



FLEXIBLE WORKING POLICY

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FLEXIBLE WORKING POLICY

1.0 Introduction

The Council believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best, and utilising all the talent and experience available within the community. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with other caring responsibilities, as well as those whose interests and aspirations impact on their time. It therefore appreciates that the standard Monday to Friday, 9am to 5pm working week is, in many cases, incompatible with increasing demand for a better work-life balance.

The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn it recognises that staffing levels must at all times remain in line with the demands of the business.

This policy statement aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Council and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency, productivity and competitiveness. It provides a description of the issues involved, taking into account the possible benefits of each kind of flexible working to both employees and the Council, but also raising possible drawbacks and areas of potential concern.

The policy statement considers the following options, but the Council recognises that there may be alternatives, and that the working pattern that may suit any particular individual could be a unique one involving a combination of options:

- job-sharing;
- part-time working;
- annualised hours;
- compressed hours;
- flexitime;
- term-time working;
- swapping hours;
- voluntary-reduced working time;
- working at home (see Working at Home policy for details);

- career breaks (see Career Break Policy for details);
- flexible shift working.

2.0 The business need

Although the Council is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and to recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the business.

Where an instance of flexible working is proposed the Council will need to take into account a number of criteria including (but not limited to) the following:

- 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 service and staff resources;
- other issues specific to the individual's service;
- an analysis of the tasks specific to the role, including their frequency and duration;
- an analysis of the workload of the role.

3.0 Right to request flexible working

While it is the Council's policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

3.1 Statutory Rights

The Employment Act 2002 gives the statutory right for employees with 26 weeks' continuous service to request a contract variation for flexible working arrangements providing they have not made another request in the last 12 months. The right to request does not create a right to flexible working.

4.0 Employee consultation/participation

While some approaches to flexible working practices will involve changes to individual contracts of employment and be relatively easy to implement, the Council recognises that others such as flexitime or the imposition of annualised hours will have a greater impact on sections of the workforce as a whole. Before any such working pattern is implemented it is therefore committed to in-depth consultation with employees and their representatives, and recognises that gaining their agreement is likely to have a positive impact on the success of the scheme. The Council works on the basis that consultation gives all parties the opportunity to

raise the issues that are of greatest importance to them and ensures that they are considered from all angles.

Consultation will usually take the form of an employee survey followed by focus groups and a pilot scheme of the new working pattern.

The findings of any consultation will be communicated to the workforce, along with any proposed action resulting from the consultation.

5.0 Training and support

The Council recognises that both managers and employees may benefit from training to accustom themselves to working patterns with which they are unfamiliar.

6.0 Publicity

The Council will ensure that all managers and employees are kept aware of the flexible working options open to them. In an effort to increase acceptance of flexibility throughout the organisation the Council is also committed to publicising examples of successful strategies.

7.0 Time

Sufficient time to implement and fine-tune new working practices will always be permitted.

8.0 Eligibility

Although it is recognised that not all of the flexible working patterns considered will be suitable for all sections of the Council's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Council will be considered for flexible working regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance.

The right to request flexible working is open to employees who meet the following criteria:

- has worked continuously as an employee of CBC for the last 26 weeks and
- has not made a request to work flexibly under this right during the past 12 months.

9.0 Procedure for making a flexible working request

Any employee making a request for flexible working should first think through the request carefully and be prepared to discuss with his/her line manager how the pattern of working requested might be made to work in practical terms, taking into account the needs of the job.

An employee who wishes to request a change to his/her working pattern/hours should, in the first instance, raise the matter with his/her line manager, stating the reason for the request. The line manager will arrange a meeting with the employee to discuss the request in more detail.

The meeting will be arranged as soon as possible and, in any event, will take place within no more than 28 days. The employee may be accompanied at the meeting by a trade union or other representative (but not a paid legal representative) (if he/she wishes). The manager may be accompanied by an HR representative.

The purpose of the meeting will be to discuss the working pattern that the employee has requested in more detail and to establish whether or not it is workable, taking into account the business and operational needs of the Council.

At the meeting, either the employee or the manager may suggest alternative working patterns if this might lead to a compromise or to a different arrangement that both parties find acceptable. For example, if an employee's request to work from home on a full-time basis cannot be accommodated, the manager may suggest (and discuss with the employee) whether or not he/she could be permitted to work from home for part of his/her working time.

