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difference

Flexible Working Policy and Application Procedure

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1. POLICY STATEMENT

- 1.1** Wyre Council recognises the importance of offering flexible working arrangements that enable employees to balance their working life with other priorities. It also recognises the need to develop modern flexible working practices that maximise service delivery.

The council will therefore aim to ensure that flexible working arrangements are promoted for all employees, and that requests are considered and implemented, where operational and service conditions allow.

2. AIMS OF THE POLICY

- 2.1** The aim of this policy is to:

- implement flexible working arrangements which allow employees to balance their working life with other commitments whilst maintaining a high standard of cost effective service to Council users;
- to make available flexible working arrangements at all levels regardless of age, sex, sexual orientation, race, religion, belief or disability, subject to operational and service needs;
- promote flexible working arrangements through information and guidance for managers and all employees;
- promote an agile working culture by the flexible use of office space and work locations.

3. ANNUAL LEAVE, PUBLIC AND EXTRA STATUTORY HOLIDAYS

- 3.1** The legal position is that all employees have the statutory right to ask to work flexibly after 26 weeks service. It also stipulates that an employee can only make a statutory request once in any 12 month period. However there may be occasions (particularly where the need is urgent) where the Council will consider an application regardless of the number of previous requests or length of service.

There is no obligation on Wyre Council to automatically agree to a request for flexible working.

3.2

The law requires the employee to fulfil certain criteria when submitting their request.

The employee must:

- lodge the request in writing;
- date the request;
- state that the request is a request for flexible working;
- specify the change(s) to working arrangements that they would like;
- state the date on which the proposed change(s) should take effect;
- indicate the effect(s), if any, that the employee thinks the change(s) will have on the employer and how he or she thinks any such effects might be dealt with; and
- indicate whether he or she has previously submitted a request for flexible working to the employer and, if so, when.

A request that does not fulfil the above criteria will not be valid and will not, therefore, require the employer to activate the statutory procedure.

The employer must

- consider and decide upon requests and appeals within three months of the receipt of the request
- have a sound business reason for rejecting any request

3.3

Wyre Council have produced a flexible working application form to facilitate requests for flexible working. (see appendix 1).

4. BENEFITS OF FLEXIBLE WORKING

4.1

While flexible working arrangements need to be well managed, any practical difficulties that flexible working might create can often be resolved through the adoption of positive attitudes, common sense and effective communication. Line managers can gain substantially by adopting a positive approach towards flexible working.

4.2 Taking a more flexible approach to work location and working time could:

- enable individuals to achieve work-life balance
- reduce the need for employees to take time off work due to care issues, problems at home etc.
- permit an employee recovering from an illness or adjusting to an impairment to return to work on a phased basis.
- provide a suitable adjustment for people with certain disabilities.
- relieve pressure and reduce employee stress
- improve morale and motivation and give better job satisfaction
- allow employees to gradually reduce their hours before choosing to retire

It could also:

- assist the Council in attracting and retaining the best people.
- enable the council to meet business needs and provide a quality-driven, added-value service to customers.
- ensure that people are making effective use of their working time.
- reduced office space and more efficient and effective use of Council buildings
- benefits the environment by reducing the use of resources and travel related emissions.

5. GENERAL CONSIDERATIONS

5.1 This policy considers a number of options, but in practice the request could be for a combination of any of the following options:

- part-time working / job share
- flexible working patterns including annualised and compressed hours
- voluntary - reduced working time
- hybrid working / homeworking
- part-year working including term-time only
- any other such arrangements that are agreed.

5.2 Managers and employees will discuss the flexible working request and the operational impact, but discussions about contractual changes to terms and conditions of service must be done in consultation with human resources and any appropriate trade union representative.

5.3 Employees need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all services.

5.4 Managers are expected to consider requests in relation to both the needs of the service area and the employee concerned and ensure that there are sound and demonstrable service, management and operational reasons for the decisions they make.

