



# **EAST HERTS COUNCIL**

## Flexible Working Scheme

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**Policy owner: Human Resources**

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## **1.0 Purpose**

- 1.1 This policy sets out the council's approach to flexible working arrangements which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.
- 1.2 The council recognises that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing, and improve performance and productivity.
- 1.3 This policy outlines an employee's statutory rights to request flexible working which the Council will seek to support where it is reasonable and practicable to do so. (See section 4.2)
- 1.4 Requests for flexible working may be for any reason and are not restricted to employees with family care commitments. This policy does not include agency workers, contractors, consultants, or any self-employed individuals working for the Council.

## **2.0 Eligibility**

- 2.1 All employees have the statutory right to request flexible working on day one of employment. Under the statutory procedure, an employee can make two requests in any 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.

## **3.0 Principles**

- 3.1 An employee does not have a right to work flexibly but has a right to request to do so.
- 3.2 The council will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the employee in order to reach a mutually beneficial arrangement.

- 3.3 All requests will be considered as quickly as possible. This will normally be within a calendar month of the line manager receiving the request. The whole process, including any possible appeal against the decision, must be conducted within a maximum period of 2 calendar months. This timescale may be extended, if necessary, where this is mutually agreed.

#### **4.0 The Business Need**

- 4.1 Although the council is committed to encouraging flexible working patterns, some flexible working options will not be appropriate for all roles across all service areas.
- 4.2 Where an instance of flexible working is proposed, managers need to consider:
- the effect of the proposed arrangement on the service;
  - the effect of the proposed arrangement on other employees, customers and the council;
  - the cost of the proposed arrangement;
  - the level of supervision that the post-holder requires;
  - the structure of the service and staff resources;
  - other issues specific to the employee'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 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;
  - compressed hours;
  - temporary voluntary reduced working time;
  - term-time working;
  - job share.
- 5.2 Please see Appendix A for further details on the types of flexible working options. Flexi time and home working are not

covered by this policy. Please refer to the Blended Working policy on the intranet.

## **6.0 Process**

### **6.1 Considering the request**

6.1.1 The employee is required to submit a request to work flexibly using the Flexible Working Request form on the intranet. 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;
- a statement that this is a statutory request and if and when they have made a previous application for flexible working.
- (optional) the reasons for their request, especially if the council's Equality and Diversity Policy may be relevant, for example, if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.

6.1.2 On receipt of the request the manager should arrange a meeting to discuss the request with the employee within 10 working days of receipt of the request. A HR Officer must be present at this meeting. This will provide an opportunity to explore the desired work pattern in depth and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns.

6.1.3 The manager may determine they need more time to make a decision, they will discuss this with the employee and agree a time period which may include a timescale extension in line with 3.3 above.

6.1.4 Employees have the right to be accompanied at the meeting by a work colleague or Trade Union representative.

6.1.5 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 employee's current role. The manager should take into account:

- the workload (of the employee 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 to the council.

6.1.6 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

## 6.2 Making the Decision

6.2.1 The manager must seek approval from the Head of Service before informing the employee of the decision. HR will confirm the manager's decision in writing and confirm any impact on pay and annual leave as appropriate.

## 6.3 Trial Periods

6.3.1 All approved flexible working requests should include a trial period (usually for 3-6 months) 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 employee and needs of the service.

6.3.2 A successful trial period should be confirmed in writing stating that the arrangement is now permanent (or for a fixed term if it is agreed the flexible arrangements are temporary).

6.3.3 If it is considered that the trial period has been unsuccessful, the reasons for this decision must be communicated to the employee and followed up in writing.

Managers should use one or more of the business grounds outlined in point 6.4.2 when explaining their decision.

6.3.4 Employees will have the right to revert back to their original pattern of working within the trial period subject to the employee giving appropriate notice to the manager.

#### 6.4 Refusing the Request

6.4.1 Managers in consultation with the Head of Service should contact their HR Officer for advice before refusing a flexible working request.

6.4.2 If it is considered that a post is unsuitable for the specific flexible working option proposed by the employee, the reasons for this decision must be communicated to the employee, ideally by discussion and followed up in writing. Requests for flexible working should only be refused on one or more of the following business grounds:

- burden of additional costs
- detrimental effect on the ability to meet customer demand
- inability to reorganise work among employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the period the employee proposes to work
- planned structural changes, e.g. a pending or current restructure
- other relevant business grounds
- Working Time Regulations 1998 are not met.

6.4.3 If the employee verbally withdraws the request this must be confirmed by the employee in writing.

## **7.0 Monitoring**

- 7.1 All flexible working arrangements should be reviewed on an annual basis, through the PDR process. Any changes to flexible working arrangements once they have been confirmed as permanent must be with agreement from both parties.
- 7.2 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 be subject to full discussion with the employee(s) concerned and the giving of appropriate notice.

## **8.0 Appeal**

- 8.1 The employee may appeal the decision within 5 working days of the decision being notified to them. The grounds for the appeal should be put in writing to the HR and OD Manager. Please refer to the Appeals Policy for the process and appeals submission form.

## **9.0 Policy Review and Amendment**

- 9.1 This Policy shall be reviewed in line with legislation and best practice and business needs.



## **APPENDIX A**

### **Further information on flexible working options**

#### Part-time working

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

#### Compressed Hours

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 4.5 days, a 10-day fortnight into 9 days or 18 day month (based on a 4 week month).

#### Temporary voluntary reduced working time

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. Pay would be pro-rated during this time accordingly.

