

Flexible Working Guide

Note these arrangements apply from 6 April 2024

1. Overview

Scope

All employees have a statutory right to request flexible working, however the right to request flexible working does not extend to agency workers. Two statutory requests may be made in any 12-month period.

Where a request is made under the statutory right, this guide explains the process to be followed in managing the request in accordance with the ACAS Code of Practice [[Code of Practice on requests for flexible working | ACAS](#)]

2. Options for flexible working arrangements

The Council has the following options for flexible working arrangements:

Reducing the number of working hours

- [Job sharing](#)
- [Part-time work](#)

Flexibility in the arrangement of working hours

- [Term-time working](#)
- [Annual hours contract](#)
- [Compressed work weeks/fortnights](#)
- [Staggered working hours](#)

Taking a break from employment

- [Career break scheme](#)
- [Career return scheme](#)

This is not an exhaustive list and there may be other options or working arrangements appropriate to enhance service provision while allowing employees to have a greater choice about when they work.

A request to work flexibly involves changing the terms and conditions of employment either on a permanent or temporary basis. If the change requested is for a temporary period, this should be made clear at the outset. Where a permanent change is agreed there is no automatic right to return to pre-existing working arrangements at any time.

If you reduce your hours or take a career break, there will be an impact on your pay and pension. Please speak to your HR Adviser regarding the contractual implications of your proposed flexible working arrangement before committing yourself to any contractual changes.

3. Flexible working and disability

The Council has a duty to consider reasonable adjustments for disabled employees under the Equality Act 2010 and flexible working may be one way to help keep a disabled employee in work.

A change in the number of hours, the pattern of work, place of work, or content of work may help a disabled employee to contribute their full potential. Changes could be made on either a temporary or permanent basis depending upon the circumstances.

Flexible working can also provide the time needed for periods of rehabilitation for an employee who has just developed an impairment, or a disabled employee whose condition has changed so that they require treatment or training to help them to return to work effectively. Rehabilitation can include physiotherapy, counselling or training to develop skills that have been lost.

4. Flexible working and pre-retirement or flexible retirement

Flexible working arrangements allow employees who are approaching retirement to reduce their hours, for example tapering down from full time to part-time in the period preceding retirement.

This could help in preparing for the transition between paid work and retirement.

Both the [Local Government Pension Scheme](#) and the [Teachers' Pension Scheme](#) allow employees to draw their pension while continuing to work in a reduced capacity. Details are available from the relevant scheme websites.

Agreement to early pension release (i.e pension being released prior to normal retirement age whilst continuing in employment) is a separate decision to any request for flexible working. Early pension release in these circumstances is at the Council's discretion and the Council's Policy provides that there must be an operational or financial advantage to the Council in exercising such discretion. Decisions on early release are subject the agreement of the Director of Finance.

Employees should seek independent advice regarding the pay and pensions impact of any reduction in their working hours before making a commitment.

5. Application process

Informal Process

You can discuss flexible working requirements informally with your manager at any time and/or make a formal request under the Statutory Scheme

Formal Process

To be valid, a formal request under the statutory scheme must be made in writing on [MyView](#).

Your application must include:

- the date of the request
- the change you are requesting to the terms and conditions of employment in relation to their hours, times or place of work
- the date you would like the change to come into effect
- if and when you have made a previous request for flexible working to the Council

Unless specifically agreed otherwise, if your request is granted this will result in a permanent change to your terms and conditions of employment and there is no automatic right to return to your pre-existing working arrangements.

6. Consultation Process

The Council will not reject a formal request made on myview without first consulting the employee. Unless the employee's request can be immediately agreed in full, the employee must be consulted before a decision is made in response to a formal request. In such cases, the employee will be invited to a consultation meeting to discuss the request.

The consultation meeting can help make sure that all relevant information is understood before a decision is made. It can also make clear whether a request may relate to a reasonable adjustment for an employee's disability.

The employee will be given reasonable notice of the meeting which will normally be 7 calendar days although a shorter period can be agreed. The employee can choose to be accompanied by a Trade Union representative or workplace colleague.

The content of the meeting and the way in which it is conducted should allow for a reasonable discussion and consideration of the request. It will usually be helpful to discuss, for example, the potential benefits or other impacts of accepting or rejecting the request, and any practical considerations involved in implementing the request.

If the original request cannot be accepted in full the employee and manager should discuss if it may be possible to secure some of the benefits that the original request sought. They should discuss, for example, any potential modifications to the original request, or any alternative flexible working options, that may be available and suitable for both sides. It may be helpful to discuss whether a trial period may be appropriate to assess the feasibility of an arrangement.

A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place.

A statutory request for flexible working must be considered and determined within two months of receiving the request, including the appeal process ('the decision period')

The decision period can be extended provided the employee agrees.

Requests to consider flexible working should be considered objectively, in a reasonable manner and, under the statutory right, may only be refused if there are business reasons for doing so. The business reasons, as set out in legislation, are:

- 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
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the employer's business

Managers may consider agreeing to a request temporarily or for a trial period, where appropriate, rather than rejecting the request outright. In such cases, an appropriate extension to the decision period/timescales should be agreed with the employee as is necessary to review the arrangements and make any adjustments before finalising the agreement.

Managers should consult with the relevant Head of Service before confirming the outcome with the individual.

Communicate the decision

Having considered the request the employer must let the employee know their decision to either:

- accept the request and establish a start date and any other action
- confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly
- reject the request, setting out clear business reasons for this

Where the request is rejected the employee should be given 7 calendar days to appeal. This confirmation to the employee should be in writing. Managers should use [MyView](#) to inform HR of any contract variations agreed.

An employee may appeal against a refusal to grant a flexible working request if:

- there is new information that was not available to the manager at the time they made their original decision
- they think that the application was not dealt with in a reasonable manner

Appeals will normally be heard by a more senior manager than the manager who made the decision on the application. Any appeal must be determined (including communication of the decision of the appeal) before the expiry of the decision period. An appropriate extension to the decision period may, therefore, need to be agreed with the employee if necessary. The employee may be accompanied by a trade union representative or a workplace colleague at the appeal meeting.

The decision of the appeal meeting should be notified to the employee in writing as soon as is practical following the meeting. This decision will be final and there will be no further right of appeal.