

Flexible Working Policy & Procedure June 2014

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Greggs recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements. The Company will consider seriously, fairly and consistently all requests for flexible working patterns from eligible employees.

As of 30 June 2014 every employee has the statutory right to ask to work flexibly after 26 weeks continuous service. An employee can only make this request once in any 12 month period.

(Please note: Straightforward amendments to shift times/hours may be arranged locally by agreement with Area Manager/Department Head.)

1. Eligibility

In order to be eligible to apply for flexible working, the applicant must

- be an employee
- have at least 26 weeks' continuous service at the date the application is made
- not have made a request for flexible working in the previous 12 months.

Employees include part time or fixed term employees but not contractors, consultants and agency workers.

2. Timescales

While there are no time limits for carrying out any particular step, the entire process (from request to appeal outcome), should be concluded within three months unless the employee and Greggs agree to extend this time limit.

The timescales therefore outlined in the policy are advisory and in line with best practice.

3. The request

What kind of changes can be applied for?

There is scope to apply for a wide variety of working patterns examples include:

- change/reduce the number of hours they work
- change the times when they are required to work

How to Make an Application

The employee should complete a Flexible Working Application Form (Form FW(A)) and return this to their Local People Team.

Application Checklist

In order for the application to be valid, it must:

- be in writing; and be dated
- confirm that the applicant meets the relevant eligibility criteria
- explain what effect, if any, the employee thinks the proposed change would have on the Business and how, in their opinion, any such effect might be dealt with;
- specify the flexible working pattern applied for;
- state the date on which it is proposed the change should become effective;

- state whether a previous application has been made to the Company and, if so, when was it made;

4. Considering the Application

The Company has a duty to consider all applications and to establish whether the desired work pattern can be accommodated within the needs of the business.

A discussion should be had with the employee as soon as possible after receiving their written request. If a meeting is required to discuss this request then a letter should be sent to the employee inviting them to attend a meeting. (Template letter 1)

Please note: if you intend to accept the request then a meeting is not required.

The Meeting

- The People Manager/Nominated person will discuss the request with the individual's Line Manager
- The applicant will be invited to attend a meeting to discuss the request (where a meeting is required).
- Although this is not a statutory requirement as good practice the employee can, if they wish, have someone to accompany them at the meeting. (This can be either a colleague or a union Representative).

The Role of the Companion/Union Representative

- The companion can address the meeting or confer with the employee during it.
- The companion is not allowed to answer questions on the employee's behalf.
- If the companion is unable to attend the scheduled meeting, the People Manager/nominated person will re-arrange the meeting for a date within 7 days of the originally proposed time, ensuring the new time is convenient to all parties, or an alternative companion should be considered.

Missed Meeting

An employee who fails to attend the meeting, should contact the People Manager/ nominated person as soon as possible to explain their absence.

The meeting should be re-arranged at the 'next mutually convenient time'.

If the employee fails to attend the meeting more than once and does not provide a reasonable explanation, the Company may treat the application as having been withdrawn.

The People Manager/nominated person will write to the employee confirming that the application is now considered withdrawn.

5. Reaching a Decision

The Company must consider the request carefully looking at the benefits of the requested changes in working conditions for the employee and your business weighing these against any adverse business impact of implementing the changes. In considering the request we must not discriminate unlawfully against the employee.

Once a decision is made the employee should be informed of the outcome in writing. This should be completed where possible within 14 days of the day of the meeting;

Acceptance of Flexible Working Request

- The employee should be sent a letter to confirm acceptance (Template letter 2). This letter should:
 - contain a description of the new working pattern;
 - state the date from which the new working pattern is to take effect;
 - be dated.
- A new contract will be issued and salary/pay/holidays adjusted as appropriate
- Other relevant parties will be informed, eg payroll, colleagues
- All concerned will need to consider what arrangements they need to make for when the working pattern is changed
- Health & Safety implications will be considered in light of the working pattern changes, if relevant.
- The new working pattern will be a permanent change however the employee may submit a further Flexible Working Application to request a change to the arrangements after a 12 month period.
- In some circumstances it may be mutually agreed to enable the arrangement to be on a temporary basis for a fixed period.

Rejection of Flexible Working Request

- The employee should be sent a letter to confirm the reasons the application was not accepted (Template letter 3). This letter should:
 - state the business ground(s) for refusing the application
 - provide a sufficient explanation as to why the business ground(s) for refusal applies in the circumstances
 - provide details of the employee's right to appeal
 - be dated

Possible Business Grounds for refusing a request

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to organise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during periods the employee proposes to work.
- Planned structural changes.

