

Flexible Working Policy & Procedure

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Policy Title	Probation Policy
Policy Author	HR Team - PSPS
Policy Issue date	April 2022
Policy Review date	January 2024, or earlier if required due to one of the specific reasons as set out in the HR Policy Governance Framework
Policy Consultation	Trade Unions recognised by the Council Council Reader Panel
Policy Sign-off	Check with James Gilbert – Assistant Director Corporate who will sign off policy in each client Council of the SELCP

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Introduction

The Council are keen to promote and support employees in achieving a positive work-life balance, ensuring sufficient rest and time away from their regular working environments.

Under the provisions of The Flexible Working Regulations 2014 all employees, who have 26 weeks of continuous service with the organisation, have the right to make a statutory formal request for flexible working.

This provision provides a legal framework for such request, and as such has provided formal timescales that must be complied with.

Scope

The Council has chosen to give the right to request flexible working to all employees from day one and not to apply the statutory minimum 26 week qualifying period as per the regulation.

The employee can make an application at any time so long as they have not made another application to work flexibly under this 'Flexible Working Policy' during the last 12 months of employment

The People Manager has the responsibility to consider such requests in a 'reasonable manner' and make a response to the formal request within a timescale of 3 months, unless otherwise agreed.

The 'Flexible Working Policy' provides a framework for consistent and fair practice on the issues to be taken into account when implementing and managing 'Flexible Working' requests and ensuring adherence to statutory legislation and guidance.

Where an employee requires a reasonable adjustment in the form of a change to their work pattern due to a disability – these requests should be supported through People Managers, HR Team and where applicable occupational health provisions.

Key Points

This policy applies to all 'eligible', employees regardless of whether they are fixed-term, permanent, full or part-time.

The decision to agree to a 'Flexible Working' request is dependent on a number of factors including, but not limited to:

- the requirements of the role;
- the facilities in place to support the particular employee;
- the service being delivered by the employee's service area;
- the organisation as a whole;
- the welfare of the employee

The decision to agree a 'Flexible Working' request will need to be mutually agreed by the employee and their People Manager and be supported by clear objectives and key performance indicators.

1. What is Flexible Working?

1.1 Flexible working is a way of working that suits an employee's needs.

1.2 Some employees may require a formal agreement to make a permanent change to their working arrangements

1.3 All employees have the legal right to request 'Flexible Working'. This is known as 'making a statutory application'.

1.4 There are many options that employees may request including but not limited to the following:

- Part-time hours;
- Compressed hours;
- Job share;
- Term time working;
- Flexible start and finish times;
- Working from home.

2. Process Monitoring

The Council is committed to monitoring the outcome of all Formal Requests for Flexible Working to help inform the future development of practice and support equality and diversity monitoring.

3. Responsibilities under this Policy

Employee's Responsibility

3.1 Employees should comply with this policy ensuring any requests made as per policy guidance and any necessary documentation is supplied.

3.2 Employees should be flexible, open and constructive when discussing and agreeing 'Flexible Working' requests with their People Manager, whilst remaining focused on the needs of service.

Management Responsibility

3.3 People Managers should ensure that they comply with this procedure and apply it effectively, fairly and consistently within their area of responsibility.

3.4 People Managers should where appropriate, seek advice and/or guidance from the HR Department.

3.5 People Managers should ensure that they agree appropriate arrangements for any employee who makes a flexible working request.

3.6 People Managers should be flexible, open and constructive in discussing and agreeing flexible working arrangements, whilst remaining focused on the needs of the service, determining with the employee their flexible working needs how this will be achieved.

3.7 People Managers and Senior Managers need to ensure sufficient consideration is given in line with this policy prior to the approval of any 'Flexible Working' arrangements.

3.8 People Managers should discuss and consult with Heads of Department before agreeing any 'Flexible Working' request.

4. Formal Requests for Flexible Working

4.1 Before making an application employees need to be aware that:

- A formal request for 'Flexible Working' is a request to make a permanent change to the terms and conditions of employment.

4.2 Such changes may have financial implications, it is the employee's responsibility to fully understand the nature and impact of their request upon their personal financial, pension or personal impacts i.e. work permit or requirements, in order that they make an informed decision before making a formal request for 'Flexible Working'.

4.3 Employees should complete a 'Flexible Working Application' which is available on the First4HR Payroll Services Portal.

4.4 Consideration to the request will be given by the employee's People Manager who will arrange a meeting with the employee to discuss the application within 28 calendar days of the request being submitted.

4.6 The People Manager will consider formal requests for 'Flexible Working' upon each request's merit and assess each request based on the needs of both the business and the employee.

4.7 An agreement to one employee's formal request (either within the same area or in a different area of the company) will not set a precedent or create a right for another employee to be granted the same or a similar change to their working pattern.

4.8 It shall be the responsibility of both the People Manager and the employee to consider, assess and evaluate the potential business implications of implementing formal flexible working arrangements, for instance, but not limited to, the potential impact on costs, supervision, staff, services and ability to meet objectives.

4.9 It shall be the responsibility of both the People Manager and the employee to proactively manage the flexible working relationships and regularly reviewing existing flexible working arrangements (at least annually) to ensure that these continue to be effective in meeting the needs of both the Council and the employee.

5. Trial Period

5.1 A trial period would normally be expected to be for 3 months, unless otherwise agreed.

5.2 It is expected that there should be regular reviews during the trial period to assess whether the needs of both the business and the employee are being met, or whether any further modifications need to be made to the arrangements.

5.4 Following the trial period, a final decision will be made as to whether the request can be accommodated or not. Notification of the outcome of the 'Flexible Working Request' will be made in writing and will bring the application process to a close.

