

Merton Mencap

**Flexible Working
Policy & Procedure**

November 2013

Merton Mencap

Flexible Working Policy & Procedure

This policy and procedure has been adopted by Merton Mencap through its Executive Committee which remains responsible for its review.

Original signed version is kept at the Merton Mencap office.

Signed: _____ Date: _____

Name: _____

Chair of Executive Committee

Signed: _____ Date: _____

Name: _____

Chief Executive

Record of adoption and review of this policy and procedure:-

Adopted: 5 November 2013

Merton Mencap

FLEXIBLE WORKING POLICY & PROCEDURE

Requests for Flexible Working

Eligibility

The right to request to work flexibly is available to employees who are:

- parents of a child aged 16 or under
- parents of a disabled child under 19
- carers of an adult, aged over 18.

The right is for an employee to make a written request and to have the request considered by the employer, Merton Mencap.

The employee can be the child's parent, adoptive parent, guardian or foster parent, or married to or the "Partner" of one of these people (in cases where both parents are employed by Merton Mencap, each may make a request for flexible working).

"Partner" in this case means a person of the same or other gender who lives with the child's parent, adoptive parent, guardian or foster parent in an enduring family relationship but is not a close relative. Therefore, for example, grandparents do not have the right to request variation of terms for a child-related reason, because they are close relatives, even if they live with the child's parent.

Applications to request flexible working

- To make an application, the employee must have worked for Merton Mencap for at least 6 months, and
- must be making the request in order to be able to care for the child and expect to have responsibility for the child, and
- the request should be made no later than 2 weeks before the child's 17th. Birthday, and
- no further requests can be made within 12 months of the last request.

Entitled by a 'Specified Adult'?

The employee may also be the carer for a "specified" adult. The definition of 'carer' for adult will cover any employee who is or expects to be caring for a 'specified' adult who:

- is married to, or the partner or civil partner of the employee; or
- is a 'near relative' of the employee; (this being much wider than just a parent)
- falls into neither category but lives at the same address as the employee.

The 'near relative' definition includes parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.

Which “Specified” Adult Qualifies Employees to Make the Request for Flexible Working?

The nature of care-giving activities which carers of adults who request flexible working are likely to be involved in to a greater or lesser extent include:

- help with personal care (e.g. dressing, bathing, toileting)
- help with mobility (e.g. walking, getting in and out of bed)
- nursing tasks (e.g. daily blood checking; changing dressings)
- giving/supervising medicines
- escorting to appointments (e.g. General Practitioner (GP), hospital, chiropodist;
- supervision of the person being looked after
- emotional support
- keeping the care recipient company
- practical household tasks (e.g. preparing meals, doing shopping, domestic labour)
- help with financial matters or paperwork.

What can be requested?

Eligible employees will be able to request any or all of:

- Change to the hours they work,
- Change to the times when they are required to work (this covers all kinds of working patterns.)
- To work from home for all or part of their working time.

The variations of the terms are to be permanent, unless the employee and employer agrees that they will change again at some time in the future. That is, the “old” contractual terms do not come back into force once the child is 17, (or 18, if the child is disabled), or the ‘specified adult’ no longer requires care.

Employee’s Procedure to Request

The employee is required to write to their supervisor setting out the changes that they wish to request, confirming that they wish to vary your hours, times or to work at home for all or part of the time in order to better care for the child or ‘specified adult’. The employee is also required to analyse any implications of the changes and what effect these changes might have on the business of Merton Mencap, and how these effects can be accommodated.

The employee should ensure that their request letter should contain the following information:

- Confirmation that they wish to vary their working practices in order to spend more time with a child who is under 17 (or under 19 if disabled); or to care for a ‘specified adult’.
- The nature of your relationship with the child or adult
- The changes being requested
- What the issues that arise from this request might be for Merton Mencap and how the request might be accommodated by the organisation

The Company's Response and Appeal Process

Within 28 days of receiving the written request, the employee's supervisor will either agree to the changes exactly as the employee suggests or arrange to meet with the employee to discuss the request. The employee can be accompanied at this meeting if they wish. If the employee fails to attend two pre-arranged meetings without good reason we can regard the request as being withdrawn.

Within 14 days of the meeting taking place, Merton Mencap will write to the employee to either agree the new working pattern and when it will start from, or to provide a written explanation of the grounds on which the request is being rejected. The letter will also explain that the employee has the right of appeal against the rejection decision. If the employee does appeal, Merton Mencap has 14 days to hold the appeal hearing and a further 14 days to inform the employee of the outcome of the appeal.

The grounds on which an employer can reject a request may include:

1. The burden of additional costs
2. Detrimental effect on ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficient work during the periods the employee proposes to work
8. Planned structural changes.

The time periods for meetings and letters can be extended by mutual agreement and Merton Mencap will write to employees to confirm any extensions in time periods. This means that Merton Mencap might suggest to employees that a trial period is undertaken for both sides to assess the impact of the changes, prior to both deciding if they wish to continue with the planned changes.

Audit guidance

MM Flexible Working P&P – last reviewed 05.11.13 AW
AW's I:Drive / Standards, Policies & Procedures

Check	Evidence
<p>Have any requests for flexible working been received and, if so, how were they dealt with?</p>	<p>Ask Operations Manager and CEO whether any requests for flexible working have been received by the charity.</p> <p>Find out what the charity did to accommodate a staff member wishing to work flexibly.</p> <p>Was this procedure followed correctly?</p> <p>Do written documents exist to show that this policy worked well?</p> <p>Perhaps speak to the person(s) who requested to work flexibly and ask how they feel they were supported.</p>