- 5.5 Operational feasibility, performance standards, health and safety, data protection, and security of equipment must not be compromised. Each application for flexible working will be considered in accordance with the following criteria:
- the cost of the proposed arrangement;
 - the effect of the proposed arrangement on other staff;
 - the level of supervision that the post-holder requires;
 - the structure of the department and staff resources;
 - other issues specific to the individual's department;
 - an analysis of the tasks specific to the role, including their frequency and duration;
 - an analysis of the workload of the role.
- 5.6 Any management proposal to instigate agile working will be taken through the normal consultation/negotiation process including trade union consultation.
- 5.7 Changes to the working pattern will normally mean a permanent change to the employees' contract of employment, unless otherwise agreed.
- 5.8 Appropriate rest periods, as stipulated in the Working Time Regulations, must be factored into any work pattern or arrangement.

6. THE FLEXIBLE WORKING OPTIONS

- 6.1 **Job Sharing**
- This is an arrangement whereby two part-time employees share the responsibilities of one position. The arrangement of hours in a shared post should normally be determined by the line manager in consultation with the job-sharers with the total hours of the job-sharing partnership not exceeding those of the full-time established post.
- The duties of the shared post may be allocated between sharers to reflect the skills, abilities and working hours of the sharers and the needs of the Service. However, it should be borne in mind that the grade applies to the whole job so managers must ensure that the work is divided fairly and that both individuals carry equal responsibility.
- Job-sharers will be classed as part-time workers and, as such, have legal rights, based on the principle of equal treatment with comparable full-time workers.

6.2

Part-time working

Part-time working is the most prevalent and established type of flexible working any number of hours below 37 hours is considered as part-time working. Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers.

Issues that must be addressed include:

- holiday entitlement and overtime; and
- arrangements for training and meetings, which are often designed around full-time workers' hours.

6.3

Annualised hours

This method of working is more suited to a service area where seasonal variations have an impact on workload.

Annualised hours working involves an employee working a set number of hours over the year rather than per week allowing flexible working patterns to be worked throughout this period. Normally a period of regular hours forms the core of the arrangement, with the remaining time left unallocated and used on a flexible basis to meet peaks in demand.

The weekly contracted hours will be converted to annualised hours by dividing the total hours to be worked per annum by 52.143. This will allow salary to be paid in 12 equal payments, irrespective of the number of hours worked that month. The contracted hours should be monitored to ensure that they are not be exceeded or underworked over the 12 month period.

Where employment is terminated part way through a year, by either side, human resources will calculate any over or under worked hours by multiplying the contract hours by the number of weeks worked that year and deducting the number of hours worked.

6.4

Compressed Hours

This is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a five-day week is compressed into four days or four and a half days, or a 10-day fortnight into nine days.

The remaining day would therefore be a non-working day and will be agreed with the line manager according to the requirements of the role, it is anticipated that this will be a fixed day but with flexibility due to service requirements.

The start and finish time in a working day should not exceed those set out in the Flexitime Policy.

6.5

Flexitime

This permits flexibility of working hours and is designed to replace arrangements where staff start and finish work at fixed times, with a system which allows each individual a degree of freedom in choosing his or her time of arrival or departure.

A small number of staff will be excluded from the scheme due to the nature of their duties and the Council's requirements.

See Flexitime Policy for details

6.6

Term time working

This method of flexible working normally means that the employee only works during school term times and their contract of employment is varied from a 52 week contract to a term time contract (normally 39 weeks) with their salary and annual leave entitlement being reduced accordingly.

Salary is usually paid in 12 equal monthly instalments.

Annual leave will normally be taken during the periods the employee is not working as the payment for annual leave will be included as part of their normal salary. However, it is recommended that managers should accommodate reasonable requests for time off as a certain amount of flexibility could be beneficial to both parties.

