



**Flexible Working Policy**

Version 1.1	
Last reviewed	July 2011
To be reviewed by	Nov 2023
Specific changes	Changes to Management titles and level of authorities and legislative changes



## FLEXIBLE WORKING POLICY

### 1.0 INTRODUCTION

The Council believes that its employees are its most valuable asset and is committed to attracting and retaining the very best, utilising all the talent and experience available within the community. It 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 employees must recognise that staffing levels must at all times remain in line with service requirements.

### 2.0 SCOPE OF THE POLICY

The right to request flexible working applies to all employees of South Lakeland District Council (~~S.L.D.C/SLDC~~) with 26 weeks' continuous service. Only one statutory application for flexible working can be made once every 12 months, ~~however precedence has to be given to those who have a legislative right to make the request. This legislative right applies to employees with 26 weeks' continuous service, with parental responsibility for a child under the age of 17 or 18 if the child is disabled or who have caring responsibilities for an adult aged 18 or over, an eligible employee has the right to request to change the number of hours that they work, the times that they work or their place of work.~~

### 3.0 ELIGIBILITY

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, the following eligibility requirements must be met which includes:

- being an employee
- working for SLDC continuously for at least 26 weeks on the date they make their request
- not having made another statutory request during the past 12 months

~~there may be situations where precedence has to be given to those who have a legislative right to make the request.~~

#### ~~Eligibility requirements~~

~~To have the statutory right to make a flexible working request, an employee has to meet certain criteria.~~

be an employee

- ~~have worked for S.L.D.C continuously for at least 26 weeks on the date they make their request~~
- ~~not have made another statutory request during the past 12 months~~

### ~~3.2 — Parents can make flexible working request if they are either~~

- ~~the mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child or a person who has been granted a residence order in respect of a child~~
- ~~Married to, or the partner or civil partner of one of these and are applying to care for the child.~~

### ~~3.3 — Carers can make flexible working requests~~

~~If they care, or expect to be caring, for an adult who is~~

- ~~a spouse, partner, civil partner or relative~~
- ~~someone who lives at the carer's address~~

~~A relative is a mother, father, adopter, adoptee, guardian, special guardian, parent in law, son, son in law, daughter, daughter in law, brother, brother in law, sister, sister in law, uncle, aunt or grandparent. Step-relatives, adoptive relationships and half-blood relatives are also included.~~

#### ~~3.3.1 — What types of adult care are relevant?~~

~~Carers' patterns can vary widely from individual to individual — both in the nature and the extent of the care given. Examples may include:~~

- ~~giving/supervising medicines~~
- ~~escorting to doctors' appointments~~
- ~~supervision of the person being looked after~~
- ~~help with personal care for example dressing, bathing, toileting~~
- ~~help with mobility for example walking, getting in and out of bed~~
- ~~housekeeping for example preparing meals, shopping, cleaning~~
- ~~nursing tasks for example daily blood checking, changing dressings~~

### ~~3.4 — All employees~~

~~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 life long learning, charity work, leisure activities and other interests.~~

### ~~3.5 — Employee checks~~

~~If the employer wishes to check that the employee meets one or all of the above criteria, it can ask the employee for evidence in the form of a declaration or "self-certificate".~~

## **4.0 THE FREQUENCY OF FLEXIBLE WORKING REQUESTS**

~~Employees can make one application every 12 months. — even if the second request in this period was for a different caring responsibility. For example, an employee wishing to make a request to care for an adult would still have to wait a year even if their previous request had been to enable them to care for a child. Each year runs from the date the first application was made.~~

## ~~5.0 — THE REQUIREMENTS OF THE COUNCIL~~

~~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 Council.~~

~~Where an instance of flexible working is proposed the manager 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 or needs to give~~

~~The structure of the department and staff resources~~

~~Issues specific to the individual's department/group~~

~~An analysis of the tasks specific to the role, including their frequency and duration~~

~~An analysis of the workload of the role~~

## ~~5.1 — GROUNDS FOR REFUSING A REQUEST FOR FLEXIBLE WORKING~~

~~The Council ultimately has the right to refuse a request for flexible working on the grounds of:~~

~~Burden of additional costs~~

~~Detrimental effect on the ability to meet customer demand~~

~~Inability to reorganise work among existing staff~~

~~Or recruit additional staff~~

~~Detrimental impact on quality or performance~~

~~Insufficient work during the periods the employee proposes to work~~

~~Planned structural changes~~

## 5.06.0 — REQUESTING AN ALTERNATIVE WORKING ARRANGEMENT WHAT INFORMATION DOES AN EMPLOYEE NEED TO PROVIDE FOR A FLEXIBLE WORKING REQUEST (EMPLOYEE TO COMPLETE APPENDIX A APPLICATION FORM AND PROVIDE A COPY TO THEIR LINE MANAGER)

A request for flexible working must be made in writing and must include the following information:

- 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 you as the employer and how, in their opinion, any such effect might be dealt with
- a statement that this is a statutory request and if and when they have made a previous application for flexible working

## **6.0 WHAT SHOULD A MANAGER DO WITH A REQUEST**

Once you have received a written request, you must consider it within a reasonable time frame. You should arrange to meet with your employee as soon as possible after receiving the written request. If you intend to approve the request in full then a meeting is not needed.

If a meeting needs to be arranged please contact human resources to support with the meeting.

Should there be need to have a meeting, in this circumstance an employee can be accompanied by a work colleague or a union representative.

