



Flexible Working Policy

Report by the Director for Digital & Resources

1.0 Summary

- 1.1 This report seeks approval of the four changes to the Adur & Worthing Councils Flexible Working Policy.
- 1.2 The revised Adur and Worthing Councils Flexible Working Policy is attached as Appendix 1, with four proposed changes, which are detailed in Appendix 2.

2.0 Background

- 2.1 The organisation is reviewing all HR policies in a three-phased approach. The new Flexible Working Policy was last agreed in November (2017) as one of the policies reviewed in the first phase of the policy review project.
- 2.2 After publishing the new policy feedback was received regarding some of the points in it and in response to that some changes are being proposed.
- 2.3 The policy applies to all employees of both Adur and Worthing Councils and details arrangements for accruing hours and for submitting a formal flexible working request to alter an individual's pattern of work.

3.0 Proposals

- 3.1 The aim of the policy review is to simplify the policies, to make them more user friendly and to back them up with a management toolkit, which will include guidelines, process flowcharts and templates for the managers.
- 3.2 This policy sets out the options for flexible working arrangements to benefit the Councils, their employees and customers.
- 3.3 The changes to the policy and the rationale for those changes are detailed in Appendix 2.

4.0 Legal

- 4.1 The Flexible Working Policy would not be classed as a contractual policy and therefore would not form part of the terms and conditions of employment.
- 4.2 Section 112 Local Government Act 1972 provides the Council with the power to appoint staff on the terms and conditions that they consider fit.

5.0 Financial implications

- 5.1 There are no direct financial implications arising from the policy. Any proposed changes to working hours which will result in additional cost will have to be funded from within existing budgets.

6.0 Recommendation

- 6.1 The Joint Staff Committee is recommended to approve the Flexible Working Policy changes with an implementation date of 1 August 2018.
- 6.2 The Joint Staff Committee is asked to delegate authority to the Head Of Human Resources (in consultation with the Chief Financial Officer and Head of Legal Services, where relevant) in order to make minor and non-consequential amendments to the Policy at any time.

Local Government Act 1972

Background Papers:

29 November 2017 - Report to Joint Staff Committee 'Flexible Working Policy'

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Schedule of Other Matters

1.0 Council Priority

- 1.1 Ensuring that the Councils offer flexible working arrangements which benefit the Councils, their employees and their customers

2.0 Specific Action Plans

- 2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 The Equality Impact Assessment for the policy is attached as Appendix 3.

5.0 Community Safety Issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 Matter considered and no issues identified.

7.0 Reputation

- 7.1 Failure to have an agreed approach to flexible working could result in negative reputational damage to the Councils.

8.0 Consultations

- 8.1 Unison have been consulted with and have agreed the suggested changes to the policy.

9.0 Risk Assessment

- 9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified.

12.0 Partnership Working

- 12.1 Matter considered and no issues identified.



ADUR & WORTHING
COUNCILS

Flexible Working Policy

1.0 Overview

- 1.1 This policy applies to all employees of Adur and Worthing Councils. It details arrangements for accruing hours and for submitting a formal flexible working request to alter an individual's pattern of work.
- 1.2 This differs from informal ad-hoc arrangements where employees and managers can agree changes to the working week (i.e. switching working days)
- 1.3 The Councils recognises that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. This policy sets out the options for flexible working arrangements to benefit the Councils, their employees and customers.
- 1.4 The Councils encourage employees to work their hours flexibly where their role and the needs of the service can accommodate it. Managers should support this wherever possible.
- 1.5 All employees have the responsibility for adhering to this policy. Individual areas of responsibility are:
 - **Corporate Leadership Team** – overall responsibility for publishing and promoting the adoption of this policy across the Councils and ensuring that flexible working arrangements are managed appropriately in accordance with agreed policies
 - **HR team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
 - **Managers** – the day-to-day management of working arrangements, responding to flexible working requests and ensuring compliance with this policy
 - **Employees** - familiarising themselves with this policy
- 1.6 This policy should be interpreted in accordance with the Equalities Act 2010 and shall be applied fairly and consistently to all employees.

2.0 Accrued Hours

- 2.1 The standard full-time working week for all employees is 37 hours.

