

CORPORATE / SCHOOLS

FLEXIBLE WORKING REQUESTS POLICY

Policy Date : 6th April 2007

Human Resources
Policy & Strategy Team
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If you require further help in the interpretation of this policy you can contact the HR Helpdesk at <mailto:hrsshhelp@devon.gov.uk> or the Schools Personnel Helpline at <mailto:hrealaid@devon.gov.uk>

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POLICY

1. Introduction

1.1 This policy and procedure apply to all staff employed by Devon County Council, who meet the eligibility criteria.

2. Policy

2.1 Devon County Council's Flexible Working Requests Policy gives eligible employees the right to request a variation to their contracts so that they can work more flexibly and thereby achieve a better balance between their lives outside work with their work commitments. Changes to their hours, times and place of work can be requested. This means using policies such as flexitime, home working, job sharing, term time working and annualised hours to enable greater flexibility. These positive employment practices in turn promote equality of opportunity in employment, aid retention and reduce absenteeism.

2.2 Whilst DCC is committed to providing a balance between employees' professional and personal lives the desire to provide flexible working must be balanced with the County Council's duty to maintain service delivery.

3. Principles

3.1 Devon County Council is committed to equality in its policy. The conditions for qualification under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

3.2 Employees have the right to be accompanied by a trade union representative or a workplace colleague (not acting in a legal capacity) at any stage in the procedure. The companion can address the meeting or confer with the employee during it.

3.3 If a change is agreed, it will be a permanent variation of contract and there will be no right for the employee to revert back to the former arrangement. However, short-term (12 months or less) temporary changes should be discussed with the Line Manager, outside this policy.

3.4 If at any point in the future an employee wishes to end their flexible working agreement they should discuss this with their Line Manager and their wishes will be considered in line with the DCC's recruitment and selection policy and business needs.

3.5 An application is taken to have been made on the date that it is received. Where an application is made by email or fax, it is taken to be received on the day it was transmitted.

3.6 Any meetings should be arranged by the Manager(s) at a time and place convenient to both the employee and employer.

3.7 There may be a number of reasons why the time limits specified are too short and an extension may be required. Time limits can be extended where the Manager and employee agree. A written record of this should be made. See [Flexible Working Extension of Time Limit Form](#).

3.8 Time limits will be automatically extended where the person who would ordinarily consider the application is absent because of annual leave or sick leave when the application is received.

4. Eligibility

4.1. This policy and procedure apply to employees who:

- have a child under six, or under 18 in the case of a disabled child
- have or expect to have responsibility for the child's upbringing
- are making the application to enable them to care for the child
- and be either: the mother, father, adopter, guardian, special guardian or foster parent of the child;
- are married to or the partner of the child's mother, father, adopter, guardian, special guardian or foster parent.
- have caring responsibilities. Carers are family, friends, neighbours and partners who provide long term care and support to people of any age with disability, illness or frailty. The care they provide is unpaid.

and

- have worked for Devon County Council continuously for 26 weeks at the date the application is made
- make the application no later than two weeks before the child's sixth or 18th birthday in the case of a disabled child
- are making the application to enable them to provide unpaid care
- have not made another application to work flexibly under this policy during the past 12 months.

5. Types of Flexible Working

5.1. Types of flexible work patterns include the consideration of:

- Flexi-time
- Part-time working
- Job share
- Temporary work
- Shift working
- Annualised hours
- Term-time working
- Home working

PROCEDURE

1. Making the Request

1.1 If an employee wants to make a request for flexible working they must complete a [Flexible Working Request Form](#) and submit it (which includes post, fax or email) to their Line Manager.

1.2 The Line Manager should acknowledge receipt of the request by returning, to the employee, the Line Manager's Confirmation of Receipt slip at the end of the [Flexible Working Request Form](#).

2. Considering the Request

2.1. The Line Manager will arrange a meeting with the employee within a maximum period of 28 calendar days at which the request will be discussed and if necessary alternatives considered.

3. Informing of the Decision

3.1 The Line Manager will write to inform the employee of their decision within a maximum period of 14 calendar days of the meeting.

3.2 If the request is agreed the Line Manager should complete a [Flexible Working Acceptance Form](#) (any compromise offered at the meeting should be confirmed) and send it to the employee.

3.3 If the request is refused the Line Manager should complete a [Flexible Working Reject Form](#) and send it to the employee.