#### Term Time Working

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

Term time working will 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. 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 will be offered. In exceptional circumstances where alternative time off is not an option, other alternatives may be considered.

## Job share

A job share is where two employees voluntarily share the duties and responsibilities of one full-time position, dividing the hours between them. The full-time salary and leave entitlement are allocated on a pro-rata basis to each of the job share partners.

The way in which the actual hours of a job share position are divided between the job share partners should be decided by the manager/supervisor in consultation with the job share partners, taking into account the following:

- the needs of the service, section and/or department;
- any limitations on accommodation, equipment etc.;
- the requirement for a handover period (the total hours worked by the job share partners should not exceed the normal full-time hours of the post);
- if there is a requirement for job share partners to cover each other's annual leave and the service budget needed to support this.

Job Sharing can be introduced into a post in a number of ways:-

- The manager may decide that a vacant role is best suited for job share in order to accommodate the needs of the service. It will then be advertised accordingly and two separate candidates appointed on a job share basis.
- An existing employee formally applying for a job share arrangement to be agreed in respect of the post they occupy.
- An application being made by one employee/external candidate to share a vacant post.
- A joint application being made by two or more employees/external candidates to share a vacant post.
- Two or more separate applications being made, whether internal or external, which can be matched together to form a job share.

Some services may choose to make it a requirement that the job sharing partner shall make themselves available to cover their job sharing partner's annual leave. If this is the case the following conditions will apply:-

- given three weeks' notice, the cover for absence shall be full time.
- given a lesser notice period, the job sharing partner shall use their best endeavour to attend on a full time basis.
- only one job-sharing partner shall have annual leave in the same period.

The extra hours worked to cover annual leave will be paid to the employee as Job Share Allowance (this is plain time rate).

If the employee prefers they may request that some or all of their extra hours are used to accrue flexitime provided the flexitime policy is adhered to. The manager will consider this request based on the needs of the service.

In the case of unplanned/emergency absence, the job sharing partner shall use their best endeavours to attend. In the case of long-term sickness, the remaining job share partner may be requested to consider increasing their hours to cover. If the job share partner does not wish to increase their working hours, a temporary job share partner may be appointed or other arrangements made as appropriate.

## **APPENDIX B**

### **Flexible Working Requests – Guidance for managers**

**Line Managers must not speculate on what the outcome will be in relation to any flexible working request, any decision must be approved by the Head of Service before the employee is informed of the decision.**

1. Flexible working arrangements can be beneficial to both employees and the council. Keep an open mind and view requests positively and objectively as they may open up new possibilities in the way the service is provided. Finding the right work-life balance is important for all of us in terms of motivation and commitment to our work.
2. As the nature of the discussion is confidential and potentially sensitive, the meeting between the manager and the employee should be held in private, at a mutually convenient time, to discuss their request. Allow sufficient time for the employee to arrange to bring a workplace colleague or Trade Union representative with them, should they wish to do so.
3. Meeting with the employee provides the opportunity to ensure that the proposal put forward is the best solution.
4. The aim of the discussion is to explore the potential benefits of their request, the impact it may have on the service and the rest of the team and how it might be accommodated. Encourage the employee to put forward his or her ideas about how the working pattern sought could be made to work, as s/he may have some sound ideas about how the job might be done differently, but equally effectively.
5. Remember that if the working hours reduce, the workload will need to be reduced proportionately. Would you need to find a replacement/cover or could the work be done at a different time or in a different way? Are there any potential costs or savings? Does this present development opportunities for others in the team? Consider whether the probation period will be affected or need to be extended.
6. You are free to explore alternative suggestions in order to try to find a compromise solution (Appendix B provides examples of various flexible arrangements you may consider). You may agree a temporary or trial period if you have justifiable reservations, or agree a different start

date if other measures need to be put in place, in order to make their request workable, such as training up a colleague to cover when they are not there.

7. Be careful not to discriminate inadvertently, for example, by being more sympathetic to requests from one particular sex. If you receive requests from more than one employee do not make value judgements about which is the most deserving case. Look at each case individually based on the impact on the service; consideration may also be given to reasons for the application e.g. if it relates to a disability. Ensure any decision is based on justifiable business grounds.
8. If two or more requests are made very close together it may be helpful to hold separate discussions with each of the employees and explain the situation. Through discussion you might find a compromise which enables you to accommodate all or more of the requests.
9. If you find you are unable to approve any further requests due to the impact on the service, where you already have a number of other employees working flexibly, you may call for volunteers from the existing flexible working employees to change their hours (some may be happy to do so if their situation has changed) thereby creating capacity to approve new requests.
10. Having weighed up the situation, you are under no legal obligation to grant the request if it cannot be accommodated. You can turn down a request as long as the reason for turning it down is one of the business reasons set out in the policy.
11. Once a decision has been made by the Head of Service:
  - i. If you are agreeing to some form of flexible working arrangements, inform the employee verbally and send the employee's request and a contract amendment form to HR who will write officially to the employee to confirm the contractual changes.
  - ii. If you are rejecting the request you may wish to meet with the employee to explain your reasons but you do not have to do so. Please contact your HR Officer who will help you draft a letter confirming your decision in writing to the employee. The written confirmation should specify which of the statutory grounds for refusing a request applies and should also explain why that reason applies in the individual case.

12. Informal short-term temporary arrangements to deal with personal issues, such as reduced hours for a couple of months to care for a sick relative, may be dealt with outside of this policy where appropriate. Contact your HR Officer for further advice and guidance.