

# Flexible Working Policy

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## **DOCUMENT STATEMENT:**

All Translink Group Corporate Policies should be consistent in terms of development, approval, implementation, communication, control and review in line with these guidelines.



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## Version Control Record

<b>Policy Owner:</b>		HR Services Manager	
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3.0	HR Services Manager	30.06.15	N.I. legislation changed on 5 <sup>th</sup> April 2015 to remove requirement for employee to have caring responsibilities in order to be able to apply for flexible working. Removed allowance for temporary work pattern as legislation only allows for permanent change to work pattern. Parental Leave, SPL, Maternity, and Paternity/Partners Leave added to 'Related Policies' section. Application process chart added to document. The application timescale has been amended from 14 weeks to 12 weeks.
3.1	HR Services Manager	15.09.15	Wording regarding a trial period amended in Section 2 Scope & Section 4 The Decision.
3.2	HR Management Team	18.09.15	Clarification sought in relation to rolling review period.
3.3	HR Services Manager	07.06.16	Amendment made to review period following legal feedback. Section 6 – Extension of Time Limits specifies the time to consider a FW application can be extended if both parties agree to it, and will be for no more than 6 months. This will allow for a short trial period following which the line manager needs to decide on outcome of the FW application.
3.4	HR Management Team	20.10.16	Agreed with extension of time limits to allow for short trial period.
3.5	HR Services Manager	16.08.20	Removed section outlining that 2015 legislation now enables anyone to apply for FW subject to criteria being met
3.6	HR Management Team	11.11.20	Application form removed and sits as separate document

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## 1. Introduction

Throughout this Policy, the words 'Translink' 'Company' and/or 'the Group' refer to all corporate entities under the ownership of the Northern Ireland Transport Holding Company (NITHC). This includes the parent Company and each subsidiary either individually or taken together as a group.

The organisation recognises the contribution of all its employees and also acknowledges that at some time in their working lives, employees may find it difficult to fulfil a satisfactory work-life balance. Where this occurs the organisation will consider practical help through this flexible working policy.

No employee will be treated less favourably, suffer detriment, or be dismissed because they request or take up flexible working.

## 2. Scope

The Company is supportive of the principle of flexible working and the benefits it can bring. These benefits however, are only achieved when the arrangements are appropriate to individual circumstances and can be accommodated within the essential requirements of the business. Accordingly the Company may refuse flexible working requests on business grounds. In such circumstances specific reasons will be given to the applicant.

Where flexible working is agreed this will result in a permanent variation to employees' terms and conditions of employment. There is no statutory right for them to revert to their previous work pattern on a future date should they no longer have a requirement for flexible working.

Employees in operational grades, e.g. Bus Drivers, should note that where their normal work pattern contains an element of unsocial hours, e.g. early starts, late finishes, weekend work, etc, they may expect that any agreed change to their work pattern may also include an element of unsocial hours.

Employees granted new working arrangements under flexible working should be aware that this may result in salaries being reduced on a pro rata basis and/or the loss of other payments such as shift premiums. These may in turn have a knock-on effect on the level of entitlements that are related to pay, e.g. sick pay, redundancy and occupational pensions.

Translink will ensure that all its Managers and other staff dealing with requests under this procedure receive the necessary guidance/briefing.

## 3. The Right to Request to Work Flexibly

Under flexible working legislation, eligible employees have the right to request flexible working patterns and any such requests will be considered seriously and sensitively by

their Manager. It should be noted that eligible employees have a right to request flexible working but there is no statutory right to be given a flexible working arrangement.

