

Flexible Working Policy

Any employee who has 26 weeks' continuous service with the council as at the date the application is made, and has not made another application to work flexibly during the previous 12 months, can apply for flexible working.

In the case of an employee with a disability, the request may constitute a reasonable adjustment and may be made at any time – no qualifying period is necessary. When such requests are made advice should be sought from HR in the first instance.

When considering requests from teachers, reference should also be made to the appropriate AJNCT Code of Practice on working hours /working week.

There is a wide variety of working practices and an employee could request any of the following.

- Annualised hours which means that an employee's total working hours are calculated over a year rather than a week. This is often useful where there are peaks and troughs of work over the year.
- Compressed hours which allows employees to work their total number of agreed hours over a shorter period, eg employees may work their full weekly hours over four rather than five days or work nine days a fortnight instead of ten.
- Flexitime which gives employees more choice about their working hours outside any agreed core times.
- Home working - further information and guidance on home working is contained within the Home Working Policy.
- Job Sharing which involves two people employed on a part time basis, but working together to cover a full-time post – further information on how job sharing works is provided in Appendix 1.
- Reduced hours which allows an employee to reduce their weekly hours.
- Shift working which gives scope for the service to be available for longer periods.
- Staggered hours which allows employees to start and finish their day at different times. This is often useful where it is important to have a greater number of staff over the lunch period but less at the start and end of each day.
- Term-time working which allows employees to work during school term times only.
- Shift swapping which lets employees negotiate their working times and shifts amongst themselves whilst still meeting the needs of the service.
- In the case of a disabled employee the request may constitute a reasonable adjustment and advice should be sought from HR in the first instance.

The procedure for requesting and considering a request is as follow:

Step 1

- The employee submits a request to their line manager using the flexible working application form, clearly specifying the working pattern applied for, the date on which they would propose the change to become effective and explaining what effect, if any, they think the proposed change would have on the section/directorate and how, in their opinion, any such effect might be dealt with.

Step 2

Within 28 days of receiving the request:

- The line manager will meet with the employee to consider their request.
- A letter calling this meeting should be issued to the employee at least seven days in advance before the meeting.
- The employee can, if they wish, be accompanied by a work colleague or a representative of a trade union recognised by the council at the meeting.
- Human Resources may be consulted by the line manager prior to the meeting. In some cases, and following discussion, an HR Adviser may attend the meeting. In these circumstances the employee should be advised, in Letter 1, of the HR Adviser's attendance.

Step 3

Within 14 days of the date of the meeting:

- The employee will be advised in writing of the decision in response to their request.
- If the request is accepted or if a trial period or an agreed compromise is reached within the meeting the letter will:
 - include a description of the new working pattern; and
 - state the date from which the new working pattern is to take effect, when it will be reviewed and if temporary, when it will end;
 - confirm that the approval is specific to the employee's current job and if the employee moves to another job a new flexible working application should be made.
- If the request is rejected the letter will:
 - state the ground(s) for refusing the request;
 - provide a sufficient explanation as to why the ground(s) for refusal applies in the circumstances; and

- provide details of the employee's right of appeal.
- A copy of the letter must be sent to Corporate Staffing.

Step 4

The employee has 14 days to appeal in writing to their Strategic Director after the date of notification of the decision. If an appeal is made:

- An appeal meeting, heard by the Strategic Director or other nominated officer will take place within 14 days of receipt of the appeal.
- The employee can be accompanied by a work colleague or a representative of a trade union recognised by the council at the appeal; and
- A representative from Human Resources may attend the appeal in an advisory capacity.

Step 5

Within 14 days of the date of the appeal meeting the employee will be advised in writing of the outcome of the appeal:

- If the appeal is dismissed the written decision will state the ground(s) for the decision and provide an explanation as to why the ground(s) for refusal apply in the circumstance.
- This written notice of the appeal outcome is effectively the end of the formal procedure within the workplace.

A copy of the letter must be sent to Corporate Staffing.

