

## **Flexible Working Policy**

### **1. Introduction**

1.1 The Royal College of Art (the “College”) acknowledges that flexible working can enable people to achieve a better balance between their work and personal lives. It can improve accessibility to the workplace and can lead to a more diverse and inclusive organisation.

1.2 The College will consider requests from employees who wish to apply for a flexible working arrangement and meet eligibility criteria. The right to request flexible working does not automatically equate to a right to be granted flexible working. Requests will be considered in a reasonable manner and within the parameters of this policy.

1.3 People and Culture will provide advice and assistance to managers in considering flexible working requests. Managers must consult with People and Culture before responding to a request.

1.4 Any approved request for revised working arrangements will mean a permanent change to the employee’s contractual terms and conditions unless a temporary change has been explicitly agreed.

1.5 Employees are asked to review the RCA Hybrid Working Policy prior to submitting a formal request for Flexible Working to assess if their needs can be met without the need for a formal flexible working arrangement.

1.6 All College policies are underpinned by our values; Collaboration, Inclusion, Integrity and Curiosity.

### **2. Scope**

2.1 All employees, who meet the eligibility criteria outlined in this policy, have the legal right to request flexible working - not only parents and carers.

Flexible working is most often requested by those who have responsibilities outside of work, like caring responsibilities, but can equally be used by those who want to achieve a better work-life balance.

### **3. Statutory background**

3.1 This policy incorporates the Flexible Working Regulations 2014 and the Employee Relations (Flexible Working) Act 2023. It also uses the ACAS Code of Practice on handling requests for flexible working.

### **4. Eligibility**

4.1 All College employees are eligible to request flexible working, there is no longer a requirement to have 26 weeks service with the College.

4.2 Up to two applications for flexible working can be made in a 12 month period.

## **5 Temporary (Informal) Flexible Working**

5.1 The contents of this policy reflect the statutory right of employees to request a permanent change to their hours of work. However, there may be occasions where employees require flexible working on a temporary basis – to manage a short term domestic situation for example.

5.2 In these circumstances employees are encouraged to discuss their needs with their line manager in order to work towards a solution that allows them to continue to fulfil the operational requirements of their role whilst dealing with their domestic responsibilities.

5.3 Requests for temporary flexible working must have an end date, it is advised that they do not remain in place for more than one year and should be reviewed at regular intervals. Extensions to temporary arrangements can be considered in exceptional circumstances.

## **6. Types of flexible working**

6.1 Any flexible working arrangement must conform to the Working Time Regulations 1998 and minimum rest periods must be adhered to.

6.2 Managers must consider the impact of any flexible working request on both the team and the individual. For example, a request to work outside of normal working hours which would result in lone working may require a risk assessment to be undertaken. It could also be that workloads need to be reassigned within the team, or there arises a need to work more collaboratively with another team.

6.3 There are different ways of working flexibly. Some examples are given below. The list is not exhaustive and not all will necessarily be operationally possible depending on the nature of the role.

### **6.4 Job sharing**

Two members of staff do one job and split the hours. Models for job share vary, a 50:50 split between two members of staff is most common, but other variations are possible. Job share works best when both members of staff have a few hours a week overlap, to enable the effective handover of information and to allow them both to attend team meetings etc.

### **6.5 Working remotely (also see the RCA Hybrid Working Policy)**

It might be possible to do some of the work from home or anywhere else other than the normal place of work. However, not all jobs are suitable for remote or home working.

Any such arrangement must be formalised and the expectations detailed in writing. An application for remote working as part of a formal flexible working request will require a change to an employee's contract of employment.

Practical issues such as availability of equipment must be considered before agreeing changes and the proposal discussed with People and Culture. Managers and employees must also assess any risks to the confidentiality of data depending on the nature of the work and ensure that they comply with relevant regulations.

## 6.6 Part time

Working less than full-time hours (usually by working fewer days). Part-time working is regarded as anything less than 35 hours per week. Pay and benefits are likely to be impacted by the reduction in hours worked, you may wish to seek advice on the impact to your pension.

Employees who are working at the College under sponsorship or with visa conditions should seek advice from People and Culture as to any impact on their status.

## 6.7 Compressed hours

This arrangement means that staff agree to work longer hours on some days in order to work shorter hours on another day, e.g. working full contractual 35 hours per week over 4 days rather than 5.

## 6.8 Flexitime

Flexitime allows staff to choose, within certain limits, when to begin and end work. Staff will be required to work during "core hours". The manager will determine what the "core hours" are, e.g. 10:30am-4:00pm with the member of staff having flexibility of when they start and finish work outside of those "core hours" on the basis they work their agreed contracted hours per week.

