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Flexible Working Support Pack

What this pack is for: To guide employees and line managers in **Great Britain and Offshore** through making and managing a flexible working request and to make informed decisions.






The intranet is updated regularly; therefore this document must not be retained or relied upon in the future. For up to date information you should always refer to the content on the bank intranet pages.

The Choice portal also contains useful information and tools to help you make the most of flexible working; as well as access to the online application process. Just search RBS Choice on the intranet.

Use our quick reference guide

Below is a helpful summary of the information contained within this support pack to help you find the information that you require more readily.

 Click on the numbered icons below to take you to your chosen section

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 5 Managing different circumstances	

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1. Who to contact when

When you...	Resource...
...Are an employee and want answers to common questions	<p>Read the Flexible Working policy and this Support Pack first.</p> <p>If you still have a query and your query is not urgent you can search for a solution using by clicking Contact HR.</p>
...Are a manager and have an urgent query and/or you need detailed advice	<p>Call HR People Services on 0808 100 4242/Gibraltar +44 208 535 1842. When you call, you will need</p> <ul style="list-style-type: none"> • Your own employee ID • Your employee's ID • Details of the application and query.
...Are a manager and are considering declining a Formal Application for flexible working	<p>Call HR People Services on 0808 100 4242/Gibraltar +44 208 535 1842. When you call, you will need:</p> <ul style="list-style-type: none"> • Your own employee ID • Your employee's ID • Details of the application, the process you followed and your business rationale for considering declining the request.
...Are a manager and have a non urgent query regarding flexible working	<p>You can raise a query on-line click on Contact HR</p>
...Are a manager and have received a letter from an employee who wants to appeal a decision	<p>Call HR People Services on 0808 100 4242/Gibraltar +44 208 535 1842. When you call, you will need:</p> <ul style="list-style-type: none"> • Your own employee ID • Your employee's ID • Details of the application, the process you followed and your business rationale for considering for declining the request • HR People Services will then provide guidance on finding an appeal hearer and will assist the Appeal Hearer managing the appeal process.
...Are an employee and are looking for access to flexible working ideas, support and resources	<p>Our employee assistance programme online offers you a range of tip sheets related to flexible working.</p> <p>If you're trying to access the online service from out of the office via the internet, you will need to use either www.rbspeople.com or www.guidanceresources.com.</p> <p>Web ID: RBS</p> <p>Change the flag icon to choose your location</p> <p>EAP can be reached 24 hours per day, 7 days per week on the following numbers: Within the UK: 0808 234 5303</p> <p>Within the ROI: 1800 938 707</p> <p>Within Gibraltar: 00 44 203 936 1239</p>

2. Your Responsibilities

For line managers:

- Read and comply with the Flexible Working policy and this Support Pack
- Make sure that requests for flexible working are given careful and positive consideration
- Make sure that in the granting of a flexible working request you've taken into account any potential adverse affect on the running of the business, division or unit and how this can be minimised
- Review flexible working arrangements regularly to make sure they still work for the business and the individual
- Prepare your business for the introduction of the flexible working arrangement
- Make sure that consideration has been given to all alternative hours/location options before declining a request
- Make the necessary contract changes where a request for flexible working has been agreed
- Contact HR People Services if you are considering declining a formal request for flexible working
- Provide your employee with written business reasons where a formal flexible working request is declined
- Consider the impact a decline might have on an employee.

For employees:

- Read this Support Pack before submitting a request for flexible working
- Assess your own performance, skills and ability to be able to successfully carry out a flexible working arrangement
- Make sure you consider the impact on the business and provide solutions when completing the flexible working application
- Ensure that you understand and follow all Health & Safety points related to home working arrangements
- Complete the online (or manual if online not available) flexible working application form and discuss the request with your line manager.
- Regularly discuss your flexible working arrangements with your manager to make sure that they still meet your needs and those of your business

3. Working arrangements

Different working arrangements can balance the needs of employees and the business by giving them a choice as to how and where they work.

4. Flexible working arrangements – At a glance

The table below provides a guide to some of the current working arrangement options that may be considered. The suitability of these will be dependent on a number of criteria including:

- The job undertaken
- Nature of the work e.g. it would not be appropriate for a branch customer-facing employee to work regularly from home
- The business worked in and whether they can accommodate the working arrangement that is being requested.
- The Choice Portal has more information and case studies to help you. Just search RBS Choice on the intranet.

Flexible Working arrangement	How does this work?	What needs to be considered?	Is a contract change required?	Further details in section
Part Time	<p>Working less than the normal hours, perhaps by working fewer days per week.</p> <p>E.g. working 21 hours per week when the standard contract for the business area is 35 hours per week.</p> <p>The hours can be worked in a variety of options such as:</p> <ul style="list-style-type: none"> • 21 hour week could be three days of seven hours • 20 hour week could be five days of four hours 	<p>Can the work be completed in less than full time hours?</p> <p>Will key periods within the day be covered when extra support is required e.g. mid day?</p> <p>There may need to be flexibility in terms of peak workload or the days worked.</p>	<p>Yes – if the employee is changing the number of hours, use Workday</p> <p>This will change hours within the HR system and generate a new contract.</p>	4.3
Variable Hours	<p>Altering the start and finish time of work whilst still working the total contractual hours of the employee.</p> <p>An employee works 35 hours per week and covers hours from 10am – 8pm three days and 8am – 2.30pm two days per week.</p>	<p>Will work be available during the planned hours of work?</p> <p>Make sure that the needs of the customer and business can be met.</p>	<p>No – as long as there is no change to the total number of hours worked.</p>	4.4
Job Share	<p>Where two employees voluntarily share the duties of one full time position.</p> <p>The working week will be shared between the employees. This may be equally e.g. 50% each or 60/40% split.</p>	<p>Can workloads be managed over a number of hours rather than a regular pattern?</p> <p>Will there be work available in the suggested working hours?</p> <p>There may need to be flexibility in terms of peak workload or the days worked in order to attend meetings etc.</p>	<p>Yes, the ‘Hours change’ form, or ‘Term Time Working’ form on the intranet, This needs to be completed to generate a new contract</p>	4.5

