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Lewes District Council



Working in partnership with **Eastbourne Homes**

Document name:	Flexible Working
Document type:	Policy

Authority(ies) covered:	Aligned
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Version (e.g. first draft, final report):	First draft,
Approved by:	e.g. Council, Cabinet, Cabinet Member, CMT, Director
Date of publication:	Date
Revision due:	Date
Final Equality and Fairness Analysis (EaFA) report approved by:	e.g. Director/Assistant Director
Date final EaFA report approved:	Date

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Flexible Working Policy

1. Introduction

- 1.1 The councils' support flexible working to achieve a balance between home and work, as part of their commitment to promote equal opportunities in employment. Flexible working can increase staff motivation, reduce employee stress and improve performance and productivity. All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer.
- 1.2 This policy sets out the statutory rights of staff who have a minimum of 26 weeks continuous service to request flexible working. It compliments the councils Agile Working Policy which is the term used to describe how employees can work flexibly from any location, whether it is from a council building, in the community, from home or a combination of these.

2. Equality and Diversity

- 2.1 The councils are committed to good practice in equality and diversity, and to meeting our statutory equality responsibilities, both as an employer and in the provision of services. In respect of flexible, this means ensuring that staff with a protected characteristic covered by the Equality Act, are not discriminated against or treated either more or less favourably.
- 2.2 An equality and fairness analysis has been conducted and will be reviewed periodically.
- 2.3 Where a staff member requires a meeting to discuss reasonable adjustments around ways of working and agile working they may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible for the meeting will ensure reasonable adjustments and special arrangements are considered where possible to accommodate dependent on operational need.
- 2.4 Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are known to the councils and can be supported where possible. This may include the requirement to attend an occupational health assessment so that the council can seek professional advice on medical conditions.

3. Requests for flexible working

- 3.1 A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.

4. Procedure

- 4.1 All requests must be made in writing. Any request made under this policy must include:
- The date of the application;
 - The changes that the employee is seeking to his/her terms and conditions;
 - The date on which the employee would like the terms and conditions to come into effect;
 - What effect the employee thinks the requested change would have on the organisation;
 - How, in his/her opinion, any such effect might be dealt with;
 - A statement that this is a statutory request;
 - Whether or not the employee has made a previous application for flexible working; and if the employee has made a previous request, when the employee made that application.
 - If the application is being made in relation to the Equality Act 2010, e.g. as a reasonable adjustment for disability.

5. Meeting to discuss a flexible working request

- 5.1 Once the request is received by the line manager, the line manager should notify their HR Business Partner. The request will be dealt with as soon as possible, but no later than the deadline set out below. The line manager will usually arrange a meeting to deal with the request. The meeting does not have to be held face to face and if the manager and employee agree it can be held by phone. Where a request can without further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary. Employees can be accompanied to the meeting by either a workplace colleague or a Unison representative who is an employee of the council.
- 5.2 The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and organisation.

6. Outcome of a flexible working request

- 6.1 After the meeting, the line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee, the team and the organisation against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern. Advice should be sought from Human Resources.
- 6.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.
- 6.3 The councils will try and respond as quickly as possible, it does not guarantee being able to give decisions on requests for changes to start within six weeks of the request being made.

7. Reasons for turning down a flexible working request

- 7.1 The line manager will give reasons for the rejection of any request. Those must be for one or more prescribed business reasons, which are:
 - the burden of additional costs;
 - an inability to reorganise work among existing staff;
 - an inability to recruit additional staff;
 - a detrimental impact on quality;
 - a detrimental impact on performance;
 - a detrimental effect on ability to meet customer demand;
 - Insufficient work for the periods the employee proposes to work; and
 - a planned structural change to the business.

The line manager should not reject a request for any other reason.

8. Flexible working requests that are granted

- 8.1 If the request is upheld, the employee and the line manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent unless a trial or temporary period is agreed. This will be confirmed in writing in the timescales set out below and sent to the employee as an amendment to his/her written statement of terms and conditions of employment as soon as is reasonably practicable.

9. Appeals

- 9.1 An employee whose request has been refused has the right to appeal the decision in the timescales set out below.
- 9.2 The appeal must be in writing and set out the grounds of their appeal
- 9.3 An appeal meeting will be held between a Head of Service, and an HR representative in the timescales set out below.
- 9.4 The decision on the appeal will be given in writing in the timescales set out below. If the appeal is upheld that letter must include details of the flexible working arrangement and the changes to terms and conditions of employment.
- 9.5 If the appeal is dismissed it must be refused on one of the refusal grounds and sufficient explanation given as to why one (or more) of the grounds for refusal applies.

10. Timescales

- 10.1 All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The line manager should endeavour to hold the meeting within 28 days of receiving the initial request and aim to notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request may lodge an appeal within 14 days of the notification, with the appeal to be heard where possible within 14 days. The appeal panel will aim to inform the employee of the outcome of his/her appeal within 14 days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

11. Withdrawal of request

11.1 A request for flexible working will be regarded as withdrawn where the employee has:

- Withdrawn the request, either orally or in writing.
- Failed to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason.
- Failed to provide information that the councils need in order to assess the request without reasonable cause. For example, to agree to a request to work at home the councils may wish to carry out a health and safety inspection of that home.