



East Herts Council

Flexible Working Scheme

Policy Statement

**Policy Statement No 8 (Issue No 3) July
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1.0 Introduction

- 1.1 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.
- 1.2 This policy statement aims to set out the ways in which flexible working can increase staff motivation, reduce absence, attract new talent, promote work-life balance and reduce employee stress, and in doing so improve the Council's efficiency and productivity. 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.
- 1.3 The policy 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:
- part time working;
 - flexi time;
 - compressed hours;
 - voluntary-reduced working time;
 - term-time working;
 - career break;
 - job share (refer to Job Share Policy);
 - home/remote working (refer to Home Working Policy);
 - flexible/early retirement (refer to Retirement Policy).

2.0 Scope

2.1 This scheme applies to all employees and the options contained within it apply to all Council full time and part-time employees.

3.0 Eligibility

3.1 Although it is recognised that not all of the flexible working patterns considered will be suitable for all employees of the Council, there should be no arbitrary barriers.

3.2 Employees in all areas and levels of the company 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.

3.3 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.

4.0 Right to Request Flexible Working

4.1 The Employment Act 2002 gives the right for employees with 26 weeks' continuous service, a child under the age of 17 (18 where the child is disabled) and parental responsibility for the child to request a change to the number of hours that they work, the times that they work or their place of work.

4.2 The right to request flexible working is also available to employees who have a minimum of 26 weeks' continuous service and who have caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address.

4.3 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.

- 4.4 The Employment Rights Act 1996 gives the right for employee to request unpaid time off for training. Employees must have been continuously employed for 26 weeks and must show that the time off to train will increase their effectiveness in their job or is relevant to their employer's business.

5.0 The Business Need

- 5.1 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 service areas.

- 5.2 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, customers, service, Council;
- 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.

6.0 Flexible Working Options

6.1 Part-time working

- 6.1.1 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.

6.1.2 Benefits to employee

- Employee can fit paid work around childcare and other commitments.
- Can allow the employee to become more accustomed to increased leisure time in the run-up to retirement, or to supplement a pension from another employer.
- Can permit an employee to continue with the security of regular employment while at the same time working on a self-employed basis.

6.1.3 Benefits to employer

- Periods of peak demand in production or service can be targeted.
- Can be used to retain the skills of female employees after maternity leave.

6.1.4 Points to watch

- Reduced pay may not make it feasible for all employees.
- There must be no less favourable treatment of part-time workers in relation to pay and other benefits such as pension, sick pay, holiday and training, unless such detrimental treatment can be objectively justified.

6.1.5 Variations

- There is enormous variation in part-time working patterns. Examples are afternoons or mornings only, and fewer working days in the week.
- The decision can be taken to either 'fix' the working time, e.g. set hours or days of working, or allow the arrangement to be flexible to meet the fluctuations of operational needs, e.g. the employee remains on a

'flexi-time' with an adjusted standard working day and/or the working days.

6.1.6 Notes

- A reduction in the number of hours worked may be a reasonable adjustment permitting a disabled individual to do or continue in a job.
- The rate of pay will be the salary for the post, pro-rated to the hours worked.
- Annual leave entitlement will be calculated in hours and any annual leave booked must equate to the number of hours usually worked that day.
- Bank Holidays are calculated as 1/5th of the working week for part-timers. If a Bank Holiday falls on a working day staff are entitled to take 1/5th of the working week as time off on that day. If a Bank Holiday falls on a non-working day they are entitled to take 1/5th of the working week back at another time, with agreement from their line manager.
- Overtime rates will be payable only when the employee has worked beyond the normal full-time contractual hours for the position.

6.2 Flexi-time

6.2.1 Flexi-time is a system that permits flexibility of working hours at the beginning and end of a day.

6.2.3 The Council's flexi-time scheme operates between 08:00 to 18:30 Monday to Friday. There are no formal 'core' hours unless agreed by individual service areas. However there must be adequate resources to cover the normal business hours of the Council from 09:00 to 17:00 Monday to Friday and all services must ensure that they are staffed so as not to cause any detriment to service provision.