Flexible Working arrangement	How does this work?	What needs to be considered?	Is a contract change required?	Further details in section
Compressed Hours	<p>Where the employee works longer hours over fewer days.</p> <p>This is where people reduce their days e.g. an employee may work four extended days rather than five x seven hour days, or nine days per fortnight instead of 10.</p>	<p>Whether workloads can be managed over the time available.</p> <p>Does every work day need a face to face contact in the office?</p> <p>Will there be work available in the suggested working hours?</p> <p>There may need to be flexibility in terms of peak workload or the days worked in order to attend meetings etc.</p>	No – if there is no change to the total number of hours worked e.g. 35 then no contract change will be required.	4.6
Annualised Hours	<p>Where an agreement is made for the number of annual hours an employee will work but the pattern can vary from employee to employee.</p> <ul style="list-style-type: none"> • An example of this can be Term Time. • Other annualised hour scenarios where students work during the holiday periods only. 	<p>Can the arrangement support the peaks within the business area?</p> <p>Managers must consider:</p> <ul style="list-style-type: none"> • How this impacts work in practice • Allocation of holidays outside of the annualised hours • How sick pay will be managed if the employee is taken ill during their leave-time 	Yes, the ‘Hours change’ form, or ‘Term Time Working’ form on the intranet, This needs to be completed to generate a new contract	4.7
Winding Down to Retirement	<p>Where an employee is approaching retirement, they may consider it beneficial to work in a more flexible manner in the run up to their chosen retirement date.</p> <p>This is normally a phased reduction in working hours each day/week over a period of time in the run up to the retirement date.</p>	Whether the arrangement supports the peaks within the business area.	No	4.8
Permanent Home Working	<p>Where an employee’s contractual base is their home and there is no regular RBS base or access to an RBS building.</p> <p>The contracted weekly hours are worked from home.</p>	<p>Is the work suitable to be completed at home?</p> <p>Is the home adequate to satisfy with Health & Safety requirements?</p> <p>Is there a suitable workstation at home?</p>	Yes, you can generate a ‘Permanent Home Working’ side letter on Workday which will change/supplement the existing contract	4.8 4.8.1
Regular Working from home and/or	Where an employee works up to 60% of the working week away from the base	Whether work can be completed at another	Yes – you can generate a ‘Regular Home Working’ side	4.8 4.8.1

Flexible Working arrangement	How does this work?	What needs to be considered?	Is a contract change required?	Further details in section
alternative RBS location.	location (usually from home and/or from another RBS location).	location. Is the home adequate to satisfy with Health & Safety requirements? Is there a suitable workstation at home?	letter by going to Workday which will supplement the existing contract	
Occasional Home Working	When on an ad hoc basis it's suitable for an employee to work from home to assist with changes to business or personal circumstances. This would normally be for short periods of time. There is no change to contract and this is suitable when there are specific situations which would benefit from home work.	Whether there is suitable work to be completed away from the office on a short term basis. Is the home adequate to satisfy with Health & Safety requirements? Is there a suitable workstation at home?	No	4.8

Notes: Sometimes, a combination of the above can be used, e.g. someone works part time on a 21 hour a week contract, instead of working this over three standard seven hour days they work these hours in a compressed manner working two longer days of eight hours and one shorter day of four hours.

This list is not exhaustive. There may be other forms of flexible working that are better suited to employees and the business area the employee works in.

4.1. Working arrangements in detail

4.2. General Guidance

The following topics detailed below apply to all the different working arrangements except where highlighted in the specific working arrangement section:

Holiday Entitlement

Holidays will continue to be allocated in line with the bank's Leave policy and local business unit holiday allocation guidelines. Pro-rata the equivalent full time standard holiday and bank holiday entitlement according to the number of hours the employee works in the week.

Working Hours

The Holiday Calculator on the intranet can work out the holidays a flexible worker is entitled to.

Hours worked in a week	35	30	25	20	15
Bank holidays due (in hours)	56	48	40	32	24

Pay and Benefits

Employees working less than 35 hours per week will receive a pro-rated equivalent of the full time salary element of the Value Account for the job they are employed to do. Benefit and Pension funding will be based on this pro-rated salary element

Performance

Each employee will be reviewed solely based on their performance and contribution to the business. Personal objectives and targets will be based on the individual capabilities and working arrangements for the employee and will be in line with business unit arrangements.

Training

If an employee is scheduled to attend a training event outside of their Flexible Working arrangement, their working hours will need to be adjusted to reflect the scheduled times of the event. If this means additional hours to be worked these may be taken as time off at another time or paid as overtime (if appropriate for grade of employee).

Impact on redundancy payment and/or pension arrangements

Should an employee be made redundant in the future, any change to their terms and conditions can impact the redundancy payment and pension arrangements available to them. Employees should look into the impact in further detail before applying to change their terms and conditions.

4.3. Part Time Working

Working Additional Hours

During busy operational periods, or within a specific project, the part time employee might be asked to work additional hours above their normal weekly contracted hours. In these circumstances, the employee should be paid the additional hours at the same rate as their contractual hourly rate. This is known as the "overtime flat rate".

Where relevant, any hours worked above the 35 hour standard contractual rate will be paid as weekday overtime depending on the grade of the employee.

Access the HR pages on the intranet to enter excess hours (See Related Links).

Additional Hours and Benefit Calculations

Benefits arising from additional hours worked throughout the year will be accrued on a calendar year basis.

Additional Hours and Holidays

If employees work more hours than the scheduled part time hours (calculated over the full year) they will be entitled to additional holidays. These will be based on the additional hours worked and allocated in the following year. Additional hours will be given up to a maximum of the full time equivalent entitlement.

Details of any additional hours an employee has worked during the year will be given to the employee's line manager in March of the following holiday year.

