



FLEXIBLE WORKING POLICY 2009

Introduction

This policy applies to:

- All employees of SCDC;
- who have at least 26 weeks continuous service with SCDC at the date the application is made; and
- who have not made another application during the previous twelve months as only one application per year should be made (i.e. 12 months from the date the previous application was made). However, in exceptional circumstances and in discussion with HR, it may be possible to be more flexible with this time limit).

- Application for childcare reasons

- Be either
 - the child's mother, father, adopter, guardian or foster parent;
 - married to or the partner of the child's mother, father, adopter, guardian or foster parent; or
 - the person who has or expects to have responsibility for the child's upbringing
- Make the application no later than two weeks before the child's sixteenth birthday (or other birthday in line with legislation) or 18th birthday in the case of a disabled child
- Be making the application to enable them to care for the child

- Application to help care for adult dependent

- Must be or expect to be caring for a spouse, partner, civil partner or relative; or
- If not the spouse, partner or a relative, live at the same address as the adult in need of care.

- Application for other reasons

- Give a reason for the requested working pattern

The kind of changes that can be applied for

Eligible employees will be able to request:

- A change to the hours they work

- A change to the times when they are required to work
- To work from home for all or some of the working week

This covers working patterns such as flexitime, home working, job-sharing, shift working, staggered hours, term-time working, annualised hours and compressed hours. Contact HR for further help and advice about working patterns and your needs.

Annual leave & Bank holidays

To reflect the flexible working pattern, annual leave will be recorded in hours, e.g. compressed hours pattern of 37 hours worked over 4 days will give an average day of 9 hours 15 minutes, so all days leave/sickness absence will be recorded as 9 hours 15 minutes.

Procedure

- The employee makes a considered application using the standard form **Flexible working (add link)**, and sends it to their line & Service manager with a copy to the HR team. It is important the employee gives careful consideration to which working pattern will help them to meet their need; any financial implications it might have on them in cases where the desired working pattern will involve a reduction in hours/drop in salary; and any effects it will have on their Service area and how these might be accommodated.
- On receipt of an application, the line & Service manager should contact HR to discuss the request.
- Within 28 days of receiving the request, the Service manager must arrange to meet with the employee. The meeting provides the manager and the employee with the opportunity to explore the proposed work pattern in depth. The employee can, if they want, bring with them a union representative or SCDC workplace colleague. An HR team member may also be invited to attend.
- Within 14 days after the date of the meeting the Service manager must write to the employee to:
 - a. Agree to a new work pattern and a start date using the **Flexible working agreement model letter [link to model letter]**
 - b. Provide clear business grounds as to why the application cannot be accepted and why the grounds apply in the circumstances using the **Flexible working refusal model letter [link to model letter]**
- Within 14 days of being notified of the decision an employee has the right to appeal if their request has been refused.
- If there is an element of regular 'home working' in the new working pattern then a 'Home working agreement' must be completed **[link to Home working policy]**.
- The manager, via the usual route for authorisation, must send the HR-Payroll Team a completed electronic variation to contract form so that a variation to contract letter can be issued.
- It may be advisable to agree a short trial period in the first instance (maximum 3 months) to ensure that the proposed changed working pattern works in practice. Some minor changes can then be negotiated in response to employee and/or service needs before a permanent change to the contract is

made. Once the change to terms and conditions has been made it is a permanent change and the employee has 'no right in law' to revert back to their previous working pattern. Any future change would have to be applied for under the terms of this policy.

- If a trial period is agreed to, then this must be stated on the variation form and detailed in the variation to contract letter issued through HR, with the change confirmed and made permanent at the end of the trial period.
- Accepted applications, with no agreed trial period, will mean a permanent change to the employee's terms and conditions of employment and the employee will receive a variation to contract letter issued by HR-Payroll.
- The employee cannot make another application for flexible working for 12 months from the date of this application.

Grounds for refusal of an application

There has to be a sound business reason to refuse a request. Grounds for refusal are specified in section 80G (1) (b) of the Employment Rights Act 1996. A full explanation of why this ground for refusal has been identified must be given in each individual circumstance. Permitted grounds are:

- The burden of additional cost
- A detrimental effect on the ability to meet customer demand
- Existing staff unable to take on extra workload without detrimental effect
- An inability to recruit additional staff
- Detrimental impact on quality
- A detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural change

Extension of time limits

There may be a need to extend the permitted time limits during the process to allow proper consideration of the request or because of unforeseen circumstances affecting the time limits.

All time periods can be extended where both the manager and the employee agree. Any extensions must be put in writing by the Service manager, or Appeal hearing Chair, and copied to the other party/ies. The **Flexible working extension of time limit model letter** should be used [[link to model letter](#)]

Flexible Working Notice Of Withdrawal

The employee may withdraw their application at any time. If an employee wishes to withdraw their application to work flexibly they should notify their line & Service manager in writing with a copy to the HR team. The line & Service manager should acknowledge this in writing with a copy to HR team.

Once the employee has withdrawn their application they should not make another application until 12 months from the date the original application was made other than in exceptional circumstances.

Appeal process

The appeal process is designed to encourage both employer and employee to reach a satisfactory outcome.

An employee has the right to appeal against the decision within 14 days of being notified in writing of the decision. The employee must set out their grounds for appeal in writing to the HR manager, with copy to the line & Service manager who made the decision. The HR manager will arrange for an Appeal panel which will be a member of senior management, who has not been involved in any earlier stage of the process, who will Chair the Appeal hearing and a representative of the HR team, who will accompany them to advise and take notes. The Service manager will present the reason for refusal. The employee has the right to be accompanied by a trade union representative or SCDC workplace colleague.

After hearing both sides of the case, the Chair will adjourn the hearing to consider the verdict.

After the adjournment, the chair will reconvene the meeting by arrangement with all parties to advise verbally of the decision. HR will write to the employee as soon as possible after the verbal decision, but within 14 days of the meeting, stating the outcome of the appeal.

The decision of the appeal hearing is final.