Issues that must be addressed include:

- whether or not half-term holidays are excluded, as well as the summer, Christmas and Easter holidays;
- whether or not it should be a requirement that all normal paid holiday be taken during school holidays, or to allow the individual to swop their days / weeks off from time to time;
- the organisation of training for employees who are on term time;
- if, and how, the individual will be kept informed about workplace developments during school holidays; and
- how the responsibilities of the job can be maintained during school holidays, particularly where the job involves managing other members of staff.

6.7

Voluntary Reduced Working Time (V-time)

This is a system whereby it is agreed that the employee will work reduced hours for a fixed period of time, with a return to full-time hours at the end of this period.

The Council will consider requests from employees to voluntarily reduce their hours of work on a temporary basis with their pay adjusted accordingly.

The reduction in hours or unpaid leave of absence will be for a specified period of time of **up to a maximum of 5 years** and can be achieved in a number of ways, as follows:

- reducing the working day
- reducing the number of days worked in the week
- taking time off in a block of days/weeks/months

All requests will be subject to operational considerations.

At the end of the specified period, the employee will **either** return to their substantive working hours **or** submit a further application to remain on the agreed reduced hours on a permanent basis. Such a request will be considered by the manager and be subject to operational considerations.

Where a request to remain on reduced hours is approved, a new contract of employment will be issued to the employee.

6.8

Hybrid Working

Hybrid working is a flexible working model which allows employees to work from a variety of different locations.

We are adopting a hybrid working model for office based staff so that they can work from more than one location in the most 'effective' and 'efficient' way which benefits the council, our staff and the service we deliver to our residents. See the Hybrid Working Policy for further details.

6.9

Extended Authorised Absence EEA (including Career Breaks)

This is a system whereby the employee has an extended period of time away from paid work, with a guarantee of a return to the same or a similar job at the end of the time.

Employees who have more than 12 months service may apply for a period of EAA of between three months and two years depending on their individual needs.

All requests for EAA will be subject to operational requirements - (for further details please see the EEA Policy).

7. MAKING AN APPLICATION FOR FLEXIBLE WORKING

- 7.1 Employees wishing to apply for flexible working time should make their request to their Head of Service (with a copy to Human Resources) using the Flexible Working Request Form.
- 7.2 **Employees' rights:**
- To have their application considered in accordance with the set procedure and rejected only where there is a clear business ground for doing so.
 - To have a work colleague or trade union representative present when meeting the manager to discuss the application.
 - Where an application is rejected, to have a written explanation.
 - To appeal against an employer's decision to reject an application.
 - To be protected from detriment or dismissal for making an application under the right.
- 7.3 **To assist matters employees should:**
- Make their applications well in advance of when they want it to take effect.
 - Provide a carefully thought-out application.
 - Be prepared to discuss their application in an open and constructive manner.
 - Be prepared to be flexible themselves in order to reach an agreement with the manager.

8. CONSIDERING A REQUEST FOR FLEXIBLE WORKING

- 8.1 The law requires requests to be dealt with in a timely manner and that the consideration process, including any appeal is completed within three months of first receiving the request. The time scales for appeal are such that in order to comply with statutory requirements Managers have a maximum of 30 days to deal with an application for flexible working. (see section 9 for specific time table)
- 8.2 An application will be considered to have been made on the day that it was received by the manager it was addressed to unless an employee fails to provide all the required information asked for in the application form. In which case the manager should tell them what is required and ask them to re-submit the application when complete.
- The manager should also inform the employee that the time scale for dealing with the application would commence once the completed form has been resubmitted.

8.3

Managers rights:

- To reject an application when the desired working pattern cannot be accommodated within the needs of the business.
- To seek the employee's agreement to extend timescales where it is appropriate.
- To consider an application withdrawn in certain circumstances, as set out in 8.6.