Additional Hours and Pensions

Additional hours will also have an impact on employee's pension plans:

- For members of one of the bank's Final Salary Pension Plans, the details of the additional hours an employee has worked will be incorporated into the employees accrued pension benefits
- For members of RBS Retirement Savings Plan, additional payments will be made through the Value Account in line with the additional hours worked. Please note that plan contributions will continue as a percentage of this higher value.

Additional Hours and Discretionary bonus

Additional hours will have to be taken into account for an employee who has worked these hours during the bonus period and any award will take account of these hours.

4.4. Variable Hours

Please refer to the General Guidance section to understand how employees working variable hours are treated.

4.5. Job Sharing

How is a Job Share partner found?

Once the feasibility of the job sharing request has been established, the next step is to ensure that the right people are selected to share the job.

The request may have been lodged by two people who wish to job share together. However, where it has been a single request or where the two people do not meet the job criteria, the bank will provide support in searching for another partner. This can be done by:

- Enquiring if the applicant knows someone who is interested in setting up a job share
- Advertising internally and externally for a job share partner.

As with other full time and part time applicants, candidates who apply for a job share must be compared against a person and job specification to make sure that the most appropriate individual is selected. The most important aspect of a good job share arrangement is the compatibility of the job sharers' working styles

and skills. Employees who have worked together previously and know each other's strengths and weaknesses can often be strong candidates for job share positions.

It is also highly advisable that job sharers meet before assuming their duties.

Do job share partners have to cover each others holidays or sickness absence?

This isn't required (unless otherwise stated in their contract of employment), although the job share partners and line manager may agree to do so.

Line managers should also make sure that the practical implications of the job share are explained within the branch or department (e.g. overlap periods, communications and decision-making).

Communication between job sharers

Effective communication is key to the success of a job share arrangement - both in terms of the job share partners themselves and also between the job sharers and their colleagues, managers and customers.

A communications plan should be developed, clearly setting out how communication will be carried out between the job sharers, their line manager and colleagues, and their internal and external customers.

Where a job share is established both partners should regularly set aside time to discuss workloads and to talk about any problems or issues that might arise.

What happens if one of the job sharing partners withdraws from the agreement?

When this happens, the hours of work previously undertaken by that person will be offered, subject to satisfactory performance, to the remaining job sharer on a full time basis. If this arrangement is unacceptable to the remaining sharer, another partner will be sought.

If no partner is found within a reasonable timescale, it may be necessary to end the job share. In such circumstances, the line manager will be required to take all reasonable steps to find alternative part time work for the remaining job sharer at the same level.

If no such vacancy arises, the employee may be asked to accept part time work at a different level. In this circumstance, the line manager should contact HR People Services.

Performance Management of Job Sharers

Whilst job sharers are responsible for ensuring that the duties attached to the job are carried out, they are individually responsible for their own performance. Consequently, job sharers should have their individual performance reviewed in the same manner as all other employees

4.6. Compressed Hours

Bank Holiday Entitlement

Please refer to the Leave policy for guidance (see Related Links).

There is more information and a case study on compressed hours in the Choice Portal. Search RBS Choice on the intranet.

4.7. Annualised Hours

How are working hours scheduled?

These can either be fixed at the outset of each year, or scheduled on a rolling basis e.g. at the start of each term.

It's fundamental to the success of these arrangements that appropriate records are maintained to assist with the scheduling of work hours, holidays and other time away from work such as training, sickness etc.

How often is salary paid?

Salary will be based on the actual number of hours worked over the year and will be paid in twelve equal monthly installments. This means that a salary payment will still be made during the weeks/months in which the employee is not working.

4.8. Winding Down to Retirement

When can the Wind Down to Retirement Start?

This can be agreed between the employee and their line manager but should not commence more than three months prior to actual retirement date.

What is the impact on Pay and Benefits?

The period of wind down will not be considered as an adjustment to the employee's contract of employment and therefore will not impact on any salary or benefits to which the employee is entitled.

What is the impact on Holidays?

There will be no change to the annual holiday entitlement during the wind down period. Where the employee is working a reduced number of days, then that number of days will be considered as one full week's holiday i.e. if the employee is working three days per week, then three days annual leave entitlement will be deducted for a week's holiday.

4.9. Home Working General Guidance

There are a number of general guidance points which apply to all types of home working. These are detailed below:

How are employees working regularly from home or other RBS locations managed?

It's important that employees who work regularly or permanently from home or other RBS location are managed in the same manner as any employee and it's vital that line managers set a clear framework at the outset of the arrangement for this purpose.

The line manager must agree with the employee set times and locations when they will meet in order to discuss organisational developments, performance and any other work-related issues. It's recommended that a face to face meeting takes place for this purpose no less than on a quarterly basis. However, meetings can be more frequent if needed.

The employee should be included in any relevant work related issues regardless of which location they are working in.

Where an employee works from home, it is important to remember that they remain a part of the team when arranging team social activities and events.

What are the legal considerations?

The bank's liability insurance policies will be extended to cover the company's legal liability for injury to the employee and damage to employees' personal property arising from home working.

The employee is required to notify their home insurer and advise them of their intention to work from home. Employees will have to pay any additional cost or other implications for the employee's own home insurance due to occasional, regular and permanent Home Working or the presence of special equipment in the home.

What are the Health & Safety considerations?

- Workstations – the bank's workstations are designed to an ergonomic standard that will provide sufficient flexibility for the vast majority of employees. It's the employee's responsibility to make sure that their home workstation is appropriate and confirm this to their line manager at the beginning of the arrangement. The DSE workstation assessment should be completed annually, as per the standard bank process, all new employees should complete this before being able to permanently or regularly work from home/alternative RBS location
- Workplace adjustments – if an employee has or following assessment requires specialist workplace adjustments at their base location; these adjustments may also be required at the other work locations. This may include a specific desk, seating, or other work equipment. Where this type of support is required the line manager should contact HR People Services prior to agreeing that the employee can regularly work away from their base location
- Accident reporting – the bank's accident reporting procedures apply no matter where the employee works, whether it's at home or at another bank location. Employees have a duty to report accidents to their line manager to ensure that they are reported correctly and appropriate remedial action is taken where necessary

What is the impact on information security?

