

Thanet District Council Flexible Working Request Policy and Procedure

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Policy	Flexible Working Request Policy and Procedure
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Policy Statement

This Flexible Working Request Policy and Procedure explains how employees can make a formal request to change their working pattern in order to manage life situations and circumstances. It also demonstrates how Thanet District Council (“the council”) embraces different employee working scenarios in order to balance organisational value with employee workplace satisfaction.

It sets out expectations and requirements of employees, managers and the council, as well as the council’s underlying flexible working principles.

It is one of the HR flexible working policies alongside the:

- Flexible Working Arrangements Policy
- Flexitime Policy.

1. Introduction

Thanet District Council (the Council) is committed to providing equality of opportunity in employment and to developing working practices and policies that support work-life balance. The Council recognises that a better work-life balance can improve employee motivation, performance, productivity and reduce stress.

It is the Council’s policy to encourage open discussion with employees and, therefore, any employees who think they may benefit from flexible working are encouraged to contact their line manager for an informal discussion.

To avoid unnecessary delays, the Council will use, as appropriate, different means of both written and verbal communication.

Employees who make a request for flexible working will not be subjected to any detriment or lose any career development opportunities as a result.

2. Scope and Audience

The scope of this policy is all formal employee requests for changes to working patterns in order to accommodate their priorities.

Its audience is all council employees.

3. Policy Purpose

The purpose of this Flexible Working Policy is to give employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. This may be to help manage personal priorities such as caring responsibilities, leisure activities, further learning and other interests. Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.

4. Eligibility for the Formal Right to Request Procedure

All employees from day one of continuous service with the Council have a statutory right to request flexible working.

The Council recognises that some roles require employees to work set hours or in a set location, due to the needs of the service, the requirements of the job or practical issues. If the employee's personal circumstances change, and greater flexibility is required, the Council will endeavour to work with the employee to identify potential solutions.

5. Types of Flexible Working

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. Typical working arrangements include, but are not limited to:

- Annualised Hours – where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.
- Compressed Hours – 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.
- Homeworking – where an employee regularly carries out all or part of their duties from home.
- Job-sharing – where a full-time post is usually divided into two part-time roles. The two job holders then share the overall duties and responsibilities and a proportionate share of pay and benefits. The skills and the hours that each employee wishes to work must be compatible and meet the needs of the Council.
- Part-time working – this covers any arrangement where an employee is contracted to work anything less than usual full-time hours for the type of work in question.

The suitability of roles for flexible working arrangements such as part-time working or job-sharing will normally be stated in any internal or external advertisements, and flexible working requirements for new employees will be discussed and agreed upon during the final stages of the recruitment process.

The flexible working application process is intended to facilitate the implementation of long-term changes to working practices. If short-term, temporary flexibility is required, employees should discuss this with their manager.

Employees do not have a contractual right to any particular flexible working arrangement. Each application for a change in working arrangements will be decided on a discretionary basis.

6. Making a Formal Flexible Working Request

All employees are entitled to submit two flexible working requests in any twelve month period. An employee is entitled to make additional requests if they relate to a statutory entitlement, for example, the Equality Act 2010 right to request reasonable adjustments.

Prior to submitting a written request, the Council recommends that employees have an informal discussion with their manager to discuss the required working arrangements.

All requests must be made to the employee's manager, by filling out the Flexible Working

Application Form (Appendix 1), and include the following information:

- The date of the Application;
- The changes that the employee is seeking to their terms and conditions;
- Explain the reasons for the request;
- The date from when the employee would like the proposed change to come into effect
- Whether the employee has a statutory right to make the request, or not;
- Whether the employee is making a request in relation to the Equality Act 2010, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
- Whether a previous application for flexible working has been made;
- The dates of any previous applications.

If the application does not contain the required information, the Council may request that the employee re-submits the request.

7. Responding to a Formal Flexible Working Request

Flexible Working Applications must be considered and decided upon, including any appeal, within two months of the date on which the application was received by the Council, unless the employee and the Council both agree to extend this period.

Upon receiving a Flexible Working Application Form, the employee's manager will normally seek to arrange a meeting with the employee to enter into a formal period of consultation, whereby they will discuss the request, find out more about the proposed working arrangements and discuss the benefits for both the employee and the Council. However, a consultation period may not always be necessary, provided both parties agree to the request.

If a meeting is arranged it will be held within a reasonable timeframe of the Council receiving the request. With 5.1 in mind, it is recommended that this meeting takes place within 10 working days of receipt of the application.

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, the meeting may be held by telephone or remotely, provided both the employee and the manager agree. If the employee fails to attend the meeting, it may be rearranged. If the employee fails to attend the second meeting without good reason, their application will be deemed to have been withdrawn.

Employees are entitled to be accompanied at meetings by a colleague or a Trade Union representative during the consultation period.

Where a request can, without further discussion or consultation, be approved as stated in the employee's written application, a meeting to discuss the request may not be necessary. In this case, the employee will be informed of the Council's agreement to the request by a confirmation letter and a change of terms and conditions form will be completed.

When considering a request for flexible working, the Council will take into consideration a range of factors including, but not limited to, those set out in Appendix 1. At the meeting, the manager may suggest alternative working arrangements if this might lead to a compromise or to a different arrangement that both parties find acceptable.

The employee's request will be considered by their manager, taking into account the potential benefits and adverse effects to the employee and to the Council in implementing the proposed changes.

Each request will be considered on a case by case basis, based on business need and taking a fair and consistent approach. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their work pattern.