3.4 The only valid reasons for a request being refused include:

- Additional cost to the department
- Detrimental effect on the department's ability to meet customer demand
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

3.5 The Line Manager should send copies of the [Flexible Working Request Form](#) and either the [Flexible Working Acceptance Form](#) or the [Flexible Working Reject Form](#) to Personnel Administration.

4. Appeal against the Decision

4.1 If an employee is dissatisfied with the response from their Line Manager they will have the right to appeal.

4.2 The employee should register the appeal using a [Flexible Working Appeal Form](#) within 14 calendar days of receiving the written refusal for the request for flexible working. This should be sent to their Head of Service.

4.3 The Head of Service must contact their designated Personnel Officer to inform them of the appeal and seek advice regarding the employee's request and their Line Manager's grounds for refusal.

4.4 The Head of Service must hold the appeal meeting within a maximum period of 14 days of receipt of the appeal.

4.5 The Head of Service must notify the employee of the decision using a [Flexible Working Appeal Reply Form](#), within a maximum period of 14 calendar days after the date of the meeting.

4.6 If the request is accepted the Head of Service will write to the employee informing them of the variation agreed to and the date on which it is to take effect.

4.7 If the request is refused the Head of Service will write to the employee setting out the grounds for the refusal and explaining why they apply.

4.8 Once the appeal process is complete, the Head of Service should send copies of the Flexible Working Appeal Form and the Flexible Working Appeal Reply Form to Personnel Administration.

4.9 This is the end of the appeal procedure and no further appeal mechanism will operate within the County Council.

5. Withdrawal of Flexible Working Request

5.1 If an employee wishes to notify their Manager that they wish to withdraw their application, they should do so in writing. Where this is not forthcoming the Manager should write seeking clarification that the employee has withdrawn their application and the [Flexible Working Notice of Withdrawal Form](#) should be completed and sent to Personnel Administration.

5.2 Where an employee fails to meet their responsibilities DCC may also treat an application as withdrawn. In these circumstances, the Manager should write to the employee to confirm that the application has been withdrawn.

GUIDANCE

1. Employee Guidance

1.1 You should ensure that your application is valid by checking that all the eligibility criteria are met and that you have provided all the necessary information.

1.2 The level of detail required on an application will depend on the desired changes, but in all cases it is in your interest to be as clear and explicit as possible. You must provide an explanation of what effect, if any, you think the proposed change would have on DCC and your team and how you think this may be dealt with. This does not mean that you are expected to know every factor that might influence the decision, simply that you should show you have considered the factors that might influence the decision.

1.3 You should ensure that your application is made well in advance of when you want the variation to your contract to take effect. There is no set time, but the process can be expected to take around 14 weeks, or longer if a problem arises.

1.4 You should be aware that if you request a flexible working pattern that will result in you working fewer hours, your pay would be reduced too.

1.5 If necessary, you should be prepared to be flexible yourself to reach an agreement with your Manager, which balances your wishes with DCC's commitment to maintain service delivery.

1.6 If you are due to go on maternity leave think carefully about when you make your request. If you want the changes to start on your return from maternity leave, you should make your application in good time.

2. Management Guidance

2.1 Managers have a duty to consider requests seriously and are able to refuse only where there is a clear business reason.

2.2 Managers should acknowledge receipt of a request. An acknowledgement slip is included on the bottom of the request form, which allows you to readily confirm the date on which the application was made.

2.3 If staff fail to provide all the required information, you should inform them what they have omitted and ask them to re-submit the application when complete. You are not obliged to consider the application until it is complete and re-submitted.

2.4 Managers should ensure that any variation in the procedure is agreed with staff in advance and recorded in writing.

2.5 Managers must allow any of their staff to take time off during work hours to act as a companion to another member of staff requesting flexible working.

2.6 Where a Manager agrees to a new working pattern, the Manager should try and implement this within 8 weeks of the new working pattern being agreed. It may be appropriate to agree that the new working pattern will take place for an agreed trial period in order to see how it would suit both parties.