Employees must not compromise the confidentiality or security of company information. All bank Security policies and procedures will continue to apply when working from home.

What are the tax implications?

With regard to the tax position for employees working permanently from home, employees should contact HMRC for further advice as you may be entitled to further tax relief.

It's the responsibility of the employee to deal with any taxation issues. For further advice on the implications of regularly working from home, the employee should either contact HMRC directly or seek external advice.

- Personal safety – line managers must make sure that they can contact employees throughout the day especially if they're working alone. It can be as simple as exchanging emails at key times throughout the day.

See RBS Health & Safety Home Workers guidance for more information (Related Links).

How will it work in practice?

- Availability – the employee must inform their line manager of their location and availability. Employees and line managers should always be clear about how the employee can be reached by colleagues and external contacts
- Business meetings – meetings with colleagues and/or third parties must not be conducted in the employee's home. They should be arranged for times when the employee will be working from bank premises or conducted via audio if appropriate. The employee may be required to alter their working pattern in order to attend essential meetings scheduled for days when they would not usually be in the office.

4.9.1. Permanent Home Working

Permanent home working is when an employee works permanently from their home. The home worker does not have a base or regular access to a desk in any of the RBS buildings.

How are home workers managed?

It's important that the manner in which contact with the employee will be maintained is clearly laid down in the side letter. The employee will be expected to grant reasonable access to their home premises for the purpose of complying with health & safety standards. (See RBS Health & Safety for home workers guidelines). However, access to employees in their own homes is not an automatic right for the manager.

What resources and equipment are provided?

See RBS Health & Safety Home Workers guidance for more information (see Related Links).

What arrangements are there for travel and expenses?

The home working agreement will state the employee's home as the normal place of business, however any expenses incurred in travelling to an office location e.g. to meet a line manager, will not be reimbursed.

Home utilities bills, broadband etc. will not be reimbursed by the bank. See RBS Travel & Expenses (see Related Links).

How are working hours managed?

One of the primary attractions of home working is the opportunity for employees to work in a more flexible manner in terms of working hours in order to meet the objectives of their job. However, it may be appropriate to agree core times when the home worker will be contactable.

Where core times are agreed for this purpose, these should be published in internal contact sheets or telephone directories and detailed in the home working agreement.

What is the impact on information security?

Employees must not compromise the confidentiality or security of company information. All bank Security policies and procedures will continue to apply when working from home or an alternative RBS location.

4.9.2. Regular Working from home and/or other RBS location

How many days a week can I work away from my contractual base location?

Regular working from home is where the employee spends up to 60% of their time working from home and/or otherwise away from the base location. This work arrangement gives employees the ability to work from home as an alternative to working exclusively from their base location.

How are regular home workers managed?

A side letter can be given to the employee to formalise the arrangement. This only needs to happen in circumstances where the business need to ensure that their desk sharing ratios are maintained (i.e. at business discretion); or where an individual is requesting this way of working which is an exception to how the rest of the team is working – making it a situation which requires more formality.

The employee will be expected to grant reasonable access to their home premises for the purpose of complying with health & safety standards. (See RBS Health & Safety for home workers guidelines). However, access to employees in their own homes is not an automatic right for the manager.

How are working hours managed?

Working arrangements are managed locally by the business area. Key considerations include:

- Booking of workstations (if applicable in the business area) – in some divisions the employee may no longer have an allocated desk. They should make sure that they follow the required process to book a workstation when required.

What resources and equipment are provided when working regularly at home?

- The bank will not usually provide any home office equipment, including furniture, computer equipment and broadband for employees who work regularly from home. Employees should discuss their requirements with their line manager
- The costs of home utilities bills, broadband etc. will not be reimbursed
- The bank will provide all stationery supplies as reasonably required by the employee to fulfil the requirements of their job.

What arrangements are there for driving and/or travel and expenses?

No reimbursement will be made for travel expenses between the employee's home and base location and any other agreed alternative work locations(s) as these journeys are classed as commuting.

See RBS Travel & Entertainment Expenses policy (see Related Links).

What is the impact on information security?

Employees must not compromise the confidentiality or security of company information. All bank Security policies and procedures will continue to apply when working from home or an alternative RBS location.

5. Informal or Formal Applications

Applications can be made in two different ways to support different types of applicants and make sure that statutory requirements are met:

- Informally – where the employee wants a quick decision made on their application
- Formally – where the employee wants to exercise their statutory right to request flexible working.

5.1. Informal or Formal Applications – What is the difference?

In recognition of different circumstances that arise, the bank has two routes to request flexible working:

- A formal application route, which incorporates the statutory requirements, and
- An informal route.