6.2.4 In specific situations it may be necessary to exclude members of staff from the scheme or place a limitation on

flexibility because the nature of their work restricts them to working regular hours. Directors and Heads of Service are required to work the hours necessary to allow them to perform their roles in accordance with their contracts and Working Time Regulations 1998.

6.2.5 Employees may elect not to participate in the flexi-time scheme, in which case they will work their 37 hours or their contracted hours with regard to the Council's normal office opening hours of 09:00 to 17:00.

6.2.6 Benefits to employee

- Increased scope to manage work and personal commitments.
- Employees can take up to one full day of two half days off in each four week period.
- Travel to and from work may be easier and cheaper outside peak hours.
- Tasks requiring concentration can be undertaken during the quiet extended parts of the working day.

6.2.7 Benefits to employer

- Flexitime can act as a recruitment and retention aid.
- Staff cover can be extended beyond the normal hours of work.
- Individual control over the start and end of the working day can be particularly helpful for those with caring responsibilities.

6.2.8 Points to watch

- An accurate system of recording the hours worked is required. All employees are required to read and follow the flexi time rules.

- Depending on service needs, it may be necessary to stipulate that adequate cover is provided during the flexi period. Where normal operation of this scheme is suspended by senior management due to exceptional circumstances, e.g. severe weather conditions causing offices to close early, time recording guidance must be sought from HR.
- Flexi-time can be applied successfully within many service areas, although inevitably some jobs will not operate practically under this system.
- Working long hours can cause fatigue and affect performance. Staff are required to take a lunch break of no less than 20 minutes. Staff must not work more than six hours continuously without a 20 minute break. (Separate rules apply to young workers, advice should be sought from HR on this).
- Unless the scheme is handled with care, additional burdens may be placed on some team members or customer service may suffer at particular times.
- Any employee found abusing the scheme will be subject to disciplinary action, in line with the Council's procedures.

6.3 Compressed Hours

6.3.1 Compressed hours 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, a 10-day fortnight into nine days or 18 day month (based on a four week month).

6.3.2 Benefits to employee

- An extra day per week/fortnight is freed up for the employee to pursue a hobby or further education, or spend time with dependants.
- No reduction in pay.

6.3.3 Benefits to employer

- Compressed hours can be a means of introducing some flexibility into jobs which do not meet the requirements for flexi-time. Similarly, compressed hours enable extended service availability beyond the standard day or provide quiet time for work at the beginning and/or end of the day.

6.3.4 Points to watch

- Working long hours can cause fatigue and affect performance, cancelling out the advantages of the scheme.

6.3.5 Notes

- Where service cover has been extended by longer hours, consideration needs to be given to what will happen if the employee no longer wants to continue with the arrangement.
- Where more than one employee within a team wishes to work compressed hours, a rota may be necessary to ensure fairness, as some days (usually Monday and Friday) will be more popular choices for time off.
- Annual leave entitlement will be calculated in hours and any annual leave booked must equate to the number of hours usually worked that day.
- Bank Holidays are calculated as 1/5th of the working week for employees working compressed hours. If a Bank Holiday falls on a working day staff are entitled to take 1/5th of the working week as time off on that day. If a Bank Holiday falls on a non-working day they are entitled to take 1/5th of the working week back at another time, with agreement from their line manager.

6.4 Temporary voluntary reduced working time

6.4.1 Temporary voluntary reduced working 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.

6.4.4 Benefits to employee

- A temporary reduction in hours allows an employee to accommodate a specific event in his/her life, e.g. a course of study or a relative's illness, but to return to the security of a full-time position.

6.4.5 Benefits to employer

- The employee's skills are retained on a reduced basis at a point when they might otherwise have been lost completely, and regained on a full-time basis when the agreed period comes to an end.
- The system could also act as a means of permitting an employee recovering from an illness or adjusting to an impairment to return to work on a phased basis.

