



CHICHESTER DISTRICT COUNCIL
EMPLOYMENT POLICY STATEMENT

Policy Title: FLEXIBLE WORKING POLICY

Date: June 2015

Policy Statement

The Council recognises that some staff will, for a variety of reasons, request to vary their working hours. The Council is committed to creating an environment in which all staff are able to manage their work/life balance well, whilst ensuring at all times operational effectiveness and efficient service delivery.

Scope

Any member of staff with 26 continuous weeks' service working full time or part time on a permanent or fixed term contract with the Council may make a Flexible Working request. Only in exceptional circumstances will more than one request be made within any 12 month period. The consideration process, including any appeal, must be completed within three months.

The Council will follow current and future statutory regulations and procedures when considering Flexible Working requests and will, where operationally and financially viable, normally agree to such requests. All approved requests will be subject to a review period. The Council reserves the right to alter working arrangements in response to future operational requirements (see section 7).

A member of staff may apply to reduce their working hours on a short term temporary basis, for example to undertake a course of study or care for a sick relative. This arrangement may be agreed for a set period where operationally viable to do so. However temporary arrangements can at times present additional challenges due to the difficulties in filling some posts. There may therefore be situations where a permanent change to hours can be agreed but a temporary one cannot.

Staff wishing to make a request to work from home or for other remote working will also need, along with their manager, to refer to and follow the guidance included in the New Ways of Working (NWOW) section of the staff Intranet.

This document contains the following sections outlining the main elements of this policy:

1. Policy flowchart
2. The process for staff to follow when making a Flexible Working request
3. The process for managers to follow when considering a Flexible Working request
4. Review period
5. Alternative proposals
6. Appeal process
7. Flexibility in the future

Principles

An employee does not have a right to work flexibly but has a right to request to do so.

The Council will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the employee to reach a mutually beneficial arrangement.

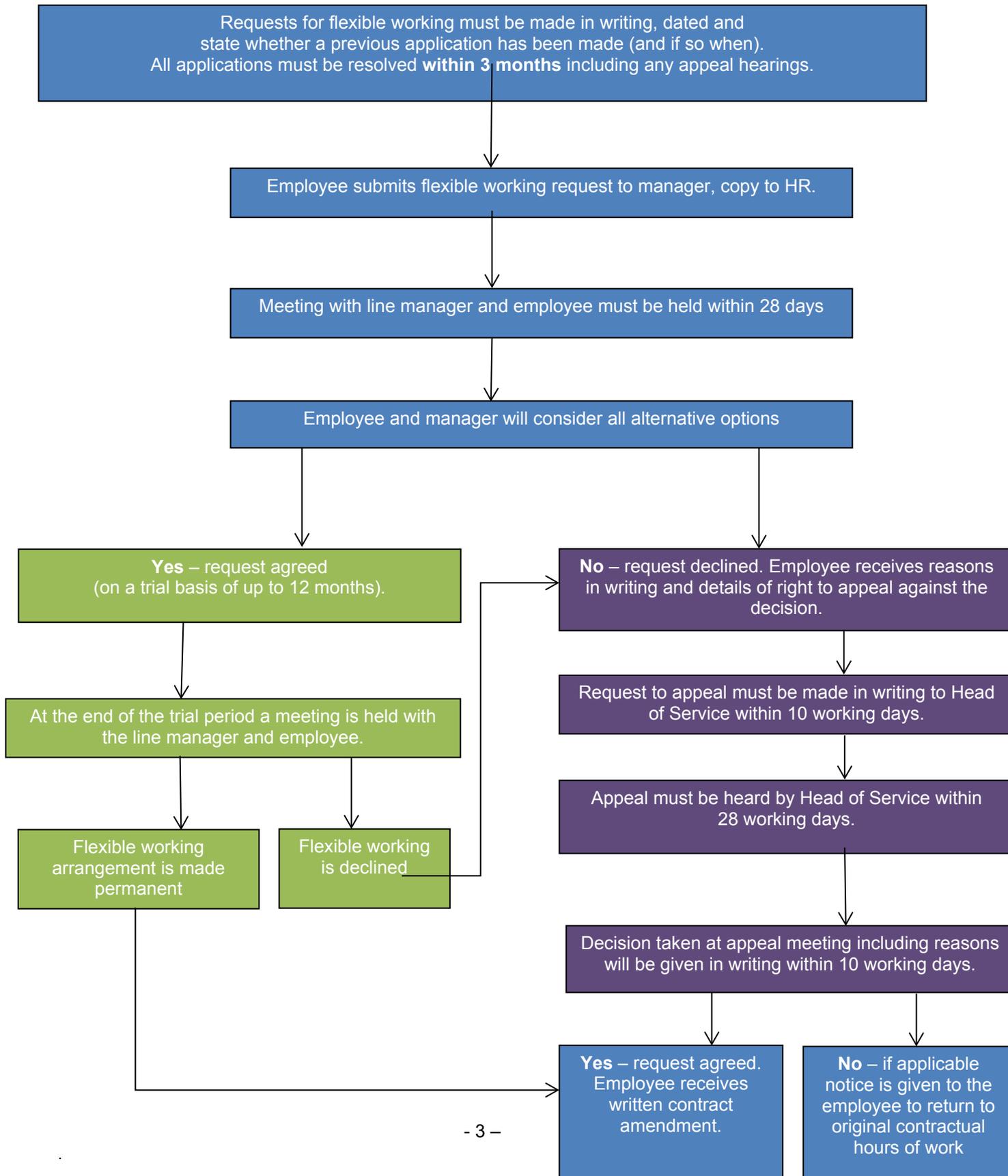
The request, and any appeal, for flexible working must be considered within three months of the request being made. This period may be extended with the agreement of the member of staff.

