

## Flexible Working Policy & Procedures

### 1 Introduction

From 30 June 2014 every Council employee has the statutory right to request flexible working after 26 weeks employment service.

This policy offers guidance regarding the Council's policy and procedures for reviewing and implementing flexible working arrangements for statutory requests under provision of the Employment Rights Act 2006.

This policy and procedure does not automatically apply for non-statutory requests for flexible working arrangements, but managers are encouraged to apply similar principles of fairness and transparency when reviewing such non-statutory requests.

### 2 Scope

This policy and its procedures will be applied where an eligible member of staff wishes to make an application. Any staff member employed directly by the Council has the statutory right to apply for flexible working after 26 weeks continuous service.

### 4 Policy Statement

Surrey Heath Borough Council recognises the need to develop effective flexible working practices in order to assist staff to maintain a good work-life balance whilst preventing detriment to the services delivered to the local community.

### 5 Equality Assessment

Surrey Heath Borough Council promotes an adaptive and flexible approach to working for staff in all jobs and grades. Flexible working employees are entitled to the same opportunities for career development and training as office-based employees.

The Council promotes objectivity and fairness in its approach to reviewing flexible working requests. Employees requesting flexible working should not be treated unfairly or unfavourably following the request, regardless of the outcome.

This Policy, procedures and related guidelines has been Impact Assessed by the Equality Acton Group

### 6 Principle and Aims

- 6.1 This policy and its procedures have been devised in line with the requirements of the Employment Rights Act 2006.

- 6.2 It aims to outline employee statutory rights relating to flexible working requests and explains each stage of the procedure.
- 6.3 By following a set policy and procedure, flexible working requests will be handled in a consistent manner by managers, therefore ensuring fairness and transparency throughout the process.

## **7 Eligibility**

- 7.1 All staff members employed directly by the Council have the statutory right to apply for flexible working after 26 weeks continuous service.
- 7.2 Other staff groups (e.g. those employed for less than 26 weeks, agency workers or volunteers) do not have a statutory right to apply but may still discuss the possibility of flexible working with their line manager if the arrangement may be beneficial for the service.
- 7.3 However, it should be noted that not all job roles are suitable for implementation of flexible working arrangements. Surrey Heath Borough Council will seriously consider any statutory application made and it will only be refused if there is a good business reason(s) for doing so. Whilst eligible employees have the right to apply for flexible working this may not be agreed to if to do so would impair Service provision.
- 7.4 Any change agreed will be deemed a permanent change to your Terms and Conditions of employment, unless a trial or temporary period is agreed.
- 7.5 Any eligible employee can make one statutory request for flexible working during a 12 month period.
- 7.6 Although an eligible employee may make subsequent requests within a 12 month period, these would not be regarded as a statutory right to request change to contractual terms as detailed by the Employment Rights Act 2006 and therefore review of the application would be subject to management discretion.
- 7.7 Within their statutory flexible working request eligible employees can request a change to;
- the hours he/she is required to work;
  - the times he/she is required to work;
  - where he/she is required to work (home or and employer's place of business).

## **8 Procedure (Statutory Requests)**

### **8.1 Application**

For consistency and fairness of procedure, all flexible working requests should be in writing, using the Council's Flexible Working Application Form (available via e scene or from HR) and must be fully completed.

- 8.2 When requesting flexible working under the statutory scheme, you must include the following information in your application:
- The date of the application
  - The change to work conditions that you are seeking
  - The date that you would like the conditions to come into effect
  - The effect that you anticipate the requested change will have on the Council and how such effects may be managed.
  - That this is a statutory request (you will need to declare that you have not made another statutory request for change to contractual terms and conditions within the last 12 months).

8.3 If you are requesting a temporary flexible working arrangement in response to particular personal or operational circumstances, you should identify this in your application as flexible working arrangements are otherwise considered a permanent change to your terms and conditions.

#### 8.4 **Manager Review**

Line managers have the responsibility of managing their staff on a day to day basis but the Executive Head/Head of Service will also need to be consulted in relation to any application for flexible working.

#### 8.5 **Consultation**

After receipt of your application, your line manager will meet with you within 14 calendar days at a mutually agreed time and date, to discuss your statutory request.