8.4

Managers responsibilities

- To take all reasonable steps to accommodate an employee's flexible working, consider requests objectively and in accordance with the set procedure.
- To ensure that they adhere to the time limits and either agree or refuse an application for flexible working within 28 days of the date of application
- To provide the employee with appropriate support and information during the course of the application.
- To consult with Human Resources before making a final decision on any request to work flexibly.
- To decline a request only where there is a recognised business ground and to explain to the employee in writing why it applies.
- To ensure that any variation of the procedure is agreed in advance with the employee, recorded in writing and passed to Human Resources for monitoring and storing.
- To ensure that they do not subject an employee to detriment or dismissal for making an application under the right.

8.5

Managers must give full objective consideration to the request as per section 5 of this policy and should aim to hold a meeting with the employee no later than 7 days after the date of receipt of the application. The purpose of the meeting will be to discuss the changes the employee has proposed, the effects of the proposed changes and any possible alternative arrangements that might suit both parties. Employees have the right, if they wish to be accompanied at the meeting by a work colleague or recognised union representative.

8.6

A manager whose employee fails to attend the meeting more than once and does not provide a reasonable explanation may treat the application as having been withdrawn. In such circumstances that manager should write to the employee confirming that the application is now considered withdrawn.

8.7

Reaching a decision

All management decisions to grant flexible working must be made by the Head of Service (or Service Director where appropriate) and the employee must be informed of the decision **within 14 days** of the date of the meeting.

If for some reason the request cannot be dealt within three months then an employer can extend this time limit, provided the employee agrees to the extension.

If it is unclear whether the arrangements requested are sustainable or agreeing the request could impact on other employees' it is advisable to agree the request on a temporary or for a trial period in the first instance.

A trial period should be of sufficient duration to give both parties a chance to find out whether the chosen pattern of working will work out well in practice. In such circumstances, managers should agree an extension of time for making the final decision.

If an employee has made a request for Hybrid Working and that request is approved, a Hybrid Working Discussion Form and DSE Workstation Checklist must be completed and sent to Human Resources along with the approved Flexible Working Request form.

The council considers that 100% home working will only be suitable in exceptional circumstances as it is felt the combination of home/office working is far more beneficial for employee wellbeing, team morale and business need.

If it is considered that 100% home working is the most appropriate style this will need to be agreed in conjunction with your Corporate Director and Human Resources as it will result in a change of terms and conditions of employment.

Having considered the changes the employee is requesting and weighed up the advantages, possible costs and potential logistical implications of granting the request the manager must let the employee know their decision. The outcome of the request will be confirmed in writing to the employee either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect;
- agreeing a compromise such as a temporary agreement to work flexibly, or
- refusing the application and stating the specified grounds for the refusal.

8.8

Refusing a flexible working application

There is no statutory obligation to grant a request and it would be unusual for managers to be able to agree to the working pattern or arrangement of every employees' application. However where managers do reject flexible working applications this refusal can only be based on one or more of the following business grounds, as set out in the relevant legislation:-

- 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
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

If the employee is unhappy with the decision they have the right of appeal which should be lodged in writing to the HR Manager within 10 working days of receipt of the letter.

9. TIMESCALES

9.1

Action	Timescale
The manager must hold a meeting with the employee to discuss their application for flexible working	No later than 7 days after the date of receipt of the application.
The manager will write to the employee to confirm their decision.	Within 14 days after the date of the meeting.
If the employee is aggrieved	
Any appeal should be lodged in writing to the HR Manager	Within 10 working days of receipt of the decision letter.
A meeting will normally be held with the Corporate Director in accordance with Stage 2 of the Resolution Policy.	Within 10 working days from date of appeal letter
The Corporate Director will write to the employee to confirm their decision.	Within 5 working days of the hearing.
If the employee continues to be aggrieved then the matter can be referred to the Appeal Stage of the Resolution Policy whose decision on the matter will be final.	

9.2

Extending the timescales to confirm a decision

An extension to timescale would normally be requested because:

- the manager or the employee may not be available because of illness or annual leave during the relevant period or
- it could be that an alternative working pattern was suggested by the employee at the meeting, and s/he may need more time to consider the fuller impact on service delivery, team colleagues etc.
- a trial period has been agreed to test the feasibility of the flexible working pattern

9.3

A proposal for an extension is likely to be in the employee's interests and the employee is encouraged to be open to such requests.