- 2.2 Accrued hours apply to all employees, up to and including Heads of Service, and should be discussed regularly in 1:1s.
- 2.3 Individuals can accrue and take off accrued hours where:
- (a) Accruing hours is appropriate with an individual's pattern of work and the needs of the service
 - (b) Where higher workloads require an individual to work over their contracted hours on occasion (in line with Working Time Regulations)
 - (c) Accrued hours have been agreed with their line manager
- 2.4 Accrued hours are different to pre-agreed paid overtime and, as such, accrued hours will not ever be compensated financially.
- 2.5 Accrued hours are also different to how an individual (at any pay grade) organises their working time. For example, an individual who has to work a long day due to diary commitments may organise their schedule accordingly, by working a shorter day on another day that calendar month.
- 2.6 Only a maximum of 10 hours may be accrued, taken or carried forward into the next calendar month (apart from where the exception detailed in 2.7 applies). Any hours worked by an individual over and above this will be, for all intents and purposes, lost.
- 2.7 There may be exceptional cases where an individual will accrue over 10 hours (i.e. to deliver a time-sensitive project). This must be agreed with the line manager in advance.
- 2.8 If an individual needs to work over their set hours on a regular basis the manager will need to look at service structure, workloads and performance of the individual employee.
- 2.9 Any member of staff who accrues hours must use the time recording sheet available on the flexible working intranet page and must make it available to their manager. Any employee without access to the intranet can make agreements with their individual line manager.
- 2.10 Any member of staff who is required to attend committee/Council meetings after 6.30pm may either claim time off in lieu at time and a half or (with the permission of their Head of Service) the equivalent overtime payment (calculated on basic rates).
- 2.11 Meetings of unions and their official bodies (i.e. AGMs) of which staff may be members will be recognised as official duty only up to 17:30. Any attendance at these meetings after this time will be considered to be in the person's own time and cannot be accrued/taken off later.

3.0 Right to Request Flexible Working

- 3.1 A flexible working request is a request submitted by a member of staff for one or more of the following:
- A change to the hours they are required to work
 - A change to the times when they are required to work
 - A change to where they are required to work
- 3.2 In line with regulations, to qualify to make a flexible working request, an individual must:
- Be an employee
 - Have been continuously employed by the Councils for at least 26 weeks at the time he or she makes the application; and
 - Not have submitted an application within the previous 12 months.
- 3.3 An employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments). If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.
- 3.4 Any request to alter the hours or times of work will be a permanent change to the employee's terms and conditions of employment, unless a trial or temporary period is agreed.
- 3.5 If an application does not contain all of the required information the line manager will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.
- 3.6 Flexible working patterns could include:
- Part-time working
 - Job sharing
 - Term-time working
 - Reducing or increasing hours worked
 - Compressed hours
 - Staggered hours
 - Annualised hours
 - Flexible retirement (please see flexible retirement policy)
 - Different work location
- 3.7 Further details of flexible working patterns are available on the intranet or in the place of work.
- 3.8 Any flexible working request must be submitted via the form available on the intranet or if the individual does not have access to the intranet it should be submitted in writing and must:
- state that it is an application to change the employee's terms and conditions of employment in order to work flexibly

- specify the change applied for and the date on which the individual would like the change to become effective
- explain what effect (if any) the change might have on the team and wider Councils and how, in the employee's opinion, any such effect might be dealt with
- state whether a previous application for flexible working has been made by the employee and, if so, when
- be dated
- state if the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability

3.9 Flexible working requests will only be rejected for one of the following business reasons as set out in legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff to fill the remaining hours if an individual wishes to reduce their hours
- 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 the business

3.10 There may be some occasions, when a manager receives more than one request to work flexibly from different employees. Where this happens it may not be possible to grant all of the requests received, although each will be considered. Requests will be considered in the order they are received. 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

3.11 For any flexible working request, the manager will meet with the individual within 28 days and discuss their request (at the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative and if this is the case, the manager may be accompanied by a member of the HR team.)

3.12 All employees with flexible working arrangements have the right not to be treated less favourably than full-time workers. This extends to matters relating to overtime payments, holiday pay, bank holidays, sickness benefits, selection for redundancy and access to pension schemes.

3.13 All terms and conditions (some of which are detailed in 3.8) for those working less than full-time hours will be applied pro rata to the hours worked, unless otherwise specified in the letter of appointment.

4.0 Right to Appeal

4.1 The employee has the right to appeal the decision if their request is refused or is only agreed

in part. If they wish to do this, the employee must lodge an appeal in writing within 7 days of being notified of a decision on their application. The appeal will be heard within 14 calendar days and the employee will be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both the employee and HR department.

