

Policy

Flexible Working Policy.docx

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The policy

1 Policy statement

- 1.1 Network Rail positively embraces flexible working. We recognise that employees may wish to balance work and family/home life. By offering flexible working arrangements we can support employees to manage their working life and other priorities, including looking after children, caring responsibilities, managing an impairment, religious observance, life-long learning, charity work and any other interests.

2 Scope

- 2.1 This policy applies to all employees.

3 Principles

- 3.1 The underlying principle of this policy is that we will, whenever possible, help employees to maximise their contribution through enabling flexible working arrangements. We are committed to:
- Developing a great place to work where our employees feel valued and we are an attractive employer for prospective candidates;
 - Creating a modern working environment where our employees are appreciated for their contribution to the business, rather than time spent at desk, depot, delivery unit or office;
 - Positively supporting employees in balancing their work and home life commitments taking account of business requirements;
 - Helping to increase employee motivation and well-being;
 - Supporting the retention and utilisation of all the talent and experience available in our organisation;
 - Building a more open, diverse and inclusive organisation which is the key objective of Everyone, our diversity and inclusion strategy, and is further supported by our equality, diversity and inclusion policy.

The procedure

4 Requests for Flexible Working

- 4.1 We will consider requests from all employees regardless of length of service, job status or grade and irrespective of the reason for the request.
- 4.2 In line with legislation, decisions on requests, including any appeals, will be managed as quickly as possible, but no later than two months from initial receipt of application, unless an extension has been agreed between the employee and the line manager.
- 4.3 Employees may make up to two flexible working requests in any 12 month period, although not concurrently. A second flexible working request may only be made after a decision has been made regarding the employee's first flexible working request. This includes the outcome decision of any appeal.
- 4.4 Requests for flexible working can include, but are not limited to, requests for:
- **Part-time working** - work is generally considered part-time when employees are contracted to work anything less than full time hours;
 - **Job sharing** - a form of part-time working where two people share the responsibility for a job between them;
 - **Different start and/or finish times** - allows employees to choose, within certain set limits, when to begin and end work;
 - **A change of shift pattern;**
 - **Term-time working** - an employee remains on a permanent contract and can take paid/unpaid leave during school holidays;
 - **Compressed hours** - an arrangement in which an employee works their contractual hours in fewer than the normal number of days per week; and
- 4.5 There will be a variety of reasons for flexible working requests. For example, the employee may:
- wish to spend more time with family;
 - want to study or train;
 - want to undertake voluntary work;
 - have responsibilities as a carer, or
 - wish to reduce working hours.
- 4.6 Requests can also be made when returning from maternity, adoption and paternity leave.
- 4.7 A request for flexible working may be made for a temporary period, or on a permanent basis.

5 Making a flexible working request

- 5.1 Employees are encouraged to consider flexible working requests.
- 5.2 The employee should make a request in writing to their line manager via the Flexible Working Application Form or using Oracle E-Business, setting out:
- The proposed change;
 - The start date for the proposed change which gives the line manager reasonable time to consider the proposal;
 - Whether the flexible working request is for a temporary period of less than twelve months or whether it is a permanent request; and
 - Whether a previous request has been made and if so the date on which it was made.
- 5.3 An employee can indicate whether they are requesting flexible working in relation to the Equality Act 2010. For example, a disabled employee may be asking for flexible working to manage their disability. However, this may be better dealt with under our Reasonable Adjustment Policy which encourages managers to regularly discuss whether an employee has any particular needs adjustments.

6 Considering the flexible working request

- 6.1 The employee should make a request in writing to their line manager via the Flexible Working request form.
- 6.2 Each request will be dealt with individually on its own merits. In considering requests managers will make sure that they are being fair and are not discriminating against employees.
- 6.3 We will make positive endeavours to consider how the proposed arrangement can work and will take into account a number of criteria including, but not limited to, the following:
- a) The cost of the proposed arrangement;
 - b) The effect of the proposed arrangement on other staff/teams/rosters;
 - c) The level of supervision that the post-holder requires;
 - d) The structure of the department and staff resources;
 - e) Other issues specific to the individual's department;
 - f) An analysis of the tasks specific to the role, including their frequency and duration.
 - g) Analysis of the workload of the role.

- 6.4 An employee's line manager will arrange a meeting to discuss the request in more detail. The meeting will be arranged as soon as possible and, in any event, will take place within 21 calendar days of receipt of the request. The employee has the right to be accompanied at the meeting by a work place colleague or a trade union representative. This will be confirmed to the employee in writing.
- 6.5 If the employee's companion is unable to attend the meeting, the line manager will re-arrange the meeting for another date and time that is convenient to everyone concerned.
- 6.6 The purpose of the meeting will be to discuss the flexible working request in more detail and to establish whether or not it is workable, balancing the employee's aspirations against the business and operational needs of the Company.
- 6.7 At the meeting, either the employee or the manager may suggest alternative working patterns if this might lead to a compromise or to a different arrangement that both parties find acceptable.

