

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

WEST SUFFOLK
JOINT STAFF
CONSULTATIVE
PANEL

15 SEPTEMBER 2014

JSP14/009

Report of the Cabinet Members for Resources, Governance and Performance (FHDC) and for Resources and Performance (SEBC)

JOINT ADOPTION POLICY & PROCEDURE AND JOINT FLEXIBLE WORKING POLICY (Decision Plan Reference: OCT14/09)

1. Summary and reasons for recommendation(s)

- 1.1 The Human Resources Service is currently working through the HR Policies that are in place at each council, in order to produce and agree new joint policies for West Suffolk. This report proposes two new joint policies.
- 1.2 The new joint policies proposed are: the Flexible Working Policy and the Adoption Policy and Procedure.
- 1.3 Both of these policies have been reviewed in accordance with the current employment legislation. Policies and procedures are also written with ACAS best practice in mind.
- 1.4 The existing policies and procedure in place at Forest Heath District Council and St Edmundsbury Borough Council have been reviewed and aligned to ensure that managers have comprehensive and effective joint policies for dealing with these specific situations and their single staff structures.
- 1.5 The Joint Leadership Team and Unison have had early involvement in the development of these policies. Consultation continues at Joint Staff Consultation Panel, with Portfolio holders and finally with Cabinets, who will be asked to approve the final versions subject to recommendation from Joint Staff Consultative Panel.
- 1.6 The proposed changes in these papers are due to changes in the employment law and to align them as clear and accurate joint West Suffolk policies.
- 1.7 Where minor statutory changes are made subsequently, in consultation with Unison, policies will be amended.

2. Recommendation(s)

2.1 The West Suffolk Joint Staff Consultative Panel are asked to recommend to Cabinets the approval of the following policies: Joint Flexible Working Policy and the Joint Adoption Policy and Procedure, for adoption by both Forest Heath District Council and St Edmundsbury Borough Council.

Contact details

Name

Title

Telephone

E-mail

Portfolio holder(s)

Councillor Stephen Edwards

Cabinet Member for
Resources, Governance and
Performance (FHDC)

01638 660518

[stephen.edwards@forest-
heath.gov.uk](mailto:stephen.edwards@forest-heath.gov.uk)

Lead officer(s)

Karen Points

Head of Human Resources &
Organisational Development

01284 757015

karen.points@westsuffolk.gov.uk

Name

Title

Telephone

E-mail

Councillor David Ray

Cabinet Member for
Resources and Performance
(SEBC)

01359 250912

david.ray@stedsb.gov.uk

3. Strategic priorities

3.1 The recommendations meet the Councils' priorities to work together to be efficient councils in the effective management of human resources.

4. Key issues

4.1 The two Councils have a Joint Leadership Team, a single pay and reward strategy, and a shared workforce. HR policies and procedures underpin the terms and conditions of employment, and are tools for both managers and employees to utilise to deal with matters when they arise.

4.2 It is important for everyone to have absolute clarity, fairness and consistency in regard to dealing with the situations covered by these policies. The adoption of these joint and up-to-date policies will be supported by information sharing and training for managers and staff, as appropriate.

4.3 A few aspects of both policies have changed in accordance with recent changes in legislation.

4.4 Flexible Working Policy

- This is an updated policy for both West Suffolk Councils.
- The statutory right to request flexible working (from 30 June 2014) is now available to all employees providing they have

completed 26 weeks of service continuously, at the date of the application. The right was previously applicable in law to employees with caring responsibilities.

- Once the request for flexible working has been received, the line manager should arrange a meeting to discuss the application with the employee as soon as possible. Statute has been altered in that previously a prescribed statutory timescale was set for meetings and responses to take place, which was restrictive. Meetings had to take place within 28 days; whereas now there is a statutory total period of 3 months for resolution of the entire process.
- After the meeting, Human Resources must write to inform the employee of the outcome as soon as possible. This is altered from the previous time frame of 'within 14 days'.
- However, adjustments have also been made to state that it is important the request is dealt with in a timely manner as the law requires the consideration process to be completed within 3 months, including any appeal.
- Arrangements for flexible working in that they can be made on a temporary or trial basis have been added to the policy.
- The removal by statute of set timescales for the procedure is beneficial to the process as it means that a practical and effective timescale agreed with the manager and the employee without unnecessarily bureaucratic and statutory procedure.

