

## **7.1 Flexible Working Policy**

*(This policy is non-contractual)*

### **Introduction**

Eligible employees have the legal right to submit a formal request for flexible working and the MG ALBA will deal reasonably with such requests. MG ALBA acknowledges the importance for employees in achieving a balance between work and personal commitments and will endeavour to grant requests where possible.

MG ALBA will place restrictions on the operation of flexible working if it deems it necessary for the proper conduct of its business and in accordance with the permitted statutory grounds for refusal. MG ALBA is committed to providing a range of appropriate working patterns. However employees and management need to be agree and recognise that there may be business needs that from time to time will require the employee to attend work temporarily that may be outside of the flexible working agreement. If the employee is required to attend the workplace for a period of time that is outside of the agreed working pattern, and due to business needs, this is a matter for full consultation and agreement between the employee and management. MG ALBA reserves the right not to agree to the request where one or more of these criteria indicate that, in the current circumstances, the job can only be carried out effectively under current arrangements.

The statutory procedure requires that requests for flexible working (including any appeal process) are dealt with within three months of the written application, although this timescale may be extended by agreement. Where possible the Company will ensure that decisions are made well within this timescale.

This policy does not form part of any employee's contract of employment and the Company may amend it at any time.

### **Eligibility**

In order to be eligible to request flexible working you must:

- be an employee (not an agency worker or office holder)
- have at least 26 weeks' continuous employment with the Company at the date the application is made
- not have made a request under the statutory scheme for at least 12 months

### **Scope of a Request**

If you are an eligible employee, you have a legal right to request:

- a change to your hours of work
- a change to the times you are required to work
- a change to your place of work

Any change to your terms and conditions made as a result of a flexible working request will be permanent, unless we agree to a temporary variation.

### **Content of your Request**

Flexible working can incorporate a number of changes to working arrangements such as a reduction or variation in your working hours, reducing the number of days you work each week and/or working from a different location i.e. from home.

You may therefore request a variation of your employment contract in respect of, for example:

- the hours you are required to work
- the times when you are required to work
- part-time working
- job-sharing
- working term-time only
- working shifts
- annualised hours
- compressed hours
- staggered hours
- flexi-time hours
- where you are required to work (as between your home and places of business of the Company).

You have the right to have the request dealt with reasonably, but this does not give you a right to a contract variation.

### **Procedure**

If you decide to make a flexible working request, you must follow this procedure. However, before making an application you should think about:

- what working pattern will help you best achieve your aims
- the financial implications a change might have on you
- what effects, if any, the change will have on the Company's business and how these might be accommodated.

Your application must be submitted to your manager and must:

- be made in writing and dated
- state that it is an application under the statutory right to apply for flexible working arrangements
- state whether a previous application has been made by you to the Company and, if so, when
- explain the change applied for and the date on which it is proposed that the change should become effective

*Agreed by the Board on 9/3/22*

- explain what effect, if any, you think making the change applied for would have on the Company and how, in your opinion, any such effect might be dealt with.

Your manager may agree to the formal request in full without discussing it with you (for example, if the details of your request have already been discussed informally), in which case they will write to you with their decision

In most cases your manager will arrange to meet with you promptly after receiving the application.

### **Meeting**

The time and place of the meeting will be convenient to both you and your manager.

A work colleague of your choice may accompany you at the meeting. That employee will be permitted to confer with you during the meeting and to address the meeting (but not to answer questions on your behalf).

If your chosen companion will not be available at the time proposed for the meeting and you propose an alternative, mutually convenient time, the manager will postpone the meeting to the time proposed by you. Alternatively, you should consider choosing another companion.

At the meeting the requested variation to your working arrangements will be discussed fully. The impact of the change, and your ideas for how any adverse impact could be minimised, will be considered. The meeting also provides the opportunity to discuss any alternative variations which would be acceptable. Your manager may suggest implementing an agreed trial period for the new arrangements.

### **Agreement**

If the Company agrees to the application, you will receive written confirmation which will specify the contractual variation agreed to and state the date on which the variation is to take effect.

Once the Company has agreed to the changes requested in your application, a permanent variation of your contract will result, unless your manager agrees otherwise. Once a change has been made, you cannot revert to the previous terms and conditions of your employment.

You may make further applications for variations (whether your first application was successful or not) provided they are made at least 12 months after the previous application.

### **Refusal**

If your request is refused, the written notice will identify on which of the permitted grounds (listed below) the application was refused. The letter will also provide an explanation as to why those grounds apply and set out the appeal procedure.

The application may be refused on one or more of several grounds, these being that the proposed changes will result in:

- a burden of additional cost
- a detrimental effect on ability to meet customer demand
- an inability to re-organise work among existing staff
- an inability to recruit additional staff
- a detrimental effect on quality
- a detrimental effect on performance
- an insufficiency of work during the periods you propose to work
- a planned structural change
- any other ground allowed by regulations.

In deciding whether the above grounds are met, a wide range of criteria will be taken into account, including (by way of example only) the following:

- the Company's business needs
- the suitability of the job for the flexible arrangements proposed, e.g. the nature of the work, the hours needed and the need for continuity and consistency
- the current balance of full-time and part-time employees and other flexible working arrangements within the team
- the feasibility of covering the remaining hours

### **Withdrawal of Application**

The Company can treat an application as withdrawn under the statutory provisions where you have:

- notified your manager, orally or in writing, that the application is withdrawn
- without reasonable cause, failed to attend both the first meeting arranged by the employer to discuss the application or appeal and the next meeting arranged for that purpose

Your manager will confirm the withdrawal of the application to you in writing unless you have already provided written notice of the withdrawal. You will not be entitled to make another formal application until 12 months after your original request.

### **Appeal**

It is the Company's policy to allow an appeal against a decision to refuse an application for flexible working. If you wish to appeal you should do so within 7 days after the date on you were notified of the decision. The notice of appeal must be addressed to your senior manager in writing, setting out the grounds for appeal. There are no prescribed grounds of appeal and therefore, your reasoning should clarify whether you wish to appeal the decision itself or the application of the reason relied on. This application may raise any other point you consider relevant.

Your senior manager will hold a meeting with you to discuss the appeal. The time and place of an appeal meeting will be convenient to both you and the Company. You have the same right to be accompanied by a work colleague as at the initial meeting.

After the appeal meeting your senior manager will write to you with a decision. If the Company upholds the appeal the letter will specify the contract variation agreed to and state the date on which it is to take effect. If the Company dismisses the appeal, the letter will state the grounds for the decision and contains an explanation as to why those grounds apply.