The line manager will also discuss with the employee the full implications of granting his/her request. For example, if the employee's hours of work are to be reduced, it will be clarified that this is likely to result in a proportionate reduction in pay.

Following the meeting with the employee, the line manager will notify the employee of whether or not his/her request can be granted and (if agreed) the date on which the new arrangements will start. These details will subsequently be confirmed in writing as they will represent changes to the employee's contractual terms.

Where a request is refused, the employee may appeal in writing and any such appeal should be made within 10 working days of the communication of the refusal of the request. The employee should state the grounds for the appeal.

Employees should also refer to the Council's policy on statutory requests for flexible working, which covers employees' legal entitlements to submit requests for flexible working in defined circumstances; how such requests must be submitted; and the statutory procedure that the Council must follow when such a request is submitted.

Procedure for Applying under the Statutory Entitlement

The procedure for making an application under statutory entitlements is more formalised due to the requirement to keep formal records.

The employee must make a considered application in writing by completing form FW1 – Flexible Working Application Form (Appendix 1). Only one application may be made within a year. Each year runs from the date when the application was made.

The completed form FW1 should immediately be forwarded to the employee's line manager (keeping a copy for their own records).

An acknowledgement slip is included on the bottom of form FW1 which must be completed and returned to the employee to confirm the date on which the application was made.

If an employee fails to provide all the required information, the manager should inform the employee of what they have omitted and ask them to re-submit the application when complete. CBC is not obliged to consider the application until it is complete and resubmitted.

The manager will arrange a meeting within 28 days after the form is received to discuss the request. The employee will be advised of the right to be accompanied by a colleague or representative.

At the meeting the manager and the employee making the application will explore the proposed work pattern in depth and discuss how it might be accommodated. Other alternative working arrangements should also be considered at this time should there be problems in accommodating the work arrangement outlined in the employee's application. The new working arrangement may be agreed for a trial period to enable both parties to assess its suitability.

For working at home the manager needs to make an assessment of working arrangements – see separate policy.

Within 14 days after the meeting the manager must write to the employee to notify them of the decision.

Accepted applications will result in a permanent change to the employee's terms and conditions of employment unless otherwise agreed between both parties.

10.0 Withdrawal of an Application

There will be circumstances when an application is withdrawn. In all circumstances a written record must be made.

There are three reasons why an application may be treated as withdrawn:

1. The employee decides to withdraw the application

An employee who withdraws their application will not be eligible to make another application for 12 months from the date their application was made. Where the employee decides to withdraw their application, they should notify their Manager as soon as possible and in writing. A manager who is informed verbally that the application is withdrawn by the employee but does not subsequently receive written confirmation should contact the employee to confirm their intentions. Where the manager does not receive confirmation from the employee he or she should confirm to the employee in writing the reasons for treating the application as withdrawn and forward a copy to Human Resources.

2. The employee fails to attend two meetings

In cases where the employee fails to attend two meetings without reasonable cause, the manager may treat the application as withdrawn. The manager should confirm to the employee in writing the reasons for treating the application as withdrawn and forward a copy to Human Resources.

3. The employee unreasonably refuses to provide required information.

There may be occasions where a manager requires certain information before they can make a decision, for example health and safety standards for home working. If the employee unreasonably refuses to provide required information the manager may treat the application as withdrawn. The manager should confirm to the employee in writing the reasons for treating the application as withdrawn and forward a copy to Human Resources.

11.0 Acceptance of an Application

Where an application is to be accepted, form FW2 - Application Acceptance Form (Appendix 2) will be completed and forwarded to the employee. This will outline the new work arrangement and the start date.

For the Working at Home scheme a further specific agreement must be signed by the employee.

12.0 Rejection of an Application

An application can only be refused where there is a clear business reason. The business ground(s) for refusing an application must be from one of those listed below.

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work amongst existing staff.
- Inability to recruit additional staff.

- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the period the employee proposes to work.
- Planned structural changes.

Where an application is to be declined form FW3, Application Rejection Form, (Appendix 3) will be completed specifying clear business grounds (see above) as to why the application cannot be accepted, the reason why the grounds apply in the circumstances and setting out the appeal procedure.

All time periods may be extended where both CBC and the employee agree. Any extensions must be recorded in writing by the manager and copied to the employee and Human Resources.