4.5 Adoption Leave Policy and Procedure

- The requirement that employees have to have worked for 26 weeks continuously in order to be eligible for adoption leave will be abolished, coming into effect on 5 April 2015.
- A rise in statutory adoption pay came into effect on 6 April 2014 (£138.18 per week) or 90% of weekly earnings, whichever is lower. This figure is generally increased annually and it is proposed the policy will be reviewed annually to amend the financial figure.
- Very few employees have been eligible or taken adoption leave but it is best practice to make sure we have a policy in place in accordance with changing employment law.
- This is an updated and Joint Policy for both authorities.
- The government is keen to increase the number of adoptive parents, and this policy supports that objective in providing clarity and benefits for adoptive parents that match those given in the Maternity Pay and Leave Policy.

5. Other options considered

- 5.1 To retain existing, different policies that need reviewing is not an effective option; and the policies need to meet new legislation. Lack of a policy and associated guidance is unhelpful to both employees who wish to adopt a child and to their managers.

6. Community impact

6.1 Crime and disorder impact *(including Section 17 of the Crime and Disorder Act 1998)*

- 6.1.1 None.

6.2 Diversity and equality impact *(including the findings of the Equality Impact Assessment)*

- 6.2.1 The adoption of these joint policies supports equity and consistency in approach between the two partner employers in West Suffolk.

- 6.2.2 In response to the national Modern Workplace consultation, the Adoption Policy and Procedure ensures that there is an equal and fair treatment of employees wishing to take adoption leave, bringing the policy in line with maternity leave. The policy treats adoptive parents equally regardless of the sex of the adoptive parent.

- 6.2.3 The Flexible Working Policy allows equal opportunities for all employees to apply for flexible working in order to provide a balance between work and home commitments whilst maintaining effective service delivery.

6.3 Sustainability impact *(including completing a Sustainability Impact Assessment)*

- 6.3.1 N/A

6.4 Other impact *(any other impacts affecting this report)*

- 6.4.1 N/A

7. Consultation *(what consultation has been undertaken, and what were the outcomes?)*

- 7.1 This paper is the consultation document for the Joint Staff Consultative Panel; Unison and the Joint Leadership Team has been consulted during development.

8. Financial and resource implications *(including asset management implications)*

- 8.1 These policies have been reviewed to ensure the efficient use of both human and financial resources at both West Suffolk Councils.

- 8.2 Training on HR Policies is delivered as part of the HR Bite Size programme, to ensure familiarity and compliance with the policies, associated procedures and guidance. The policies will be available on the intranet for employees and managers.

9. Risk/opportunity assessment *(potential hazards or opportunities affecting corporate, service or project objectives)*
*(*please ensure this Section is completed with relevance to both Councils)*

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Policies affect service delivery	Medium	Sound policies and guidance provided by Human Resources; support for effective decision making	Low

10. Legal and policy implications

10.1 Flexible Working Policy complies with:

Employment Rights Act 1996
 Children and Families Act 2014
 Flexible Working Regulations 2014

10.2 Adoption Policy and Procedure Complies with:

Consultation on Modern Workplaces, November 2012
 Paternity and Adoption Leave Regulations 2002

11. Ward(s) affected

11.1 None directly.

12. Background papers

12.1 None.

13. Documents attached

13.1 Appendix A – Adoption Policy and Procedure (2014)
 Appendix B – Flexible Working Policy (2014)

APPENDIX A

Forest Heath District Council and
St Edmundsbury Borough Council

Adoption Policy and Procedure

2014

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Adoption Policy and Procedure

Introduction:

We recognise the need for staff to balance both home and work commitments and will take a supportive approach to adoption leave. We also strive to create and maintain a healthy and safe working environment. This policy and procedure should be followed by all employees of the West Suffolk Councils and is broadly in line with the Maternity Policy and Procedure.

