



FLEXIBLE WORKING POLICY

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REFERENCE

1.0 Introduction

In 2023, the Government updated legislation in relation to the right to request flexible working for all employees that came into effect on 6 April 2024. This Policy reflects those changes.

<https://www.legislation.gov.uk/ukpga/2023/33/enacted>

Broxtowe Borough Council recognises the importance of supporting employees to balance their work and home life. This Policy provides an overview of the opportunities that are in place at the Council to support the work life balance of employees.

2.0 Policy Aims

This Policy aims to ensure that it complies with the Employment Relations (Flexible Working) Act 2023. This Policy gives all employees the opportunity to request a change in their working hours either on a temporary or permanent basis.

This Policy also aims at ensuring that any change to an employee's working hours is fair and lawful whilst being responsive to the requirements of the service.

3.0 Business Need

The Council is committed to providing a wide possible range of working patterns; however, both management and employees need to be realistic and recognise that different working options may not be appropriate for all jobs across all areas of the organisation. Operational requirements will determine what can be agreed.

The potential benefits of improved work life balance include:

- Having a more motivated, productive workforce
- Increasing employee satisfaction and engagement
- Retaining valued employees and their skills
- Reducing absenteeism
- Creating a more flexible service, potentially providing staffing over a wide range of hours, and providing more appropriate responses to the needs of customers
- Attracting a wider range of candidates, such as older part-time workers and those that care for others
- Supporting diversity and equality Policy and objectives
- Reducing the demand on office accommodation
- Reducing employee turnover and consequent cost of recruitment and training of new staff.
- Enhancing the Council's reputation as a good employer

4.0 Main Principles

From 6 April 2024, all employees have the right to request flexible working arrangements from the first day of their employment. Requests can relate to working patterns such as annualised hours, compressed hours, flexible hours, home working, job sharing, shift working, staggered hours and term-time working.

Whilst the Authority is committed to being flexible, employees need to recognise that the arrangements must fit business requirements and managers in turn need to consider requests thoroughly.

An application will be taken as having been made on the day that it is received and the Council has two months to respond to an application.

Employees are entitled to make two requests within a 12-month period as outlined within the legislation. The arrangements may be permanent or temporary.

A decision to grant one employee's specific request does not mean a similar request from another employee will be automatically granted as the decision is based on operational requirements.

The relevant Head of Service in consultation with the Human Resources Team will consider any request.

A condition of any approved request may be that it is subject to review within 12 months to ensure the needs of the service are being met. Sometimes it may be appropriate to undertake a temporary trial period between one and three months before a permanent arrangement is agreed.

Where a request is refused and the employee wishes to appeal the decision, it will be heard by the relevant Chief Officer.

4.1 Alternative Patterns of Working Hours

The following are alternative patterns of working that an employee may wish to consider when applying under this Policy:

4.2 Voluntary Changes in the Number of Hours

This arrangement refers to the ways in which employees have opportunities to change the number of working hours worked, by either:

- Decreasing them, by reducing working hours, or by splitting a fulltime job into two part-time jobs i.e. job sharing.

- Increasing hours, by coupling two or more part-time jobs, or adding additional hours to their current contracts (within existing established hours). Increased hours will be subject to budgetary constraints and may not be possible to approve.

4.3 Compressed Weeks/Fortnights

Compressed weeks/fortnights refer to full-time employees working their full-time hours over a four, or a four and half-day week, or a nine-day fortnight instead of the five-day week.

4.4 Term-Time Working

This initiative is usually an arrangement of hours that enables parents to spend more time with their children over the school holidays, or for employees who have difficulties in arranging care that complements school opening hours. Term Time Working requests within a team must be balanced with the operational needs of the service and will only be approved on a 'first come, first served' basis.

4.5 Annualised Hours

This is a system where an employee's contractual working hours are calculated as the total amount of hours to be worked over the year, allowing flexible working hours to be worked (seasonal peaks and troughs). Employee's salary will remain on a twelve monthly equal instalment payment.

Notes: all annualised hours schemes must take account of the relevant parts of the Working Time Regulations regarding breaks and the number of hours worked in any particular period.

