



Church Of Scotland
Ministries Council – Ministries Development Staff

Flexible Working Policy

FLEXIBLE WORKING POLICY

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APPENDICES

- A. FLEXIBLE WORKING APPLICATION FORM

Version	Date	Author	Details/ Changes
1	October 2018	Karen Smith, HR Manager	Updated Policy
2	July 2023	Karen Smith, HR Manager	Sections 5.3,6.2,7.3&9 – updated due to changes in staff structure and national office terminology



1. Purpose and Scope

- 1.1 From 30 June 2014 the right to request flexible working was extended to all employees subject to the eligibility criteria set out in clause 3 below.
- 1.2 There is no automatic entitlement to have such a request granted; however, all requests for a change to a working pattern will be given serious consideration and will be refused only where there is a recognised and clear business ground for doing so.
- 1.3 This Policy provides guidance on the application of these rights including the qualifying criteria and application procedure which must be followed.
- 1.4 Requests will be considered in the order they are received. Having considered and approved the first request the business context may have changed. This will need to be taken into account when considering further requests against the business reasons as set out in clause 5.11 below.
- 1.5 The Human Resources Department should be contacted for a Flexible Working Application Form and for further advice on this Policy if required.

2. Definition of Flexible Working

- 2.1 An eligible employee is entitled to request:
- A change to the hours they work
 - A change to the times when they are required to work
 - To work from another location or from home (whether for all or part of the week)
- 2.2 An employee is entitled to make one application in any 12 month period for a flexible working pattern.
- 2.3 Requests made can be for an informal arrangement (no contractual change) for a maximum period of 6 months or a formal arrangement (contractual change to the employee's terms and conditions). If the change is formal the employee has no automatic right to revert back to the previous work pattern but they may make a further application for a contract variation in terms of this Policy.

3. Eligibility

- 3.1 In order to qualify for the right to request flexible working an employee must meet the following criteria:
- Have worked for the employer continuously for a period of at least 26 weeks at the date the application is made.
 - Not have made another application to work flexibly during the past 12 months, commencing from the date the first application was made.

4. Applying for Flexible Working

- 4.1 The application process, which must be carefully followed to ensure validity, allows the employee to set out the background and reasons why their desired working pattern could be successfully implemented and how this change in working pattern could be compatible with the needs of their department. It is therefore the responsibility of the employee to prepare a



thought-out application in advance of when they would like the desired working pattern to take effect.

4.2 Unless this period is extended by agreement with the employee, all requests for flexible working will be considered and decided on within a maximum period of three months from the date of receipt of the request, although requests will be processed within a shorter time-frame wherever possible.

4.3 A Flexible Working Application Form must be used to make the application. This application will be considered to have been made on the day the application was received by the Human Resources Department.

4.4 When submitting an application all sections of the Flexible Working Application Form must be completed.

5. Application Procedure

5.1 A completed Flexible Working Application Form should be submitted by the employee both to their line manager and to the Human Resources Department for consideration.

5.2 If an employee fails to provide all of the necessary information as requested in the Flexible Working Application Form, the Human Resources Department will return the form to the employee with a request that it is re-submitted with the required information. This application will not be considered until receipt of all the required information.

5.3 The line manager and a member of the Human Resources Department will meet with the employee to consider the request as soon as possible after receiving the application. The application will also be discussed with the Ministries Development Manager.

5.4 The purpose of this meeting is to provide both parties with the opportunity to discuss the desired work pattern in an open and constructive manner and to consider how it might be accommodated. This meeting will also allow the opportunity to see if an alternative work pattern would be more appropriate. It may also be agreed to implement the new working pattern for a trial period in order to see how it works for both the employee and their department.

5.5 The employee can elect to be accompanied at this meeting by a companion who is a fellow employee or a certified trade union representative. The role of this companion is to support the employee, in that they may address the meeting and confer with the employee during the meeting but they may not answer questions for the employee. If the companion is unable to attend the meeting, the employee may seek to rearrange the meeting but it should take place within 7 days of the date of the original meeting.

5.6 The Human Resources Department will then write to the employee as soon as possible after this meeting to inform them of the decision.

5.7 Employees have a responsibility to attend such meetings. In circumstances where an employee fails to attend the meeting on more than one occasion and does not provide a reasonable explanation, the application may be treated as withdrawn.