When two people have been jointly matched for adoption, one of them must elect to be the child's adopter for the purposes of the Paternity and Adoption Leave Regulations 2002. They should therefore agree at the time of the match which member of the couple will be treated as the adopter for the purposes of taking statutory adoption leave and pay. The other member of the couple may be entitled to take one or two consecutive weeks' paternity leave

If siblings are adopted at the same time, only one period of adoption leave and pay will apply. Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

1. Eligibility

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks adoption leave.

To qualify for 52 weeks **Statutory Adoption leave** you must:

- be newly matched with a child by an approved adoption agency ("matched" means given the details of the child they think is suitable for you to adopt);
- have worked for local government for 26 continuous weeks by the end of the week in which you are notified of having been matched with the child for adoption (this is known as the "matching week");
- notify the adoption agency that you agree to the child being placed with you and agree a date for the placement; and
- have or expect to have responsibility for the upbringing of the child.

However, the Government has confirmed, in its response to the modern workplaces consultation, that it intends to abolish the requirement that employees must have 26 weeks continuous employment to qualify for adoption leave and make it a "day 1" right (in order to bring adoption leave in line with maternity leave). Removing this 26-week qualification requirement will come into effect from 5 April 2015.

Adoption Leave is made up of 26 weeks ordinary adoption leave (OAL) plus 26 weeks additional adoption leave (AAL) making 52 weeks adoption leave. Additional adoption leave will start immediately after ordinary adoption leave. You may also qualify for 39 weeks **Statutory Adoption pay** (SAP) subject to certain conditions – see para 7.

If you have more than 1 year's local government service you will also be eligible for additional **Contractual Adoption pay**. (See section 7).

2. Giving Notice to take Adoption Leave

To be entitled to adoption leave you must notify Human Resources/your line manager in writing of:

- your intention to take adoption leave;
- when you expect the child to be placed with you; and
- when you want your adoption leave to start.

This notification should be no later than 7 days from the date you are notified of a match with a child by the adoption agency or as soon as practicable. It is helpful if you can discuss this with your manager as soon as possible.

Adoption leave may start the first working day after the adoption or a date which is not more than 14 days before the child is expected to be placed with you. Adoption leave can start on any day of the week.

The start date of adoption leave may be brought forward or postponed provided that you advise the employer in writing at least 28 days before the new start date or original proposed date, or if this is not possible, as soon as reasonably practical. and Human Resources will respond within 28 days. You may decide when you wish to start your adoption leave, but leave cannot commence any earlier than 14 days before the child is expected to be placed with you.

Human Resources will respond within 28 days of receipt of your letter setting out the end date of the additional adoption leave or confirm the date you intend to return to work (if indicated).

On request, you must provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

If you resign or are dismissed before the date you have notified, you lose the right to adoption leave, but you may still be eligible for SAP. If you are dismissed prior to or during adoption leave you forfeit the right to contractual adoption pay from the date of dismissal.

3. During Adoption leave

You are not entitled to your normal pay during adoption leave, but you are

entitled to all other non-remuneration benefits and terms and conditions that you would otherwise have i.e. annual leave; gym membership, essential car user allowance, lease car, mobile phone, laptop, childcare vouchers, eye test and public holidays. If you are eligible (see section 7) your pay will be replaced with statutory adoption pay.

We will make reasonable contact with you while you are on adoption leave and in addition you can work a maximum of 10 days (or 10 part days) by mutual agreement. These are known as keeping in touch (KIT) days. KIT days will not end adoption leave and will be paid at your normal daily rate in addition to any SAP and contractual adoption pay. The number of KIT days will not be reduced for part time employees ie if you work 3 days a week you can still take up to 10 KIT days. KIT days will not extend the overall period of adoption leave.

KIT days can be used for any activity which would form part of the employment eg attend meetings, training. This is a voluntary scheme and it is helpful to discuss these arrangements with the line manager before the start of the adoption leave.

As this is paid leave, pension will be deducted at the normal rate and the days will count for "reckonable" service.

4. Right To Return to Work

The date of return to work will be the first working day 52 weeks after the start of your adoption leave. No notice is required to return to work at the end of 52 weeks.

If you have already given notice to return to work as part of your initial letter (see para 2) no further notice is required.

You may return to work at any time during ordinary and additional adoption leave provided you give 8 weeks notice in writing of when you intend to return. If less than 8 weeks notice is given, your return to work may be postponed until the full 8 weeks notice has been given or until the end of the 52 weeks adoption leave, whichever is the sooner. There is no entitlement to pay because your return to work has been postponed.

