

FLEXIBLE WORKING POLICY

Background

1. The College recognises the contribution of all its staff and also understands that, at some time in their working lives, staff may wish to work more flexibly.
2. By law (Employment Rights Act 1996), all employees have the statutory right to ask to work flexibly. The right applies from the first day of employment. An employee may make two statutory requests for flexible working in any 12-month period. This document sets out the process the College will follow when responding to statutory written requests for flexible working.
3. The statutory right to apply does not provide an automatic right to work flexibly as there may be circumstances when the College is unable to accommodate an individual employee's desired work pattern.
4. Requests will be considered on an individual basis taking into account the specific role, the impact on the wider team and the individual's circumstances.
5. Agreeing to one request does not set a precedent or create a legal right for another member of staff to have a similar request granted.
6. It is not always necessary for a member of staff to make a formal flexible working request if they wish to change when, where or how they work. Subject to the approval of the relevant member of Directorate, it may be possible for a member of staff to discuss and agree the changes with their line manager without using the statutory procedure or to request a reasonable adjustment if the change relates to a disability.

Eligibility

7. To be eligible to make a formal flexible working application you must be an employee.
8. You must not have already made two flexible working applications during the past 12 months.
9. At the time of applying you must not have another live request for flexible working. After an application has been made it remains live until any of the following occur:
 - the college makes a decision about the request or an outcome is mutually agreed
 - the request is withdrawn

- the statutory two-month period for deciding requests ends

Scope of request

10. Eligible staff will be able to request:
 - a change to the hours they work
 - a change to the times when they are required to work
 - to work from home
11. This covers working patterns such as part-time hours, annualised hours, compressed hours, flexitime, remote or homeworking, job-sharing, shift working, staggered hours and term-time working.

The application

12. You must submit an application in writing to your line manager (email accepted), dated and state that it is an application under current legislation.
13. You must specify the change to your terms and conditions of your employment you are applying for and the proposed start date of the change.
14. You may choose to explain any effect you believe these changes may have on the College and how these changes may be dealt with.
15. You should explain if your request relates to something covered by the Equality Act 2010, for example to make a 'reasonable adjustment' for a disability you have.
 - requests for reasonable adjustments will be considered in line with the College's legal obligation under the Equality Act 2010
16. You should advise if and when you have made a previous request for flexible working.

The procedure

17. Your line manager may feel able to approve your request without further discussion based on the information provided in your written application in which case a meeting to discuss the request may not be necessary and you will be provided with written confirmation within 28 days of the date of your application.
18. If further discussion is needed, within 28 days of the date of your application the College (usually your line manager, a member of the Human Resources team and if appropriate your head of department or relevant Directorate member) must hold a meeting with you.
19. The time and date of meeting must be convenient for both parties.
20. The meeting can be held in person or remotely via video conferencing, or where neither of those are possible, via telephone call.
21. There is no legal right to be accompanied to a flexible working request meeting however you may if you wish be accompanied at this meeting by another member of staff (or TU Representative).
22. A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place.
23. If the application is agreed, the College will specify the agreed contract variation and the start date and will confirm in writing within 14 days of the meeting.
24. Where there is reasonable justification, a trial period may be agreed to assess the impact of the proposed change.

25. If the application is refused the College must give written notice of the decision within 14 days:
- setting out the grounds for refusal
 - explaining why those grounds for refusal apply
 - setting out the appeal procedure
26. If the original request cannot be accepted in full, the employer and employee should discuss if it may be possible to secure some of the benefits that the original request sought. For example, any potential modifications to the original request, or any alternative flexible working options, that may be available and suitable for both sides. It may be helpful to discuss whether a trial period may be appropriate to assess the feasibility of an arrangement.
27. A reasonable adjustment is a change that removes or reduces a disadvantage related to someone's disability. By law (Equality Act 2010), we have a legal duty to make reasonable adjustments for disabled employees. The legal duty to make reasonable adjustments is separate to the legal duty to consider a flexible working request.
- If a disabled employee makes a flexible working request related to their disability, the College must follow both:
- the statutory procedure for flexible working requests
 - the law on reasonable adjustments when making a decision

Grounds for refusal

28. The College shall only refuse the application on one of a number of specified grounds which are set out in the Employment Rights Act 1996. These are:
- it will cost the College too much
 - it is not possible to reorganise the work among other staff
 - it is not possible to recruit more staff
 - there will be a negative effect on quality of work
 - there will be a negative effect on the College's ability to meet customer demand
 - there will be a negative effect on performance
 - there's not enough work for the member of staff to do when they've requested to work
 - there are planned changes to the department
29. If it is felt that one of the above reasons applies, the College will consult the member of staff before making a decision.

Appeal process

30. If your application is refused you can appeal within 14 calendar days of the date of the notice of decision.
31. Your appeal must be submitted in writing to the Head of Human Resources and must set out the grounds of appeal.
32. The College must hear your appeal within 14 calendar days of the date of your notice of appeal unless the contract variation is agreed within 14 days.
33. An appeal meeting will ordinarily be heard by the Head of Human Resources with your head of department or relevant member of Directorate.
34. You may, if you wish, be accompanied by another member of staff (or TU representative).
35. The time and place of the meeting must be convenient to both parties.

36. A written record of the appeal meeting should be kept which provides an accurate reflection of the discussion that has taken place.
37. The College must notify you, in writing, of the decision within 14 days after the date of appeal, giving reasons.

Further information

38. A member of staff can only make two flexible working applications in a 12-month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).
39. An accepted application will mean a permanent change to a member of staff's contractual terms and conditions.
40. Further details of the right to apply for flexible working are available from Human Resources by emailing humanresources@rcm.ac.uk

Head of HR

Jennifer Allison
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Policy reviewed by

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