



East Herts Council

Flexible Working Policy

Policy Statement

Policy Statement No 8 (Issue No 4)

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ESSENTIAL REFERENCE PAPER “B”

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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 employees 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.
- 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 The Employment Rights Act 1996 gives every employee the statutory right to ask to work flexibly provided they

have worked for the Council for 26 weeks continuously at the date the application is made. An employee can only make a statutory request once in any 12 month period.

- 3.2 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.
- 3.3 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.

4.0 The Business Need

- 4.1 Although the Council is committed to providing the widest possible range of working patterns for its workforce, some flexible working options will not be appropriate for all jobs across all service areas.
- 4.2 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 employees, 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;
 - analysis of the workload of the role.

5.0 Flexible Working Options

5.1 Part-time working

5.1.1 Part time working is where an employee is contracted to work fewer than 37 hours, the full time equivalent contractual hours per annum.

5.2 Flexi-time

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

5.2.2 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.

5.2.3 In specific situations it may be necessary to exclude employees from the scheme or place a limitation on flexibility because the nature of their work restricts them to working regular hours. SMG are required to work the hours necessary to allow them to perform their roles in accordance with their contracts and Working Time Regulations 1998.

5.2.4 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.

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

5.2.6 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.

- 5.2.7 Flexi-time can be applied successfully within many service areas, although inevitably some jobs will not operate practically under this system.
- 5.2.8 Working long hours can cause fatigue and affect performance. All Employees are required to take a lunch break of no less than 20 minutes. Employees must not work more than six hours continuously without a 20 minute break, in accordance with the Working Time Regulations. (Separate rules apply to young workers, advice should be sought from HR on this).
- 5.2.9 Unless the scheme is handled with care, additional burdens may be placed on some team members or customer service may suffer at particular times.
- 5.2.10 Any employee found abusing the scheme will be subject to disciplinary action, in line with the Council's procedures.

5.3 Compressed Hours

- 5.3.1 Compressed hours is a system that permits employees to work their total number of contractual hours over fewer working days. Usually a 5 day week is compressed into 4 days or 4.5days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

5.4 Temporary voluntary reduced working time

- 5.4.1 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 their substantive working hours at the end of this period.

5.5 Term Time Working

- 5.5.1 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.
- 5.5.2 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.

5.5.3 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.

5.6 Career Break

5.6.1 A career break enables an employee with 2 years continuous service with the Council to take an unpaid break from work for personal reasons and maintain continuity of service with the Council.

5.6.2 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.

5.6.3 The purpose of a career break could be:

- to extend the maternity/adoption leave period
- caring responsibilities
- to enter full time education
- extended foreign travel
- to convalesce after a period of illness or major life crisis such as bereavement

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

5.6.5 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.

- 5.6.6 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.
- 5.6.7 If the employee wishes to extend the career break, they must do so in writing giving a minimum of 3 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.
- 5.6.8 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.
- 5.6.9 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.
- 5.6.10 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.
- 5.6.11 At the end of the career break the employee will return to the same pay 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.

- 5.6.12 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.
- 5.6.13 A period of induction and/or retraining may be necessary on the employees return.
- 5.6.14 Employees should be kept informed on a regular basis of any key organisational or service developments.
- 5.6.15 The employee is required to maintain regular contact with the Council throughout their absence.

6.0 Impact on Employment

6.1 Legal Issues

- 6.1.1 Managers should consider the Working Time Regulations 1998 when considering flexible working requests.
- 6.1.2 This Policy has been written taking into consideration the ACAS Code of Practice on handling in a reasonable manner requests to work flexibly.

7.0 Process

7.1 Considering the Request

- 7.2.1 The employee is required to submit a request to work flexibly in writing to their manager using the Flexible Working Request form (Appendix 1). A copy must be sent to Human Resources. The request must include the following:

- the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;
- what effect, if any, they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with. Including 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.

- A statement that this is a statutory request and if and when they have made a previous application for flexible working.

7.2.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 days of receipt of the request. The discussion does not have to be face to face and if the manager and employee agree it can be held by phone or some other way.

7.2.3 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative if they wish. This should be made clear to the employee before the discussion takes place and sufficiently in advance so that they can arrange the attendance of their companion.

7.2.4 When considering the request the manager should view it as objectively and fully as possible, taking into account the business needs (see 4.0) 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

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

7.3 Making the Decision

7.3.1 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.

7.4 Multiple Requests

7.4.1 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.

7.5 Trial Periods

7.5.1 All flexible working requests should include a trial period for both the benefit of the employee and the service. This is to establish whether the arrangements requested are sustainable in the Council, the impact on the role, colleagues and service(s). The trial period will be agreed between the employee and manager taking into consideration the role of the individual. A review date will be agreed for the employer and employee to jointly discuss how the new arrangements are working and make any necessary adjustments.

7.5.2 A successful trial period should be confirmed in writing stating that the arrangement is now permanent. If the trial period is unsuccessful, this must be explained to the employee and also confirmed in writing (please contact HR for template letters) It is the manager's responsibility to ensure this review takes place.

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

7.5.4 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 7.2.4 when explaining their decision.

7.6 Refusing the Request

7.6.1 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 10 business grounds:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to reorganise work among employees
4. Inability to recruit additional employees
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

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

8.0 Monitoring

8.1 All flexible working arrangements are subject to a proviso that the employee 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.

8.2 Individuals who have already changed their working pattern through a flexible working application 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. An employee can only make a statutory request once in any 12 month period.

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 three years or sooner in line with legislation and best practice to reflect the best possible level of support and management.

FLEXIBLE WORKING REQUEST FORM

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:

5. Is this a Statutory Request? YES/NO

6. Have you made a previous application in the last 12 month period? YES/NO

Signed

Dated... ..