

APPENDIX B

Flexible Working: Practice Notes

November 2020

1. Introduction

The flexible working policy and practice notes aim to support greater flexibility for employees. The policy defines the framework, outlining the different types of flexible working and how they might be deployed by the service for the benefit of employees.

With the shift in emphasis towards increased work-life balance in conjunction with job satisfaction, greater flexibility in the workplace has been a main feature in this approach. The council supports everyday flexibility as a normal working practice, and one that should not only be practiced but encouraged wherever practicable.

Flexible working is part of the council's strategy to be able to react more efficiently and flexibly in its service delivery. Leveraging the use of dynamic technology and modern employment practices, thus allowing greater flexibility in work patterns.

2. Scope

The policy applies to all Council employees, except those teachers directly employed by the Council and all staff appointed by schools operating under local management of schools, which have their own procedure.

N.B. Senior managers, who have separate contractual arrangements, may also take advantage of these arrangements where appropriate.

3. Roles and Responsibilities

3.1 The Role of the Individual

We expect individuals to enter into the spirit of flexible ways of working and remember that increased flexibility brings with it heightened levels of co-operation with colleagues and managers.

Individuals will be part of the process for agreeing an appropriate way of working to achieve the tasks and outcomes required.

3.2 The Role of the Line Manager

We expect managers to implement new ways of working in a fair and consistent manner.

Managers need to engage in discussions in an open and constructive way to agree new ways of working which are focussed on service needs.

3.3 The Role of the Staff Representative

The staff representative may assist the individual put together a formal request for flexible working arrangements and may accompany them at any meetings called to discuss flexible working, including appeals.

4. Considering Requests for Flexible Working

When considering requests for flexible working the manager will need to take into account, among other things, the following:

- The effect on the team's ability to meet customer demand and service need.
- The impact on service quality and/or performance.
- The level of flexibility that would be best suited to the job

Dependant on the flexible working option preferred, there may be implications to resources, leave and other benefits and implications to staff will normally be discussed at a meeting to discuss the application for flexible working.

Further information on implications for both the service and the individual regarding each flexible working option can be found in Appendix A.

5. Working Practices

A great deal of flexibility already exists on working hours across the council, and the council wishes to support and encourage such an approach. Regular flexible working is a supported practice.

However, if further provisions are required which fall outside of regular flexible working individuals still have the statutory right to submit a formal application if they wish. Whether your team operates a formal or an informal system, it is important that the following considerations are taken into account:

- The needs of the team will vary over time. Ensure that any scheme you introduce is appropriate to the current situation and includes a mechanism for review.

As a manager:

- Ensure that staff are aware that flexibility is dependent upon the operational needs of the team and ensure that if some staff are offered more flexibility than

others, that this can be justified. You may need to explain clearly the reasons and consider the impact of flexibility on colleagues.

- Decide what records need to be kept and designate someone in your team for this purpose and ensure that all staff know what information is required by whom.
- Consider what arrangements will operate for instances of sickness, holidays, overtime, etc.

6. Flexible Working Options

The general principle for pay, pension and other benefits is that these apply pro rata to the hours worked.

6.1 Flexitime

An arrangement whereby an individual can determine (within in agreed timeframe) when they work their contractual hours. The arrangement works for both full-time and part-time workers. Salaries are unaffected.

The Council's flexitime arrangements are dependent upon a culture of trust and respect between staff and management and expects all staff to act reasonably and responsibly and in accordance with the spirit of the arrangement.

The flexi time scheme applies to both full time and part time employees, however, it does not provide for employees to work the hours that they wish, the needs of the service are paramount.

In particular individuals should:

- Not work long hours purely for the purpose of building up time to be taken as flexi leave
- Take an appropriate lunch break of between 30 minutes and 1 hour each day. In exceptional circumstances, and with the prior agreement of the line manager, a lunch break of between 1 – 2 hours may be taken.
- Record their start and end times for both morning and afternoon on their Flexitime Recording Sheet.

N.B. Time Off In Lieu (TOIL) is not a substitute for flexitime. These schemes are separate and operate to different principles.

6.2 Part-Time Working

An arrangement whereby the individual works fewer hours than the standard contractual hours, either by working fewer days in the week or fewer hours in the day or a combination of the two. Salaries are reduced pro-rata.

This arrangement enables employees to change the number of hours worked usually by reducing working hours, or occasionally (especially if the individual is already part-time) by increasing their hours.

This is a contractual change so managers and individuals should:

- Agree arrangements in advance and in writing.
- Agree whether the arrangement is for a trial period, temporary or permanent.