Any changes to an employee's working arrangements should be followed up in writing and managers should liaise with their HR representative to confirm. Managers should also complete a notification of change form (found in HR forms on sharepoint) and forward the details to their HR representative, payroll and finance.

## **7.0 WHAT DO MANAGERS NEED TO CONSIDER**

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 Council.

Where an instance of flexible working is proposed the manager 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 or needs to give
- The structure of the department and staff resources
- Issues specific to the individual's department/group
- An analysis of the tasks specific to the role, including their frequency and duration
- An analysis of the workload of the role

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- Inability to reorganise work among existing staff
- Inability to recruit additional staff

- Detrimental impact on quality
- Detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural changes

An employee may suggest any of the following as examples of flexible working

### **6.1 — Temporary arrangement**

Employees may request to alter their working arrangement on a temporary basis for a maximum of 12 months with 3 monthly reviews. Employees and managers may enter into a mutual agreement out with this policy.

### **6.2 — Voluntary Reduced Working Time (V-time)**

This arrangement is when it is agreed that the employee will work reduced hours for a certain period of time, returning to full time hours (or their normal contracted hours) at the end of this period. Salary, holiday and pension are pro-rated during this time.

### **6.3 — Permanent arrangement**

Employees could either discuss the possibility with their manager or write to the manager with the request, outlining details of how they think the working arrangement will work in practice. Employees should note that the change in their working pattern will be a permanent change to the terms and conditions of employment and they have no right in law to revert back to the previous working pattern.

The Council will give consideration to requests for the following flexible working arrangements, whilst recognising 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
- Annualised hours
- Compressed hours

#### **6.3.1 — Part-time Working**

Part time working is a system whereby the employee is contracted to work fewer than the standard number of contractual hours, perhaps by working fewer days per week.

#### **6.3.2 — Annualised Hours**

Annualised hours is when 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.

- The hours are often divided into scheduled hours, which are set.

- Reserve hours, when the employee can be called into work as demand dictates, including cover of unplanned work and employee absence.
- Salary is usually paid in 12 equal instalments.
- The Manager must review on a regular basis of no less than every 4 months the hours worked to make sure a balance is maintained.

### **6.3.3 Compressed Hours**

Compressed hours 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, or a 10-day fortnight into nine days.

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.

## **7.0 TIME LIMITS**

The following times should be adhered to ensure any application for flexible working conforms to the statutory right to request. Managers may extend the time limit for any part of the process, providing both agree to the extension.

1. Arrange a meeting to discuss your application – 28 days
2. Notify the employee of your decision regarding your application – 14 days
3. Arrange a meeting to discuss your appeal – 14 days
4. Notify the employee of your decision regarding your appeal – 14 days

## **8.0 RIGHT OF APPEAL**

### **8.1 Employee responsibilities**

If the application has been refused an employee and the employee is unhappy they may appeal against the decision to the next level of manager. This must be made in writing within 10 working days ~~14 days~~ of receiving written notice that your application for flexible working has been refused ~~been turned down~~, setting out the grounds on which you are appealing.

The purpose of the appeal is to consider whether the process was fair and/or whether the conclusions, recommendations and final decision are reasonable in all the circumstances.

### **8.2 Employer's responsibilities**

If an appeal is received a meeting must be arranged within a reasonable time frame ~~This is a formal appeal made under the legal right to apply for flexible working, employers have 14 days following receipt of this written notice in which to arrange a meeting with the employee to discuss the grounds of the appeal.~~

### **8.3 Hearing the appeal**

If a written appeal is received the next level of manager should contact a ~~A representative from the HR Group who will support the manager with arranging an appeal hearing. The next line manager will then hold an appeal meeting and a representative from HR hearing the appeal and will advise on procedures and assist them in reaching a fair decision at the appeal hearing.~~ The

manager will discuss the grounds for appeal in detail and, based on all the facts available, will then decide whether the decision should be altered in any way. A response to the appeal hearing will be given within a reasonable timeframe~~14 days~~.

The employee may be represented and/or accompanied at the appeal by a union official or a colleague ~~or some other person of their choosing who is not acting in a legal capacity~~. If representation is not available to attend the appeal it will be re-arranged within 5 working days, however rescheduling the appeal for the convenience of a specific representative is not guaranteed and, ~~but~~ every effort will be made to accommodate a reasonable request.

## ~~9.0~~ **OTHER FLEXIBLE WORKING OPTIONS COVERED BY POLICIES**

~~The Council has separate Policies on each of the following flexible working arrangements and will give consideration to requests for the following flexible working arrangements.~~

~~Flexi time Scheme~~

~~Career Break~~

~~Details of all these policies may be found in the HR Policies and Procedures Manual or on the Intranet under Human Resources.~~

## **910.0 CONCERN ABOUT THE APPLICATION OF THIS POLICY**

Any employee who believes that this policy is not being fairly applied may seek redress through the Council's Grievance Procedure.

## **104.0 REVIEW**

~~This policy will be reviewed in the light of operating experience and/or changes in legislation. This policy will be reviewed by July 2014 or earlier in the light of operating experience and/or further changes in legislation. HR Committee agreed delegated powers to change the age to under the age of 18. (In Scope of the Policy) Following proposed changes in the legislation.~~

## **APPENDICES TO THIS DOCUMENT**

Appendix A Application form

~~Appendix B Acceptance form~~

~~Appendix C Rejection form~~

~~Appendix D Appeal form~~

~~Appendix E Managers reply to appeal form~~

~~Appendix F Extension of time limit form~~

Appendix BG Flow Chart ~~right to request~~for flexible working