6. Appealing against the Decision

If you reject a request and employee wishes to appeal then we would ask this appeal is sent within 14 days, in writing, to the relevant next Line Manager or Head of Function after the notification of the decision. The employee wishing to appeal must complete Form FW(B): Flexible Working Appeal Form.

- An appeal hearing should where possible take place within 14 days after receiving notice of the appeal.

- The employee can be accompanied by a colleague or union representative.
- The employee should be informed by letter of the outcome of the appeal within 14 days of the appeal meeting

Appeal Upheld

If the appeal is upheld the written decision must:-

- include a description of the new working pattern;
- state the date from which the new working pattern is to take effect; and
- be dated.

Both the employee and the Line Manager/People Manager or nominated person will need to consider what arrangements they need to make for when the working pattern is changed.

Appeal Dismissed

If the appeal is dismissed the written decision must:

- state the grounds for the decision. These will be appropriate to the employee's own grounds for making the appeal;
- provide an explanation as to why the grounds for refusal apply in the circumstances;
- be dated.

Missed Appeal Meeting

An employee who fails to attend the meeting, should contact the People Manager/ nominated person as soon as possible to explain their absence.

The meeting should be re-arranged at the 'next mutually convenient time'.

If the employee fails to attend the meeting more than once and does not provide a reasonable explanation, the Company may treat the application as having been withdrawn.

The People Manager/nominated person will write to the employee confirming that the application is now considered withdrawn.

7. Withdrawals

The company can consider an employee's application as having been withdrawn if:

- (i) the employee decides to withdraw the application;
 - he/she will not be eligible to make another application for 12 months from the date of application.
 - He/she should notify the People Dept as soon as possible in writing

Where the People Manager is informed verbally that the application is withdrawn, but not confirmed in writing, he/she should contact the employee to confirm the intention.

The withdrawal should be confirmed to the person in writing.

(ii) the employee fails to attend two meetings without good reason;

In cases where an employee misses two meetings without reasonable cause, the Company may treat the application as withdrawn.

The People Manager/ nominated person should warn an employee that they risk their application being treated as withdrawn if the first meeting is missed without reasonable cause.

8. Formal complaints to ACAS or Tribunal.

An employee may make a complaint to an Employment Tribunal or ACAS arbitration under any of the following circumstances:

- The Company did not consider the employees request in a reasonable manner
- The Company did not consider the request within the 3 month time limit (or any agreed extension)
- The reason for refusing the request was not one of the permitted reasons listed in the regulations
- The decision to reject an application was based on incorrect facts.
- The Company improperly treated the employee's request as having been withdrawn

Remedies and Compensation

- Reconsider an application by following the procedures correctly, and/or
- Pay an award to the employee

9. Protection from Detriment and Dismissal

All employees are protected by law from being subject to detriment / dismissal as a result of their application for flexible working. Whether this application is granted, rejected or the employee intends to appeal or make a complaint to Tribunal

This protection against dismissal also applies if an employee is selected for redundancy on these grounds.

