

# **FLEXIBLE WORKING SCHEMES**

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# FLEXIBLE WORKING SCHEMES

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## 1. Introduction

We recognise the increasing pressures placed on employees in combining their career and out of work responsibilities.

In order to help employees achieve a healthy work-life balance the council has introduced a process whereby employees can request a change to their working arrangements. The changes might relate to for example:

- the number of hours they are required to work
- the times when they are required to work
- where they are required to work i.e. at home/workplace

This does not apply to changes to the job or “type” of work the employee undertakes.

Options for dealing with some of the requested changes could include a small change to start and finish times, annualised hours, compressed hours, flexitime, homeworking, job sharing, shift working, staggered hours and term time working. There are many different types of flexible working arrangements so this is not an exhaustive list.

Each employee should adopt a responsible attitude to time management, recognise the requirements and responsibilities of their job, work closely with colleagues and honour their commitment to the Council. In return, managers will recognise the needs of employees with regard to their work/life balance and will not unreasonably refuse requests for flexibility.

## 2. Employment Act 2002 and the Work and Families Act 2006

This policy complies with the requirements introduced by the Employment Act 2002 and the Work and Families Act 2006, which gives employees who meet certain criteria the right to request changes to working arrangements.

As a family friendly employer we have extended the rights given by law to allow all employees to apply for a change to their working arrangements whether or not they meet the criteria outlined in the legislation. Therefore any employee can make an application to change their working arrangements regardless of their length of service, or their reasons for making the application. This approach recognises the wide range of reasons an employee may have for requesting a change to their working arrangements, which may include for example caring for an elderly or sick relative.

However legal redress at an Employment Tribunal is limited to employees who meet the eligibility criteria outlined in the legislation (see 4).

## 3. Flexible Working Schemes Application Process

Employees who would like to request a change to their working arrangements must complete the application form at Appendix 9 and return it to their line manager. The employee’s line manager will meet with them within 28 days of receiving the application in order to discuss how the proposed changes could be accommodated.

Within 14 days of the meeting the line manager will write to the employee to either:

- Agree a new work pattern and start date for the new arrangements
- Provide a clear business reason as to why the application cannot be accepted and why this applies in the circumstances.

### **3.1 Trial Period**

If a line manager is uncertain about the impact that a request for flexible working will have on the service they can allow the employee to work under the requested flexible working arrangements on a “trial period” to determine if that arrangement would have an adverse effect on the service.

If the new working arrangement is having an adverse effect on the service the line manager will be in a position to assess this during a trial period. For example the line manager may show that customer complaints had increased due to the new working arrangement and, therefore, the new working arrangement had a detrimental effect on the ability of the service to meet its customers’ demands.

A line manager’s decision on an employee’s request for flexible working must be given to that employee within 14 days after the date of their meeting, but the manager and employee may agree to extend this time limit.

If the line manager and employee agree to a trial period the agreement must:

- Be recorded in writing by the manager
- Be dated
- Specify what time limit the extension relates to
- Specify the date on which the extension is to end
- Be sent to the employee

The line manager should also clearly set out:

- That their agreement to the employee’s request for flexible working is subject to the outcome of the trial period.
- The length of the trial period (i.e. when the period starts and when it ends)
- That the change to the employee’s terms and conditions during the trial period is a temporary change to their terms and conditions of employment.
- The details of the temporary changes to the employee’s terms and conditions of employment during the trial period (e.g. change in working hours)
- The date that the employee will revert back to their previous terms and conditions of employment if the line manager disagrees with their request for flexible working.

### 3.2 Reasons for Refusal

Employees should note that making an application does not guarantee a change to their working arrangements if there are sound business reasons to refuse their request.

A manager can refuse the application if they consider that one (or more) of the following business reasons applies:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

The manager must state which of the above applies and why it applies in the circumstances. **Any request will be accepted only where operationally practicable.**

### 3.3 Appeal

The employee can appeal to their Director against their line Manager's decision within 14 day's of it being notified to them. The employee must set out clearly the grounds for their appeal on the form at Appendix 9.

An appeal meeting will be held within 14 days of the employee notifying their Director of their intention to appeal.

The employee will be notified of the decision within 14 days of the appeal meeting. If the appeal is dismissed the grounds for the decision must be given to the employee.

If an employee is dissatisfied with the decision of the appeal they are entitled to use their statutory rights. This will **not** include the use of the council's Grievance Procedure.

### 3.4 Extension of Time Limits

The line manager and employee may agree to extend the time limits for any part of the procedure as long as the agreement is recorded in writing by the line manager, is dated, specifies what time limit the extension relates to, specifies the date on which the extension is to end and is sent to the employee.

The agreement may extend the amount of time the procedure allows for:

- Arranging a meeting to discuss the employee's application (28 days)
- Notifying the employee of the line manager's decision regarding the application (14 days)
- Arranging a meeting to discuss the employee's appeal (14 days)
- Notifying the employee of the decision regarding the appeal (14 days)

An automatic extension will apply when the individual who would ordinarily consider the employee's request is absent from work.

### **3.5 Representation**

The employee will have the right to be accompanied by a Trade Union Representative or a work colleague at the initial meeting to discuss the proposed changes and any subsequent appeal meeting. The right of representation should not be used to delay the meetings for an unreasonable period. Line Managers may request that a member of the Human Resources team accompanies them at the above mentioned meetings.

## **4. Legal Redress**

Employees who meet the eligibility criteria outlined below\* have the right to complain to an Employment Tribunal if the above procedure is not followed or if a decision to reject the application was based on incorrect facts.

Employees who do not meet the eligibility criteria do not have the right to legal redress at an Employment Tribunal.

### **\*Eligibility Criteria**

The employee must:

#### **Either**

- Have a child under 6 (under 18 if the child has a disability).
- Make the application before the child's sixth birthday or 18<sup>th</sup> birthday in the case of a child with a disability.
- Have or expect to have responsibility for the child's upbringing.
- Be making the application to enable them to care for the child

#### **Or**

- **Be making the application to enable them to care for a spouse, partner, civil partner or other adult who is **not** a spouse, partner or relative but lives at the same address as the employee. A relative for this purpose is a mother, father, adopter, 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 and half-blood relatives are also included.**

#### **And**

- Have worked with their employer continuously for 26 weeks at the date the application is made
- Not have made another application to work flexibly under the right in the past 12 months.

Employees cannot make more than one application to change their working arrangements within 12 months.

## **5. Flexible Working Schemes**

Examples of current flexible working schemes are outlined in appendices 1 to 8. This is not an exhaustive list and employees may request consideration of alternative flexible arrangements.

Flexible Hours Scheme

Appendix 1

Flexi Time Scheme	Appendix 2
Term Time Working Scheme	Appendix 3
Voluntary Reduced Working Time Scheme	Appendix 4
Concentrated Hours Scheme	Appendix 5
Annualised Hours Scheme	Appendix 6
Homeworking Scheme	Appendix 7
Job Share	Appendix 8
Application to request a change to working arrangements	Appendix 9