Formal Process

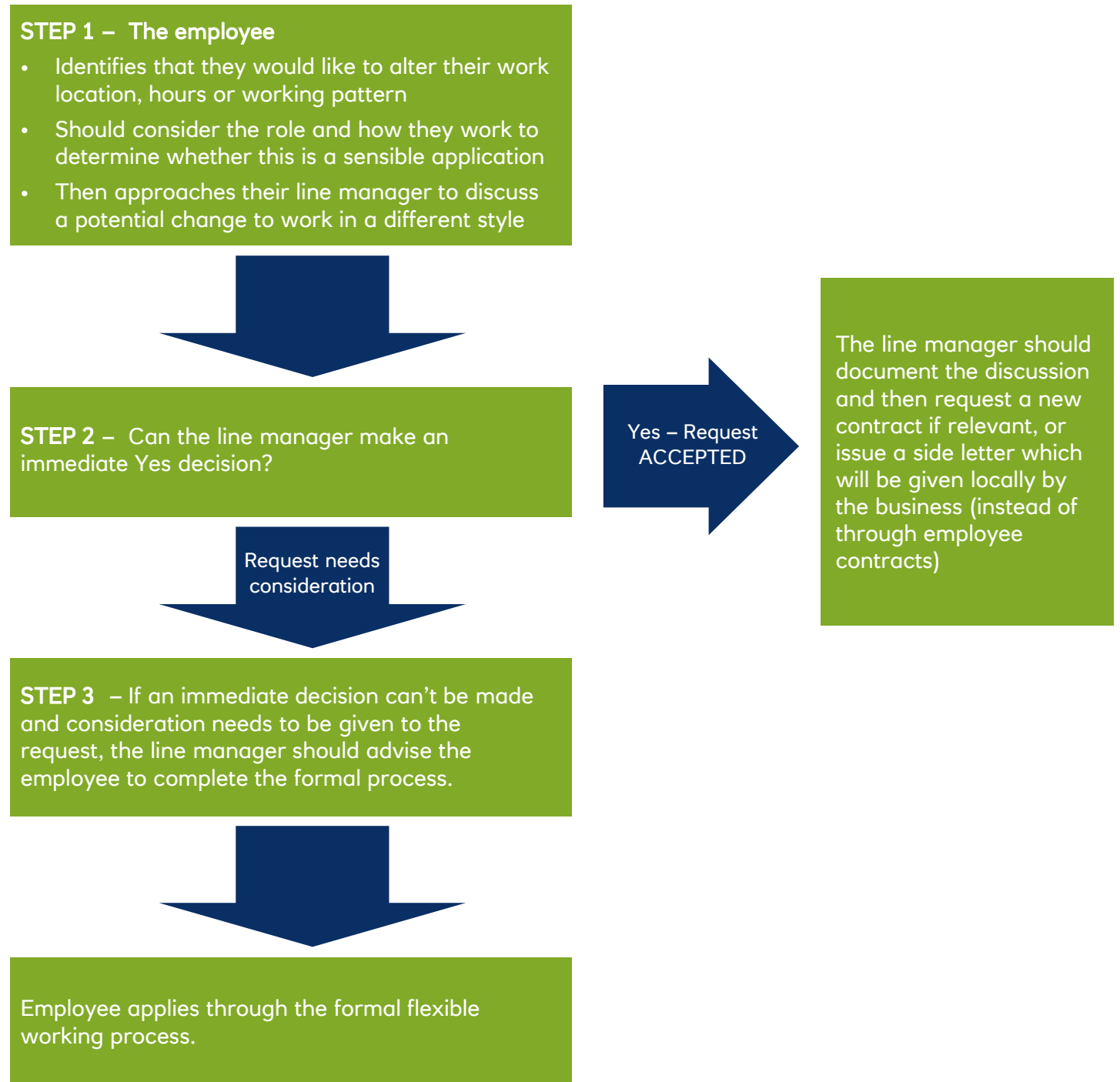
- Any employee has the right to request flexible working following the formal process
- This process complies with the statutory requirements regarding flexible working applications and procedures. All timescales shown within the formal process are timescales given within the statutory process
- The proposed start date of a change to working arrangement should be in the future, as this process can take up to three months
- Only one formal application can be made in a 12 month period.

Informal Process

- This is a verbal process with no application forms
- Any employee has the right to request flexible working following the informal process
- The proposed start date is imminent
- The line manager knows that they can agree the request without further consideration
- The employee wishes to seek the view of their line manager in principle to a suggested change prior to potentially adjusting their proposal and making a formal application
- Any change to working hours or location made through the informal process will result in a formal change to contract and doesn't mean the arrangement is less permanent.

The diagrams on the following pages explain these in more detail

5.2. Informal Process



The informal process is there to approve a change to a working arrangement without going through the formal process.

Points to remember:

- Any employee has the right to request flexible working following the informal process
- It may be useful to use this process if the proposed start date of the new working arrangement is imminent.

5.2.1. Step 1 – Employee asks to request to work in a different way

Once the employee has selected a suitable working arrangement that most closely suits their circumstances, they need to provide information to their line manager to support their verbal request.

The employee should try to focus their discussion with their line manager on the benefits of their chosen working arrangement on the business, customers, team and their personal circumstances. The employee should anticipate any potential concerns that their line manager may have or potential problems and provide solutions to these.

Working pattern

The employee needs to think carefully about the effect that their proposed work pattern will have on the work they undertake and the business area they work in. For example, if Wednesday is the busiest day of the week, it's more likely that their request will be refused if they request to take a Wednesday off

Covering duties

If the employee is proposing a reduction in hours they should give solutions as to how the work could be completed. If extra staff are needed the employee may offer to share their skills and help train another team member to complete the tasks.

The employee should give examples of work that could be completed during quieter periods, as this could increase the amount of work that the employee can complete, as there will be fewer interruptions. For example completing paperwork after hours when there will be no impact on customers.

Once the employee has considered their request they should approach their line manager verbally to ask if they can work in a different working arrangement.

