

1. Introduction

John Graham Construction Ltd. (“GRAHAM”) operate a flexible working policy, the purpose of which is to offer employees the opportunity to request working patterns which will allow them to continue their career in a way which is beneficial for them and for the business. This policy therefore sets out some guidelines as to how this practice will operate.

GRAHAM are committed to being an inclusive workplace where all employees, customers and stakeholders can fully participate and contribute. We strive to ensure accessibility across all facets of our operations, including physical spaces, digital platforms, communication channels and services.

Our People policies are regularly audited against rigorous accessibility standards to ensure compliance and to support every employee.

Anyone who requires additional support or has any questions regarding accessibility can contact the HR team at HR-JGC@graham.co.uk

2. Scope

The policy follows legislation on flexible working and applies to all GRAHAM employees. Requests for flexible working for either a short-term or permanent basis, will be considered.

Employees should initially make their request using the informal procedure. If the request will result in working fewer hours, prior to making their request, the member of staff should consider carefully the effect on pay, pension contributions and benefits which will also be reduced on a pro-rated basis.

This procedure provides advice for managers and employees about how the right to request flexible working operates and the duty of managers to consider all such requests.

3. Equality & Diversity

GRAHAM will ensure that implementation of this procedure is clear and transparent and will monitor the implementation of this policy to ensure it is applied in a fair, non-discriminatory manner.

4. Informal Procedure

4.1. Employee responsibilities

The employee should arrange an informal one to one meeting with their manager in order to discuss their proposal for flexible working and to explain:

- The change they are requesting to their terms and conditions of employment
- The reasons for requesting the change, including if they are making the request as a reasonable adjustment for a disability in relation to the Equality legislation

4.2. Manager Responsibilities

The manager should give careful consideration to the employee's request, taking into account:

- Business/departmental needs
- The potential impact on other employees
- The prospect and reasonableness of securing additional or alternative cover
- Any special circumstances offered as a basis for the request

If the manager decides not to agree to a request, they should ensure this is based on business grounds, as outlined in section 5.3 below, and that there is sufficient evidence to support the business grounds. If the flexible working arrangement requested is not possible then both parties should consider possible alternative working arrangements and/or trial this alternative arrangement for an agreed fixed period of time.

Where a suitable flexible working arrangement is agreed, the manager should inform Human Resources who will write to the member of staff informing them of any change to their terms and conditions of employment.

In most circumstances, the change to the employee's terms and conditions of employment will be permanent. However, in circumstances where a short-term change is agreed, the written notification will include confirmation of the new arrangements, and the period during which the change will apply.

4.3. Where a request is refused

If an informal flexible working request is refused, the employee can proceed with a formal request.

5. Formal Procedure

5.1. Eligibility

All employees have a statutory right to request flexible working. This right applies from the first day of employment. Employees may make two statutory requests for flexible working within any 12-month period.

5.2. Making a statutory request for flexible working

An employee who wishes to request flexible working must make an application in writing to their manager. A written application can take any form, for example a letter or email. The request must state that it is a statutory request for flexible working, and include:

- the date of the request
- the change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work
- the date the employee would like the change to come into effect
- if and when the employee has made a previous request for flexible working to the employer

The proposed date set by the employee should allow time for the request to be considered and implemented if practicable. All requests, including any appeals,

must be considered and decided on within a period of 2 months from first receipt, unless an extension to this period is agreed with the employee.

Where a request is accepted this means a permanent change to the employee's terms and conditions of employment and the employee has no right to revert back to the previous working pattern unless otherwise agreed.

5.3. Considering a request for flexible working

The employee's manager has a legal duty to consider all requests in a reasonable manner. This should include carefully assessing the effect of the request for both the business and the employee, such as the potential benefits or other impacts of accepting or rejecting it.

The manager should contact Human Resources once a formal request has been received who will assist with the management of the process.

The manager should provide the member of staff with a written acknowledgement of receipt of the request. If the request is incomplete or fails to provide all the required information the manager should inform the employee, in writing, what they have omitted and ask them to resubmit their request.

The manager must agree to a flexible working request unless there is a genuine business reason not to. 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:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the business

If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the manager must consider this in line with their legal obligations under Equality legislation. Employers must make reasonable adjustments to remove any disadvantage related to a person's disability. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.

Where the manager receives more than one request to work flexibly from different employees in close succession, these requests will be considered in the order received. Managers are not required to make value judgements about the most deserving request.

5.4. Consultation Meeting

Managers must not reject a request without first consulting the employee. Unless the manager decides to agree to the employee's written request in full, they must consult the employee before they make a decision. In such cases,

the employer should invite the employee to a consultation meeting to discuss the request.

A consultation meeting can help make sure that all relevant information is understood before a decision is made. It can also make clear whether a request may relate to a reasonable adjustment for an employee's disability (see section 5.3).

The meeting should be held without unreasonable delay, and ideally within 10 working days of the completed application being received. The employee and manager should have reasonable time to prepare for the discussion, while taking into account the statutory two-month period for deciding requests including any appeal.

The manager should write to the employee, giving the date, time and venue of the meeting, and advise them that they may be accompanied by a Trades Union representative or work colleague, if desired. They will also inform the employee if they have asked a Human Resources representative to attend the meeting.

The content of the meeting and the way in which it is conducted should allow for a reasonable discussion and consideration of the request. It will usually be helpful to discuss, for example, the potential benefits or other impacts of accepting or rejecting the request, and any practical considerations involved in implementing the request.

If the original request cannot be accepted in full, the manager and employee should discuss if it may be possible to secure some of the benefits that the original request sought. They should discuss, 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.

Notes may be taken at any meeting held under this policy, however recordings are not permitted and are an offence under the disciplinary policy.

5.5. Communicating a decision about a request

Once the manager has made a decision about the request, they must inform Human Resources who will communicate the decision to the employee. The decision should be confirmed in writing without unreasonable delay, taking into account the statutory two-month period for deciding requests including any appeal.

If the manager agrees to the request

If the manager agrees to the employee's request, or if a modified or an alternative arrangement is agreed after consulting with the employee, the written decision should confirm the details of the agreed arrangement.

The written decision should offer the employee an opportunity for a discussion to clarify any further information that may be helpful in implementing the agreed arrangement. This might include, for example, agreeing dates to review how the arrangement is working.

An accurate record of any such discussion should be kept in writing. The manager and employee may mutually agree that such a discussion is not necessary.

If the manager rejects the request

If the manager rejects the employee's request, the written decision should clearly explain the business reason(s) (see section 5.3). It should also set out any additional information which is reasonable to help explain the decision.

The written decision should make it clear that the employee has the option to appeal the decision.

5.6. Appeals Procedure

If an employee wishes to appeal the decision about their request, they should submit an appeal to the Head of Human Resources within 5 working days of receipt of the original decision. The appeal should set out the reasons for their appeal in writing. These may be, for example, that there is new information they wish to be considered, or they believe the manager has not handled their request in a reasonable manner.

Appeals will be heard by a senior manager who has not been involved in the process. The member of staff has the right to be accompanied to the meeting.

The appeal process will assess whether the request for flexible working was handled in a reasonable manner, whether company procedures were correctly and fairly implemented, and whether the decision reached was reasonable in the circumstances.

The employee will be informed of the outcome of the appeal in writing within 10 working days after the date of the appeal meeting, while taking into account the statutory two-month period for deciding requests including any appeal. The company regards the appeal decision as final.

6. When The Employee Withdraws The Request

Where an employee wishes to withdraw a request, they should notify their line manager in writing as soon as possible. The request will continue to count as one of the two statutory requests for flexible working that the employee may make within any 12-month period.