## 6.9 Staggered hours

This option enables the agreement of a fixed pattern of starting and finishing times for each member of staff. For example, if a member of staff's standard working hours are Monday to Friday 9:30am-5:30pm, by agreement, they may choose to work Monday to Tuesday 9:00am-5:00pm and Wednesday to Friday 10:00am-6:00pm.

The actual number of hours worked in the day would be the same as the staff member's existing contract and therefore there would be no impact on pay or other benefits.

# 7. Applying for flexible working

7.1 The member of staff should make a request, in writing, to their manager. A copy should also be sent to the relevant HR Advisor.

7.2 The request should include the following:

- a) the date of the application;
- b) details of how the employee wants to work flexibly;
- c) a statement saying if and when a previous application has been made;
- d) whether the request is in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability; and
- e) the proposed start date.

7.3 If a request does not have the above information or is unclear the manager, or People and Culture, may request further information.

## **8 Decision**

8.1 The employee will receive a written acknowledgment from their manager within 5 working days of the application being received.

8.2 The College aims to respond to requests for flexible working within 3 weeks of receipt of a request.

8.3 A meeting will be arranged in order to discuss the request if it cannot be granted. At this meeting the employee can request to be accompanied by a workplace colleague or TU representative (it is the employee's responsibility to arrange this). If the colleague/representative is unable to attend the meeting it will be rearranged for a date within seven days of the originally proposed time. Failure to attend the meeting or the subsequent rearranged meeting without good reason will result in the request being considered as withdrawn and the employee informed as such.

8.4 The meeting should be approached with an open mind to discuss what may be suitable. It is an opportunity to listen carefully and engage meaningfully with each other so that a fully informed, evidence-based decision can be made.

8.4 From the submission of the application, including any appeal outcome, the full process will take no longer than 2 months unless an extension to this is agreed by all parties.

8.5 Before making their decision the manager will discuss the application with their Dean/Director who will have oversight of strategic priorities and operations across the area and also consult with People and Culture.

8.6 Where the arrangement proposed cannot be accepted for operational reasons, the manager will explore possible alternatives with the employee before a final decision is reached. The employee may be asked to expand on any aspects of the proposal and the manager may ask if there are any other working patterns the employee could consider. Both parties should be prepared to be flexible.

8.7 The outcome of an application can be for the College to either:

- a) accept the request and agree a start date and any other action; or
- b) confirm a compromise agreed by both parties such as a temporary agreement to work flexibly; or
- c) refuse the request.

## **9 Agreeing an application**

9.1 If a request is agreed, the manager must notify the employee in writing that their request has been agreed. A copy should also be sent to People and Culture.

9.2 This will be followed up by People and Culture who will confirm the change in writing, including:

- a) a statement of the agreed changes;
- b) a start date for flexible working; and
- c) confirmation that this is a permanent change to the terms and conditions of the employee's contract.

## **10 Trial periods**

10.1 It may be appropriate to agree to a trial period of 1 to 3 months, which will incorporate a review stage. A longer trial period may be implemented if all parties are in agreement. Trial periods must be discussed with People and Culture before being implemented.

10.2 Where there is a trial period in relation to revised working arrangements, it is important that at the review stage a full discussion of the benefits and any disadvantages of the working arrangements are discussed.

10.3 If at the end of the trial period, either party considers that the arrangements have not been successful it should not continue. Should the success of the trial be disputed, People and Culture will review. Both parties will be requested to submit evidence supporting their position.

10.4 If at the end of the trial period the arrangements are deemed by both parties to be successful, the changes will be confirmed in writing as permanent or where further temporary changes to the arrangements have been agreed, timescales will be set for their review.

10.5 There will be no right to revert back to the former hours of work once the trial period is satisfactorily completed, unless a temporary change has been explicitly agreed.

## **11 Temporary changes to working patterns**

11.1 Any approved request for revised working arrangements will mean a permanent change to the employee's terms and conditions unless a temporary change has been explicitly agreed in writing.

## **12 Not agreeing to an application**

12.1 The ACAS Code of Practice states that “Employers must accept requests unless there is a genuine business reason not to, as specified in the Employment Rights Act. The default position should not be to reject requests”.

A decision to reject a request must be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:

- A. the burden of additional costs
- B. an inability to reorganise work amongst existing staff
- C. an inability to recruit additional staff
- D. a detrimental impact on quality
- E. a detrimental impact on performance
- F. a detrimental effect on ability to meet customer demand
- G. insufficient work available for the periods the employee proposes to work
- H. a planned structural change to the employer's business

It might be possible to agree to the request with modifications, or to agree to an alternative proposal

12.2 If a request is agreed, the manager must notify the employee in writing that their request has not been agreed. A copy should also be sent to People and Culture.

## **13 Appealing against a decision to not agree an application**

The College appeals process will apply to this policy: [Final New appeals process under Statute 10 approved 271021 \(rca.ac.uk\)](#)

**People and Culture**

**March 2024**