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| FLEXIBLE WORKING ARRANGEMENTS POLICY - FAQ |

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| FLEXIBLE WORKING ARRANGEMENTS POLICY - FAQ |

Flexible working assists employees to have a better balance between their work and home life which can have a positive impact in the workplace. It can have business benefits for the Council by aligning the way employees work with meeting customer needs. The Council is committed to supporting flexible working arrangements, provided that the business needs of the Council and the needs of the employee can both be met. Adhering to this policy will help to ensure that requests for flexible working are handled objectively, fairly and consistently and that employees will not be treated differently because they have asked for flexible working arrangements.

**Responsibilities:**

**Employees** are responsible for ensuring they make an application in writing to their manager, setting out clearly the arrangement they are requesting and how it will work. They should attend any meetings to discuss their application. The employee can be accompanied at any meetings by a trade union representative or work colleague.

**Managers** are responsible for considering the request in a reasonable manner and in accordance with statutory requirements, including adhering to the timescales. A decision must be given in writing, including the hearing of any appeal by a senior manager, **within 3 months** of the request being received unless an agreement has been reached with the employee for an extended period.

If agreement cannot be given to the original request the employee and the manager should consider whether an alternative arrangement can be mutually agreed

**Human Resources** are responsible for providing advice and guidance on the application of this Policy and ensuring that the documents received from the manager are retained on the employee’s personnel file as a record of the contractual change.

**1. What is flexible working?**

‘Flexible working’ describes a type of working arrangement which gives a degree of flexibility on how long, where, and at what times employees work.

Flexible working practices may include part-time working (working less than 36 hours per week), job-sharing (sharing a full time job with another employee), term-time working (working 38 or 39 weeks per year during school term time), compressed hours (working 36 hours over less than 5 days per week) and remote or home working. There may be other arrangements not stated that would also be considered as flexible working.

It can be a permanent arrangement with no return to the original working arrangement or fixed term for a specified reason where, at the end, the employee can revert to their original working arrangement.

The arrangement may be subject to a trial period of up to 3 months to ensure that it is working effectively for both the employee and the service. The manager will decide whether a trial period is necessary.

There is a separate Policy relating to [Time off for Training Policy](https://enfield365.sharepoint.com/:w:/s/intranethr/EZ_FBSNm7VxJmpO-dCxg1rABKjk_Sjli8WOYeiEUmaC1zg?e=HIne2N)

There is separate guidance relating to [Remote and Home Working Policy](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Flexible%20Working/Remote%20and%20Home%20Working%20Policy%202018.doc?d=w04240cd8cab54964aa1c75c49b804d58&csf=1&e=xd7UGX)

**Employee questions:**

**2. Can I request flexible working?**

Yes, under provisions set out in the Employment Rights Act 1996 and Regulations made under it, you have a legal right to ask for a change to your contractual terms and conditions of employment to work flexibly, provided you have been employed by the Council for 26 weeks by the date the application is made, *and* have not previously applied for flexible working within the last 12 months (even if this was for a different reason). If you meet these conditions your request will be treated as a statutory request. This does not mean you have the right to work flexibly, only that your request must be considered.

If you have less than 26 weeks service you do not have a statutory right to request flexible working but your request will still be considered.

**3. How do I apply for flexible working?**

Complete, sign and date a flexible working arrangements application form and give this to your manager. Please note the process for considering the application, including hearing any appeal, may take up to 3 months. Click on the link below for the application form or ask your manager for a copy of the form to complete: [Flexible working application form](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Flexible%20Working/Flexible%20Working%20Arrangements%20Application%20Form.docx?d=we07e7f86ab264114bb37d7eb2249c15d&csf=1&e=BaZdnh)

**4. Can I change my mind about applying?**

Yes. You must advise your manager in writing that you wish to withdraw your application and your manager will accept your withdrawal in writing.

**5. Can I change my mind about the type of flexible arrangement I applied for a) once it has been submitted to my manager or b) once it has been agreed and started?**

1. Your manager is under no statutory obligation to consider amendments, but will give reasonable consideration to the amended request, which you must put in writing. An extension of time limits for responding may be agreed with you to allow time for this.

b. If the arrangement has been agreed and any trial period successfully completed it will be a permanent change to your contract with no right to return to your original working arrangement or another arrangement. This does not apply to agreements for a specified period where at the end you will revert to your original working arrangement. Please also see question 6.

