

HRP 18 - Flexible Working Policy

(includes legislative right to request flexible working / time off to train)

The Council respects the importance of work-life balance and is committed to delivering a working environment that supports effective service provision and helps employees achieve the right balance between home and work. The Council wishes to employ a lean and agile workforce and encourages a working environment where employees are encouraged to work anywhere, at any time, provided the arrangement fits in with the needs of the business.

This policy applies to all employees of Uttlesford District Council. This policy does not apply to agency workers (any such requests should be dealt with through their agency).

In managing the application of this policy, consideration should be given to the individual's requirements and circumstances in relation to race, gender, disability, religion/faith, age and sexual orientation.

Any employees who require this policy in an alternative format or language should contact Human Resources.

Policy Framework

UDC has a legal duty to give due consideration to requests by certain employees to change their working patterns. The law applies to two groups of employees:

1) employees with specific caring responsibilities. These are:

- Employees who are the parent of a child under the age of 16;
- Employees who are the parent of a child with a disability under the age of 18;
- Employees with caring responsibilities for adults aged 18 or over.

2) employees requesting unpaid time off for training or study (this excludes those young people who are already entitled to paid time off to study or train.)*

**Requests for training in connection with trade union activities are not covered by this policy.*

The right to request flexible working is available to employees who have a minimum of 26 weeks continuous service and have not made another application during the last 12 months.

