

Flexible Working Policy

Policy Category:
Flexible Working

Policy No:
33

Document Version Control:
Version: One Effective Date: 30 June 2014
This version [one], supersedes all previous versions of this policy within the business areas specified below. Previous versions of this policy must not be used and should be destroyed.
This document is uncontrolled if printed.
Revision History:

Policy Application:
<i>The business areas to which this policy applies.</i>

National Express UK Bus & Coach

National Express UK Corporate

Policy Scope:
This policy applies to all eligible employees of the Company's indicated above.

Policy Purpose:
National Express believes that its employees are its most valuable asset and is committed to attracting and retaining the very best, utilising all the talent and experience available within the community.
National Express also recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities. In turn, it recognises that staffing levels must at all times remain in line with the demands of the business in providing our public transport services.

Legal Framework:
On 30 June 2014 the Flexible Working Regulations was amended. This will mean that the right to request

flexible working will be extended to cover all employees after 26 weeks' service, rather than only those with children under the age of 17 (or 18 if the child is disabled) and certain carers.

Policy Statement and Procedure:

Introduction and Eligibility:

This document outlines the process which individuals should follow both when making a written request and for Managers in handling the written request in a reasonable manner.

An employee can only make a statutory request once in any 12 month period and need to have 26 weeks continuous service.

In order to handle all requests in a fair and consistent manner, applications should be made between 1 August and 31 September each year. However, we appreciate that life changing events may mean that this isn't always possible and applications made outside of this window will be given due consideration.

During this window, we will also take the opportunity to review existing flexible working requests to ensure that the arrangement is working effectively.

Right to Request

Under current legislation the company has a statutory duty to consider all applications for flexible working; however, owing to the nature of the business there may well be certain circumstances where your Local Manager is unable to accommodate your request.

With this in mind you should be aware that even though legislation allows for you to make an application for flexible working it does not give you an automatic right to change your hours of duty, etc.

If your request for your working arrangements to be altered within your current post is agreed this will result in a permanent change to your Terms & Conditions of Employment and possibly a reduction in the Salary or Allowances you receive. If a change is implemented in respect of your current post you have no right to revert back to your former hours of duty, booking on times, etc.

Making a flexible working request

All requests should be made in writing to your local manager. The written request **must** include the following information.

- The date of the application,
- the change to working conditions requested
- when the change will come into effect.
- what effect, if any, the requested change would have on the employer
- how, any such effect might be dealt with.
- a statement that this is a statutory request
- if and when a previous application for flexible working has been made.
- that you have considered the potential reasons for declining the request as below and have put your case forward to address these

Handling the request – Manager Actions

Once you have received a written request, you must consider it. You should arrange to talk with the person as soon as possible after receiving the written request. If there are no issues to discuss and you can easily accept the flexible working requests then a meeting is not needed. This will be a minority of occasions, in most cases a manager should meet with the employee to ensure all options are understood and be comfortable the new arrangement will work for both parties.

Meeting to discuss the request

A meeting should be arranged to discuss the request. It will help you get a better idea of what changes the employee is looking for and how it may benefit the business and the employee.

Wherever possible the discussion should take place in a private place where what is said will not be overheard.

The employee has the right to be accompanied by a work colleague or trade union official for this and any appeal discussion and the employee should be informed about this prior to the discussion.

How applications will be considered

The request should be considered carefully looking at the benefits of the requested changes in working conditions for the employee and the business and weighing these against any adverse business impact of implementing the changes.

In considering the request you must not discriminate unlawfully against the employee.

Once a decision has been made you must inform the employee of that decision as soon as possible. You should do this in writing as this can help avoid future confusion on what was decided.

If you accept the employee's request, or accept it with modifications, you should discuss with the employee how and when the changes might best be implemented.

The Grounds upon which a request can be rejected.

If you reject the request it must be for one of the following business reasons as set out in the legislation:

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

Appeal Stage

If you reject the request you should allow your employee to appeal the decision. It can be helpful to allow an employee to speak with you about your decision as this may reveal new information or an omission in following a reasonable procedure when considering the application.

Dealing with requests promptly

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless you agree to extend this period with the employee.

If you arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, you can consider the request withdrawn. If you do so, you must inform the employee.

Further Guidance

If you have any additional questions regarding this policy please contact:

Your local HR representative.

Roles and Responsibilities:

All those to whom this policy refers are required to familiarise themselves with the terms of this policy.

Managers are responsible for ensuring this policy is applied fairly and consistently with their own area. Any queries on the application or interpretation of this policy must be discussed with your HR Department prior to action being taken.