**6. Can I re-apply for another flexible working arrangement?**

You can request another flexible working arrangement 12 months after the date of the previous request. You may still make a request within 12 months which will be considered by your manager but not under the statutory right.

**7. What happens if my original request is turned down and alternative arrangements have not been mutually agreed?**

Your manager will write to you to confirm the reason for not agreeing the original request and any alternatives. This must be based on one or more of the statutory business reasons if it is a statutory request. You will also be informed of the appeal process.

**8. Can I appeal against the decision to turn down my request?**

Yes. Your appeal must be made in writing **within 7 calendar days** of receiving the decision letter and include the reasons for your appeal. The decision taken at the appeal meeting will be final.

**Manager questions:**

**9. What must I do if I receive an application for flexible working?**

You must consider the application fairly and in a reasonable manner, give a decision in writing and ensure the hearing of any appeal by a more senior manager **within 3 months** of the request being received by you, unless an agreement has been reached with the employee for an extended period.

* Talk to the employee **as soon as possible**. This can be at a meeting but if this is not practical and, if agreed, a telephone call will be acceptable. The discussion will ensure that the arrangement put forward is the best solution for both the employer and employee and, if necessary, look at alternative working arrangements to those requested, including whether it may be subject to a trial period. Make a note of the discussion. The employee may be accompanied at any meeting by a trade union representative or work colleague.
* If the employee fails to attend a meeting find out why and consider whether it is reasonable to re-arrange. Inform them that a further failure to attend will result in the application being considered withdrawn. You must write to the employee to confirm this decision.
* Consider the application in relation to the business grounds and whether the request can be accommodated. You must only refuse a request if it can be justified on one or more of the statutory business reasons set out below:
  1. Detrimental impact on quality
  2. Detrimental impact on performance
  3. Detrimental effect on ability to meet customer demand
  4. Inability to re-organise work among existing staff
  5. Inability to recruit additional staff
  6. Insufficiency of work during the periods the employee proposes to work
  7. Planned structural changes
  8. The burden of additional costs

[Guidance for managers on considering requests for flexible working arrangements](https://enfield365.sharepoint.com/:w:/s/intranethr/ETsMQjf-iCVDgbz5xl_3JPgBIFJ1Y0wYYnaPWjYdym99pQ?e=rqs2VT)

* Notify the employee of the decision in writing, including the appeal process.

[Model response for agreeing request for a flexible working arrangement](https://enfield365.sharepoint.com/:w:/s/intranethr/EdTa1h0M9OxFnwK3Aplw1l4BdKCgCQbkOEpzc5g-L9ut8g?e=YJcVyx)

[Model response for not agreeing a request for a flexible working arrangement](https://enfield365.sharepoint.com/:w:/s/intranethr/EdeAcH1l4BBNgXgoG-1B97sBMnpFreVMHGe5B-pWJYE4Ow?e=cdLwxk)

* Take action to notify Payroll as detailed in question 10 and send documentation which must include the application form and the letter agreeing (or not) the arrangement to [HRbusinesssupport@enfield.gov.uk](mailto:HRbusinesssupport@enfield.gov.uk) for retaining on the employee’s personnel file. This is important as it is a record of any agreed contractual change.

**10. What further actions must I take if I have approved an application for flexible working arrangements and written to the employee to confirm this?**

If the working arrangement will result in changes to the contracted hours of work of the employee you must notify Payroll as set out below:

If the arrangement is subject to a trial period or for a specified period this will be a temporary change. [Temporary Change of Hours Monday-Sunday](https://enfield365.sharepoint.com/:x:/r/sites/intranetpayroll/_layouts/15/Doc.aspx?sourcedoc=%7BB3FE2A26-94C1-4522-8A37-39859E6DFE4B%7D&file=5.%20Change_of_Hours_Temporary_Mon_to_Sun_Day_form.xlsx&action=default&mobileredirect=true)