- 4.2 Appeals may only be raised on the grounds of:
- a) Procedure – where a failure to follow procedure had a material effect on the decision;
 - b) Decision - the evidence did not support the conclusion reached or is inconsistent with other decisions within the Councils; or
 - c) New evidence - which has come to light.
- 4.3 The outcome of an appeal is final and the individual will then be unable to submit a flexible working request for a further 12 months.
- 4.4 Further details of the appeal can be found in the Flexible Working Procedure documents available on the intranet and in the place of work.

5.0 Support and the right to representation

- 5.1 Employees have a right to be accompanied at an appeal by a trade union representative or by an Adur & Worthing workplace colleague. Accompanying someone is voluntary and an employee's colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.
- 5.2 It is the responsibility of each employee to arrange their own trade union representative or an Adur & Worthing workplace colleague, pass on all details (such as paperwork, meeting information) and to inform the manager at least 3 days in advance of the meeting who will be accompanying them.
- 5.3 There is no right to legal representation at any stage of this procedure. Legal representatives, including lawyers employed by the Councils, whether or not acting in any official capacity have no right to accompany an individual.
- 5.4 If the employee is unable to attend the meeting for whatever reason (i.e. ill health), the employee (or in exceptional circumstances, the trade union representative/Adur & Worthing workplace colleague) must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.
- 5.5 If an individual's trade union representative or Adur & Worthing workplace colleague is unable to attend the meeting date or time, the individual should first see if another representative/Adur & Worthing workplace colleague can attend to support in their place. If this is not possible, the employee must inform his or her line manager immediately and the meeting will be rearranged within 5 working days of the original meeting date where reasonably practicable. The meeting will only be rearranged once.

5.6 If the individual fails to attend both the first and rearranged meeting, the request will be considered to be withdrawn and the individual will be informed of this. They will not be able to submit an application for flexible working for a further 12 months.

5.7 Managers have a right to be accompanied at all formal meetings or appeals by a Human Resources representative. The role of the Human Resources representative is to advise the manager on policy/procedure. The manager is the decision maker.

6.0 Monitoring and Review

6.1 This policy will be monitored and reviewed on a regular basis by the Human Resources team with a thorough review taking place in three years if required.

7.0 Legislative framework

7.1 This policy has been written in reference to the following documents:

- The Employment Rights Act 1996
- Working Time Regulations
- The Equalities Act 2010
- The ACAS (Advisory, Conciliation and Arbitration Service) 'handling in a reasonable manner requests to work flexibly' Code of Practice
- Flexible Working Regulations 2014

Date policy agreed with Unison: 8 November 2017

Date agreed by Joint Staff Committee: TBC

Date for review: 3 years from formal adoption of policy

Flexible Working Policy Changes

Policy point that has changed	Old wording	New wording	Reason for the change
1.4 - extra point added in	N/a	The Councils encourage employees to work their hours flexibly where their role and the needs of the service can accommodate it. Managers should support this wherever possible.	To make it clear that the Councils support employees in working flexibly and that managers should support flexible working wherever possible
2.2	Accrued hours apply to all employees apart from service managers (those who report directly into a Head of Service or above) and should be discussed regularly in 1:1s.	Accrued hours apply to all employees up to and including Heads of Service, and should be discussed regularly in 1:1s.	The original wording created a lot of queries as not all job roles that report directly in to a Head of Service are service managers. After further discussion it was decided that it should remain as it originally was.
2.5	Accrued hours are also different to how an individual (at any pay grade) organises their working week. For example, an individual who has to attend an evening committee or meeting may organise their schedule accordingly, starting their working day later on the day of the meeting itself or another day that week.	Accrued hours are also different to how an individual (at any pay grade) organises their working time. For example, an individual who has to work a long day due to diary commitments may organise their schedule accordingly, by working a shorter day on another day that calendar month.	Feedback has been that staff can't always work a shorter day in that same week due to work commitments so we have changed it to them working their hours over the month.
2.10 - extra point added	N/a	Any member of staff who is required to attend committee/Council meetings after 6.30pm may either claim time off in lieu at time and a half or (with the permission of their Head of Service) the equivalent overtime payment (calculated on basic rates).	Was originally omitted from the policy, so the point was reinstated.

