



# **Flexible Working Policy**

## **Document Control Sheet**

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This policy supersedes all previous issues.

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## **1. Introduction**

- 1.1 Ryedale District Council are committed to the development of flexible working practices that ensure our workforce is effectively deployed to support improvements to service delivery, and the development of a flexible, high performing and agile workforce. The Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the Council wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The organisation is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.
- 1.2 It is the organisation's policy to encourage open discussion with employees. An employee who thinks they may benefit from flexible working is encouraged to contact their line manager to talk about the options. This policy has been written in conjunction with ACAS guidelines and the ACAS Code of Practice on making and responding to flexible working requests. For more info visit [www.acas.org.uk](http://www.acas.org.uk)

## **2. What is Flexible Working**

- 2.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

## **3. Definitions and types of Flexible Working**

- 3.1 **Flexitime (grades 1-10 inclusive)** allows an employee to choose, within certain parameters, how to schedule their working time. An employee is contracted to work for a set number of hours per week, however, within reason can work in excess of this or slightly short of this within a given timeframe. Their hours of attendance will be recorded and added up at the end of each accounting period. An employee can carry over an excess of up to 14:48 hours or a deficit of up to 7:24 hours from one accounting period to another. A deficit of hours should be made up in the following accounting period. Excess hours may be used to either reduce attendance outside of core hours or, take additional leave (flexi-leave), subject to a maximum of 1 full day in any accounting period. Additional leave should be requested and agreed with the employee's line manager in the same way as annual leave. **Employees will not have to apply for flexitime as this will be linked to the job role undertaken. However not all jobs roles are suitable for flexitime**
- 3.2 **Compressed hours** is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a 5-day week is compressed into four days, or a 10-day fortnight into 9 days.
- 3.3 **Home-working** is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The organisation can consider a request for home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement.
- 3.4 **Job-sharing** is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult,

or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements. –

- 3.5 **Term-time working** is where an employee reduces their hours and pay whilst taking time off during school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary is paid in 12 equal monthly instalments.

#### **4. The needs of the organisation**

- 4.1 The organisation is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.
- 4.2 Where a flexible working arrangement is proposed, the individual and the organisation will need to take into account a number of criteria including (but not limited to) the following:
- the costs associated with the proposed arrangement
  - the effect of the proposed arrangement on other staff
  - the need for, and effect on, supervision
  - the existing structure of the department
  - the availability of staff resources
  - details of the tasks specific to the role
  - the workload of the role
  - whether it is a request for a reasonable adjustment related to a disability
  - health and safety issues

#### **5. Eligibility**

- 5.1 Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. However the Council has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service (non-statutory request).
- 5.2 Flexitime will automatically apply to all full time and part time employees, below grade 11, except those whose work is such that it would be impracticable to perform unless there is adherence to fixed hours. Employees will be excluded from the scheme if it is impracticable to arrange duties to allow flexibility. Further information on flexitime and recording hours worked is at Appendix B (incorrect – this is the application form)

#### **6. Submitting a flexible working request**

- 6.1 All employees are entitled to submit one flexible working request in a 12 month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).
- 6.2 All requests must be made in writing by completing a Flexible Working Request application form (Appendix A) which is available on the intranet and submitting this to the line manager. Any request made must include:
- the date of the application
  - the changes that the employee is seeking to their terms and conditions
  - the date from when the employee would like the proposed change to come into effect