There are certain criteria to be met for a request for flexible working to be considered under the Flexible Working Regulations (N.I.) 2015:

- Must be an employee to apply
- Must be continuously employed for 26 weeks for a Translink operating Company at the date the application is made
- Must not be an agency worker or in the Armed Forces
- Must not have made another application for flexible working in the previous 12 month period (taken from the date on which the previous application was made)

#### **4. Applications for Flexible Working**

Applications must:

- be made in writing by completing the Flexible Working Application Form and be sent to the Line Manager
- state that the application for flexible working is made under the statutory right
- confirm that they satisfy the eligibility requirements
- specify the change applied for and the date on which it is proposed the change should become effective
- explain what effect employees' think this will have on the Company, and how in their opinion any such effect might be dealt with by the Company
- state whether any previous applications have been made to the employer, and if so when
- be dated

Note: one application for flexible working can be made every 12 months under this right. Each year runs from the date when the previous application was made. Before employees make any subsequent applications, they should bear in mind that they will still need to meet the eligibility criteria at the time of their subsequent application.

It is recommended that employees should submit their fully completed flexible working application well in advance of when they wish the change to take effect, as the process can take up to 12 weeks (or longer if delayed for a particular reason) to complete.

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## Company Responsibility when Applications are Received

The Company will assess:

- whether the employee meets the application criteria
- whether the application contains all the necessary information

Incomplete applications will be returned to the employee to provide the missing information and the timetable for the statutory procedure will not start until the completed application has been received. If an employee unreasonably refuses to provide Translink with the information needed to assess the request, the Company may treat the application as being withdrawn. In such circumstances the employee will not be able to make another application for a further 12 months and will be advised in writing. See also Section 7 – Withdrawal of Flexible Working Application.

Provided the application has been completed correctly, the Company will take the date of receipt by the Manager as the date upon which the timetable for the statutory procedure commences. The Manager will acknowledge receipt of the request in writing.

The Company will consider all applications objectively and establish whether the desired work pattern can be accommodated within the needs of the business.

### Step One – The Meeting

The employee's Manager will arrange a meeting with the employee within 28 days of receipt of the fully completed application form. Any extension to the date agreed for the meeting between the parties will be recorded in writing, specify that the extension relates to the period in which to hold the initial meeting, state when the extension will end, be dated and be sent to the employee.

An employee who fails to attend the meeting without notification should contact his or her line manager as soon as possible to explain their absence and rearrange the meeting at a mutually convenient time and venue. Details of the rearranged meeting will be confirmed in writing. Should the employee fail to attend the rearranged meeting without providing a reasonable explanation, the Company may regard the application as having been withdrawn and the employee will be notified of this in writing. (See also Section 7 below)

The employee has the right to be accompanied by a trade union representative or a work colleague at any meeting within the application process.

### Step Two – The Decision

Following the meeting, the Company will advise the employee in writing of its decision within 14 days.

If the Company accepts the request for flexible working, the Line Manager will notify Human Resources, who will advise the individual in writing, setting out details of the new working arrangements and confirm the date of commencement.

Employees should note that where their normal work pattern contains an element of unsocial hours, they may expect that any agreed change to their work pattern may also include an element of unsocial hours.

If the Company rejects the request for flexible working, the line manager will advise the individual in writing. The written notification will set out the business reasons for rejecting the application and provide an explanation as to why the grounds for refusing the application apply in the circumstances. The written notification will also advise the employee of his/her right to appeal within 14 days after the date of Translink's notification of its decision. A copy of this letter will be sent to Human Resources.

## 5. The Appeals Procedure

If the employee chooses to appeal the Company's decision, he or she must do so in writing within 14 days after the date of notification of the decision, setting out the grounds for making the appeal. The appeal will be dealt with by a more senior manager to the one who considered the original application.

The employee's Manager will arrange the appeal meeting within 14 days after receiving the notice of appeal.

The employee will be informed of the outcome of the appeal in writing within 14 days after the date of the meeting.

The employee has the right to be accompanied by a trade union representative or a work colleague at the hearing.

**If the appeal is upheld the employee will be advised in writing** - the written decision will include details of the new working arrangements and confirm the date of commencement

**If the appeal is not upheld the employee will be advised in writing** - the written decision will state the grounds for the decision that are appropriate to the employee's own grounds for making the appeal and explain why the grounds for refusal apply in the circumstances.