4.6 Job Sharing

Traditionally, job sharing is a way of working where two people share the responsibilities of one full-time worker, each working part-time. There are two types:

Shared responsibility – the two employees share all the responsibilities of one full-time job, each performing the full range of duties picking up where the other left off. This is most suited to ongoing working rather than project based work.

Divided responsibility – the responsibilities of one full-time position are divided between two people, although they may also provide back up for each other as required. This is most suited to work which can be easily divided up, e.g. project work.

Further details can be found under the Job Sharing Policy available on the intranet.

4.6 Part-Time Working

A part-time employee is defined as any employee who is contracted to work less than the basic full-time contractual hours in that type of work. The number of hours can vary enormously. Part-time working can take various patterns, including part-day, part-week and part-year.

4.7 Working at Home/Remote Working

Working at home means employees carrying out all, or a proportion of their duties in their own homes rather than on Council premises. It may be an odd day to carry out a piece of work that can be better achieved at home, or it could be a regular arrangement of more than one day a week.

Where an employee is granted the opportunity to work at home on an occasional basis, this must be agreed in advance and recorded and monitored by the manager. Managers and employees should refer to the Homeworking Policy available on the intranet prior to any occasional homeworking taking place.

Remote working arrangements may be relevant for mobile employees who spend a high proportion of their working time away from their work base. It means that they do not necessarily check in at an office, depot or other work base at the beginning and end of the working day. (This option will be subject to separate development, piloting, monitoring and evaluation).

5.0 Key Considerations

On receipt of a request from an employee, the Head of Service must consider with Human Resources the following points (where relevant), before making a decision on whether it can be supported:

- the employee's requested requirements
- the working arrangements within the section e.g. if a small team or section
- the nature of the work
- the office space and resource requirement
- the flexibility needed in the role
- the retention of the employee
- possible efficiency gains
- allocation of working hours and the need for overlap and office cover
- the opportunities to recruit to the remaining hours
- whether modifications to the original request can be made
- whether the request falls within the remit of reasonable adjustments in accordance with the Equality Act 2010

- Whether the request should be supported on an initial temporary basis prior to any permanent arrangements being confirmed

Not all posts will be suitable for a change in working hours or patterns and where a Head of Service rejects such a request, there will be the opportunity to discuss the individual's personal circumstances with the Human Resources Team.

5.1 Making an Application

Any application from an employee to request flexible working should be completed in full on form FW1 (available on the intranet or from the HR Division). Applications should be made a minimum of 28 working days prior to the requested date of change of hours. **Human Resources assistance will be offered to those who require it when completing the Flexible Working Request form.**

From 6 April 2024, employees no longer have to explain the effect their request could have on the Council/business requirements and how such impact may be dealt with.

5.2 Considering the Application

Where a Head of Service (**after discussion with HR**) agrees with the proposal, the employee must be notified of the variation that has been agreed and the date on which it will take effect.

If the Head of Service does not agree with the request, they must meet with the employee and a member HR to discuss the request within 21 working days of it being made. This initial meeting will provide an opportunity to discuss any issues and consider alternatives. The employee will have the right to be accompanied at the meeting by a work colleague or union representative.

5.3 Refusing a Request

Where the request is refused, upon consultation with HR, the Head of Service must confirm this in writing to the employee within five working days of the meeting. The letter should provide the grounds for the refusal and explain their right to appeal against the decision.

Valid grounds for refusing a request include:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

Each request for flexible working will be considered individually, taking into account the likely effects the changes will have on the service and the Council, the work of the department, work colleagues and the particular circumstances of the case.

Where the Council agrees to one request, it 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. By approving one request, this may mean that the business context has changed and this may be taken into account when considering a second request from another employee.

5.4 Appeals

An employee will have 10 working days after the date they were notified of the decision to appeal in writing to the relevant Chief Officer setting out the grounds for their appeal.

The Chief Officer must hold an appeal meeting within 10 working days after receiving the employee's notice. The employee will have the right to be accompanied at the meeting by a work colleague or union representative. HR must be in attendance. The employees' manager will have the opportunity to present their reasoning for the refusal at the meeting and the Chief Officer may ask questions, along with the employee.

The Chief Officer will notify the employee of their decision within 5 working days after the date of the meeting. If the request is accepted the employee must be informed of the variation agreed and the date on which it takes effect. If the request is refused, the Chief Officer must set out the grounds for the refusal and how they relate to the request.