The request can cover hours of work, times of work and place of work and may include requests for different patterns of work.

To ensure fairness and equity as well as an effective working environment across the organisation, however, the Council is committed to **considering requests** for flexible working from **all of its employees**.

The Council's flexible working principles are:-

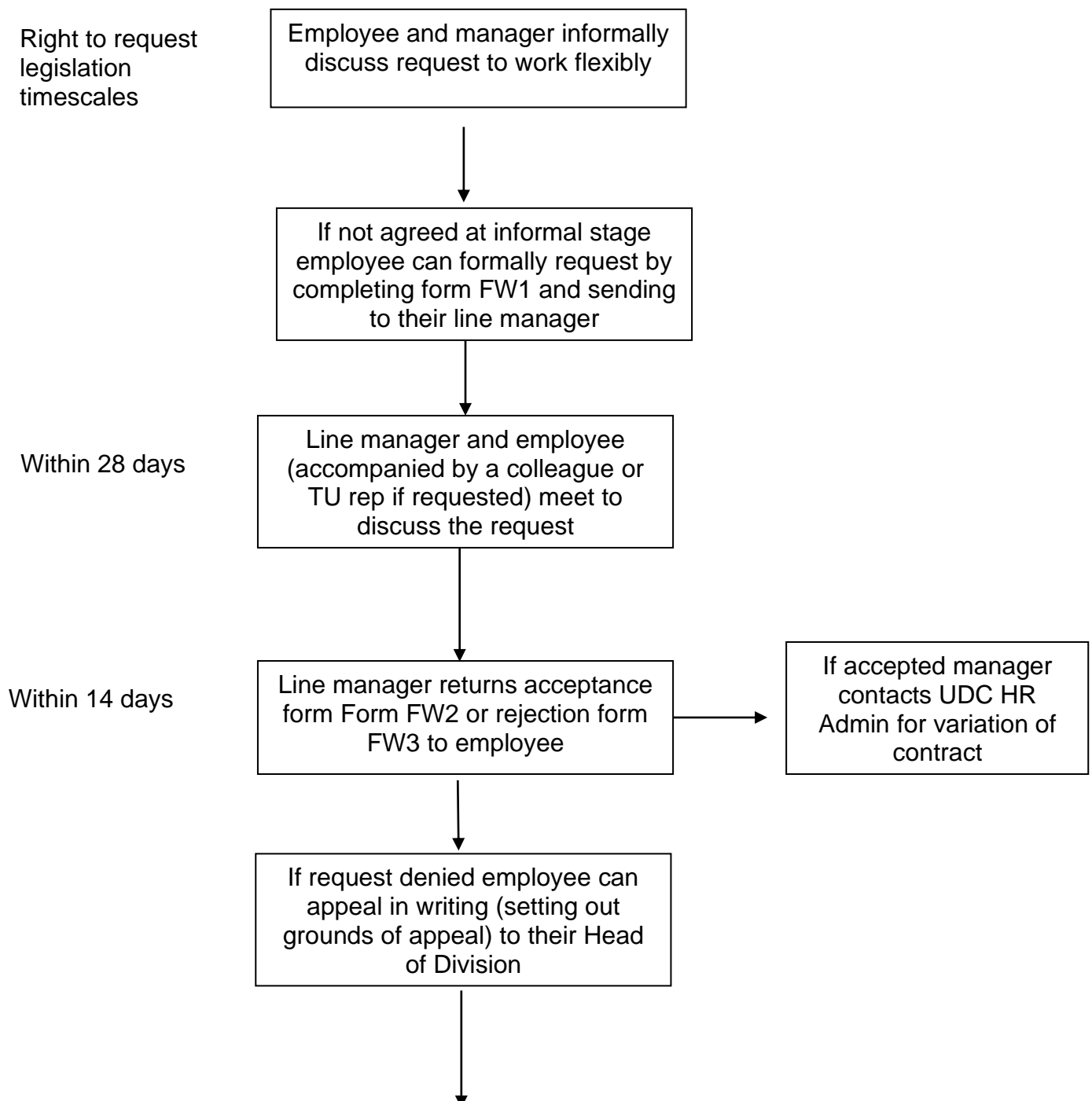
- all requests for flexible working arrangements will be given fair and consistent consideration by all managers, carefully balancing the needs of the employee with the needs of service delivery and operational practicalities;
- to employ a workforce which reflects the diversity of our community. In doing so, we recognise the importance of offering flexibility in our working practices in order to meet the needs of current and future employees;
- whilst being committed to providing the widest possible range of working patterns, not all flexible working options will be appropriate for all jobs across the Council and achieving excellent service delivery is the Council's primary goal and maintaining adequate staffing levels to achieve this is a priority;
- to value employees for their contribution to the Council and the services we provide, not their working patterns;
- to recognise the importance of balancing work and home life, seeing flexibility in the workplace as integral to both the recruitment and retention of quality staff.
- ***For those employees that have agreement for a condensed hours working pattern, the flexi-time scheme or accrual of TOIL will generally not be applicable. There may however, due to the nature of certain roles, be an opportunity for TOIL to be accrued and taken at the discretion of line management.***