8.6 If you wish, you are permitted to bring a colleague, Staff or Trade Union representative to the meeting; they can talk with you and address the meeting, but they cannot answer any questions on your behalf.

8.7 If the colleague or representative cannot attend the scheduled meeting, then it will be re-scheduled to take place within 7 days of the original date.

8.8 In the event you cannot attend the scheduled meeting, you should contact your Line Manager as soon as possible in order to reschedule the meeting.

### 9 **Outcome**

9.1 The Council will inform you of its decision in writing within 14 calendar days of the meeting. The Council reserves the right to extend this time limit, provided it is mutually agreed with the employee.

9.2 The Council reserves the right to provisionally accept flexible working requests with modifications.

#### 9.3 **Success**

If the request for flexible working is agreed, the Council will include the following in a dated, written notification:

- A description of the new working pattern

- The date from which it will take effect.
- An end or review date of the working pattern (if temporary)
- Any other conditions relating to the arrangement.

9.4 Please bear in mind that it can take up to 14 weeks to implement any approved flexible working requests.

9.5 If successfully implemented, your application for flexible working will be permanent, unless a trial period or end date has otherwise been agreed with your Line Manager and Executive Head/Head of Service.

#### 9.6 **Rejection**

The Council is not obliged to approve a request for changes to working arrangements, but is required to consider a valid request seriously.

9.7 Rejection of statutory flexible working request is legally permissible only where one of the following eight criteria applies:

- Burden of additional costs
- Detrimental effect on the ability to meet customer service demands
- Inability to re-organise work amongst existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee wishes to work
- Planned structural changes

9.8 If your statutory flexible working request is refused, the Council will provide a written, dated explanation, identifying one of the eight categories above.

## 10 **Appeal Procedure**

10.1 Executive Head/Heads of Service (or an appropriate nominated representative) will consider any appeals against refusal of the flexible working request.

10.2 If you decide to appeal the decision, you must confirm this in writing to your manager.

10.3 Council representatives will meet with you within 14 calendar days of your notification of appeal. Again you may be accompanied to the meeting by a colleague, Staff or Trade Union representative.

10.4 The Council will inform you of its final decision in writing within 14 calendar days of the appeal meeting date.

## 11 Withdrawal of Applications

- 11.1 You may withdraw your application for flexible working anytime prior to written agreement, but it should be in writing to avoid any misunderstandings.
- 11.2 If you miss two consecutive meetings (initial or appeal) in relation to your flexible working application, then it will be considered as withdrawn and you will not be entitled to make another statutory application for 12 months.
- 11.3 The Council will confirm the withdrawal in writing.

## 12 Further Guidance for Managers

- 12.1 Managers have a responsibility to be aware of the Council's legal requirements with regards to statutory flexible working requests and the timeframes associated with each stage of the process.
- 12.2 Where possible, managers should endeavour to adhere to the process below:
  - 1. Applications to be **date stamped** upon receipt by manager.
  - 2. Consultation meeting to be booked within 14 calendar days of application receipt date.
  - 3. Decision to be confirmed in writing within 14 calendar days of consultation meeting.
  - 4. Appeal meeting to be booked within 14 calendar days of appeal notification.
  - 5. Decision to be confirmed in writing within 14 calendar days of appeal meeting.
- 12.3 Requests should be considered in the order that they are received.
- 12.4 If there is likely to be a delay in any stage of the process, managers should advise the applicant as soon as practicable.
- 12.5 However, the whole process (including appeal) **must** be completed within **3 months** unless the employee has formally agreed to an extension.
- 12.6 If an applicant is unable to attend a consultation meeting in person, the employee may instead be consulted via email telephone but notes must be taken about what was discussed and/or agreed.
- 12.7 In the event of receiving multiple requests, managers should discuss the applications with Human Resources where they have more than one application under review at any one time.
- 12.8 For further guidance on strategies for fair and reasonable review of flexible working requests, see ACAS guidelines or seek advice from Human Resources.  
(PDF: <http://www.acas.org.uk/media/pdf/p/6/Handling-requests-to-work-flexibly-in-a-reasonable-manner-an-Acas-guide.pdf>)