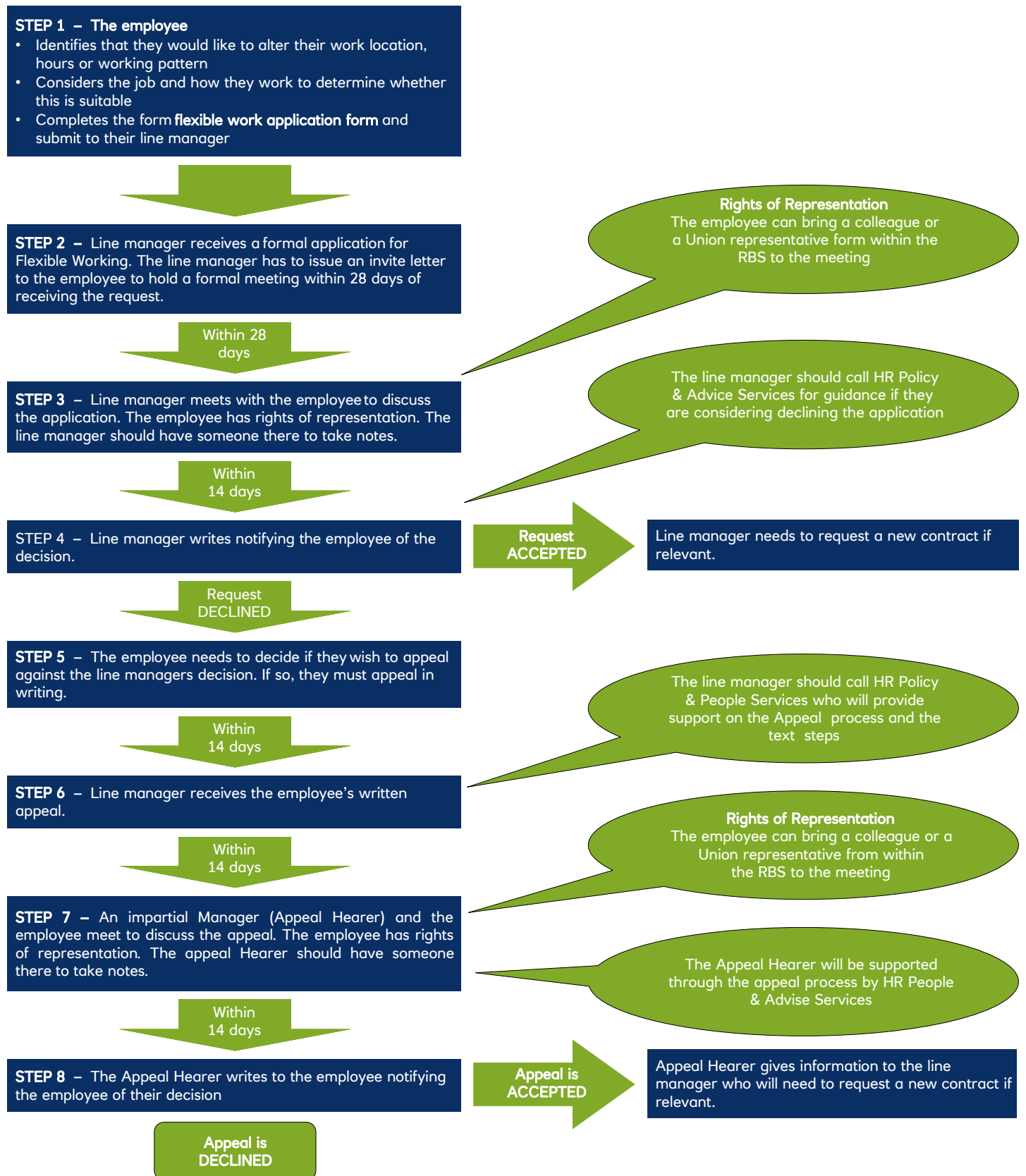
5.2.2. Step 2 – Can the line manager make an immediate yes decision?

If the line manager can answer “yes” to an informal request they should document the discussion and then review the table on pages 6 and 7 to determine whether a change is required to the employee’s contract (see Contract Request form on Related Links).

5.2.3. Step 3 – What next?

If the line manager thinks that further consideration is required to fully assess the application, they should advise the employee to complete a request using the Formal Process (see next section). This will ensure that the application is fully considered and an informed decision can be made by the line manager.

5.3. Formal Process



5.4. What is a statutory request?

Subject to certain qualifying conditions (outlined below), everyone has a legal right to make a flexible working application. RBS is committed to creating a flexible workplace which enhances the work- life balance and considers applications from all employees.

There are certain processes and timescales associated with a statutory request and these have been included within the formal flexible working process.

To have a statutory right to request flexible working individuals must:

- Be an employee, but not an agency worker
- Have worked for their employer for 26 weeks continuously before applying
- Not have made another application to work flexibly under the right during the past 12 months.

The law around flexible working clearly states that employees who meet the above criteria have the right to ask for flexible working but not the right to have it. Employers can reasonably decline an application where there is a legitimate business ground which falls within one or more of the eight statutory grounds for refusal (HR People Services will advise a line manager if they're refusing a formal request to work flexibly – see below).

5.5. Following the Formal Process

5.5.1. Step 1 – Completing a Formal Application for Flexible Working

When an employee is considering requesting a change to flexible working it is important to review the table on pages 4 and 5 to understand potential options. It's important to note that not all options will be suitable and are dependent on the job the employee undertakes and the business they work in.

Once the employee has selected a suitable working arrangement that most closely suits their circumstances, they need to provide information to their line manager to support their application. The working arrangement they have chosen may impact the business and the line manager may decline the employee's request if there are legitimate business reasons for doing so.

The employee should try to focus their application on the benefits of their chosen working arrangement on the business, customers, team and their personal circumstances. The employee should anticipate any potential concerns that their line manager may have or potential problems and provide solutions to these.

Working pattern

The employee needs to think carefully about the effect that their proposed work pattern will have on the work they undertake and the business area they work in. For example, if Wednesday is the busiest day of the week, it's more likely that their request will be refused if they request to take a Wednesday off.

Covering duties

Understand the potential concerns the line manager may have about the work the employee currently undertakes. If the employee is proposing a reduction in hours they should give solutions as to how the work could be completed. If extra staff are needed the employee may offer to share their skills and help train another team member to complete the tasks.

The employee should give examples of work that could be completed during quieter periods as this could increase the amount of work that can be completed as there will be fewer interruptions. For example completing paperwork after hours when there will be no impact on customers.

Once the employee has considered their application they should then complete the online (or manual if online is not available) formal application form and give this to their line manager

5.5.2. Step 2 – Receiving a Formal Application for Flexible Working

When a line manager receives a formal application from their employee to consider flexible working and a different working arrangement, there are a number of actions that must be completed to comply with legislation.