Step-by-step procedure/process flowchart

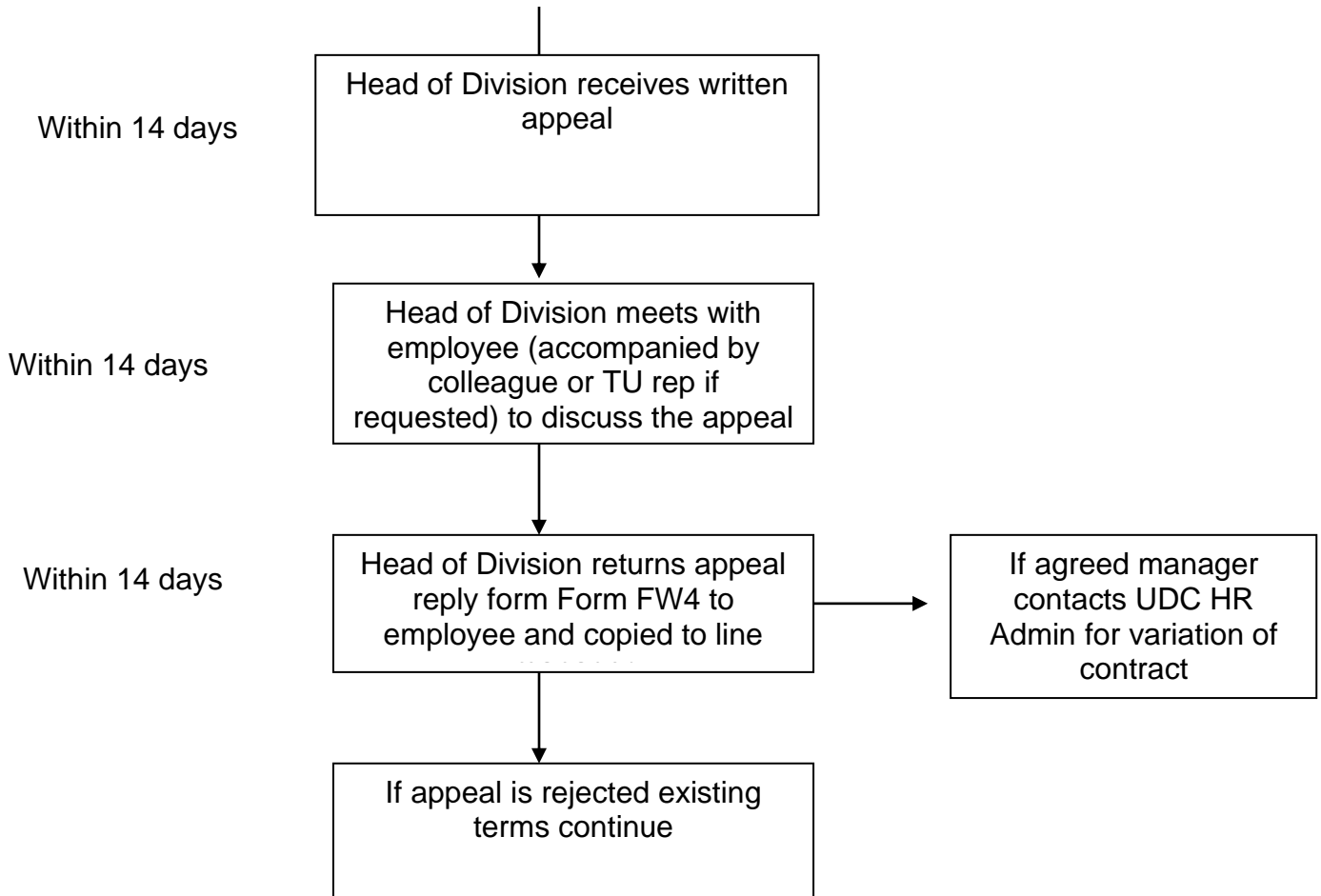
Requesting flexible working – the process

For those employees covered by the Right to Request Flexible Working legislation, there is a set process and specific timescales which must be followed – these are set out in the flowchart. Managers must ensure that this process and timescales are followed when considering requests from employees who are covered by the legislation.

Request to work flexibly – process flowchart



Appeal process - flowchart



Essential questions

1. [Who can apply for flexible working?](#)
2. [What types of flexible working can be requested?](#)
3. [Can a manager implement a new flexible working arrangement for whole teams?](#)
4. [How does an employee apply for flexible working?](#)
5. [Will changes to an employee's working pattern affect employment terms and conditions?](#)
6. [Will the new working arrangement be permanent?](#)
7. [Why would a request for flexible working be refused?](#)
8. [What are the timescales for implementing a new working arrangement?](#)
9. [Can I work from a different Country?](#)

Essential questions with answers

1. Who can apply for flexible working?

All employees can request flexible working.

Managers are encouraged to consider requests for flexibility on working patterns from all employees, not just those who have the legal right to request flexible working. Whilst the Council is not obliged to make a request process available to employees who are not covered by legislation, in its commitment to fairness and work-life balance, as well as having one consistent approach, managers are encouraged to follow the same request process when considering all flexible working requests.

2. What types of flexible working can be requested?

The types of flexible working that can be requested include changes to the number of working hours, times or place of work and the Council provides a variety of flexible working arrangements which includes a Flexi-time scheme. Flexible working come in all shapes and sizes – no one size fits all - accordingly, the Council's guidance is unlikely to cover every flexible working arrangement but that doesn't stop managers and employees considering other types of flexible working providing they fit the needs of their service.

3. Can a manager implement a new flexible working arrangement for whole teams?

Yes, managers are encouraged to consider and implement flexible working options to help improve service provision and/or work-life balance for employees. Implementation of any significant change to a team's working patterns must only take place following full consultation with team members and managers should contact HR for early advice.

4. How does an employee apply for flexible working?

Employees should firstly chat things through with their manager who will then advise the employee whether they should follow the steps set out in the formal Right to Request Flexible Working process.