- what effect the employee thinks the requested change would have on the organisation
  - how, in their view, any such effect could be dealt with
  - whether this is a statutory or non-statutory request
  - whether a previous application for flexible working has been made
  - the dates of any previous applications
- 6.3 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.
- 6.4 Employees may be asked to re-submit an application if it does not contain all of the required information.
- 7. Meetings regarding flexible working**
- 7.1 Upon receiving a written request for flexible working the manager will seek to arrange a meeting with the employee, within 28 days of receiving the request (this time limit may be extended with the agreement of both parties), to:
- discuss the request
  - find out more about the proposed working arrangements
  - how it could be of benefit to both the employee and organisation
- 7.2 The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed. If a face to face meeting is difficult to arrange then, if agreed by the employee and line manager, the meeting may be held over the phone or via Microsoft Teams.
- 7.3 At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative. Managers may be accompanied by a HR representative
- 7.4 If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.
- 7.5 Where a request can, without further discussion, be approved as stated in the employee's written application, a meeting to discuss the request may not be necessary. In this instance the employee will be informed of the organisation's agreement to the request by a confirmation letter as outlined in the section 'Responding to a flexible working request' within 28 days of the organisation receiving the request. This time limit may be extended with the agreement of both parties.
- 8. Responding to a flexible working request**
- 8.1 The line manager will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to the employee and to the organisation in implementing the proposed changes. HR advice should be sought where managers are unsure of whether the request can be accommodated.
- 8.2 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 their working pattern.

- 8.3 The employee will be informed in writing by their manager of the organisation's decision as soon as is reasonably practicable, but no later than 14 days after the meeting.
- 8.4 The request may be granted in full, in part or refused. 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. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact their line manager within 14 days if they wish to discuss the new arrangements further, or have any concerns.

## **9. Right to appeal decision**

- 9.1 The employee has the right to appeal the decision if their request is refused or is only agreed in part.
- 9.2 The employee may lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing to the relevant Head of Service and clearly state the grounds on which they are appealing. The appeal will be heard within 14 days. The employee will then 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 parties.

## **10. Trialling new working arrangements**

- 10.1 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the organisation a trial period may be agreed. If a trial period is arranged the organisation will allow up to 12 weeks for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement. Feedback on the trial working arrangements should be discussed at regular intervals to try to overcome any issues or teething problems.
- 10.2 Where a trial period has been arranged the organisation will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the organisation may reduce or lengthen the trial period where necessary with the agreement of the employee). The organisation will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. The employee may also request a return to their previous working arrangement, during the trial and no later than the end of the agreed trial period.

## **11. Varying an employee's contract**

- 11.1 Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment will be sent to the employee within 28 days of the change to the employee's working pattern being agreed. It is the line manager's responsibility to notify Employment Support Services (ESS) of any contractual changes using the appropriate forms.

If the employee has any questions or concerns about the new contract of employment they should contact their line manager to discuss the matter further.

- 11.2 Where a trial period has been arranged the organisation will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the organisation may reduce or lengthen the trial period where necessary with the agreement of the employee). The organisation will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. The employee may also request to revert to their previous working arrangement
- 11.3 Managers may choose to agree to the flexible working request on an initial 12 month basis and after this will be reviewed. If agreed following review then this working arrangement becomes contractual.

## **12. Complaints and further information**

- 12.1 The organisation is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.
- 12.2 If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible process, they should raise their concerns informally with their line manager in the first instance in line with the Resolving Issues at Work Policy or speak to a member of HR.

## **13. Managers Responsibilities**

- 13.1 Managers should ensure that at all times the maintenance of service to the public is foremost in priority in the application of this scheme. The paramount importance of such a scheme is that there should be no detriment to the level of service provided to the public.
- 13.2 The Line Manager is responsible for monitoring the working arrangements of their employees. At the end of each calendar month the Line Manager should access their employees' timesheets to ensure working hours are acceptable and not too excessive.
- 13.3 Managers are responsibility for notifying any necessary individuals/departments of a change to working arrangements (e.g ESS for contractual changes, work colleagues of changes to working patterns where is may affect communication or service delivery).