5.5 Working beyond the date of the agreed trial period will be deemed to have been an acceptance of the formal flexible working request.

6. The Right to be Accompanied

6.1 The new provisions to request 'Flexible Working' for all under The Children and Families Act (2014) have removed the automatic right to be accompanied at meetings as part of the application process.

6.2 This does not prevent an employee seeking the support and advice of their Trade Union (TU) representatives as they plan and prepare their application.

7. Notification of Outcome

7.1 The People Manager will notify the employee of the outcome of the 'Flexible Working Request' within 14 days of the meeting.

7.2 The People Manager will inform the HR Department of the outcome through the First4HR portal.

7.3 HR will confirm the outcome in writing and any agreed arrangements within 28 days following the approval or rejection of the request

7.4 There is no statutory right to appeal the outcome of a 'Flexible Working Request' should an employee wish to raise a concern with regard to the way in which their Flexible Working application was handled or the outcome then the employee should do this through the 'Grievance Policy'.

8. Criteria for Agreeing a Flexible Working Application

8.1 People Managers will consider any applications in order of submission.

8.2 Each application will be treated individually according to the 'Flexible Working' request sought by the employee, taking into account the wider business requirements and service delivery.

8.3 People Managers should discuss any application for 'Flexible Working' with a member of the HR Team prior to meeting with the employee.

9. Refusal of a Flexible Working Application

9.1 Applications can only be refused or revoked on the following grounds;

- The burden of additional costs;
- A detrimental effect on the ability to meet customer demand;
- An inability to re-organise work among existing employees;
- An inability to recruit additional employees;
- A detrimental impact on quality;
- A detrimental impact on performance;
- Insufficient work during the periods the employee proposes to work;
- Planned structural changes;
- Under-performance against service standards/objectives.

9.2 The Council will consider the application for 'Flexible Working' withdrawn if during the course of the process, the employee:

- Fails to complete the required application process, or adhere to the specific timescales;
- Fails to attend, without reasonable cause, a discussion meeting more than once;
- Unreasonably refuses to provide their People Manager with information they need to assess whether the contract variation can be agreed to.

10. Review of Flexible Working Arrangements

10.1 A review will be undertaken if any 'Flexible Working' arrangement is deemed to be unsuccessful.

10.2 If issues arise every effort will be made to resolve these. However, in some cases, it may be necessary to revoke the 'Flexible Working' arrangement.

10.3 If the 'Flexible Working' arrangement is revoked, then the employee will revert back to their previous working arrangement.

10.4 People Managers will only revoke flexible working arrangement based on the reasons provided above at 9.1 and after consulting with the employee.

11. Working at Home

11.1 If the flexible working application includes the request to work from home there are a number of issues that must be discussed and agreed as part of agreeing the change.

11.2 Employees who work from home will be provided with the necessary equipment to work in this way, such as a laptop, mobile phone or handheld device.

11.3 Employees should use Council equipment whilst working from home and will not be eligible to claim expenses for use of personal equipment such as home phone lines.

11.4 Employees are responsible for any home internet broadband costs and increased energy or heating costs whilst working from home.

11.5 Any Flexible Working application where it includes an employee working from home/remotely will only be agreed where the employee can guarantee attendance at any Council location. Having been notified the requirement to be at the workplace this would be expected within the usual commute time to the work location plus 1hr should the need arise.

11.6 Employees working at home should not be distracted from their work, such as through having to look after or care for a child or relative.

11.7 Employees should ensure all work materials, documents, IT equipment are restricted.

11.8 There may be occasions when the provisions of this policy are superseded by other policies, such as the 'Adverse Weather Policy' or 'Business Continuity Policy'. Where alternative short-term arrangements may be necessary for the employee and employer.

11.9 Employees who have a working from home arrangement will continue to have a contractual base of location.

12. Health & Safety Risk Assessment

12.1 To comply with all relevant Health and Safety legislation appropriate risk assessments must be undertaken for each member of staff who is working from home.

12.2 Employees who work from home as part of a 'Flexible Working' arrangement must complete the following e-learning self-assessment which are available on the e-learning portal:

- Homeworking Safety Risk Assessment
- Lone Worker Risk Assessment

12.3 Due consideration to lone working arrangements should be explored fully between the People Manager and employee to ensure safe working arrangements are in place.

12.4 When working from home the employee has a responsibility to ensure they have an appropriate workspace with adequate security, storage and screening from activities and noise in the rest of the home.

12.5 There must also be adequate ventilation and lighting.

13. Data protection and retention of employee records

13.1 The Council will maintain records, in accordance with its data protection policy and data protection law.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported to the Council's data protection officer immediately.

14. Property and Liability Insurance

14.1 Computers and other items of equipment provided by the Council as part of a flexible working application will be covered by the Council's insurance policy.

14.2 Employees who work from home are required to contact their own insurance company to inform them that they will be working at home. Employees may also need to inform their mortgage providers of any working from home arrangements.

14.3 Although covered by the Council's Employer's Liability Policy, employees working at or from home are advised to ensure their home contents policy has public liability cover.

15. Interaction with other Policies

15.1 Employees who work flexibly should ensure that they have read and understood the following ICT policies:

- ICT Employee Access policy
- Remote Working Policy

➤ Incident Management Procedure.

Glossary of Terms

The Councils	Boston Borough Council and East Lindsey District Council
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Policy Authorisation

Policy Author	
Date Created	29 March 2022
Review Date	29 March 2024
Policy Sign-off	
Signed by: (name/date)	