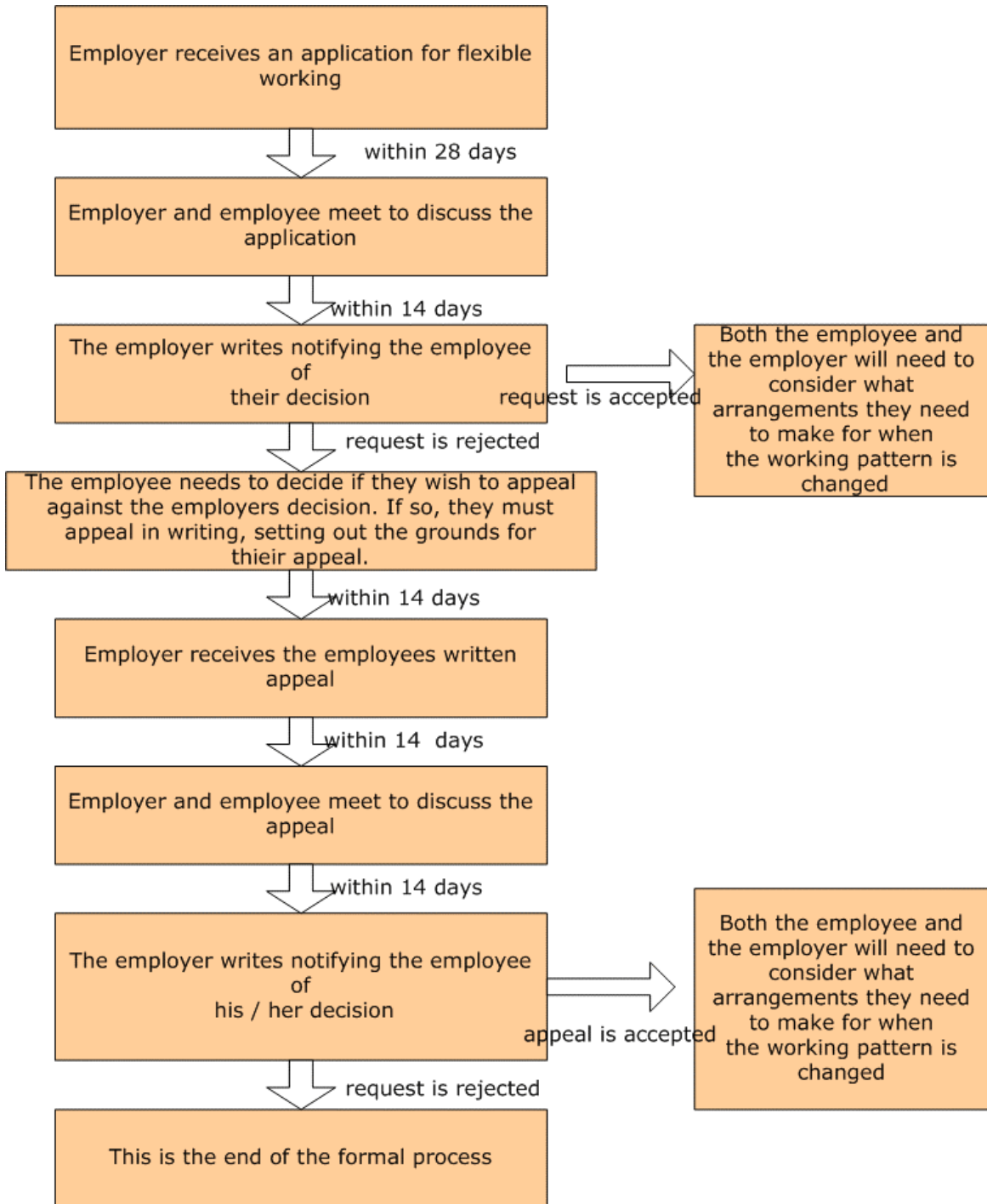
2.7 When accepting a new working pattern it may be beneficial to mutually agree either a finite time period for the change, or a time-scale (e.g. annually) for reviewing the change.

2.8 When accepting a request check:

- That the flexible working method reflects the relevant County Council policy and guidance (LINK to Home, Work and Family life homepage)
- Whether or not the employee's pay and/or contract of employment need amending
- that all health and safety requirements have been met (particularly relevant where the employee is to work from home)
- that all changes comply with the working time regulations.

2.9 When refusing a request you must include an explanation about your reasons, bearing in mind the 'valid reasons' set out in the procedure.

FLOW CHART



POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
05.04.2007	Revision of existing policy following Work and Families Act 2006.	P & S	06.04.2007	
01.10.2007	<p>Added the following criteria to section 4.0 – eligibility as a result of minor changes to the flexible working regulations on 1 October 2007:</p> <ul style="list-style-type: none"> - And be either: the mother, father, adopter, guardian, special guardian or foster parent of the child; or - married to or the partner of the child’s mother, father, adopter, guardian, special guardian or foster parent. 	P & S	01.10.2007	