An employee who fails to attend the appeal meeting with notification should contact their line manager as soon as possible to explain their absence and rearrange the meeting at a mutually convenient time and venue. Details of the rearranged appeal meeting will be confirmed in writing. Should the employee fail to attend the rearranged meeting without providing a reasonable explanation, the Company will regard the application as having been withdrawn and the employee will be notified of this in writing.

A written notice of the appeal outcome constitutes a final decision and is effectively the end of Translink's formal flexible working procedure.

## 6. Extension of Time Limits

The various time limits set out in this procedure will be strictly adhered to. However there may be exceptional occasions when it is not possible to complete a particular part of the procedure within the specified time limit, as follows:

### i) **Through agreement by the employer and the employee**

Such extensions of time limits will only take place with the express agreement of both the line manager and the employee.

Should the line manager need more time to reach a decision he/she will meet with the employee to discuss the reason why and obtain their agreement to the extension. The employee will be informed that the extension relates to the period in which the Company is required to provide its response, and when the extension will end. This may apply, for example, where a short trial period (no more than 6 months) would be beneficial to assess the impact of the flexible working arrangement on the business before reaching a final decision. In such circumstances, agreement will be reached between the line manager and employee as to the duration of the extension, and this will be communicated in writing by the line manager, along with a review date. Following the review, should the line manager then decide not to make the working arrangement permanent, the employee will be informed in writing and will be able to appeal the decision as outlined in Section 5.

### ii) **Through the line manager's absence**

Where an application is sent to the appropriate line manager and the line manager is absent from work due to leave or illness, an automatic extension applies. The period that Translink has to arrange the meeting will commence either on the day of the line manager's return or 28 days after the application is made, whichever is sooner. On a line manager's return an acknowledgement letter confirming receipt of the application will be sent to the employee so they are aware that the extension has been applied and the period when they can expect to meet their line manager to discuss the request.

## 7. Withdrawal of Flexible Working Application

Set out below are the 3 reasons why an application may be treated as withdrawn:

### i) **The employee decides to withdraw the application**

An employee who withdraws their application will not be eligible to make another application under the formal statutory procedure for 12 months from the date their application was made. Where the employee decides to withdraw their application, they should notify their line manager as soon as possible and in writing. If the line manager is informed verbally by the employee that they are withdrawing their application, the employee will be asked to confirm this in writing within 14 days. If subsequently, no written confirmation is received from the employee, the line manager will, within 28 days of the employee's verbal notification, write to them asking them to confirm in writing their intentions within

14 days. If there is still no confirmation from the employee, the line manager will confirm in writing to the employee the withdrawal of the application.

**ii) The employee fails to attend two meetings**

In cases where an employee misses two meetings without reasonable cause, the line manager may treat the application as withdrawn. It is therefore in the employee's best interests to inform the Company as soon as possible if and why they are not able to attend a meeting. If an employee simply misses a meeting and does not explain why, then they can expect their absence to be treated less sympathetically. The line manager will warn the employee that they risk their application being treated as withdrawn if they miss another meeting without reasonable cause when rearranging the meeting.

**iii) The employee unreasonably refuses to provide the employer with the required information**

There may be occasions where the line manager is willing to accept a request for flexible working, but requires the employee to provide certain information before they can do so if an employee unreasonably refuses to provide the employer with the information, then the employer can treat the application as withdrawn.

**8. Role of Trade Union Representatives**

Line managers should inform local TU representatives as soon as an application is lodged to allow input from the representative.

If the line manager approves an application, the local TU representatives should be consulted from the outset in the make-up of any duty/shift pattern.

**9. Related Policies**

- Time off for Dependants Policy
- Career Break Policy
- Job Sharing Policy
- Parental Leave Policy
- Shared Parental Leave Policy
- Maternity Leave Policy
- Paternity/Partners Leave Policy



**Flexible Working Application Process**