A request to work flexibly can be made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability. The member of staff should state in writing that this is the reason for their request.

The definition of Flexible Working includes requests to:

- change the number of hours of work per week.
- to work on an annualised hours basis
- to change the pattern of working hours. This may include changing daily start and end times and/or reducing or increasing the number of working days in a week but retaining the same number of working hours
- to work from home for all or part of the week
- to work in a Job Share

Policy Flow Chart



Process

2. The process to follow when making a Flexible Working request

A request to work flexibly must;

- be made in writing, dated and sent to the staff member's manager and copied to HR:
 - the application must state that it is a statutory request
 - the application must state if and when a previous application has been made for flexible working.
- specify the details of the request including the date any change would commence
- explain what impact the proposed change would have on the staff member's work and their section, highlighting any advantages/disadvantages that may arise from the change. The staff member should outline how any difficulties might be overcome.

3. The process for managers to follow when considering a Flexible Working request

When responding to a request to work flexibly the manager must:

- acknowledge the request in writing and arrange to meet the staff member as soon as possible but no more than 28 days after receiving the request; This meeting is an opportunity to explore the desired work pattern in depth and discuss how this might be accommodated or to consider other alternative working patterns.
- allow the staff member to be accompanied at the meeting by a work colleague or union representative.
- discuss the staff member's request in an open and constructive manner;
- identify and evaluate the advantages and disadvantages (including savings and costs; the impact on service delivery and customer satisfaction) that may arise if the request is granted;
- explore ways to agree to the request, or identify suitable alternatives;
- there must be a compelling business reason for declining a request as set out in legislation and listed below:
 - 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 the organisation

- If the manager agrees to the request or an alternative arrangement he/she will be required to complete an electronic transfer form with all the details of the flexible working including the date the alteration will take place and the date of the review meeting, normally after 6 – 12 months. HR will confirm the details of the arrangement in writing as a Contract of Employment amendment
- If the request is declined the letter must contain written reasons and outline the staff member's right of appeal (see item 5 below);