6.3 Job-Sharing

An arrangement whereby a role is shared between two or more individuals. While the duties and responsibilities remain the same for all sharers the individuals will normally alternate days or weeks or any combination. Salaries are reduced pro-rata.

Agreement on how the work is to be split is essential so that sharers feel there is a fair division of duties.

This is a contractual change, usually, as a variation of part-time working and the manager and individuals should have a written agreement on how the full expectations of the job will be met.

Managers should be receptive to requests to job share as it gives flexibility to design the job in a way that best suits service needs and ensure there is a documentation system for continuity of service when work is handed over.

When a vacancy arises in a post being job shared, the existing job sharers should be involved in reviewing working arrangements and may be given the opportunity to meet prospective partners although they are not actively involved in the recruitment process and cannot influence the outcome of the selection panel.

Job sharers may apply individually or as partners for appointment or promotion and these applications should be considered on an equal basis as single full-time applicants.

6.4 Compressed Hours

An arrangement whereby an individual works their contractual hours over fewer days to a working pattern that is pre-determined and agreed. Salaries are unaffected.

An example of compressed working would be the “nine-day fortnight”. In this arrangement an individual would work 72 hours over 9 working days (8 hours per day).

This arrangement does not require a contractual change but managers and individuals should note:

- Individuals should be prepared to rotate their non-working day to meet the needs of the service.
- If several members of the team are using this arrangement, then a rota might be employed to ensure the days (both working and non-working) are fairly distributed.

- It is usual to convert the individual's annual leave from days to hours. A day's leave can then reflect the number of hours worked per day. e.g. for a nine-day fortnight this would be 8 hours.
- If a Bank Holiday falls on a day of an employee's work schedule, it should be assumed to equate to the number of hours of the compressed work schedule for that day, e.g. nine-day fortnight = 9 hours.
- If a Bank Holiday falls on an employee's scheduled non-work day, the preceding or subsequent workday (or another day as agreed with the line manager) should be designated in lieu of holiday.

6.5 Annualised Hours

An arrangement whereby the total contracted hours over a year are redistributed to match the peaks and troughs in the workload or the individual's availability, or a combination of the two. Individuals receive the same payment each month so matching flexibility with a predictable income which aids budgeting, for both parties.

While annualised hours is far the most popular and easiest arrangement to administer, an employee's hours may be aggregated over a shorter period but generally not shorter than a month. Employees work more or less hours each week as agreed, usually fitting in with seasonal peaks and troughs of the service, up to the maximum agreed for the period.

This is a contractual change so managers and individuals should:

- Agree how pay will be administered. The option with the most mutual benefit is for salary to be paid over 12 equal monthly payments with a recovery clause for any overpayment if the individual leaves before completing the contracted hours for the period.
- Agree a procedure for how reserved hours will be called upon, which will ensure that this is fair within the team.
- Consider what will happen when all an individual employee's reserve hours through the period have not been used up. They may be paid, unpaid, or carried over to the following period. Similarly, how might hours which are required above the agreed annual total be arranged?

This arrangement can be useful where the workload is uneven and rises and falls on a seasonal basis but has a degree of predictability based on past experience, e.g. grounds maintenance staff.

6.6 Term-Time Only Working

An arrangement whereby an individual reduces their hours in order to take time off during school holidays.

Term-time working is a particularly popular initiative to promote effective work-life balance, the arrangement is usually defined in hours that enable parents to spend more time with their children through unpaid leave over the school holidays. It also

supports parents who have difficulties arranging care that complements school opening hours.

Calculated on the basis that most or all the paid leave is taken during the school holiday periods, thereby reducing the unpaid amount. It can apply to full-time and part-time staff, trading time off for a reduction in income but retaining a permanent contract.

This is a contractual change so managers and individuals should:

- Understand that the majority of leave should be taken within the school holidays, usually leaving a few days for term time emergencies. The timing of the planned absences need to be determined well in advance or at the beginning of each leave year.
- Understand that a reduced annual salary will be paid, spread equally across 12 months.
- Understand that the contract will include a clause enabling the reclamation of any overpayment as a result of the employee leaving before completing the contracted hours.

6.7 Unpaid Leave

An arrangement whereby individuals can have additional time off but without pay or contractual benefits.

The Council has a scheme to buy additional annual leave and this spreads the cost over the year.

N.B. The definitions cited above are for illustrative purposes. In practice actual arrangements may be variations or hybrids of any of these provisions.

7. Process for Requesting Flexible Working

7.1 Formal Requests for Flexible Working

All employees with at least 26 weeks' continuous employment have a statutory right to request a specific flexible working arrangement and managers have a statutory duty to consider a request in a reasonable manner and can only decline a request for flexible working where there is a clear business reason for doing so.

It is up to the employee to make a considered application in writing.

