

**Busnes Cymdeithasol Cymru**  
**Social Business Wales**

[/businesswales.gov.wales/socialbusinesswales](https://businesswales.gov.wales/socialbusinesswales)



# Bro Môn

## The Right to Apply for Flexible Working Policy



Responsibility for Review	Date of Last Review	Date of Next Review
Director	November 2019	November 2020

## The Right to Apply for Flexible Working Policy

### Introduction

Bro Môn recognises that flexible working practices can help individuals to fulfil their roles effectively, while enabling them to get a better balance between the requirements of life and work.

All staff who have worked for Bro Môn for 26 weeks continuously have the statutory right to apply for flexible working and for Bro Môn to consider their application seriously. This does not mean, however, that this is an automatic right as all cases will be assessed individually according to the nature of the role and the work pattern requested, therefore it is emphasised that no precedent is set with each individual case.

Staff are able to make one application for flexible working in a rolling 12 month period.

Eligible staff can apply for:

- a change to the hours they work
- a change to the times they need to be at work
- the right to work from home

### To Apply

Applications should be made in writing to **Peter Davies**, Director, taking into consideration or referring to the following points:

- date the letter
- declare that the application is made under the statutory right to apply to work flexibly
- refer to the details of this change and from when they would like this to happen
- explain the effect the application would have on the organisation and note how it is intended that the effects of these will be dealt with
- note in the letter if the application is linked to the Equality Act 2010
- note if an application to work flexibly has been made in the past, and when

### Procedure

Each case will be considered in a timely manner. In cases which cannot be agreed immediately, **Peter Davies**, Director, will arrange a meeting with the staff member in a suitable and convenient location within 28 days of receiving the application. If **Peter Davies** is on any form of leave, including annual leave or sickness absence, the period of 28 days may be extended.

The meeting will provide an opportunity for detailed discussion regarding the application. The staff member making the request has the right to be accompanied by another staff member or Union representative at the meeting who will be able to address the meeting and discuss with

them during the meeting, however will not have the right to answer any questions on their behalf.

If the staff member does not attend this meeting, it will be re-scheduled for another date which is convenient to everyone. If the staff member is unable to attend the re-scheduled meeting without good reason, then it will be assumed that the application has been withdrawn.

Bro Môn will refer to the business reasons below whilst considering the application and it is assured that there will be no discrimination during this process:

- the burden of additional costs
- detrimental effect on ability to meet customer demands
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- insufficient work for the periods the employee proposes to work
- a planned structural change to the business

Within 14 days of the meeting, The Cariad Project will write to the staff member to either agree to the new work pattern and the starting date, or to detail the business reasons for refusing the application and why these reasons are relevant to the individual case, hence also detailing the Appeal Process (see below).

### **Trial Period**

Should an application be successful, in some cases, Bro Môn will consider offering a short trial period, e.g. three months, for cases where the impact on Bro Môn and business circumstances are not initially obvious. Bro Môn will then review the situation regularly during the trial period and assess the effect the change has had on the work at the end of the period.

The trial period process and the date when the period will come to an end will be outlined in the letter that Bro Môn will send to the staff member following the meeting. At the end of the period, and following this assessment, Bro Môn will either confirm the change as a permanent change to the terms and conditions of work or, if the trial period was unsuccessful, the staff member will return to the original terms and conditions.

Bro Môn is also prepared to consider applications for a temporary period where the staff member foresees the need to work flexibly for a short term only, e.g. three months. This arrangement will be outlined in the letter to the staff member, which will note the date that they will return to their previous terms at the end of the period.

### **Note**

Successful applications will be considered to be permanent changes to terms and conditions of employment unless agreed otherwise at the time. It is imperative that the staff member carefully considers which work pattern is most suitable for them, any financial obligations if the change means a reduction in salary, and any affect the change would have on their work.

## Appeal

Where an application to work flexibly is unsuccessful, it is possible for the staff member to appeal and to discuss further where there is any new information to share. To appeal, a member of Bro Môn's Board (other than Peter Davies) should be informed within five days of receiving the reply to the application. Bro Môn will listen to the appeal and come to the final decision on the case as impartially as possible.

An appeal meeting will be arranged as soon as possible, normally within five working days, and the staff member will be invited to the meeting. Reasonable steps must be taken to ensure attendance at the meeting. Again, the staff member making the request has the right to be accompanied by another staff member or Union representative at the meeting who will be able to address the meeting and discuss with them during the meeting, however will not have the right to answer any questions on their behalf.

The Board Member whom receives the appeal will arrange for an appropriate representative of Bro Môn whom has not taken part in the original decision to hear the appeal and to decide on the case as impartially as possible. The person responsible for hearing the appeal will inform the staff member of the final decision.