

Flexible Working Policy

Little Elms recognises that flexibility with working arrangements can provide benefits to both employees and the Nursery. We aim to support staff where possible to successfully achieve a balance between work and home life. This policy sets out Little's Elms approach to flexible working arrangements, which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.

Principles

Employees do not have the right to work flexibly, but have the right to request to do so. Little Elms will try to accommodate request where possible and may, if appropriate, explore alternative options in collaboration with the employee, to attempt to reach a mutually beneficial arrangement.

If agreed, any changes to working patterns will normally amount to a permanent change to the employee's contract of employment, unless otherwise agreed.

Scope

This policy applies to all Little Elms employees who:

- As of the 6th of April 2024, all employees can make a statutory request to make permanent changes to their contract from their first day of employment. (This does not cover the recruitment period.)
- An employee can make two requests in any 12 month period.
- An employee may only have one live request for flexible working at any one time.

This procedure is non-contractual and sets out the procedure we would normally follow, although we reserve the right, at our discretion, to vary or replace the procedure at any stage.

Definition of 'Flexible Working'

The term Flexible Working describes any working arrangement where the number or pattern of working hours varies from standard practice. This includes, but is not limited to:

- a change to the number of hours of work
- a change to the start or finish times of work
- to work from an alternative location for an agreed number of days per week or month
- a reduction in the working week
- a shorter working year
- a job share arrangement

Temporary Working Arrangements

Little Elms recognises that occasionally, employees may need to request a temporary change to their working arrangements for a short period, for example to enable them to deal with a temporary or urgent situation. As such needs may arise with little or no notice, in these circumstances staff should approach their manager informally in the first instance, outlining their request and the likely duration. Managers should endeavour to respond to these requests as quickly as possible, applying the principles of this policy.

Where temporary needs continue for longer than one month, they should be formalised through this policy. At the end of any temporary changes, the employee will revert to their normal working pattern. The manager should inform payroll of any temporary changes to salary to reflect the temporary working arrangement agreed.

Application Process

Before submitting a request to work flexibility, employees are encouraged to discuss their request informally with the manager in the first instance. Requests should be put in writing to the manager using the Flexible Working Application form.

Upon receipt of a request, the manager will consider it carefully, taking into account the potential benefits and weighing them up against any adverse impact of the proposed changes. Decisions will be based on whether or not

a request can be granted on business grounds. Little Elm's ability to provide the highest possible standards of care/service will be paramount.

If the manager can approve the request straight away and there are no adverse impacts of the proposed change, there is no requirement to have a meeting with the employee, unless the manager chooses to do so. The manager can agree the start date for the change in working pattern with the employee.

Where the manager requires further information or discussion in order to consider the request thoroughly, they should arrange to meet with the employee to discuss the request in more detail. This will provide an opportunity to explore the desired work pattern in depth and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the application.

Should the employee be unable to attend the meeting, a further meeting will be arranged. However, if they fail to attend again without good reason, the application will be considered to be withdrawn and the employee will be informed of this decision.

A decision regarding all flexible working applications should be made and communicated to the employee in writing, within three months of the date the application was received. Little Elms commits to considering and confirming the outcome to all flexible working applications, as soon as is reasonably practicable.

An employee may only have one live request for flexible working at any one time, the request remains live until any of the following occur:

- A decision about the request is made by Little Elms.
- The request is withdrawn.
- An outcome is mutually agreed.
- The statutory 2 month period for deciding requests ends.

Trial Periods

Where it is not clear if a flexible working arrangement will be effective, or if both parties feel it would be beneficial, a trial period of new working arrangements may be offered to enable a full assessment of the impact of the request on the employee, children, parents and colleagues.

Any trial periods agreed will not normally last for longer than one month. The length of the trial period will be specific in advance. During the trial period, any changes to the employee's terms and conditions of employment will be regarded as temporary.

At the end of the trial period the employee and manager should meet to discuss and review it openly, and consider the continuance of the arrangements. Outcomes of this meeting may include:

- the new working arrangements will be approved and become permanent and contractual
- the arrangements are not approved and the employee will be required to revert to their previous working arrangements
- the manager may propose alternative working arrangements

The Decision

The manager should carefully consider the advantages, possible costs and potential logistical implications of any request. Not all working patterns may be suitable for the role, team and/or nursery setting. It may also be difficult to accommodate flexible working requests from several employees in the same team/nursery. Each application will be considered on its own merits and the outcome of applications will be confirmed in writing as soon as possible. The whole procedure (including any appeal against the decision) must be concluded within a maximum time period of 2 months from the date of application. If it is agreed that there is a need between Little Elms and the employee to extend this period, Little Elms will confirm this to the employee in writing.

The possible outcomes may include:

- agree to a new work pattern and a start date
- agree a trial period of proposed working arrangements
- agree an alternative solution which meets part or all of the employee and company needs
- provide a clear business reason as to why the application cannot be accepted

An application may only be rejected for one of the following business reasons:

- the burden of any additional costs cannot be accommodated
- the work cannot be reorganised among other staff
- people cannot be recruited to do the work
- the requested change will have a detrimental impact on quality and performance
- the requested change will affect our ability to meet children's/parent's needs
- there's a lack of meaningful work to do during the proposed working times
- where the requested changes will not fit in with planned changes to the business

Appeals

There is no statutory right of appeal against flexible working application decisions. However, Little Elm's recognises that there may be occasions where an employee disagrees with their managers decision, therefore we have chosen to include an appeals process within this policy.

The employee may appeal the decision within five working days of the outcome being communicated to them. The employee must clearly state their grounds for appeal, in writing, to the appropriate next level manager or HR Manager, who will appoint a suitable manager to hear the appeal. This will normally be a Nursery Manager from another Nursery setting, or a Manager who is more senior to the person who made the initial decision.

The appeal manager may, as they feel necessary, request further information and/or evidence, and may wish to meet with the employee and/or the manager. The appeal manager will make a final decision on whether the appeal should be allowed or rejected and their /decision will be final.

Terms and Conditions

Where a flexible working request which results in a reduction in working hours or change in role is approved, salary and benefits will be pro-rated to reflect the new working arrangement.

Little Elm's ability to offer and continue a job share arrangement depends on finding a suitable job share partner through the normal recruitment processes. If one partner in a job share arrangement leaves Little Elms will offer the post as a full time post to the remaining job sharer, or seek to recruit a replacement. If this is not possible, Little Elms will make all reasonable efforts to redeploy the remaining job share partner.

Right to be Accompanied

Employees may be accompanied to meetings to discuss their Flexible Working Application, by a colleague who must be employed by Little Elms. It is the employee's responsibility to inform their chosen companion of the details of the meeting.

Associated Documents:

- *Flexible Working Application*
- *Leave Arrangements Policy*
- *Maternity, Paternity and Adoption Policies*
- *General Data Protection Regulations Policy*