6.4.6 Variations

- Although the variation in hours is usually temporary it could become permanent.
- The reduced hours may involve working fewer hours per day or working fewer days per week.
- The decision can be taken to either 'fix' the working time, e.g. set hours or days of working, or allow the arrangement to be flexible to meet the fluctuations of operational needs, e.g. the employee remains on a 'flexi-time' with an adjusted standard working day and/or the working days.
- Employees could also volunteer to increase their hours.

6.4.7 Notes

- The rate of pay will be the salary for the post, pro-rated to the hours worked.
- Annual leave entitlement for the period will be pro-rated and calculated in hours. Any annual leave booked during that time must equate to the number of hours usually worked that day.
- Bank Holidays are calculated as 1/5th of the working week for employees working reduced hours. If a Bank Holiday falls on a working day staff are entitled to take 1/5th of the working week as time off on that day. If a Bank Holiday falls on a non-working day they are entitled to take 1/5th of the working week back at another time, with agreement from their line manager.
- Overtime rates will be payable only when the employee has worked beyond the normal full-time contractual hours for the position.

6.5 Term Time Working

6.5.1 Term time working is a system of flexible working where the employee's working weeks mirror schools' term weeks. All requests for term time working will be considered subject to operational needs.

6.5.2 Term time working may not be suitable for all roles or services and managers are required to ensure there is no detriment to service provision and the required level of service is provided at all times.

6.5.3 Benefits to employee

- The problem of finding childcare during school holidays is removed, and the employee can spend more time with his/her children during this time.
- Offers regular salary level throughout the year.

6.5.4 Benefits to employer

- The recruitment and retention of individuals whose childcare responsibilities might otherwise keep them out of the employment market is made possible.

6.5.5 Points to watch

- Other employees may be put under pressure not to take their annual holiday during the school holidays.
- Averaged pay will affect the calculation of maternity and other benefits.
- Where a long break from employment would be disruptive to the job or service provided, or where the employee has unique knowledge or skills that are needed on a consistent basis throughout the year, this system may be unsuitable.

6.5.6 Notes

- Where a managerial role is being considered for term-time working, account must be taken of whether the team involved can work extended periods without direct supervision.
- A term time working contract means the employee works all the weeks of school terms but employment is regarded as continuous throughout the year. An employee can work full-time or part-time hours. Salary will be based on the total annual hours worked, paid in equal monthly instalments.
- Term time working employees should take the majority of their annual holiday entitlement during the school holidays, i.e. it is added to the number of annual hours paid and therefore increases monthly pay. If the employee wishes, up to 3 days annual leave can be kept back to take during term time, subject to agreement with their line manager.

- A term time working employee will be expected to make themselves available for key training initiatives or service meetings even if they fall during school holidays. Adequate notice will be given to make alternative arrangements for those days and compensatory time off should be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

6.5.7 Variations

- Longer hours could be worked during term time and shorter hours during the school holidays to make up full-time hours.

6.6 Career Break

6.6.1 A career break enables an employee with two years continuous service with the Council to take an unpaid break from work for personal reasons and maintain continuity of service with the Council.

6.6.2 It is recognised that during an employee's working life there will be times when personal commitments may take priority over work e.g. bringing up children, longer term care for sick or elderly relatives, or pursuing a course of further education. The Council can accommodate such personal commitments, where operationally practicable, through career breaks.

6.6.3 The purpose of a career break could be:

- To extend the maternity/adoption leave period
- To care for dependent relatives
- To enter full time education
- Extended foreign travel

- To convalesce after a period of illness or major life crisis such as bereavement

6.6.4 These reasons are not all inclusive and others may be considered, with the major exception of taking up other paid employment.

6.6.5 The minimum career break is 3 months and the maximum break is one year. There is no limit to the number of career breaks an employee can take providing that they return to work for the Council for a minimum of 2 years between each career break.

6.6.6 The employee is required to give a minimum of 3 months notice to commence a career break. With the exception of continuity of service all other terms of the employment contract with the Council will be suspended.

6.6.7 If the employee wishes to extend the career break, they must do so in writing giving a minimum of three months notice. The manager will give consideration to the extension along the same lines as the original request and may grant up to one year in total.

6.6.8 There will be no automatic right to cut short a career break but managers will consider such requests from an employee as they can accommodate, without impacting on service level.