Application Acceptance

- 5.8 If either a formal or informal request has been accepted, a flexible working acceptance form will be completed, dated and returned to the employee. This will include a description of the new working pattern and state the date from which the new working pattern will take effect.
- 5.9 In the case of a formal request this acceptance will constitute a permanent change to the employee's terms and conditions of employment. In the case of an informal request, this would be time limited as agreed.

Application Rejection

- 5.10 If a request has been rejected, a flexible working rejection form will be completed, dated and returned to the employee to state the ground(s) for refusing the application. This will provide a sufficient explanation as to why the ground(s) for refusal apply in relation to the application and will set out the appeal procedure which the employee may follow.
- 5.11 An application may only be refused because the employer considers that one or more of the following grounds applies:
- The burden of additional costs
 - Detrimental effect on ability to meet client demand
 - Inability to reorganise work among existing employees
 - Inability to recruit additional employees
 - Detrimental impact on quality
 - Detrimental impact on performance
 - Insufficiency of work during the periods the employee proposes to work
 - Planned structural changes.

In considering applications, the employer will look closely at the impact these would have on the organisation taking into account the current context before coming to a decision.

Each application will be considered carefully on an individual basis and it is hoped that the meeting outlined above would give the opportunity to look at where there may be room for adjustment or compromise before coming to a decision, especially in the cases where it is likely the initial application may have to be refused.

If there are a number of requests submitted at the same time or within a close timeframe following approval of other flexible working requests, an open dialogue is encouraged within that team or department to see how the requests could be accommodated. For example, it might be possible for colleagues to change current working patterns to accommodate an application.

6. Appeals Against the Decision

- 6.1 If an employee's application for flexible working is declined, they may appeal against the decision within 14 days of being notified of the decision, stating the grounds upon which the appeal is based. The only grounds for appeal are:
- That new information materially relevant to the request was not available at the time of the original application; **OR**



- The request was not handled reasonably in line with this Policy.

6.2 The employee should direct their appeal to the Head of Faith Action Programme. The appeal should be submitted in writing, and copied to the Head of Human Resources.

7. Appeal Process

7.1 The appeal must clearly set out the grounds of appeal, which must be in terms of clause 6.1 above.

7.2 If an appeal is received which does not set out relevant grounds in terms of clause 6.1 above, Human Resources will contact the employee and ask them to clarify their grounds of appeal. These must be submitted in writing within the original timescale. The appeal will not be received if no relevant grounds are provided.

7.3 An Appeal Panel will be set up comprising the Head of Faith Action Programme and one other member of senior management team of Ministries Council neither of whom should have had any previous involvement in the case. Also present will be a member of the Human Resources team, who has not been involved in the initial case, who will be present in an advisory and note-taking capacity. The employee has the right to be accompanied at the meeting as set out in clause 5.5 above.

7.4 The Appeal will be heard as soon as practicable, within the given timeframe of three months from the initial request. If necessary, this time limit may be extended through mutual agreement, or where there are issues with availability.

7.5 A copy of the written appeal will be submitted to the manager who took the decision and they will be asked to prepare a written response to the grounds of this appeal. This must be received within five working days of the appeal hearing and a copy will be supplied to the employee at least three working days in advance of the hearing.

7.6 The employee will have the opportunity to make their case to the Appeal Panel following which the manager responsible for taking the decision will be invited to respond setting out the reasons for their decision. The Appeal Panel will have the opportunity to ask questions of both parties prior to a final opportunity for both parties to summarise their position.

7.7 The Appeal Panel shall inform the employee of its decision in writing as soon as practicable after its meeting. The decision of the Appeal Panel is final and no further appeal is available.

8. Additional Policies for Reference

This policy is one of a number of policies designed to assist employees balance their work life balance responsibilities. Additional policies for consideration:

- Maternity Policy
- Statutory Adoption Leave Policy
- Parental Leave Policy
- Statutory Paternity Leave Policy
- Flexible Working Hours (Flexi-Time) Policy



9. Review

This policy will be reviewed on a regular basis by HR, The Hub and Faith Action senior managers to ensure adherence to best practice, and any related legislation. If necessary, the policy will be taken to the Faith Action Programme Leadership Team (Ministries Council is the employing body of FAPLT) as part of a consultation process.