7 Decision

- 7.1 The employee's line manager will inform the employee in writing of the decision as soon as possible after meeting and no later than seven calendar days from the date of the meeting. Where it is not possible to inform the employee within seven calendar days of the meeting, the line manager will inform the employee of the reasons for the delay.
- 7.2 Consideration will be given to helping employees maximise their contribution through enabling flexible working arrangements unless there is a business reason for not doing so. A request may only be declined for one or more of the following reasons. These reasons are known as the Business Grounds:
 - a) The burden of additional costs;
 - b) A detrimental effect on ability to meet customer demand;
 - c) A detrimental impact on quality;
 - d) A detrimental impact on performance;
 - e) The inability to reorganise work amongst existing staff;
 - f) The inability to recruit additional staff;
 - g) Insufficiency of work during the periods the employee wishes to work;
 - h) Planned structural changes.

- 7.3 Prior to declining a request, the employee's line manager must consult the employee as to what else could be considered before the decision to decline the request is communicated. Regard must be given to the overall timescale of two months.
- 7.4 Should the employee's request be declined the employee's line manager will write to explain the reason(s) why the request has been declined based on the Business Grounds and why this is relevant to the employee's particular case.
- 7.5 Agreeing to one employee's flexible working request does not set a precedent or create a right for another employee to be granted a particular change to their working pattern although the implementation of this policy is designed to ensure a fair and consistent process to requests for flexible working.

8 Appeal

- 8.1 Employees have the right to appeal in writing to their line manager stating the grounds for the appeal. Any such appeal should be made within ten calendar days of notification of the decision to decline the flexible working request.
- 8.2 The employees appeal will be forwarded to an appropriate manager to hear the appeal. This manager will be someone other than the manager who took the original decision. An appeal hearing will then be arranged within ten calendar days of receipt of the appeal, where the employee will have the right to be accompanied.
- 8.3 The employee will be informed in writing of the outcome of the appeal within ten calendar days of the appeal hearing.
- 8.4 If any of the timescales above need to be extended, the hearing manager will agree the new timescales with the employee.
- 8.5 The appeal stage is the final stage of the process and there is no further right of appeal.

9 Recording Flexible Working Requests

- 9.1 An important part of tracking the implementation of this policy will be the accurate recording of requests to work flexible and the business response. Line Managers need to record requests and outcomes including appeals via HR Direct.

10 Changes to Terms and Conditions

- 10.1 **Temporary Changes** - If the reason the employee is requesting flexible working is for a defined temporary period of less than twelve months, the new working pattern is a temporary variation and the terms and conditions of employment will change to reflect the revised arrangements.
- 10.2 At the end of the temporary period the employee will revert to their previous terms and conditions of employment.
- 10.3 **Permanent Changes** - Any agreed changes for a period longer than twelve months will be regarded as a permanent change and the contract of employment will be changed to reflect the revised arrangements. There will be no automatic right for employees to revert to their previous terms and conditions of employment.

11 Trial Period

- 11.1 If required, a trial period of three months will be confirmed to the employee in writing, including the changes that have been agreed and the start and end dates. A trial period means that the new working pattern is a temporary variation to the terms of the employee's contract and therefore the employee can be required to revert back to their previous working pattern at the end of the trial period.
- 11.2 At the end of the trial period the line manager will meet with the employee to review the working pattern and confirm whether or not the revised arrangement can be made permanent or if the trial period should be extended by a further three months before a final decision is made.
- 11.3 The purpose of the trial period will be to establish, from a business and operational perspective, whether or not the new pattern of working is in fact workable in the longer term, taking into account the demands of the employee's role and the Business Grounds.
- 11.4 The trial period will be confirmed to the employee in writing, including the changes that have been agreed and the start and end dates. A trial period means that the new working pattern is a temporary variation to the terms of the employee's contract and therefore the employee can be required to revert back to their previous working pattern at the end of the trial period.
- 11.5 At the end of the trial period the line manager will meet with the employee to review the working pattern and confirm whether or not the revised arrangement can be made permanent. The Manager may only decline to implement the flexible working arrangement if there are one or more Business Grounds. If at the end of the trial period the employee feels that the working arrangement has not proved successful, they will need to discuss the reasons for this with their Line Manager. In this instance the employee would revert back to their previous working pattern.

12 Non-attendance

- 12.1 If an employee fails to attend the flexible working request meeting or the appeal hearing once they have been arranged but contacts their line manager to explain the reason for their absence, the meeting will be re-arranged.
- 12.2 If the employee fails to attend the second re-scheduled meeting without a reasonable explanation the line manager reserves the right to treat the flexible working request or appeal as withdrawn.

13 Withdrawal of application

- 13.1 If employees wish to withdraw their flexible working requests at any time, this needs to be done in writing to their line manager.

14 Unresolved Requests

- 14.1 Disputes about requests should be resolved through the Individual Grievance Procedure.

15 Moving to a new role

- 15.1 If an employee applies for another role within Network Rail or secures another position following a reorganisation, there is no automatic right to carry over flexible working arrangements which have been agreed for the employee's current role into the new role. However, wherever possible every effort will be made to try and accommodate the flexible working arrangement. Whether the new or different job could accommodate the flexible working arrangement should be discussed with and confirmed by the recruiting manager.

Document control

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Version control

Issue	Date	Remarks/Comments
A	January 2024	Updated right to request flexible working in line with legislation: 1. Employees can make two flexible working requests within a 12-month period, 2. Employers must conduct a consultation before refusing a request, 3. Employees will no longer be required to set out the impact of their proposed change and; 4. a decision must be delivered within a two-month period, including the appeal.