You have the right to amend the chosen date of return by giving 8 weeks notice in writing to take up to a maximum of 52 weeks adoption leave.

During Ordinary Adoption Leave

If you return to work before or at the end of OAL you are entitled to return to the same job that you left on the same terms and conditions as if you had not been absent – unless a redundancy situation has arisen. (See section 14.)

During Additional Adoption Leave

If you return to work during AAL you have the right to return to the same job or, where that is not practicable, a suitable alternative role, which is no less favourable than your original job with regard to the Terms and Conditions of Employment – unless a redundancy situation has arisen.

Unable to Return Due to Illness

If you are unable to return to work at the end of your adoption leave due to illness you will be put onto normal sick leave and pay, according to your contract.

5. Flexible Working

If you wish to vary your working arrangements on your return from adoption leave this will be considered in accordance with the West Suffolk [Flexible Working Policy](#) which is available on the intranet or from Human Resources. Any requests will be given due consideration and will not be unreasonably refused. Where changes to working are not possible the reasons will be fully discussed and put in writing.

6. Decision Not to Return to Work

If, whilst on leave, you decide that you will not be returning to work, you should let Human Resources or your line manager know in writing as soon as possible. Normal notice periods apply. You should specify the date of termination, which could be the end date of the 52 weeks adoption leave, and you will continue to receive any adoption pay due and accrue leave during the notice period.

7. Adoption Pay

Statutory Adoption Pay

If you have 26 weeks continuous local government employment by the end of the matching week you are eligible to receive statutory adoption pay if you:-

- a) earn an average of at least the lower earnings limit for the payment of National Insurance contributions in the 8 weeks prior to the matching week;
- b) give notice in accordance with para 2; and
- c) provide evidence of the placement for adoption (normally matching certificate).

SAP is 39 weeks pay made up of

6 weeks x 9/10th average weekly pay **plus**

33 weeks x SAP (or 90% of average earnings for full 39 weeks if

earnings are less than SAP)

From the 6 April 2014 the rate of Statutory Adoption Pay will increase to £138.18 per week or 90% of weekly earnings, whichever is lower.

If you have more than one job you may be able to get SAP from each employer. If you are not entitled to SAP you will be sent a letter by Human Resources explaining why you are not eligible. In this case, your adoption agency may have information on the financial help available to adopters or you may be eligible for Income Support or other benefits.

SAP is reviewed annually by the Inland Revenue.

Disentitlement from SAP

- i. lack of evidence (i.e. no matching certificate);
- ii. working during adoption leave (except for KIT days); or
- iii. being taken into legal custody

The onus is on the employee to inform their employer of the above.

Contractual Adoption Pay

In addition to statutory adoption pay you will be entitled to **contractual adoption pay** if you have:

- a) completed one year's continuous local government service by the end of the matching week; and
- b) declared an intention to return to work for 3 months following adoption leave.

Contractual adoption pay is an additional 12 weeks at half pay.

The 12 weeks half pay is refundable gross if the employee does not return to work for a period of at least 3 months because of resignation or dismissal. This 3 month period is not calculated on a pro-rata basis for part-time employees, it is 3 months service.

The 12 weeks half pay can be paid as it becomes due (spread over 12 or 20 weeks of the adoption leave), or as a lump sum three months after the employee has returned from adoption leave.

If you are uncertain about returning to work we suggest that you consider deferring payment of your half pay until you have returned to work for 3 months.

Combined SAP and half pay must not exceed your normal full pay.

8. Parental Leave

Subject to eligibility criteria, both parents are entitled to take unpaid [parental leave](#). Details of the scheme is on the intranet or is available from Human Resources.

9. Paternity Leave and Pay (male or female partner)

You are entitled to take up to 2 weeks' paid statutory paternity leave if you are the child's biological or adopting father or partner (male or female) who expects to have responsibility for bringing up the child. You must earn over the NI limit and have 26 weeks' continuous service by the end of the matching week. If your earnings are less than Statutory Paternity Pay you are entitled to 90% of your earnings.