On what grounds can a request be refused?

An application can only be refused if there is a clear business reason. The business ground(s) for refusing an application must be from the following:

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work amongst existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficient work during the periods the employee proposes to work.

- Planned structural changes.

Is the change in working pattern permanent?

Any request that is made and accepted will - unless otherwise agreed - be a permanent change to the employee's contractual terms and conditions and the employee has no right to revert to the previous working pattern (although after 12 months the employee can request a further change).

In deciding whether a change should be permanent or temporary, account should be taken of the nature of the change, the arrangements which need to be made to accommodate the change and the length of time for which the employee has requested the change.

Flexible working arrangements may also be agreed on a trial basis to ensure the arrangement has no negative impact on the employee or the service. Trial periods may vary in duration but should not normally exceed six months. The details of the trial period should be confirmed in writing in Step 3 above. A review must be carried out prior to the end of the trial period at which time amendments may be made and should be confirmed in writing. The trial period may be terminated by the employee or by management if there are negative effects and unless there are exceptional circumstances, one month's notice should be given by either party. If, during or at the end of the trial period, the request is refused, this should be confirmed in writing and will be considered as a refusal of the original request. In these circumstances, the employee may appeal as detailed above.

JOB SHARING

Scope

All full time jobs are potentially shareable but a request to job share will be processed in accordance with the flexible working procedure.

Application to Job Share

An employee may ask to occupy their job on a shared basis. Two employees in the same service on the same grade and in jobs which are the same or broadly similar, may make a joint application to share one job.

Normally employees who apply to job share will not be allowed to reduce hours until a partner is found. If, after normal recruitment procedures have been carried out, a suitable job share partner cannot be found, the job share applicant will be informed, the situation discussed and further action considered, eg advertising the job again, considering alternative working arrangements.

Should a job sharer leave

If a job sharer leaves and if there is a need to fill the vacant hours of the post, the remaining sharer will have the option to take the job on a full-time basis. If the remaining sharer does not wish to work full-time then the part job will be advertised in the usual way.

If no suitable job share partner can be found the job may then be advertised on a full-time basis with suitable alternative employment being found for the remaining job sharer.

Conditions of Employment

Duties

The sharers of a particular job will have the same job outline. Although the sharing arrangement may necessitate sharers concentrating on certain aspects of the job, both must be able and willing to undertake all the duties and responsibilities involved.

Pay

The basic salary plus any allowances will be paid to each job sharer in proportion to the number and patterns of hours each sharer works. Sharers in the same job may be paid on different incremental points within the same salary scale to reflect different lengths of service in the job, experience and/or qualifications. Nevertheless, incremental progression for all sharers will apply in accordance with the salary scale for the job.

Hours of Work

The hours of work for the job will be divided between the sharers, either equally or in any proportion agreed by the head of service. The means by which the hours are split, eg morning/afternoon, days of the week etc will vary according to circumstances. It may be necessary for job sharers to attend work at the same time for short periods to discuss responsibilities.

Cover for job share partner

It will not be a requirement for job sharers to work additional hours to provide cover for the absence of their job share colleague. Sharer hours may be increased however, by mutual agreement with their manager. Sharers must also be prepared to re-prioritise work to ensure cover for the whole job during a period of absence.

Annual Leave

Job sharers will have a pro rata entitlement to paid annual leave. As annual leave entitlement is based on length of reckonable service, sharers in the same job may have different levels of entitlement.

Public Holidays

Job sharers will receive a paid public holiday entitlement proportional to the hours worked. It may not be possible for both sharers in the same job to enjoy their pro rata entitlement in the week within which any public holiday falls. The job sharer may need to amend their working arrangement within the week in which their partner enjoys their entitlement.

Contract Car Hire Scheme

Job sharers will be considered for contract car hire should the individual meet the criteria applicable to the scheme.

Should you have any questions or wish clarification on the content of this Personnel Advisory Bulletin please contact Human Resources.