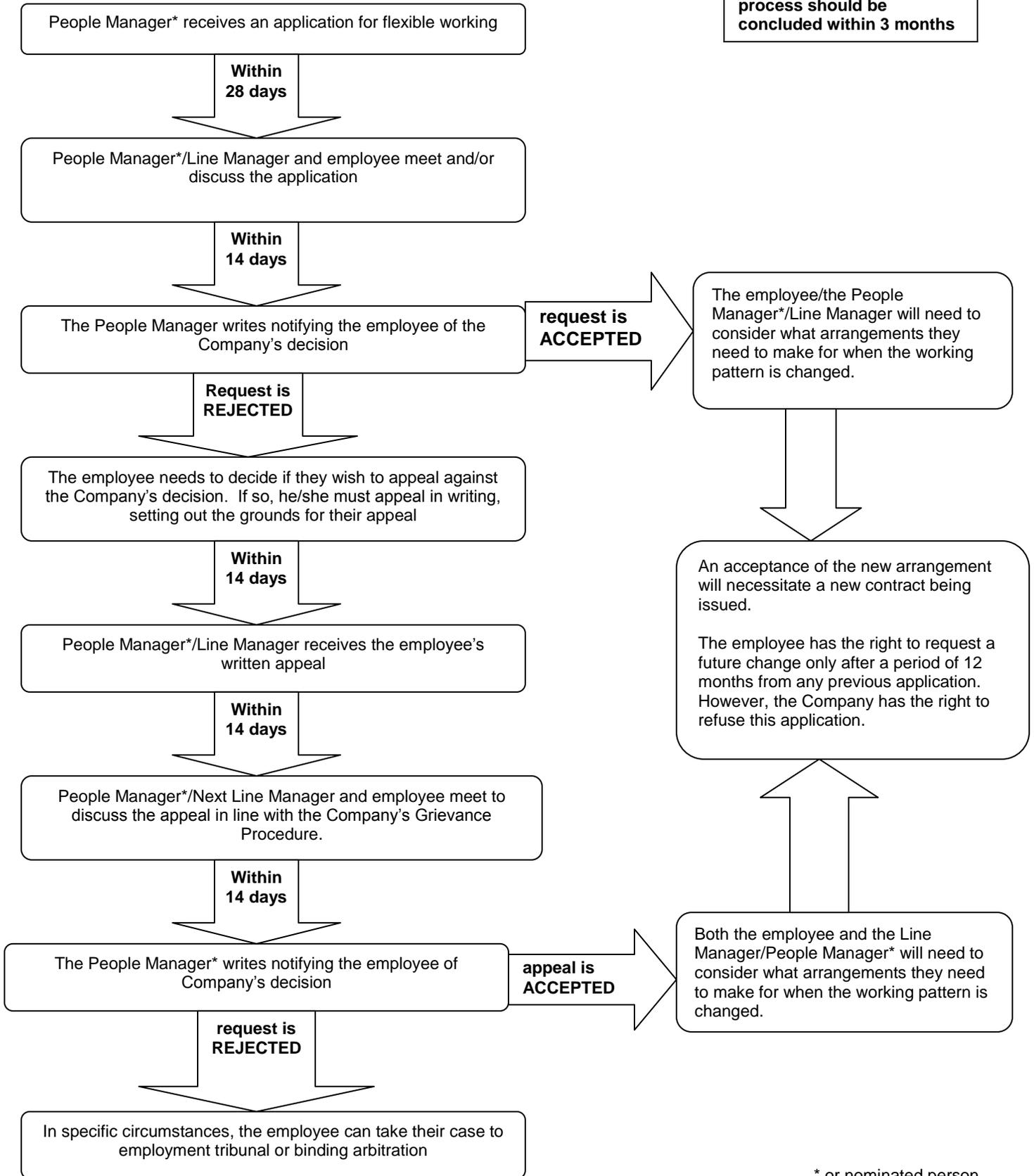
10. Other Legislation

Other legislation that must be taken into consideration when requests for flexible working are made:

- Sex Discrimination
- Racial discrimination
- Disability discrimination
- Part-time workers discrimination

Appendix 1 – Process Diagram

(Timescales shown are for guidance only – the entire process should be concluded within 3 months)



* or nominated person

Appendix 2: Letters

Template Letter 1 – Invite to Meeting Letter

Date

A N Other
Address
Address
Address
Address

Dear A N Other

I am writing to you regarding the request you have made by way of the Flexible Working Application Form, dated *[date, month, year]*.

So that we can consider your request fully I would like to invite you to attend a meeting with *[Line Manager]* and myself on *[Date, Month, Year, Time, Location]*.

Please contact the People Department on the above telephone number to confirm your attendance.

You have the right to be accompanied at this meeting by a colleague or Union Representative provided you are a member of the Union. Should you wish to exercise this right, you must make the relevant arrangements yourself.

Please note if you have a disability or English is not your first language, and you want me to make a special provision for you, please let me know by return so that we can take the necessary steps to accommodate your needs.

Yours sincerely,

[Name]
People Manager

Appendix 2: Letters

Template Letter 2 – Request Accepted

Date

A N Other

Address

Address

Address

Address

Dear A N Other

I am writing to you following our meeting on <date> to discuss your flexible working request dated <date>.

I am writing to confirm that we are able to accept your flexible working request and your new working pattern will be as follows and will commence as of **<date>**.

Working Days/Pattern: <insert>
New Salary: <insert if change required>
Holiday Entitlement: <insert if change required>

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment however you may submit a further Flexible Working Application to request a change to the arrangements after a 12 month period.

Please do not hesitate to contact me should you have any queries.

Yours sincerely,

[Name]
People Manager

Appendix 2: Letters

Template Letter 3 – Request Rejected

Date

A N Other
Address
Address
Address
Address

Dear A N Other

I am writing to you following our meeting on <date> to discuss your flexible working request dated <date>. I am writing to confirm the outcome of your request and outline in detail the reasoning behind the decision that has been made.

After careful consideration, I regret that your request for flexible working cannot be accommodated. Your request has been declined on the following business grounds (*delete as appropriate*):

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to organise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during periods the employee proposes to work.
- Planned structural changes.

The grounds apply in these circumstances because *<add supporting information to explain why the request has been refused>*.

You do have the right of appeal against the decision. Any such appeal should be made in writing on form FW(B), stating the grounds of appeal to <insert name>, <insert address> within 14 days of receipt of this letter.

Yours sincerely

[Name]
People Manager