Within 28 days of receiving the request, the manager should arrange to meet with the employee. This provides the manager and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern outlined in the employee's application. The employee can, if they wish, bring a staff representative to a flexible working meeting.

Within 14 days after the date of the meeting the manager must write to the employee to either agree to a new work pattern and a start date; or to provide clear business grounds as to why the application cannot be accepted and the reason why the grounds apply in the circumstances and set out the appeal procedure.

All time periods may be extended where both the manager and the employee agree but any extensions must be recorded in writing by the employer and copied to the employee.

The procedure provides an employee with the right to appeal against their manager's decision within 14 days of being notified.

Managers should contact HR if they require advice and guidance on implementing this aspect of the flexible working policy.

7.2 Appeal Procedure

If an employee wishes to appeal they should write to the Chief People Officer within 14 days of receiving the written notification of the decision, setting out the reasons for the appeal.

The Chief People Officer will then arrange for the appeal to be heard by an appropriate manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision and will be supported by HR.

The individual will have the right to attend the hearing and to be accompanied by a friend, trades union representative or other representative. The manager who made the initial decision regarding the request may also attend if appropriate.

The decision may be given at the appeal hearing and will in any event be confirmed in writing within fourteen days of the hearing.

The decision following the appeal shall be final.

The appeal process must be completed within 3 months of receipt of the original flexible working request.

Appendix A – Structured Decision Making

When considering what flexible working arrangements are appropriate for the service; and in response to individual request, managers should use the following grid to reach a decision regarding changes in working practice:

<p>Part-time Working</p>	<ul style="list-style-type: none"> • Some services can be delivered more flexibly by part-time staff in terms of the range of hours worked. All part-time employees receive salary and annual leave and bank holiday entitlement pro rata to the number of hours worked. Requests for part time work should be considered in relationship to the job requirements. Unreasonable refusal to consider a request for part-time working may constitute unlawful discrimination as case law would suggest that imposing a requirement to work full time can indirectly discriminate against women. • Working fewer hours can be very important for many employees to achieve a better work-life balance, in particular for parents, students, some disabled people and those wishing to pursue further education or other outside interests. • Could service needs be covered without unreasonable additional costs? • What is the impact on the rest of the team? • Arrangements must be agreed in advance and in writing between employee and manager. • Consider whether there are equalities issues around changing working hours, in particular changing a part-time post to full-time post without opening up the post to a wider recruitment process. • Possible advantages – reduction in payroll costs, maximum flexibility, diverse audience. • Possible disadvantages – complexity/time involved in managing schedules, increase in headcount if new employees needed.
<p>Term-time Working</p>	<ul style="list-style-type: none"> • Possible advantages include – attractive to parents, can be linked to development opportunities for other staff. • Possible disadvantages – payroll administration, cover, colleagues’ antipathy, a reduction in earnings for people who previously worked high amounts of overtime.
<p>Annualised Hours</p>	<p>If the employee does not work the full time hours for the post, salary and all pay-related benefits are reduced pro rata to the full time entitlement:</p> <ul style="list-style-type: none"> • pension

	<ul style="list-style-type: none"> • redundancy pay • holidays and special leave/pay • sick and maternity pay
Compressed Hours	<p>Compressed working leads to a longer than average working day. It is therefore very important to take regular breaks in line with the Working Time Regulations and not to spend too much time working on one particular task, e.g. word processing. For the Council, the availability of employees to work longer days may enable them to extend the hours of service delivery.</p>
Job Sharing	<p>Managers should be receptive to requests to job share as it gives flexibility to design the job in a way that best suits service needs. Very few posts are unsuitable for job sharing although a little imagination may be required.</p> <p>Service considerations</p> <ul style="list-style-type: none"> • part of the job can be covered during sick/annual leave. If resources are available and it would benefit the service, a job sharer could be asked to work additional hours when the other is absent • documented systems for ensuring continuity of service at handover can benefit the rest of the team • two or more people can bring complementary expertise to the job that may exceed the expertise of one • greater flexibility than a single postholder, for example, by working peak periods together • the practicalities of having a large number of job shares in a section need to be considered - more demands on a manager responsible for 20 people instead of 10 and clarity around who carries out job reviews, 1-1's, etc. • there are some indirect cost implications to job share – e.g. increased training cost. <p>Implications for the employee</p> <ul style="list-style-type: none"> • Salary and all pay-related benefits are reduced pro rata to the full-time entitlement, for example • Pension • Redundancy • Holidays and special leave/pay • Sick and maternity pay
Additional Considerations	
<ul style="list-style-type: none"> • The Working Time Regulations, regarding breaks and the maximum number of hours worked in a particular period are relevant 	