6.6.9 At the end of a career break the employee will have the right to return to an equivalent position within their service where this is available. However, where this is not available the Council will offer an alternative which can include work elsewhere in the Council at a different level and pay. The new job would need to be a suitable alternative, as defined in the Council's Redundancy Policy.

6.6.10 Benefits to employee

- The employee has an extended period of time away from the workplace to study, spend time with

dependants, carry out voluntary work or perhaps travel abroad.

- A career break can be used as an opportunity for personal development.

6.6.11 Benefits to employer

- The employee's skills are retained in the long term.
- New ideas and extra skills, motivation and enthusiasm may result from the employee's period of time away from the workplace.
- While the possibility of a career break to look after young children may be particularly attractive to female employees, career breaks can also be used to attract, motivate and retain other sectors of the workforce, for example those who missed out on a 'gap year' of travel between school and university.
- The opportunity to take a career break can be used to reward long service.

6.6.12 Points to watch

- Lack of pay over the career break period is likely to limit the number of employees for whom this will be an option.
- A replacement will have to be found for the employee in his/her absence, or the workload divided between the remaining members of the workforce.
- Thought needs to be given to how any business reorganisation or restructuring might impact on the employee's right to return.
- Time away from the workplace can lead to a loss of skills or confidence.

6.6.13 Contractual issues and other practical arrangements

- The employee will be required to sign an agreement suspending all terms of their contract of employment, with the exception of continuity of service with the Council. The contract of employment will remain suspended for the duration of the career break. This will not constitute a break in service and general conditions of service will apply as at the start of the career break when the employee returns to work.
- At the end of the career break the employee will return to the same incremental point they were on at the start of the career break which may result in salary protection if the post has been downgraded in a restructure.
- Employees considering career breaks should contact Serco pensions for more information.
- Any live disciplinary warnings will be suspended for the duration of the career break and will be carried forward upon the employee's return to work.

6.6.14 Notes

- A period of induction and/or retraining may be necessary on the employees return.
- Employees should be kept informed on a regular basis of any key organisational or service developments.
- The employee is required to maintain regular contact with the Council throughout their absence.

7.0 Impact on Employment

7.1 Legal Issues

- 7.1.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.

7.2 Sickness Absence

- 7.2.1 National Conditions of Service for Sickness Payments will apply, and sick leave shall be based on length of service calculated on an individual basis. For the purpose of Statutory Sick Pay (SSP), all seven days of the week are classed as qualifying days and, therefore, need to be covered whether or not an employee is due at work. Entitlement to Occupational Sick Pay will be pro-rated according to the number of days actually worked.

7.3 Maternity Leave/Pay & Paternity Leave

- 7.3.1 Employees will be entitled to the benefits of the maternity scheme. However, payment will be reduced on a pro-rata basis. Employees will be entitled to paternity leave on a pro-rata basis. Details can be found in the 'Maternity, Paternity and Adoption Leave' Policy & Procedure.

7.4 Training

- 7.4.1 Employees will have access to training opportunities on the same basis as full-time employees but managers may need to adapt ongoing on-the-job training programmes to accommodate different working patterns.

7.5 Approved Overtime

- 7.5.1 Where hours are worked in excess of the contract, payment at plain time will be made up to 37 hours, i.e. normal full-time hours, before the appropriate enhanced rate is applicable. If part-timers work weekends and these are not normal working days, they will be paid at the weekend enhanced rate. Please see the Overtime Rules for more information.

7.6 Car Allowances

- 7.6.1 Eligibility for the Essential Car Allowance will be based on pro-rated business miles travelled and the Essential User lump sum allowance is pro-rated based on the number of annual hours worked. Please see the Expenses Policy for more information.

7.7 Pensions

7.7.1 Employees considering changing their working hours should contact LPFA to discuss the impact this may have on their pension entitlement.

8.0 Process

8.2 Considering the Initial Request

8.2.1 The employee will make a request for flexible working in writing to their line manager (this should be copied to HR), using the form found at Appendix 1. The information provided by the employee will form the basis for a meeting with the manager where the request can be more fully explored. The employee should give an indication of a possible start date and the period during which flexible working is required.

