

APPENDIX B

Forest Heath District Council and
St Edmundsbury Borough Council

Flexible Working Policy

2014



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Flexible Working – The Right to Request and the Duty to Consider

1. Introduction

- 1.1 Over recent years there has been a growing demand within the UK for flexible working. As a result of this the Councils aims to provide a balance between work and home commitments for as many employees as possible.
- 1.2 Parents of children aged under 17 or of disabled children aged under 18, and carers of adults, have a statutory right to apply to work flexibly providing they have the qualifying length of service. The Councils have a statutory duty to consider their applications seriously.
- 1.3 As of June 30 2014, under the provisions of the Employment Rights Act 1996, all employees now have a statutory right to work flexibly providing they have worked 26 weeks of service continuously at the date of the application.
- 1.4 This policy also supports the Council's objective to be an excellent performing council and recognises that by supporting its employees to achieve a work-life balance enables the Council to achieve its overall objectives.
- 1.5 Employees are advised that additional information that may be useful can be found in Home Working Policy (Dec 2005), the Flexible Working Options Leaflet, the Health and Safety Policy and the ICT Security Policy.

2. Definition

- 2.1 Flexible working is defined as a way of working that suits the employee's needs and agreed by the employer.
- 2.2 Flexible working can be in the form of part-time work, flexible finish and start times, job-sharing, working from home or term time work.

3. What are the Benefits?

- 3.1 Some of the benefits for the Council and its employees include:
 - Recruitment of the best talent, wider scope of jobs available, and a wider pool of potential applicants
 - Retention of experienced staff, increased choice to work more flexibly within roles
 - Supports business success with more efficient production and service
 - Increased productive work time per employee
 - Reduced stress and absenteeism
 - Enhanced image "Employer of Choice"
 - Alignment with strategic objectives
 - Better staff engagement with improved morale and commitment
 - Increased job satisfaction

4. What does Working Flexibly mean?

- 4.1 The right enables employees to request to work flexibly. It does not provide an *automatic* right to work flexibly as there will be circumstances when the Councils are unable to accommodate the employee's desired work pattern.
- 4.2 The right to flexible working is designed to meet the needs of employees and the operational needs of the Councils, and aims to facilitate discussion and encourage both the employee and the Councils to consider flexible working patterns and to find a solution that suits them both.
- 4.3 The employee has a responsibility to think carefully about their desired working pattern and present a well thought out case that benefits both themselves and the Councils. When making an application the Council is required to follow a specific procedure to ensure requests are considered objectively and fairly.

5. Who can Apply?

- 5.1 As of the 30 June 2014 the statutory right to request flexible working has been extended to cover all employees who have completed 26 weeks' of continuous service. In order to make a request under the new right an employee will:
 - Be an employee not an agency or contract (self-employed or consultant) worker
 - not have made another application to work flexibly under the right during the past twelve months

6. What kind of changes can be applied for?

- 6.1 Eligible employees will be able to request:
 - a change to the hours they work
 - a change to the times when they are required to work (work pattern)
 - to work from home (work style)
- 6.2 Working patterns include annualised hours, compressed hours, flexitime, working from home, job-sharing, shift working, staggered hours and term-time working.

7. The Procedure

- 7.1 An employee wishing to apply for flexible working must do so in writing to their immediate line manager. The written request should include:
 - The date of the application, the change in working conditions they are requesting and when they want this change to come into effect.

- What effect they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with.
- That this is a statutory request and if they have made any previous application for flexible working and the date of that application.
- State whether they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.

An employee can only make one statutory request in any 12 month period, although they may still request without the statutory right. Agreed applications will mean a **permanent** change to the employee's own terms and conditions of employment unless otherwise agreed between both parties.

- 7.2 It is important, therefore that, before making an application, the employee gives careful consideration to which working pattern will help them to achieve a better balance between work and home; any financial implications it might have on them in cases where the desired working pattern will involve a decrease in salary, including impact on pension; and any effects it will have on the Councils and how these might be accommodated.
- 7.3 On receiving a request, the line manager should arrange a meeting with the employee to discuss the application as soon as possible. The Councils expect the first meeting to be held within 6 weeks of receiving the request. This provides the line manager and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern outlined in the employee's application. The employee can, if they want, bring with them an individual employed by the Council, this could either be a work colleague or Trade Union Representative. A member of the Human Resource Services team will be invited to attend this meeting.
- 7.4 It is important that the manager deals with the request in a timely manner as the law requires the consideration process to be completed within 3 months, including any appeal.
- 7.5 After the meeting, Human Resource Services must write to the employee to either agree to a new work pattern and a start date; or to provide clear business grounds as to why the application cannot be accepted and the reason why the grounds apply in the circumstances and set out the appeal procedure. In the majority of cases this will be the end of the matter.
- 7.6 A new contract of employment will be issued if there are any changes to the original terms and conditions in place.

- 7.7 All time periods can be extended where both the employer and the Council agree. Any extensions must be recorded in writing by the line manager and copied to the employee.
- 7.8 In an instance where a line manager is unsure if the arrangements that have been requested are sustainable or unsure on the effect it could have on the employee, flexible working arrangements can be agreed on a temporary or trial basis rather than rejecting the request. This should also be a written agreement with review points arranged to discuss how the arrangements are working and if there is any need for adjustment.
- 7.9 The Human Resource Services team will be able to offer advice and guidance on the right to request and the duty to consider flexible working.

8. On what grounds would an Application be refused?

- 8.1 An application to work flexibly must be viewed objectively. An employer can only refuse a request where there is a clear business reason for doing so. These business reasons are set out in legislation and can include some of the following (but are not exhaustive):
- The Burden of additional costs is unacceptable to the Councils
 - Inability to reorganise work amongst existing staff
 - Detrimental effect on ability to meet customer demand
 - Detrimental impact on work quality and skills
 - Detrimental impact on performance, either of an individual, team or the whole Council
 - Health and safety
 - Planned structural changes

9. Can an Employee Appeal against the Decision?

- 9.1 An employee should be allowed to discuss a refusal to grant their request if there is new information that was not available at the time the original decision was made or if the employee feels the application was not handled reasonably.

An employee has the right to appeal against the decision of the Council under the Grievance Procedure. The appeal process, as set out in the Grievance Procedure, is designed to be in keeping with the overall aim of the right of encouraging both the Council and employee to reach a satisfactory outcome at the workplace.

- 9.2 Although by law the Council is not required to allow an appeal, where an appeal is considered, it must be completed within three months of first receiving the request unless an agreed extension from both parties is made. However, the needs of the service will be a priority and such requests must take this into account as well as individual needs.

10. Enquiries and Change Control

- 10.1 All enquiries relating to this document should be directed to Human Resources.
- 10.2 This policy will be subject to a review every two years and will be initiated by the Head of Human Resources and Organisational Development. Suggestions for any changes to this document should also be forwarded to the Head of Human Resources and Organisational Development.
- 10.3 See, also, Flexible Working Options, Home Working Policy, Health and Safety Policy Instruction 25, Home Working Agreement, ICT Security Policy (April 2008).
- 10.4 Further information on maternity and paternity leave and pay is available from Human Resources.

Revisions

| Date of review or revision | Reason | Author |
|-----------------------------------|-----------------------|---------------|
| June 2014 | Change in legislation | Karen Points |
| April 2009 | Change in legislation | Lin Webster |
| April 2008 | Change in legislation | Lin Webster |