You must take this leave within 8 weeks of the adoption. The 2 weeks must be complete and consecutive weeks. You should give notice no later than 7 days from the date you are notified of a match, or as much notice as is practical.

10. Adoption Support Leave

If you are the partner who is not taking adoption leave or are a carer nominated by the adopter, you could take adoption support leave of 1 week at full pay. This leave is to assist in the care of the new child and provide support to the adopter at or around the time of adoption. We will need a copy of the matching certificate and this replaces 1 week of paternity leave.

11. Transfer of Adoption Leave (TAL)

For a partner to take TAL the adopter must have ended their adoption leave. TAL may be for a period of between two and 26 weeks, must be for complete weeks and taken as one continuous period. TAL may be taken at any time between 20 weeks after the date of adoption and a year after the date of adoption.

The employer must be given 8 weeks' notice of the start date for this leave by the employee wishing to take TAL.

12. Additional Adoption Pay

If the adopter has not taken their full entitlement to statutory adoption pay when he or she returns to work, the outstanding amount transfers to the partner who is taking TAL.

13. Annual Leave

You will continue to accrue annual leave throughout your adoption leave. You must take annual leave in the current leave year wherever possible. One week's

leave may be carried forward to the end of May by agreement.

Subject to line management approval, annual leave can be taken in the first weeks back at work, effectively extending the adoption leave period. However any such period of annual leave is subject to operational requirements.

14. Childcare Vouchers

The West Suffolk Councils have a salary sacrifice scheme for costs of childcare. Details of the scheme can be found on www.childcarevouchers.co.uk, on the intranet or contact Human Resources/Payroll.

15. Pension Contributions

Ordinary adoption leave counts as membership under the scheme, and you will pay contributions at your normal % rate based on the pay you actually receive during your ordinary adoption leave. If ordinary adoption leave is unpaid, it still counts as membership but you do not contribute to the pension scheme.

Additional adoption leave counts as membership under the scheme during paid leave only. You will also pay contributions at your normal % rate on any pay you are entitled to during this period. Any unpaid leave will not count towards "reckonable" membership unless you opt to pay contributions for this period within 30 days of your return to work or resignation. Contact Human Resources for further information.

16. Redundancy

In the case of a job becoming redundant whilst the job-holder is on adoption leave, we will consider the employee for any other suitable alternative work that becomes available. You will have the right to be considered for such work, even though you are on adoption leave. Any such offer will be made before your employment ends and the new employment will commence immediately to preserve your continuous service.

If there is no such work available, then you will be made redundant and receive redundancy pay in line with your statutory and contractual entitlements plus all adoption pay that you would otherwise have been entitled to.

17. Industrial Action

If industrial action or any other interruption of work makes it unreasonable for you to return on the date that you specified, you may, instead, return when work resumes.

18. Probationary Period

If you commence your adoption leave during your probationary period you will have your probationary period extended and will complete the outstanding period when you return to work.

19. Job Vacancies

You will be kept informed of vacancies so you can apply for vacancies in the normal way during your adoption leave.

20. Overseas Adoptions

There are some differences in the law as it applies to domestic adoptions and to adoptions from overseas. The rules are complex and a member of the HR Advisory Team should be contacted as early as possible in the adoption process with a view to arranging similar benefits as those offered to those adopting in this country.

21. Concerns

If for some reason the placement is not successful and ends during the adoption leave period then you will be allowed to continue adoption leave for a maximum of 8 weeks after the placement ends, or until the end of the SAP period if sooner.

If you have any concerns in relation to the adoption please contact your line manager or Human Resources who will ensure that sensitive consideration is given to any issues raised. A counselling or occupational health service is also available through Human Resources to offer support and advice if needed.

1. Enquiries and Change Control

- 1.1 All enquiries relating to this document should be directed to Human Resources.
- 1.2 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.

Further information on maternity and paternity leave and pay is available from Human Resources.

Revisions

Date of review or revision	Reason	Author

DRAFT

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?

- 3.1 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.
- 3.2 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.
- 3.3 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 it 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.
- 10.4 See also Flexible Working Options, Home Working Policy, Health and Safety Policy Instruction 25, Home Working Agreement, ICT Security Policy (April 2008).
- 10.5 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

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