## Appendix A

### Application for Flexible Working

Name		Contact No	
Job Title		Dept	
Line Manager		Date	

Please complete the following and submit to your line manager:				
Please give details of the changes you are seeking to your working arrangements:				
What date would like these to come into effect?				
What effect, if any, do you think this change will have on your workload, responsibilities and the wider team/organisation?				
How, in your view, could this effect be dealt with?				
Is this a statutory or non-statutory request?	Statutory:		Non-Statutory:	
Is the request in relation to the Equality Act for example as a reasonable adjustment relating to disability?	Yes:		No	
If the answer to the above is yes, please provide details				
Have you made any previous requests for flexible working	Yes		No	
If yes, please provide dates of previous requests				

## **Flexitime Scheme**

### **Record Keeping**

The FlexiSheet (timesheet) is available on the intranet and should be used by all employees on the scheme. The timesheet is set up as an Excel spreadsheet, worksheets are provided for each calendar month and times should be entered on a daily basis. The timesheet will calculate based on each individuals working pattern which should be entered onto the sheet.

FlexiSheets should be stored in a shared location allowing access to both manager and employee.

Any employee who records their time falsely may be subject to disciplinary action and removed from the scheme.

### **The working day**

Flexible arrival period	Up to 10:00 hrs
Flexible departure period	From 15:00hrs

The scheme is not intended to give extra leave, or for working irregular hours on a permanent basis and as such all employees will normally follow a pattern of attendance, which has previously been indicated and agreed with their line manager, to ensure efficient delivery of the service.

Each employee will be responsible for ensuring that they work at least their contracted hours in each calendar month, subject to the approved carry-overs.

All full time employees and those part time employees whose working day is greater than 6 hours must record a 30 minute break each day.

### **Carry over balance**

Hours worked in excess of the required attendance time in any one accounting period may be carried forward to the next period, subject to a maximum of 14 hours 48 minutes. Any credit balance in excess of this will be lost.

No payment will be made for hours accumulated in excess of the carried forward limit. In exceptional circumstances, where it is in the interest of maintaining a satisfactory level of service, the Head of Service may give prior authorisation for an officer voluntarily to work hours which are likely to result in accumulation of credit hours beyond the permitted carried forward limit. In these circumstances the Head of Service may authorise the excess credit hours beyond the permitted maximum to be carried forward to the following period or to be recorded as TOIL.

A short fall of hours may be carried forward to the next period but must not exceed 7 hours 24 minutes. The deficit must be made up in the following accounting period. Annual leave should not be used to decrease debit hours.

### **Recording absence**

The following absences should be recorded on the FlexiSheet in line with the relevant policies if appropriate:

Element	Associated Policy	Comment
Annual Leave	Leave Policy	Time taken as annual leave to be entered into the 'Annual Leave' column of the FlexiSheet.
Flexible Leave	Leave Policy	1 full day or 2 half days per month. Flexi leave is subject to prior authorisation and should be booked through MyView.
Time Off in Lieu (TOIL)	Leave Policy	Any TOIL time taken back should be agreed in advance with the Line Manager and must be taken within three months of the hours worked.
Sickness Absence	Absence Policy	Credit given on the basis of the standard working day
External meetings and training	Leave Policy	Actual hours spent, including travel time above that usually incurred from home to place of work
Credited Medical Appointments	Leave Policy	Full details of credited medical appointments can be found in the Leave Policy
Incidental Breaks		Smoking/vaping, prayer breaks and any other incidental breaks should be recorded as a debit.

### **Part-time employees and Additional Hours**

If a part time employee is required to work extra hours this should be recorded as on the FlexiSheet and managed through the flexitime process. In exceptional circumstances the Line Manager may authorise payment for additional hours.

### **Overtime**

Employees on the Flexitime Scheme will not normally receive payment for overtime, additional hours will be recorded on the FlexiSheet and managed through the flexitime scheme, taken as flexi leave or, with the line manager's approval, be recorded as TOIL hours.

In exceptional circumstances, managers may authorise the payment of overtime in line with the Collective Agreement.

### **Leaving the Council**

Employees leaving the service of the Council must ensure that no debit balances remain at the end of their period of notice or the final salary payment may be adjusted accordingly.