                                                     |                      |
| <b>Date of Meeting</b>                                                                                                                                                |                      |
| <b>Management Approval</b>                                                                                                                                            | <b>Yes</b> <b>No</b> |
| If Yes – Please describe what measures will be put in place to ensure that the learners are not disadvantaged or that the level of service offered is not diminished. |                      |
| <b>Manager Signature</b>                                                                                                                                              |                      |
| <b>Date</b>                                                                                                                                                           |                      |

### Appendix C – Remote working guidelines

- If an employee is working off-site, they should normally be contactable during their working hours, will attend meetings via Teams, and will be available for meetings as they would be if they were in the office. Exceptions to being available for Teams meetings whilst working off-site may be doing research, marking, writing reports etc.
- ICMP is responsible for ensuring that off-site workplaces, as far as possible, are reasonably practicable, and do not have a negative effect on health, safety and wellbeing.
- An employee working offsite will be required to complete a remote working checklist provided by the facilities department. The facilities team will make every effort to supply the equipment required by employees working from home and perform training where necessary.
- ICMP will consider all requests for flexible working on their own merits, and assess each case based on the needs of the business and employee.

- Flexible working must be aligned to performance appraisal measures and expectations and like all performance conversations, these should be addressed through the performance appraisal process.
- Should there be abuse of the flexible working arrangement, this will be dealt with using the progressive disciplinary procedure, as would any other form of misconduct.
- Some flexibility should work both ways, and with sufficient prior notice, the manager has the right to request that an employee attend a work event (within normal work hours), if it is outside of their agreed work pattern.
- ICMP is committed to providing appropriate working patterns. There may be occasions when ICMP require some employees to work off-site, due to space constraints within the building or in extreme circumstances. However, ICMP and employees need to be realistic and to recognise that not all flexible working options will be appropriate for all roles. Where a flexible working arrangement is proposed, ICMP will need to take into account a number of criteria, such as the costs associated with the arrangement, the impact on institutional goals and activities, the effect of the arrangement on other colleagues, the need for and effect on supervision, the existing structure of the department, the availability of staff resources, the workload of the role and health and safety issues.

### **Informal Requests for Flexible Working**

A request for a one-off informal flexible working may be considered on an ad-hoc basis if an employee raises this with their manager beforehand (e.g. to start later or finish earlier on a particular day). If these requests became more regular, the employee should consider requesting a formal flexible working arrangement which can be considered by the senior management of their department.