If the trial period is successful or not subject to a trial period notify Payroll of the permanent change: [Permanent Change of Hours Monday-Sunday](https://enfield365.sharepoint.com/:x:/r/sites/intranetpayroll/_layouts/15/Doc.aspx?sourcedoc=%7B21A4BBAB-AEBD-4EF0-8AE0-A432517B2B7F%7D&file=5.%20%20Change_of_Hours_Permanent_Mon_to_Sun_Day_form.xlsx&action=default&mobileredirect=true)

If there is no change to contracted hours and pay but there is a change to the working pattern and the employee has access to MiPortal follow the relevant guidance found [here](https://enfield365.sharepoint.com/sites/intranetict/SitePages/miportalguide.aspx).

If the employee has access to MiPortal their annual leave entitlement will be updated as a result of the notification to Payroll. If the employee does not have access to MiPortal and uses a leave card you must calculate the revised annual leave entitlement using the [annual leave calculator](https://enfield365.sharepoint.com/:x:/s/intranethr/ETq4JL4s5gJMu15Ns57cOhYBa4Q-BBo9LunmjDXep5w5SQ?e=nXCKRC). Please also find guidance on calculating bank holiday entitlement for part time staff: [Calculating Part time/non standard leave for Public Holidays](https://enfield365.sharepoint.com/:w:/s/intranethr/EbsMTWpkduhMpq9VFBlqjigBB6-YVE6s35Hm28_KAAiE0w?e=dCe0Od).

**11. What must I do if I receive more than 1 application from within the service?**

Consider each application in the order you receive them. The decision must be based on the merits of the business case. If they were received at or around the same time it may be appropriate to consider whether some adjustment or compromise by both the employees would enable both requests to be accommodated.

[Guidance for managers on considering requests for flexible working arrangements](https://enfield365.sharepoint.com/:w:/s/intranethr/ETsMQjf-iCVDgbz5xl_3JPgBIFJ1Y0wYYnaPWjYdym99pQ?e=Xl0R38)

**12. If a request for flexible working is approved, what are the arrangements for a trial period?**

Consider whether the arrangement will be subject to a trial period of up to three months to ensure it is working effectively for the service and the employee. During any trial period hold a review of the arrangement with the employee. Consider alternative arrangements to address any issues arising during the trial period.

**13. What happens if the trial period is unsuccessful?**

If the trial period is unsuccessful and an alternative working arrangement cannot be mutually agreed, the original working arrangement would apply. This must be confirmed to the employee in writing giving one or more of the statutory business reasons and including the right of appeal. Payroll must be notified of any changes back to the original working arrangement. See links attached to question 10.

**14. What must I do upon receipt of an appeal?**

**As soon as possible and ensuring that it is within 3 months of receipt of the original request for the flexible working arrangement** **(unless an agreement has been reached for an extended period, for example, where a trial period has been agreed as soon as practicable after the request has been turned down)** arrange for a more senior manager to consider the appeal at an appeal meeting. This would normally be the Head of Service or an officer delegated by the Head of Service. The employee may be accompanied at the appeal meeting by a trade union representative or work colleague.

[Model invitation to Appeal Meeting - Flexible Working Arrangement](https://enfield365.sharepoint.com/:w:/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Flexible%20Working/Model%20invitation%20to%20Appeal%20Meeting%20-%20Flexible%20Working%20Arrangement.docx?d=wc999976a54a643298cf4b787dad315cc&csf=1&web=1&e=IthRye)

The senior manager hearing the appeal will make a decision which is either:

* Uphold the appeal and agree the request – arrangements must be made by the line manager to implement the changes – see question 10.
* Dismiss the appeal, providing an explanation for the refusal, which must be based on one or more of the statutory business reasons.
* Send the outcome letter to [HRBusinesssupport@enfield.gov.uk](mailto:HRBusinesssupport@enfield.gov.uk) for retaining on the employee’s personnel file.

[Model outcome of Appeal Meeting - Flexible Working Arrangement](https://enfield365.sharepoint.com/:w:/s/intranethr/EfZmiFDi6HZFh2IHZNmAqe0BgPECXU9ji1WMxeSJgC6Bnw?e=eTLSXw)