Arranging a meeting

The first thing the line manager should do is arrange a meeting with the employee to discuss their application. The line manager must provide the employee with an invite letter to a formal meeting (contact HR People Services for a template invite letter). The meeting will normally be held within 28 days of receipt of the formal application [or as soon as possible thereafter]. If the line manager cannot meet these timescales, they should advise their employee in writing of the reasons for the delay and the expected timescale for the discussion. The employee should be asked to agree to the extension. If it's agreed, this should be documented in writing, stating the date the extension was agreed, what the extension relates to and the date the extension ends. A copy of this should be sent to the employee. The line manager must also advise the employee that the meeting is formal and they have the right to be represented by a colleague or a union representative from within RBS. The line manager should take a note taker to capture key points of the conversation.

The employee is allowed to request a change to the meeting date to make sure that their representative can attend as long as the new date is within seven days of the original meeting.

Considering the Application

Ahead of the meeting the line manager should consider the request as this will assist them to prepare for the meeting by understanding the request and identifying any questions they may have. When considering the request, the line manager should explore some of the ideas and questions below, to ensure that they've considered every aspect of the employee's application. Sometimes an application may suggest a way of working which has not been the norm. This doesn't mean that it can't work but means that additional consideration of the wider picture of the team, work and where the business will help to identify if it's feasible.

Job Analysis

- Does the employee's proposed working arrangement fit in with the tasks outlined in their job?
- If not, could the tasks be divided up differently?
- Could work be re-allocated to another team member?
- Could this change be beneficial to customers?
- Can the job be flexible in terms of peak workload or the days the employee works?
- Will there be a positive impact on the employee?

Managing New Arrangements

- How the arrangement will work
- Where applicable, consider how remote management of employees will work and consider the wider management of the team
- Make sure employees working flexibly remain informed and consider how all important information will be forwarded onto them
- Consider how to involve flexible workers in all aspects of team- working.

Impact on the Team

- A number of teams are now made up of employees across the globe so consider the team as a whole when making decisions to make sure that core hours or period of business remain covered
- Consider communicating any changes in work pattern to the team so everyone is aware of what is going on
- Agree a team work ethic to support different working arrangements, so that everyone is kept up to date with team progress e.g. agreed day when everyone is in the office

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- Consider offering flexible working to others within the team - this may help to combat any resentment from those employees who may have different reasons for wanting to work flexibly for example studying, outside interests, voluntary work, other caring responsibilities etc.

5.5.3. Step 3 – Holding a Formal Meeting

The meeting is an opportunity to explore the application with the employee and for both parties to ask questions about how they see the working arrangement working for them and the business. During the meeting the employee has a responsibility to show the reasons why they believe their request will aid or not be a detriment to the business and how they will be able to complete the work they undertake. This is where the line manager can gather information to aid their decision making or it may be that they need to conduct further investigation following the meeting.

The line manager must also remind the employee that the meeting is formal and they have rights of representation allowing a colleague or a Union representative from within RBS to attend. The line manager should take a note taker to capture key points of the conversation.

At the end of the meeting the line manager will explain next steps which will be either:

- A decision will be given in writing as soon as possible following the meeting, usually within 14 days of the meeting
- If at the meeting it becomes apparent that further investigation is required the line manager will usually advise the employee of this at the meeting to set expectations. The employee should be asked to agree to the extension. If it's agreed, this should be documented in writing, stating the date the extension was agreed, what the extension relates to and the date the extension ends. A copy of this should be sent to the employee. Managers need to contact HR People Services for a template letter.

5.5.4. Step 4 – Making a Decision and Managing Outcomes

The employee must have written confirmation of the outcome as soon as possible following the meeting or within 14 days of the meeting (except where the line manager agreed with the employee at the meeting that further time may be needed). Managers should contact HR People Services for a template letter.

After holding the meeting and gathering any additional information the line manager needs to make a decision by considering the information in Step 1 together with the following questions:

- Will there be any additional costs incurred by the business in order to accommodate the request?
- Will these costs have a significant impact on the business?
- Will the proposed working arrangement have a detrimental impact on the ability to meet customer demand/service provided to external or internal customers? If so, what arrangements can be put in place to maintain customer demand/service?
- How can the arrangement support the operation of the business and meet the needs of the job holder?
- Is it possible to reorganise work in the team to accommodate the request?
- Is it possible to recruit additional employees to accommodate the request e.g. Job Share partner?
- Does the job involve managing others? If so, what arrangements can be implemented to support this?
- Will the proposed working arrangement have a detrimental impact on quality? If so, what arrangements can be put in place to maintain quality standards?
- Will the proposed working arrangement have a detrimental impact on performance? If so, what arrangements can be put in place to maintain current performance levels?
- Is there sufficient work during the periods the employee proposes to work?
- Will there be a positive impact on the employee?

There may be occasions where a number of employees are already working flexibly and the business area or team will have limited capacity to grant similar requests. In such circumstances alternative working patterns should be considered.

Managing Outcomes

There are three possible outcomes:

- Accept
- Offer a compromise
- Decline the application.

The information below details what needs to be completed in each case. The line manager must communicate all decisions in writing to the employee explaining their reasons and, give details of the appeals process.

Accepting the Application

If after considering the request the line manager decides to accept the proposal given by the employee the line manager must then complete the following:

- Initiate a contract Change if required – please review the table on Pages 5 and 6 for more information
- Discuss maintaining contact and how the working arrangement will work on a day to day basis
- Set clear direction on team communication
- Advise other team members of the change in working arrangement
- Be prepared – think about any questions or comments in advance from the team.

Offering a Compromise to the Application

If after holding the meeting the line manager believes the initial application is not feasible they should consider other options. They should think about the work that is undertaken and think differently about how the work can be restructured or completed. The line manager and employee should work together to see if a compromise can be reached which will meet both the employee's needs and those of the business.

Trial Periods

The line manager may wish to trial a flexible working arrangement in their team by agreeing to a short term pilot with their employee. Trial periods can be considered at any point within the process. When a line manager considers this, they need to remember that for some employees it may be difficult (particularly for those who need to plan child or adult dependent care arrangements). Also they need to consider the impact on the employee, who having adjusted their work life balance for a pilot and is then told that the arrangements cannot continue.

