

**NORTH LINCOLNSHIRE COUNCIL**

**CORPORATE SERVICES CABINET MEMBER**

**FLEXIBLE WORKING POLICY**

**1 OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek approval for revisions to the council's Flexible Working policy.

**2 BACKGROUND INFORMATION**

- 2.1 The council's Flexible Working policy provides for certain employees to request a permanent variation to their working pattern, where they have parental/caring responsibilities. It is underpinned by a statutory right to request which currently applies to parents of children under 17 years of age, parents of disabled children under 18 years of age, and carers of certain adults.
- 2.2 A written request to change a working pattern could include for example:
- A change to the hours of work;
  - a change to the times an employee is required to work;
  - a compressed working hours arrangement;
  - term-time only working;
  - homeworking.
- 2.3 From 6 April 2011 the statutory right to request will be extended to the parents of all children under 18 years of age. There is no proposed change to the other eligible groups at this date however the Government has confirmed it intends to consult soon on how to extend the flexible working right to all employees and not just those with children or caring responsibilities.
- 2.4 As a result the council intends to extend its own policy on the right to request flexible working to the whole workforce from April 2011. This will enable employees who do not currently meet the statutory criteria to make a request and have it considered by their manager using the same statutory framework set out in the policy.

**3 OPTIONS FOR CONSIDERATION**

- 3.1 To consider and accept the revised policy.
- 3.2 To reject the proposed policy in its entirety.
- 3.3 To accept the policy without the extension to the right to request beyond the statutory minimum requirements.

## **4 ANALYSIS OF OPTIONS**

- 4.1 Acceptance of the revised policy will ensure that the council continues to comply with legislative requirements surrounding flexible working requests. It will also offer greater opportunity for work life balance for those employees without parental or caring responsibilities whilst being compatible with, and beneficial to, service delivery. It ensures that requests for changes to working patterns that may previously have been made on an informal basis are considered in a fair and transparent manner limiting the possibility of any legal challenge.
- 4.2 Rejecting the proposed policy in its entirety would result in the council's approach not complying with legislation in this area.
- 4.3 Accepting the policy with the statutory changes alone would not enable the council to fully realise the potential benefits to service delivery of a more flexible workforce. Recommending further changes to the policy would require further consultation and delay implementation.

## **5 RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

### **5.1 Financial**

Employees do not have a right to work flexibly. However the council does have a duty to consider requests properly, in accordance with the statutory framework. The extended right to request has the potential to offer savings where a request to work part-time hours is accepted and there is no requirement to fill the remaining hours of the post. It may also support Worksmart principles where a request for homeworking is appropriate to the duties of the post.

Requests, which cannot be accommodated, should be supported by business grounds as detailed in the policy and an explanation given as to why this ground is applicable in the particular circumstances. One of these business grounds is the burden of additional costs to the service/organisation.

### **5.2 Staffing**

Requesting employees are required to consider how any change to their working pattern would affect their role and the needs of their service. Where no acceptable compromise can be found, the desired working pattern may be turned down on the basis of a business ground as detailed in the policy. This may include an inability to organise work within available staffing or an inability to recruit additional staff.

### **5.3 Property**

None.

### **5.4 IT**

None.

## **6 OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 CRIME AND DISORDER, RISK AND OTHER)**

- 6.1 The revised Flexible Working policy implements the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2010.

## **7. OUTCOMES OF CONSULTATION**

7.1 The relevant trade unions have been consulted and are supportive of the revisions.

## **8 RECOMMENDATIONS**

8.1 That the revised policy be approved and adopted.

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**Background Papers used in the preparation of this report: None**

### 1.0 Introduction

- 1.1 This policy describes the steps to be taken where employees wish to apply for flexible working to provide them with greater opportunity to achieve a work life balance whilst being compatible with, and beneficial to, service delivery.
- 1.2 Flexible working includes a wide range of working patterns. This policy provides for eligible employees to request any change to their normal working arrangements. Requests for flexible working may include, but are not exclusive to:
- A change to the hours an employee works;
  - a change to the times an employee is required to work;
  - a compressed working hours arrangement;
  - term-time only working;
  - homeworking.
- 1.3 Employees do not have an automatic right to flexible working, as there may be circumstances when their desired working pattern cannot be accommodated. However, every effort should be made to meet the request or find a mutually acceptable compromise.
- 1.4 This policy applies to all employees of the council other than those employed by schools with delegated powers, subject to the criteria in 1.5 below:
- 1.5 To make a request for flexible working employees will need to satisfy the following requirements:
- Have worked continuously for 26 weeks at the date of application;
  - not have made another application to work flexibly under during the previous 12 months at the date of the application.
- 1.6 Whilst the statutory right to request flexible working extends only to employees with certain parental/caring responsibilities, the council's policy extends this right to request, to all employees who meet the criteria above, regardless of the reason for request.

## **2.0 Procedure**

- 2.1 An employee can make one application in any 12 month period. The application must be made in writing to their immediate manager. This can be done by completing part 1 of the application form in Appendix 1.
- 2.2 Employees have a duty to give careful consideration to the effect that the proposed working pattern will have on the needs of the service and how these might be accommodated. These must be included in the written request.
- 2.3 An agreed request will normally result in a permanent change to an employee's contractual terms and conditions of employment. However, if it is mutually acceptable a temporary change may be considered.
- 2.4 The manager will arrange to meet the employee within 28 days of receipt of the request, to explore the proposed work pattern in depth and to discuss how best it might be accommodated. Alternative working patterns should be considered if there is a problem in accommodating the initial proposal. The employee may bring a trade union representative or fellow worker of the council to the meeting.
- 2.5 The manager should draw attention to the financial implications of any reduction in hours and any annual leave or pension implications.
- 2.6 The manager will respond to the employee in writing by completing part 2 of the original application form within 14 days of the meeting to:
- a) Accept the request, setting out any action on which the agreement is dependent and establishing a reasonable start date taking into account the needs of the service. This must not be more than three months from the date of the agreement.
  - b) Confirm any compromise offered in the meeting to which the employee must respond within 14 days accepting or declining the proposal.
  - c) Reject the request and give a clear reason as to why the proposal cannot be accepted and demonstrate its adverse effects on the council's service delivery. The reason must be one or more of the following:

- Burden of additional costs to the service/organisation;
- detrimental effect on ability to meet customer demands;
- inability to organise work within available staffing;
- detrimental impact on quality or performance;
- inability to recruit additional staff.

2.7 If the original request or the compromise is agreed and adopted all original documentation relating to the request must be signed by the employee and manager. The documentation should be passed to the HR service team, who will arrange for a new statement of main terms of employment to be sent to the employee where appropriate and notify the payroll section of any changes to the employee's salary.

2.8 If the employee agrees with their manager's decision for not adopting the new pattern all original documentation should be signed by the employee and the manager and returned to the HR service team to be placed on the employee's personal file.

### **3.0 Right of appeal**

3.1 Where an employee wishes to challenge the decision made by the manager they will have a right of appeal, which must be made within 14 days of receiving notification of the decision. This should be done by completing part 3 of the original application.

2.2 The appeals process is designed to be in keeping with the overall aim of the right of request for flexible working, encouraging both parties to reach a satisfactory outcome in the workplace.

2.3 The appeal must be made in writing to the relevant service director and state the reasons for appeal.

2.4 The service director will hear the appeal at which the employee and the manager must give reasons as to why they feel the pattern will or will not work. The

employee may bring a trade union representative or a fellow worker of the council to the appeal hearing.

- 2.5 The service director will notify all parties of his/her decision in writing by completing part 4 of the original application form. The service director's decision is final.