The employee will be informed in writing of the Council's decision at the end of the consultation period.

The request may be granted in full, in part or refused. The Council 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 a trial period is agreed this should be for a minimum of three months and not usually continue for longer than six months.

A flexible working application may only be refused on the following grounds:

- The burden of additional costs
- An inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- 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.

If a trial period is agreed, the Council will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of the new arrangement. The purpose of the trial period is to establish whether the flexible working arrangement is practicable for both the employee and the Council. The Council may reduce or lengthen the trial period where necessary with the agreement of the employee. At the end of the trial period, the Council reserves the right to require the employee to revert to their previous working arrangement.

For all changes to the employee's working pattern, whether temporary or permanent, the employee will be sent a change to Terms and Conditions form. A confirmation letter will also be sent, including details of the new arrangements. The employee should contact their manager if they wish to discuss the new arrangements further, or have any concerns.

8. Right To Appeal

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

The employee may lodge an appeal within 5 working days of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal will be heard and the employee will be informed of the outcome of their appeal within a reasonable timeframe of the appeal meeting. These time limits may be extended with the agreement of both the employee and the manager.

The outcome of the appeal will be final and the employee has no further right to appeal thereafter.

9. Varying an Employee's Contract

Where flexible working practices are agreed as a permanent change of contractual terms, a variation will be made to the employee's contract of employment. The employee will be notified in writing no later than 28 days after approval of the flexible working arrangement.

The employee does not have the right to revert to their original terms and conditions of employment where a request has been agreed as a permanent change. However, they may make a further statutory request for a different flexible working arrangement, provided they are eligible to make a further request.

It is recognised that an employee's personal circumstances may change and they may wish to vary the flexible working arrangement. Although there is no automatic right to do this, the Council will endeavour to be flexible. Employees should speak to their line manager in the first instance.

If the employee has questions or concerns about their new contract of employment, they should speak to their line manager.

Where a trial period has been arranged, the Council will provide the employee with a change to Terms and Conditions form. The employee will be informed in writing of the start and end dates of the trial period and, as a result, the start and end dates of the variation to the employee's terms and conditions. If the trial period results in the Council's decision to decline the employee's flexible working application, the employee's terms and conditions will revert back to those in place prior to the trial period.

10. Complaints

The Council is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements. In the application of this policy, the Council will not discriminate on the grounds of age, religion, sex, race, disability, status, fixed-term or part-time work.

If an employee feels they have been unfairly treated or are dissatisfied with any stage of the flexible working application process, they should raise their concerns with their line manager or with another manager in their department.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the Council's grievance procedure.

11. Appendices

Appendix 1: Flexible Working Application Form

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to eligible employees.

You should note that under the right it may take up to two months for your employer to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

Once you have completed the form, you should immediately forward it to your employer (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name:	
Manager:	

To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

I am employed by Thanet District Council	
I have not made two formal requests to work flexibly under this right during the past 12 months.	
I am making this request under the Equality Act 2010	

Date of any previous formal requests to work flexibly under this right	
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If you do not meet the eligibility criteria then you do not qualify to make a request to work flexibly under the statutory procedure. However, the Council may consider your request, depending on the particular circumstances. Please speak to your line manager in the first instance.

<p>2a. Describe your current working pattern/arrangement (days/hours/times/location worked):</p> <p>2b. Describe the working pattern/arrangement you would like to work in future (location/days/hours/times worked):</p>
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<p>2c. I would like this working pattern to commence from:</p> <p>Date:</p> <p>Name:</p>

NOW PASS THIS APPLICATION TO YOUR MANAGER

Note to the manager

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have two months after the day you received this application in which to consult with the employee and decide whether to grant the request. This period can be extended if you agree to a longer deadline with the employee; any such agreement must be made either within the period in which the decision is to be made or in the two months immediately following the end of that deadline.

You must confirm receipt of the request to your employee in writing. The following example template may be used.

Confirmation of Receipt

Dear

I confirm that I received your formal request to change your work pattern on:

Date:

I shall write to you shortly inviting you to a meeting to start the consultation period. You will be notified of my decision on this application at the end of the consultation period and within two months of this date, unless we agree to a longer deadline for this decision.

Manager's signature

Manager's name

Appendix 2: Flexible working applications – factors for manager to consider

- Impact of the arrangement on the role, department and colleagues: Whether the working hours proposed will meet business requirements, and whether there is sufficient operational work to justify any extended hours
- The degree and nature of contact with customers, both internal and external, and what arrangements can be made to cover customer queries when the employee is not in the office.
- Any possible adverse effect on the quality of service. Adequate cover by appropriately skilled staff must be available to ensure service delivery is not impaired.
- The need to avoid any unacceptable fluctuations in colleagues' workloads and any inconvenience to the rest of the team.
- The employee's working style and preferences.
- The requirements of the rest of the team members and, if necessary, what arrangements can be made which fit within the current working arrangements of the team (for example, which non-working days, hours at work, home-days, etc.).

Practical considerations:

- The cost of the proposed arrangements.
- Access to buildings, security and personal safety.
- The potential effect on the employee of working long periods, such as excessive fatigue, accidents, sickness and reduced productivity.
- The objectives and targets that will need to be set for any work performed without supervision, and arrangements for monitoring output.
- How working hours are to be recorded.
- The need to comply with the Working Time Regulations.
- The availability of relevant ICT systems and support outside the normal working hours.
- How often the arrangements will be reviewed.