If a trial period is being included the line manager must contact HR People Services for guidance on the wording.

Declining the Application

If after holding the meeting with the employee and considering all aspects of the application the line manager is considering declining the request they should contact HR People Services. The advisor will explore the line manager's reasoning. If after discussion the decision is still to decline the request HR People Services will assist the line manager to prepare a formal letter to give to the employee as the decision must be given in writing, along with the appeals procedure.

The line manager will need to give a valid legitimate business reason if they're going to refuse the request, and they will need to think about their reasons carefully. Applications for flexible working arrangements can be refused only for the following reasons and the line manager must be able to explain in detail why one or more of these reasons apply:

- The burden of additional costs
- A detrimental effect on the ability to meet customer demand
- An inability to reorganise work among other employees
- An inability to recruit additional employees
- A detrimental effect on quality
- A detrimental effect on performance
- Insufficient work when the employee proposes to work
- Planned structural changes.

If the line manager is considering declining the request they must contact HR People Services who will assist the line manager prepare the outcome letter.

5.5.5. Step 5 – Submitting an Appeal

The employee may not agree with the decision that has been made by their line manager and they have the right to appeal this.

The employee can bring an appeal on a number of grounds including:

- They have something to bring to their line manager's attention that they may not have been aware of when they rejected the employee's application
- To challenge a fact the line manager used in applying their business grounds for rejection.

The employee must appeal in writing and has 14 days to submit their appeal letter to their line manager from the date they received the decision letter.

5.5.6. Step 6 – Managing Appeals

If the line manager receives an appeal letter from their employee they should in the first instance call HR People Services who will provide guidance through the next steps.

HR People Services will advise the line manager that they have to identify an impartial Appeal Hearer. It's very important to act quickly as the Appeal Hearer must contact and arrange a meeting with the employee to discuss the grounds for the appeal. The meeting must be held within 14 days of the appeal letter being received from the employee

5.5.7. Step 7 – The Appeal Meeting

Once an impartial Appeal Hearer has been identified the line manager must give them the appeal letter and the Appeal Hearer must contact the employee and arrange an appeal meeting as soon as possible. Again the employee has rights of representation and can bring a colleague or a Union representative from within RBS to the meeting.

5.5.8. Step 8 – The Appeal Outcome

Following the appeal meeting the Appeal Hearer must as soon as possible following the meeting, and usually within 14 days, document in writing their decision and reasons for this to the employee. The appeal hearer should call HR People Services for advice in relation to drafting the outcome letter. This decision is final and there are no other methods of appeal for the employee.

Moments that matter...

One of your team asks you for flexible working to accommodate caring responsibilities. What do you need to consider?

- Carer's needs are different for the needs of those with access to mainstream childcare responsibilities, and the circumstances and milestones of caring may also be different.
- Think carefully about the request and potential benefits/impact of the proposed way of working
- It's important to put time aside to have a conversation. Don't make any presumptions about the request without first speaking to the employee. Provide them with reassurance that you are looking at this and will get back to them as soon as possible
- Explain what support our employee assistance programme can offer, and have the phone number/website details to hand
- Make any necessary initial enquiries as to how this request might be accommodated i.e. assess other team members working patterns, future staffing plans, forthcoming projects/workload
- Think creatively to try to accommodate the request – potential options may include, but not be limited to:

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- Flexible working arrangements (informal/formal)
 - Use of a phone to make or receive calls in connection with caring responsibilities (private time or a private space to make/receive calls)
 - Employment break (sometimes flexible working requests for carer's are a short term arrangement)

5.6. Managing Different Circumstances

There are occasions when things don't go to plan. There are ways in which employees and line managers can work around this.

5.7. Short Term Requests

There are times when an employee needs to alter their working arrangement for a short period of time, to manage an unexpected change in their personal circumstances. Examples may include:

- A relative is in hospital and the employee would like to work from an RBS location nearer the hospital
- An employee's partner is away on business so the employee has asked to alter their shift time by to help with morning childcare
- There has been a spell of bad weather and the employee is struggling to make their way into work so asks to work from home for a few days.

Since these requests are short term and the requirement to start a different working arrangement may be immediate, it may be more appropriate to follow the informal process.

The line manager and employee should take a sensible approach when asking for, and making decisions arising, from a Short Term Request. They should review the request alongside work priorities to ensure that the demands of the business can be met. The line manager may wish to consider the impact on the employee and the long term benefits in relation to engagement if an employee can work flexibly for a short period.

It's recommended that the line manager and the employee:

- Meet to discuss and agree how this arrangement will work in practice
- Be clear of the time period to be covered
- Be clear on what the working arrangement will be
- Capture the agreement locally to ensure a record of the arrangement has been kept
- Agree on how any reduction in hours will be covered e.g. take as holidays, work later the next week.

Short Term Requests are dependent on circumstances. As a guide, they typically last up to two months. If after this time the arrangement needs to continue, it would be good practice to review this as a Long Term Request to see whether this can be accommodated for longer. The employee can either choose to submit a request through the formal or informal process.

5.8. When a Flexible Working arrangement isn't working

The line manager or employee should discuss any concerns as soon as possible. Ideally both parties will find a workable solution quickly.

If business needs are not being met due to the current working patterns, the line manager should consider how business needs can be met, which may include asking some employees to work a different pattern (this is not restricted to those employees who have a flexible working arrangement).

The line manager should contact HR People Services for advice before taking any further action. Cancelling the arrangement may have a huge impact on an employee who has made plans that reflect their flexible working hours. The line manager needs to be sure that the arrangement isn't working for business reasons and not for example because it doesn't fit well with their views or those of another member of the team.

5.9. When an employee wants to change their Flexible Working arrangement

There may be a time when an employee's circumstances change and the employee would like to make a permanent change to their current flexible working arrangement. During these situations the first thing would be for the employee and line manager to discuss the proposed change and identify any solutions. To request a change to their flexible working arrangement, employees should follow the informal or formal application process (as outlined above).