For some requests, changes to working patterns may be easily accommodated without the need for this formal process to be followed – this is likely to apply most when there is no change to the number of hours that an employee works e.g. an employee is merely seeking greater flexibility around start/finish times and this could possibly be easily accommodated within the Council's Flexi-time scheme.

It is an employee's and a manager's joint responsibility to assess whether the formal Right to Request Flexible Working application process should be followed when considering changes to working arrangements. In all cases, employees and managers may find the documentation linked to the process useful in helping with onward discussions to assess whether and how a new working arrangement could be accommodated within the team.

[Managers must retain copies of correspondence connected to the application process.](#)

5. Will changes to an employee's working pattern affect employment terms and conditions?

In the main, an employee's contractual terms and conditions are affected by new working patterns that incur an increase or reduction in the number of contractual working hours e.g. if an employee wishes to change from full-time to part-time, this will impact salary and pension plus annual leave entitlement – employees and managers may wish to seek early advice on this from HR.

6. Will the new working arrangement be permanent?

An employee and manager will need to give careful consideration to whether a new working arrangement is to be a permanent contractual change or a temporary variation in contract. It is recommended that any new working arrangement is implemented on an initial trial basis, for a maximum of three months, to be agreed between manager and employee – it makes good sense to do this with a formal review at the end of the trial to assess the viability of the change. Employees will have the right to revert back to their original pattern of working within the trial period subject to giving appropriate notice. Keep the dialogue going between employee and manager – potentially at regular team meetings too – to assess any impact on service delivery and team working. It is the manager's responsibility to ensure that regular reviews take place.

For employees who exercise their legislative Right to Request Flexible Working, changes are regarded as permanent contractual changes, and this has two consequences. First, the employee will have no automatic right to revert to their previous pattern of working at a future date. Second, the Council will not be able to insist that the employee reverts to their previous working pattern. However, these legal provisions do not prevent a mutual agreement to a review or variation in future working patterns – an employee can submit a new request for flexible working or, in order to ensure future needs of service provision, managers may need to review working patterns and any proposed changes would be subject to full consultation with employees. Within UDC, a manager and employee can choose to agree a defined timescale for a new working arrangement if this is what is preferred by both parties – this would be classed as a temporary contractual change.

7. Why would a request for flexible working be refused?

Flexible working arrangements are available to all employees, but the needs of the Council's services must come first and some flexible options may not be operationally practical for certain jobs. Managers will consider each request objectively on the basis of the particular work involved and any detrimental effect the change could have on individual, team or service performance.

Based on the legislative Right to Request Flexible Working, there are set business reasons for refusing a request - one or more of these must apply:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to recruit staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the period the employee proposes to work
- planned structural changes.

In addition, requests for time off for training may be refused on the following grounds:

- the proposed study or training would not improve the employee's effectiveness in the workplace
- the proposed study or training would not improve the performance of the Council.

8. What are the timescales for implementing a new working arrangement?

Timescales for implementing new flexible working arrangements will vary – depending on the type of change e.g. compressed hours or flexi-time can happen fairly quickly, but arranging working from home for an employee will take some organising. Check out the timescales set out in the requesting flexible working process flowchart following the steps set out in the legislative Right to Request Flexible Working process could potentially mean up to 14 weeks for a new working pattern to be put in place. However, it is hoped that changes could be put in place more speedily than this and to help the process, employees should give as much notice as possible to their manager about any changes they wish to be considered. So, early dialogue is recommended.

9. Can I work from a different country?

Yes, this is possible for some people depending on their role and individual circumstances and would normally be on a short-term basis. We appreciate that it can be costly to travel abroad, and some staff may want to spend more than the normal 2 weeks abroad, especially those visiting family, but can be restricted on the time allowed to be away from work due to service delivery needs. When considering a request to work abroad, as well as the points already raised in this document the manager and employee must also consider the following before a request can be granted;

- Can the employee deliver the service at the appropriate time? Consideration needs to be given to the time difference and working arrangements. Currently, we

have restrictions on accessing some data abroad, such as Department of Works & Pensions (DWP), so staff with access to such data either directly or indirectly via Uttlesford's Benefits department may not be permitted to work abroad currently but we are looking into this.