13.0 Appealing the Decision

The employee has 10 working days to appeal in writing after the date of notification of the decision. An appeal should be made to the manager who made the decision.

If an appeal is made, the manager will write to acknowledge the appeal within 5 working days, giving a date for a consultation meeting with the appellant (and his/her representative if the employee so wishes) to discuss and agree, where possible, timescales for the appeal which will be heard by a Head of Service. The date of appeal hearing will be confirmed in writing within 5 working days of the consultation meeting.

The employee may be accompanied at the appeal by a trade union or other representative (but not a legal representative).

The employee will be notified of the outcome of the appeal in writing within 14 days after the date of the meeting.

If the appeal is dismissed, the written decision must:

- State the grounds for the decision. These will be appropriate to the employee's own grounds for making the appeal;
- Provide an explanation as to why the grounds for refusal apply in the circumstances;
- Be dated.

A written notice of the appeal outcome constitutes the final decision and is effectively the end of the formal procedure within the workplace.

If the request is granted, this will be a permanent change to the employee's terms and conditions unless otherwise agreed.

FLEXIBLE WORKING APPLICATION FORM

Note to employee:

You can use this form to make an application to work flexibly under the right provided in law. For Working at/from home requests please use the forms within the Homeworking Policy.

Before completing this form you should first read the guidance provided and check that you are eligible to make a request.

Additional information is provided in the government booklet *The right to apply for flexible working (AL07)* which is available on the ACAS website www.acas.org.uk (this guide outlines a further list of alternative working arrangements for consideration) or check on the www.direct.gov.uk site for online information or contact Human Resources should you not have access to the internet.

You should note that under the right it may take up to 3 months to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect.

It will help your manager to consider your request if you provide as much information as you can about your desired working arrangement. It is important that you complete all the questions as otherwise your application may not be valid.

When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

Once you have completed the form, you should immediately forward it to your line manager (keep a copy for your own records). We will then have 28 days after the form is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

FLEXIBLE WORKING APPLICATION FORM

1. Personal Details

Name:

Job title:

Service:

Manager:

National Insurance no:

Payroll no.

To Chesterfield Borough Council:

I would like to apply for a flexible working arrangement that is different to my existing working arrangements.

[For general requests]

I confirm I meet each of the eligibility criteria as set out below:

- I have worked continuously as an employee of Chesterfield Borough Council for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

2a. Describe your current working arrangement (days/hours/times worked):

Continue on a separate sheet if necessary.

2b. Describe the working arrangement you would like to work in future (days/hours/times worked):

Continue on a separate sheet if necessary.

2c. I would like this working arrangement to commence from:

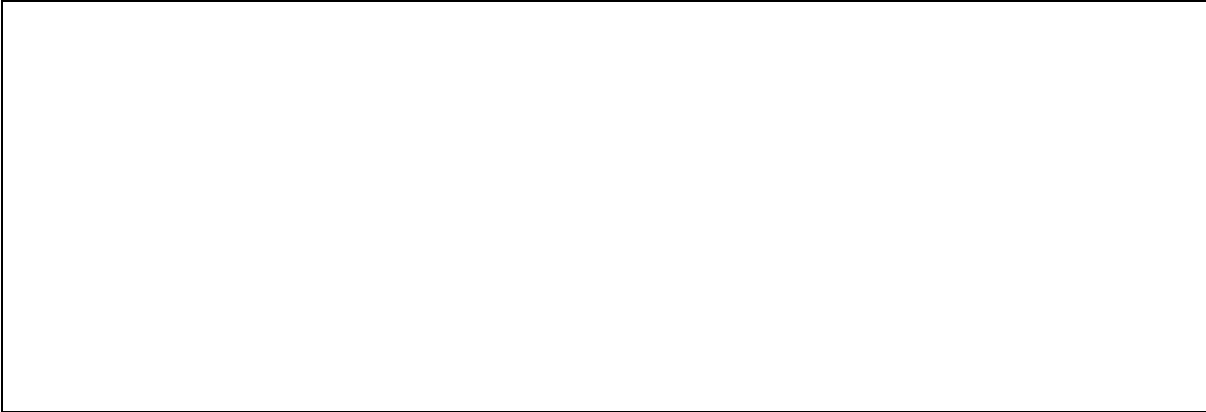
Insert date:

3. Impact of the new working arrangement:

I think this change in my working arrangement will affect my employer and colleagues as follows:

4. Accommodating the new working arrangement

I think the effect on my employer and colleagues can be dealt with as follows:



NOW PASS THIS APPLICATION TO YOUR LINE MANAGER

✂.....
To the manager: Cut this slip off and return it to your employee to confirm receipt of their application.

