
Flexible Working Policy

SHARED SERVICES



Council of the
ISLES OF SCILLY

May 2015

REVISIONS TO SOURCE DOCUMENT

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Law relating to this document:

Employment Rights Act 1996
Children and Families Act 2014
Flexible Working Regulations 2014 (SI 2014/1398)

INTRODUCTION

- 1.1 The Council of the Isles of Scilly believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. All employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by their employer.

REQUESTS FOR FLEXIBLE WORKING

- 2.1 A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.
- 2.2 All requests must be made in writing by filling in the requisite application form (see Appendix 1), which is also available on the HR Shared drive. Any request made under this policy must include:
- the date of the application;
 - the changes that the employee is seeking to their terms and conditions;
 - the date on which the employee would like the terms and conditions to come into effect;
 - what effect the employee thinks the requested change would have on the Council;
 - how, in their opinion, any such effect might be dealt with;
 - a statement that this is a statutory request;
 - whether or not the employee has made a previous application for flexible working; and
 - if the employee has made a previous request, when the employee made that application.
- 2.3 Where the request is being made by a disabled person as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in the written application.
- 2.4 Line managers should not reject out of hand a request that does not contain the required information. Line managers should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

MEETING TO DISCUSS A FLEXIBLE WORKING REQUEST

- 3.1 Once the Line Manager receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The line manager will usually arrange a meeting to deal with the request. Where a request can without further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary.
- 3.2 An employee should be given the right to be accompanied by a work colleague at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and Council.

OUTCOME OF A FLEXIBLE WORKING REQUEST

- 4.1 After the meeting, the line manager and Human Resources will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
- 4.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, 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. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

REASONS FOR TURNING DOWN A FLEXIBLE WORKING REQUEST

- 5.1 The line manager will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:
 - the burden of additional costs;
 - an inability to reorganise work among 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 for the periods the employee proposes to work; and

- a planned structural change to the business.

5.2 The line manager must not reject a request for any other reason.

FLEXIBLE WORKING REQUESTS THAT ARE GRANTED

6.1 If the request is upheld, the employee and the line manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to their contract of employment (written statement of particulars) as soon as is reasonably practicable.

TIMESCALES

7.1 All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The line manager should hold the meeting within 28 days of receiving the request and notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of the notification, with the appeal to be heard within 14 days. The employee will be informed of the outcome of their appeal within 14 days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

PROBLEMS WITH A FLEXIBLE WORKING REQUEST

- 8.1 If an employee is dissatisfied or unclear at any stage throughout the process, they should contact Human Resources. If an employee is dissatisfied with the way in which their request has been handled, they should raise a grievance under the Council's grievance procedure.
- 8.2 Line managers who receive a request will have regard to the Council's equal opportunities policy when considering the request.
- 8.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

ANNEX 1 - FLEXIBLE WORKING REQUEST FORM

Form for making a request for flexible working		
Name of individual:		
Business Unit:		
<p>To be eligible to make a request for flexible working, you must have 26 weeks' continuous service with Council of the Isles of Scilly. If you are uncertain whether or not you are eligible to make a request, please contact Human Resources. You can make only one request in every 12-month period.</p>		
Start date with the Council of the Isles of Scilly:		
Date form submitted:		
Previous applications for flexible working		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?		
Are you a disabled person whose request for flexible	Yes	No

working is related to your disability?		
I wish to submit a statutory request for flexible working as detailed below.		
<p>Please set out the pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be or, if you wish to work at home at certain times, please state which hours you would like to work at home.</p>		
I would like the above change(s) to my working pattern to take effect on:		
<p>Please state the effects that you think the changes you are requesting will have on the Councils ability to run its business and on your business unit, your colleagues etc.</p>		
<p>Please state how you think any such effect might be dealt with.</p>		
<p>Once you have submitted a valid application for flexible working, the organisation will contact you to arrange a meeting, which will take place within [28 days] of the application being submitted, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.</p> <p>It will help us to deal with your application if you provide as much information as you can about your desired working pattern. It is also important that you complete the questions about the effects that you think the changes you are requesting will have on the organisation and your colleagues.</p>		
Signed:		Date:

ANNEX 2 - FLEXIBLE WORKING REQUEST WITHDRAWAL FORM

Name of employee:	
Job title:	
I made my original request for flexible working on:	
<p>I confirm that I now wish to withdraw my request for flexible working. I acknowledge that I cannot submit another application for flexible working for one year, from the date on which my request was made.</p>	
Signed:	
Dated:	
<p>Please return this form to Human Resources.</p>	