- Will some of the employee's duties be affected such as site visits/attending face to face meetings and can the service accommodate these?
- Will their absence have a detrimental impact on the service? For instance, are they in a role which is a 'single point of failure'.
- Is there an appropriate secure internet connection and all the appropriate IT systems can be accessed to allow the employee to work seamlessly from that country? (seek advice from the IT manager) The employee will be permitted to take their council laptop abroad and although it is covered by our insurance policy no claim will be made for less than the value of the Council's excess of £1,000 and the equipment is not insured if the damage is due to the employee's negligence.
- Employees are covered by the council's employee liability insurance, so they are able to give advice to the public and still be covered for employee liability as a result of the advice given
- Is there an adequate telephone reception that would allow the employee to work seamlessly from that country and which would not incur extra costs to UDC and our residents/clients when contacting the employee (seek advice from the IT Manager).
- Council data can only be stored on our secure network systems and not on the laptop. The laptop should only be used for business use and not for personal use.
- The council will not pay any costs that may be incurred to allow the employee to work from that country, such as increased mobile phone bill, internet connection charges – the employee will be required to meet these costs
- In the event that the employee is unable to work because of loss/stolen/broken equipment or no internet/phone connection etc then the employee will be required to take flexi/annual/unpaid leave to cover the period they are unable to work
- In the event that they are unwell then they should follow the normal sickness absence reporting process.
- The employee must provide their contact details such as the address where they are staying, their personal email address and mobile number
- During a pandemic such as Covid-19 the government's advice on travel arrangements must be adhered to such as 'essential travel only' and 'quarantining' rules
- All requests must be approved by either a Director, Strategic Director or Chief Executive (depending on the role)

Letters, forms, guides

- Model form – Flexible working application Form FW1
- Model form – Acknowledgement form FW1A
- Model form – Acceptance form FW2
- Model form – Rejection form FW3
- Model form – Appeal reply form FW4

Can't find what you are looking for?

For more information contact Human Resources

Telephone: 01799 510424

Email: humanresources@uttlesford.gov.uk

Flexible working application form

FW1
Page 1 of 3

Private and Confidential

This form should be used to make an application to work flexibly

In line with Uttlesford District Council's commitment to flexible working, all requests are considered. In order to ensure that the Council is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those employees who are eligible by law to request flexible working.

Name:

Payroll number:

Home address:

Workplace
address:

Workplace tel. no:

Division:

Line manager:

1. Proposed new working arrangement being requested:

Annualised hours Compressed hours Flexible hours

Home working * Part-time hours Job share

Term-time working Voluntary reduced working time

Other – please describe:

***Applications for home working: employee must also complete "Suitability for home working" questionnaire**

2. Proposed changes to working:

(Describe working pattern)

3. I would like this working pattern to start from: Insert date:

4. Describe how the new arrangement will sustain or enhance your ability to get your job done, include any benefits you foresee for the service (for home working requests, include outcomes from the 'Suitability for home working' questionnaire)

5. What problems, if any, could the new arrangement raise with:

Clients/service delivery:

Describe how the problem(s) could be overcome:

Additional costs: (e.g. for home working, there may be equipment and /or furniture costs)

Your team/colleagues:

Describe how the problem(s) could be overcome:

Your line manager:

Describe how the problem(s) could be overcome:

6. For employees exercising their right to request flexible working by law, please tick box to confirm this and that you meet the eligibility criteria set by law.

- I am exercising my legislative right to request flexible working as a parent / carer and confirm that I meet the eligibility criteria set by law.
- I am exercising my legislative right to request unpaid time off for training / study and confirm I meet the eligibility criteria set by law.

I have worked continuously as an employee of Uttlesford District Council for the last 26 weeks Yes No

I have not made a request to work flexibly under this right during the past 12 months Yes No

Signed: **Date:**

Please retain a copy and return this application form to your line manager.

Name: *

Initial Normal Pattern of Working

Standard Week	Start	Finish	Hours
Monday	* am	* pm	*
Tuesday	* am	* pm	*
Wednesday	* am	* pm	*
Thursday	* am	* pm	*
Friday	* am	* pm	*
Saturday			
Sunday			
Total			*

Note

Every effort will be made to keep your pattern of work consistent but there could be occasions when this may change, with reasonable notice, due to operational requirements.