8.2.2 The manager must meet with the employee within 10 days of receipt of the request.

8.2.3 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 5.0) and the employees current role:

- Workload (of the person making the request, and the team)
- Options for re-scheduling / re-prioritising work
- Alternative options for flexible working
- Implications for conditions of service
- Financial Implications

8.2.4 There may also be other issues that are unique to the situation and these should be considered.

8.2.5 Within their written proposal the employee will be expected also to have given consideration to any impact of their request upon their own work, other team members and service delivery, and will be expected to offer constructive suggestions about how these can be managed.

8.3 Making the Decision

- 8.3.1 The manager must notify HR of the decision so that a letter can be sent to the employee within 3 days of the meeting being held.

8.4 Multiple Requests

- 8.4.1 Where a manager receives a number of flexible working proposals, or a joint proposal from a group of employees, the requests will have to be considered collectively.

8.5 Agreeing the Request

- 8.5.1 The agreed changes must be subject to the successful completion of a trial period after which a review must be undertaken to assess the viability of the change. Clear criteria need to be agreed at the beginning of the trial period to ensure that the effectiveness of such an arrangement can be measured.
- 8.5.2 A review meeting should be arranged for a suitable period after commencement agreed between the employee and manager. This is usually three months.
- 8.5.3 HR will issue the employee with a formal letter of notification about the trial period including an explanation of the impact on the individual's conditions of service and the agreed flexible working arrangements.

8.6 Refusing the Request

- 8.6.1 If it is considered that a post is unsuitable for the specific flexible working option proposed by the employee or group of employees, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Requests for flexible working should only be refused on one of the following 9 business grounds:
1. Burden of additional costs
 2. Detrimental effect on the ability to meet customer demand

3. Inability to reorganise work among staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes
9. Other relevant business grounds
10. Working Time Regulations 1998 are not met

8.6.2 Managers should contact their HR Officer for advice if refusing a flexible working request.

8.7 Reviewing the Arrangement

8.7.1 A review meeting should be arranged at the end of the trial period (although it is important to discuss any difficulties or problems before this time). A successful trial period should be confirmed in writing stating that the arrangement is now permanent (please contact HR who will send a letter to the employee). If the trial period is unsuccessful, this must be explained to the employee and also confirmed in writing (please contact HR who will send a letter to the employee) It is the manager's responsibility to ensure this review takes place.

8.7.2 Individuals will have the right to revert back to their original pattern of working within the trial period subject to their giving appropriate notice.

8.7.3 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee(s), ideally by discussion and followed up in writing. Managers should use the reasons outlined in point 6.6.1 when explaining their decision.

8.8 Monitoring

8.8.1 Beyond the trial period, all flexible working arrangements are subject to a proviso that the individual may be required to revert back to their original pattern of working if there are identifiable and significant operational problems

identified at any time. Such action will not be taken unreasonably and will always be subject to full discussion with the individual(s) concerned and the giving of appropriate notice.

- 8.8.2 Once the trial period has concluded and the arrangement has been confirmed, individuals will have the right to request to further vary their pattern of working and managers should treat this as a new request for flexible working.

9.0 Appeal

- 9.1 Where an employee is dissatisfied with a decision in relation to a proposal they have made to work more flexibly, they can appeal the decision in accordance with the Council's Appeals Policy.

10.0 Policy Review and Amendment

- 10.1 This Policy shall be reviewed after two years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

APPLICATION TO VARY AN EXISTING WORKING ARRANGEMENT

Note to the employee

It will help the Council to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the application form.

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

Once you have completed the form, you should forward it to your Line Manager and send a copy to HR.

1. Personal Details:

Name:

Job Title:

Service:

Line Manager:

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

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

2c. I would like my new working pattern to commence from:

Date:

3. Impact of the new working pattern

I think this change in my working pattern will affect the Service and my colleagues as follows:

4. Accommodating the new working pattern

I think the effect on the Service and colleagues can be resolved as follows:

Signed

Dated... ..