

## FLEXIBLE WORKING POLICY

### 1. Introduction

- 1.1 From 6<sup>th</sup> April, 2003, the Employment Act 2002 introduced the right for eligible employees to request flexible work practices that enable them to strike a balance between their work and family lives. This was further extended from 6 April 2007 by the Work and Families Act 2006 Act to include the carers of adults.
- 1.2 SCRA supports flexible working and understands that it makes good business sense to fully consider requests for flexible and alternative working practices as this can lead to a retention of skilled and experienced staff, high levels of staff morale and decreased absenteeism.
- 1.3 This policy is in addition to SCRA's existing family friendly policies. These include its' job-sharing, part-time working, and flexible working hours scheme, as well as policies on Maternity, Paternity, Adoption, Parental and Dependant Care Leave.

### 2. Eligibility

- 2.1 The right to request flexible working is available to employees with the responsibility:
- a) for the upbringing of a child under the age of 6, or, in the case of a disabled child, under the age of 18; or
  - b) for the care of an adult.
- 2.2 A carer is defined as an employee who is or expects to be caring for an adult who:
- is married to, or the partner or civil partner of the employee; or
  - is a near relative of the employee defined as parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.
  - falls into neither category (i) or (ii) but lives at the same address as the employee.
- 2.3 Where a request is being made under 2.1a, the request must be made no later than the child's 6<sup>th</sup> or 18<sup>th</sup> birthday respectively.
- 2.4 Employees must have a minimum of 26 weeks continuous service with SCRA prior to submitting an application for flexible working.

2.5 Employees are not entitled to request flexible working if they have exercised this right previously within the 12 month period immediately preceding the date of the current application.

### **3. Procedure**

3.1 A Flexible Working Application Form must be completed by the employee and submitted to their Reporter/Core Manager. In line with statutory requirements, this application form requires the employee to give details of their desired working pattern and outline the impact and possible accommodation of this suggested pattern.

3.2 In exceptional circumstances, consideration of requests for flexible working may be postponed by SCRA for up to a maximum of 6 months due to justifiable operational reasons.

3.3 The employee will be invited to attend a meeting with their Reporter/Core Manager within 28 days of the application being submitted. The employee is entitled to be accompanied by a trade union representative or colleague at the meeting to discuss the application and consider what arrangements need to be made if the working pattern is to be changed.

3.3 The Reporter/Core Manager will provide a written response within 14 days of the meeting, which will give notice of the decision on the application.

3.4 Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on SCRA, the work of the team in which the employee making the request is employed and the employee's colleagues. Agreeing to one employee's request will not therefore set a precedent or create a right for another employee to be granted a similar change to his/her working pattern.

3.5 An application for flexible working can be refused only where there is a specified business reason e.g. burden of additional costs, detrimental effect on service provision or quality, inability to reorganise work amongst existing staff or the inability to recruit additional staff. If the application is refused details of the grounds for refusal and an explanation as to why the grounds apply will be given to the employee in the written response provided within 14 days of the meeting.

3.6 If, due to leave etc., the above timescales cannot be met, agreement, in writing, will be sought from the employee for an extension to timescales.

3.7 Where requests for flexible working are approved, this will result in a permanent variation to the employee's terms and conditions of employment from the agreed implementation date.

#### **4 Appeals Procedure**

- 4.1 If the employee is not satisfied with the outcome of their request, an appeal can be made in writing within 14 days from the date of notification of the refusal to the Human Resources Manager who will arrange an appeal meeting with the relevant senior line manager within a further 14 days. In normal circumstances, this will be the line manager of the Core/Reporter Manager who made the original decision.
  
- 4.2 Employees are entitled to be accompanied at the appeal meeting by a trade union representative or colleague. Full consideration will be given to the appeal and the decision will be communicated within 14 days of the appeal meeting. The appeal decision is final.

**SCOTTISH  
CHILDREN'S REPORTER  
ADMINISTRATION**

Flexible Working Application Form

**Note to employee**

You can use this form to make an application to work flexibly under the right provided in law to help eligible employees care for their children or adult under the employee's care.

Before completing this form, you should first ensure that you are eligible to make a request.

You should note that it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore, ensure that you submit your application to your Reporter/Core Manager well in advance of the date you wish the request to take effect. You may wish to keep a copy for your own records. Your Reporter/Core Manager will arrange a meeting with you to discuss your request within 28 days of receipt of your application.

It will help the Reporter/Core Manager 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 in this application form, as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

**N.B. If your request is granted this will result in a permanent change to your terms and conditions unless otherwise agreed.**

**To the Reporter/Core Manager**

I would like to apply to work a flexible working pattern that is different to that of my current pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:-

Child

- I have responsibility for the upbringing of either a child under age 6 or a disabled child under 18; or
- I am:
  - the mother, father, adopter, guardian or foster parent of the child; or
  - married to or the partner of the child's mother, father, adopter, guardian or foster parent
- I am making this request to help me care for the child.
- I am making this request before the child's sixth birthday or 18th birthday where disabled.

Adult

- I have the responsibility for the care of an adult as defined in section 2.2 and 2.3
- I am making this request to help me care for the adult
- I have worked continuously as an employee for SCRA for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

If you are not sure whether you meet any of the criteria above, you should contact the Human Resources Team. If you do not meet all of the criteria then you are not entitled to make a request for flexible working under this policy. This does not mean that your request may not be considered, but you will have to explore this separately with your Reporter Manager.



**2c. I would like this working pattern to commence on**

**(Date)**

**3. Impact of the new working pattern**

I think this change in my working pattern will affect my employer and colleague(s) as follows:

**4. Accommodating the new working pattern**

I think the effect on my employer and colleagues can be dealt with as follows:

**Signature:**

**Date:**

**Now pass this application to your Reporter/Core Manager who will confirm receipt of your application and arrange a meeting with you to discuss your application within 28 days of receipt.**