Employer's Confirmation of Receipt:

Dear:

I confirm that I received your request to change your work arrangement on
(insert date).

I shall be arranging a meeting to discuss your application within 28 days from this date. You may be accompanied at the meeting.

From: Date:

FLEXIBLE WORKING APPLICATION ACCEPTANCE FORM

Note to the manager

You must write to the employee within 14 days following the meeting, notifying them of your decision. Please note that Form FW3: Flexible Working Application Rejection Form should be used if the employee's working pattern cannot be changed and no suitable alternatives can be found.

Dear:	Payroll no.
Following receipt of your application and our meeting on _____ (date), I have considered your request for a new flexible working arrangement.	
I am pleased to confirm that I am able to accommodate your application as requested (delete as applicable).	
I am unable to accommodate your original request. However, I am able to offer the alternative arrangement which we have discussed and you agreed would be acceptable (delete as applicable).	

Please note that the change in your working arrangement will be a permanent change to your terms and conditions of employment and that you have no right in law to revert back to your previous working arrangement.

Your new working arrangement will begin on _____ (insert date) and will be as follows:	
A copy of this form will forwarded to the Human Resources Section for inclusion in your personal file. If you have any queries please contact me to discuss them as soon as possible.	
Name (manager): _____	Date: _____

Please send a copy of this form to the Human Resources Section.

FLEXIBLE WORKING APPLICATION REJECTION FORM

Note to the manager

You must write to the employee within 14 days following the meeting, notifying them of your decision. You must state the business ground(s) as to why you are unable to agree a new working arrangement and the reasons why the ground(s) applies in the circumstances.

Dear:

Payroll no.

Following receipt of your application and our meeting on (insert date), I have considered your request for a new flexible working arrangement.

I am sorry but we are unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because:

If you are unhappy with the decision you may appeal against it by submitting the grounds for your appeal in writing to the Head of Human Resources within 14 days after receiving this notification.

Name (manager):

Date:

Please send a copy of this form to the Human Resources section.

Examples of flexible working options

Job-sharing

A "job share" is where two individuals on the same grade carry out the full range of duties and responsibilities associated with one full time post.

In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job, simply picking up the work where the other one left off, while in a 'divided responsibility' arrangement the duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.

Part-time working

Is a system whereby the employee is contracted to work fewer than the standard number of contractual hours per year for the type of work in question.

Annualised hours

Is a system whereby the employee's contractual working hours are expressed as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.

Usually the hours are divided into rostered hours, which are set, and reserve hours, when the employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment is usually in 12 equal instalments (although some arrangements permit pay for the work actually done in the period to which the payment relates).

Compressed hours

Alternative work arrangement where a standard workweek is reduced to fewer than five days, and employees make up the full number of hours per-week by working longer hours. Usually a five-day week is compressed into four days or four and a half days, or a 10-day fortnight into nine days

Flexitime

A flexible hours scheme, or flexitime, usually involve working a set of "core hours" and permits flexibility of working hours at the beginning and end of a day or shift.

Refer to the Flexitime Scheme Policy for further details

Term-time working

Is a system whereby the employee works under a permanent contract, but can take unpaid leave of absence during the school holidays.

Salary is usually paid in 12 equal monthly instalments, although the employee could also be paid only for the time worked and receives no pay during the holidays. The contract usually specifies that no annual holiday should be taken during term time.

Swapping hours

Is a system whereby employees can swap hours or shifts with colleagues doing the same type of work at different times of the day.

Voluntary reduced working time (V-time)

Is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to full-time hours at the end of this period. Salary, pension, holiday and other benefits are pro rated during this time.

Working from/at home

Is a system whereby the employee carries out all or a proportion of his/her duties from home rather than on the employer's premises. It may consist of the occasional ad hoc day at home to work on a specific project, or a regular arrangement of several days a week.

Refer to the Working at Home Policy for further details

Career breaks

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

Refer to the Career break Policy for further details

Flexible shift working

Is a variation on the traditional, fairly rigid, shift work system whereby employees can negotiate the shifts that suit their needs and/or rearrange shifts among themselves.

Flexible Working Flow Chart