4. Review meeting

If the request is agreed a formal review will take place normally after 6, 9 or 12 months (or exceptionally for a shorter period if agreed). During the review meeting the effectiveness of the arrangement will be assessed. Details of the meeting must be confirmed in writing and the staff member given at least 1 weeks notice. At the meeting the staff member may be accompanied by a colleague or union representative. After the issues have been discussed at the meeting, the manager will decide whether to make the arrangement permanent; reject any extension or extend the review period. If the arrangement is made permanent the decision will be confirmed in writing. If the request is rejected after the review period the manager must confirm the decision in writing giving written reasons for the decision and outlining the staff member's right of appeal (see item 6 below)

If the review period is extended the decision will be confirmed in writing. Whilst a staff member can appeal against a decision to reject a request to work flexibly after a review period he/she cannot appeal a decision to extend a review period.

If the manager rejects the request after the review period the staff member will be given contractual notice (minimum 4 weeks notice and a maximum 12 weeks depending upon the staff member's grade and/or length of service) confirming that they will return to their original working arrangements. If the staff member appeals against the decision, the appeal must be held during the notice period. In the unlikely event that it is not possible for the appeal to be heard or its outcome known within the notice period, the status quo will apply until the end of the process.

5. Alternative proposals

It is possible that for operational reasons the particular Flexible Working arrangement requested might not be agreed and alternatives might be considered. This could be because of the nature of the post or because the service team needs to be balanced between different types of flexible working e.g. between part week and shorter day patterns. Equally whilst a request may be agreed in one service, similar requests may not necessarily be agreed in another, due to the diverse nature of the Council's business.

6. Appeal process

An appeal process can be followed if a request is declined or if a request is declined after a review period.

If the staff member's request is rejected he/she will receive written reasons and details of his/her right to appeal against the decision. An appeal must be made in writing within 10 working days of the date the decision was confirmed in writing and sent to the staff member's Head of Service.

The Head of Service will meet the staff member, who may be accompanied by a work colleague or a union representative, and the staff member's request and the decision to reject the request, either before or after a review period, will be re-considered. A representative from HR may also be present.

The appeal hearing will normally be held within 28 working days of receipt of the staff member's appeal and the appeal decision with reasons, will be confirmed in writing within 10 working days of the hearing.

Where it is not possible to agree to the staff member's request the Council will make every effort to identify and offer an alternative arrangement.

Where a request has been declined, and the appeals process, if initiated, completed, and if a mutually acceptable working arrangement has not been agreed, the staff member will not be allowed to make another Flexible Working request for a period of 12 months, except in exceptional circumstances.

7. Flexibility in the future

If flexible working has been permanently agreed there could be a need to alter the agreed days/hours in order to meet the future operational needs of the service. This would only be done after full consultation with the employee and 12 weeks notice would be given of any change in working days or hours, unless both parties agreed a shorter period. This would not preclude informal arrangements being made for days/hours to be swapped at short notice with the agreement of the staff member's line manager.

Equally if flexible working has been agreed then the employee may, depending on their seniority and the nature of their work, be required to make themselves available to attend certain high priority meetings on days that they would not normally work. This would only apply if their work involved duties that could necessitate providing evidence at statutory or official hearings, enquiries or similar for which they were the responsible officer. This could apply even if the notice of these was less than twelve weeks. Days off in lieu would be given for these.

General

- A staff member on maternity or related leave, who wishes to make a request for Flexible Working, is encouraged to submit a request as soon as possible. Staff on or due to go on maternity or related leave should also read the Intranet e-Staff Handbook 'Maternity Leave' section or other related sections that apply to them. This is also available from the HR section on request. If a staff member's request to work flexibly is agreed it should be noted that he/she does not have the automatic right to revert to the previous arrangement at a later date.

However exceptional circumstances would be considered on an individual basis at management's discretion.

- This policy does not affect the statutory rights of employees covered by relevant legislation.

Relevant Legislation

- Flexible Working Regulations 2014
- Equality Act 2010
- Employment Act 2002
- Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Part-time Workers Regulations 2000
- Employment Rights Act 1996

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