Flexible working acknowledgement letter to employee from line manager	FW1A
--	-------------

Dear

I confirm that I have received your request to change your work pattern on .

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime you might wish to consider whether you would like to bring a companion to the meeting who can provide support to you. This companion should be another UDC employee or may also be a trade union representative.

Signed: _____

Print name: _____

Date: _____

Flexible working acceptance form

FW2
Page 1 of 2

To be completed by line manager if application is accepted.

Employee's name:

Payroll number:

Dear

Following receipt of your application and our meeting on , I have considered your request for a new flexible working arrangement.

<input type="checkbox"/>	I am pleased to confirm that I am able to agree to your application
<input type="checkbox"/>	I am unable to agree to your original request. However, I am able to offer the alternative pattern which we have discussed and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working arrangements will begin from: .

The change in your working pattern will be a permanent change to your terms and conditions of employment and you have not right in law to revert back to your previous working pattern.

If a temporary contract variation has been agreed details are shown below:

NB Your contractual variation letter will be sent to you by UDC HR Admin,

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible.

Signed: _____

Print name: _____

Date: _____

Notes for Line Manager:

1. This written notification needs to be sent to the employee within **14 days** of your meeting to discuss the application.
2. When agreeing an effective start date for new working arrangements please be aware of any possible pay adjustments which may be necessary linked to payroll closure deadlines.
3. A copy of this form should be sent by the line manager to UDC HR Admin together with a copy of all other paperwork connected with the application so that contractual change can be actioned and correspondence retained on the employee personal file.
4. **As your employee has agreed to have a condensed hours working pattern, the flexi-time scheme or accrual of TOIL will no longer be applicable to them as from ***. However, there may due to the nature of certain roles or a specific period of time, because of workload demands be an opportunity for TOIL to be accrued and taken at the discretion of line management. However, if accrued TOIL is granted they cannot also claim overtime as well; it is one or the other.**

Please refer to HRP 16 Flexi Time Policy

Flexible working refusal formFW3
Page 1 of 2

To be completed by employer (line manager) if application is refused.

Employee's name:

Payroll number:

Dear

Following receipt of your application and our meeting on _____, I have considered your request for a new flexible working arrangement.

After careful consideration, I am sorry to advise you that I am unable to accommodate your request for the following business ground(s):

--

The grounds apply in your circumstances because:

If you wish to appeal against this decision you must do so within **14 days** of the date of this notice (i.e. 14 days from). Your appeal should be in writing, by letter, to your Head of Division and must clearly set out your grounds of appeal.

NB You may wish to consider whether you wish to be accompanied at your Appeal meeting by an UDC employee or by a trade union representative.

Signed: _____

Print name: _____

Date: _____

Notes for Line Manager:

1. This written notification needs to be sent to the employee within **14 days** of your meeting to discuss the application.
2. Further information on appropriate grounds for being unable to approve a request are contained in UDC's Flexible Working Policy.
3. Advice and support on the completion of the reasons for refusing a request at this stage is available from HR.

Flexible working appeal reply formFW4
Page 1 of 2

To be completed by Head of Division or senior nominee.

Employee's name:

Payroll number:

Dear

Following our meeting on _____, I have considered your appeal against the decision to refuse a flexible working pattern

Complete Part A or B as appropriate

Part A

I accept your appeal against the decision. Your request to change your working pattern has been agreed as follows:

--

Your new working arrangements will begin from _____.

The change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

If a temporary contract variation has been agreed details are shown below:

--

NB Your contractual variation letter will be sent to you by UDC HR Admin.

Part B

After careful consideration I am sorry to advise you that I am unable to allow your appeal for the following ground(s):

--

The ground(s) apply because:

--

To be signed by Head of Division or senior nominee

Signed: _____
Print name: _____
Date: _____

NB: Notes of Head of Division/senior nominee:

1. This written notification needs to be sent to the employee within **14 days** of your meeting to discuss the application.
2. HR can be consulted for advice during the appeal process and prior to any written notification being issued.
3. Further information on appropriate grounds for being unable to approve a request are contained in the Council's policy on working flexibly.