If the applicant does not accept the request to extend the time limit, the application will be dealt with within the designated timescales with the information available at that time.

If the applicant's line manager is not available during the designated timescales, then the next level of manager will designate an alternative equivalent manager to deputise and consider the request.

10. SUPPORTING POLICIES

10.1 Flexible working links into a number of other supporting policies (see below) and those who want to apply for options 6.1, 6.8 and 6.9 should do so in accordance with those specific policies:

- Hybrid Working Policy
- Equal Opportunities
- Extended Authorised Absence
- Leave and Work Life Balance Policy
- Health & Safety
- Promoting Attendance and Managing Sickness Absence
- Working Carers Policy

11. EQUALITY IMPACT ASSESSMENT AND MONITORING

11.1 **Equality Act**
The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

12. DATA PROTECTION

12.1 **Data Protection Act**
In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

FLEXIBLE WORKING REQUEST APPLICATION FORM

SECTION 1: TO BE COMPLETED BY EMPLOYEE

Note to the Employee

You must submit this form to your line manager to make a request for a flexible working arrangement. Before completing the form please read the Work Life Balance Policy.

Name:
Directorate:
Job Title:
Section:
Employment Start Date:
Date of Last Flexible Working Request: (if applicable)
Reason for your request (please tick as appropriate)
a) I have responsibility for the upbringing of a child under 17
OR a child under 18 with a disability
AND I am the mother, father, adopter, guardian, special guardian or foster parent of the child
OR the spouse/partner/civil partner of the above

b) I am caring for an adult for whom I am:			
the spouse/partner/civil partner or relative		Or live at the same address	
c) Other (please state reason below)			
Please describe your current working arrangements (days/hours of work/other):			
Please describe your desired working arrangements:			
Proposed Hours:			
Proposed Working Pattern:			
Other (please detail):			
Please detail any issues, problems or benefits that may arise from your proposal with respect to the service and/or your colleague/s:			

How could these be addressed?	
Do you wish the arrangement to be Permanent or Temporary (please delete as appropriate)	
If Temporary please state proposed period for arrangement:	
Date you wish the arrangement to commence:	Signature: Date:
SECTION 2: TO BE COMPLETED BY LINE MANAGER	
Note to the Line Manager Before completing this form please read the Work Life Balance Policy and seek advice from Human Resources as required.	
Name:	Job Title:
Please comment on benefits that may be gained by agreeing to the flexible working request:	

Please identify operational, financial, staffing or service-related problems that may arise if the request is approved:

Please identify ways in which the problems detailed above may be overcome to enable the original request to be workable:

If you believe you cannot overcome the problems identified above but can suggest a compromise arrangement please give details:

Do you recommend approval of the request
YES/NO (Delete as appropriate)

Signature:

Date:

SECTION 3: HEAD OF SERVICE AUTHORISATION

I have considered the request for flexible working and the comments made by the employee(s) and line manager. I do/do not (*delete as appropriate*) approve the request.

My reason/s for refusing the request are (tick appropriate box(es) and give brief explanation below):

• Burden of additional costs	
• Detrimental effect on ability to meet customer demand	
• Inability to re-organise work among existing staff	
• Inability to recruit additional staff	

• Detrimental impact on quality		
• Detrimental impact on performance		
• Insufficiency of work during the periods the employee proposes to work		
• Planned structural changes		
Details:		
OR		
The following working arrangements have been agreed:		
Please give reasons for any compromise arrangements reached:		
The new working arrangements will commence on(<i>insert date</i>).		
There will/will not be a trial period (<i>please delete as appropriate</i>)		
Where applicable the trial period will last for(<i>insert details</i>)		
A review will be held on(<i>insert date</i>)		
Name	Signature	Date

Please forward this form to Human Resources.