

Right to Request Flexible Working Policy



Version Control

Document title	Right to Request Flexible Working Policy		
Owner	Human Resources	Status	Draft
Version	3.0	Approved on	TBC
Effective from	TBC	Review date	TBC
Last updated	19/05/2023	Last updated by	HR Strategy and Planning
Purpose	This policy provides guidance and support to employees who would like to request either permanent or temporary changes to their working patterns, exercising their statutory right to request flexible working and provides a framework by which managers can consider such requests in a fair and transparent manner.		

This policy links to:

- Our Council Plan
- Walsall Proud
- Ways of Working Policy
- Organisational Development Strategy
- Workforce Strategy
- Behaviour & Standards Framework

This list is not exhaustive.

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1.0 Introduction

- 1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.
- 1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical.
- 1.3 The council's values and behaviours are at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.
- 1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are customer focused effective, efficient and equitable, and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.
- 1.5 Council employees have a duty to demonstrate principles of equality, diversity and inclusion across all interactions ensuring compliance with council policies, procedures and relevant legislation. The council adopts a zero tolerance approach to discrimination and will not accept any form of unlawful or unfair discrimination on the grounds of age, disability, gender, gender identity, marital or civil partnership status, race, ethnic origin, colour, nationality, pregnancy or maternity, religion or belief (or no religion or belief), sexual orientation, class or social background, political belief or Trade Union affiliation. We are committed to equal opportunities and aspire to have a diverse workforce, and an inclusive workplace culture, all of which enable better outcomes for our staff and the local residents we serve. Employees should refer to the equality and diversity protocol for further information.
- 1.6 This policy implements the statutory right of employees to request flexible working and provides a framework for reviewing and processing such requests. The policy supports both managers and employees to align service delivery requirements with the needs of both our employees and our customers and provides guidance on different working arrangements as well as the procedure for submitting and considering flexible working requests on either a permanent or temporary basis.

2.0 Scope

- 2.1 This policy applies to all council employees (including those on fixed term and temporary contracts);
- 2.2 With the exception of;
- 2.2.1 School-based employees/workers where the governing body has delegated authority and for whom separate arrangements apply.
- 2.3 This policy also applies to agency workers with a minimum of 26 weeks continuous service returning to work from a period of ordinary parental leave.
- 2.4 This policy does not apply to contractors, consultants, casual workers, or any self-employed individuals working for the council.

3.0 Principles

- 3.1 There are many forms of flexible working. An employee can request a temporary or permanent change to:
- the hours that they are required to work;
 - the times that they are required to work;
 - where they are required to work including requests to work from home;
 - accommodate job share arrangements.
- 3.2 Employees should be aware that any permanent change requests will result in a permanent change to their terms and conditions, unless a trial or temporary period has been agreed. Managers and employees should be aware that any change in contract as a result of a flexible working request could;
- impact upon the salary (which will be on a pro-rata basis);
 - impact upon annual leave (which will be on a pro-rata basis);
 - have pension implications;
 - impact upon the grade of the role (where duties are amended by agreement).
- 3.3 An employee can only make one flexible working request in any 12 month period, unless their previous request was of a temporary nature lasting for less than 12 months or was related to a reasonable adjustment under the Equality Act.
- 3.4 If a manager is considering rejecting a flexible working request (or part of the request) a meeting must take place with the employee as a means of consultation to explore available options.
- 3.5 Employees shall be given at least 5 working days written notice of any meeting (including the appeal) under this policy and are entitled to be accompanied by

their recognised trade union representative or a Walsall Council work colleague. Advance notice of such meetings can be waived by mutual agreement.

- 3.6 If the employee fails to attend an arranged meeting (including the appeal), a subsequent meeting should be agreed. If the employee fails to attend a rearranged meeting without good cause, the manager will treat the request or appeal as having been withdrawn.
- 3.7 Requests for flexible working must be considered within a 3-month time frame applicable from the date the employee's manager receives the request form. This timeframe is for the whole process, including the initial meeting, decision, and any appeal process / appeal decision, as applicable.
- 3.8 If a manager considering the flexible working request or subsequent appeal is reasonably unable to do so within the timescales specified within this procedure, the timescale may be extended by mutual agreement and confirmed in writing.
- 3.9 Where a flexible working arrangement is agreed there is no automatic right to continue with this arrangement when moving to a different post within the council. Should an employee wish to continue to work flexibly in a new post, they will be required to resubmit a new application to their new manager.
- 3.10 Where a temporary flexible arrangement is agreed there is no automatic right for this to be renewed or extended at the end of the agreed timeframe, a review discussion will need to take place and a decision taken to either extend the arrangement, end the arrangement or alternatively if agreed by all parties make the arrangement a permanent amendment to contract.
- 3.11 All home working requests that are agreed will be subject to the successful completion of a home suitability and simple risk assessment and separate DSE assessment to ensure health & safety requirements are maintained, as well as the requirement for an IT and workstation inventory list to be maintained, refer to the ways of working policy and procedures on the HR intranet pages.
- 3.12 Employees should be aware that where home working arrangements have been agreed there will still be requirements to attend a council office location for specific purposes and / or when requested by a manager (such as for team / collaboration meetings, equipment support with DaTS, training, to meet the provision of other council policies etc.).
- 3.13 Prior to employees requesting to work from home they are advised to familiarise themselves with the ways of working policy and procedures and fully consider whether they have the necessary organisational and time management skills; the required amount of suitable space and suitable broadband capacity; the ability to work without direct supervision; and are able to cope with the potentially conflicting demands of work and home life. Home working must not be used in order to facilitate other responsibilities simultaneously i.e., the caring of dependents, although home working may afford more flexibility.

- 3.14 Trial periods can be used where deemed applicable to determine the suitability of employee's flexible working requests including home working arrangements. They can also be used to determine the impact on the service and assess whether the needs of both the employee and the service (including internal and external customers) are being met.

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's aim and priorities and clearly demonstrate the council's management behaviours and values, seeking further advice and guidance from HR where necessary;
- To consider requests in accordance with this policy and respond to the employee in accordance with the time frames stipulated within this policy.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's aim and priorities, clearly demonstrating the council's behaviours and values;
- Actively engage in employment practices and processes in which they are involved and ensure they understand this procedure, seeking further advice and guidance from managers where necessary;
- Submitting applications in good time and well in advance of when they would like the arrangement to commence;
- Complying with the requirements of this policy and procedure.

5.0 Procedure

- 5.1 To submit a flexible working request employees should complete a Flexible Working Application Form and submit this to their line manager. Employees are encouraged to discuss their requests informally in the first instance with their line manager. Employees are also encouraged to submit their applications well in advance of the date that they would like the flexible working arrangement to commence in order that the request can be fully considered.
- 5.2 The application will be deemed to have been made on the date the employee's manager receives it. The manager should date and acknowledge receipt of the submitted application in writing and arrange a meeting with the employee to discuss the request (the meeting does not need to be face to face, if mutually agreed it could be held via the telephone, MS Teams etc.). If the manager intends to approve the request as set out by the employee, a meeting may not be required.
- 5.3 The meeting provides an opportunity for the manager to explore with the employee exactly what changes they are seeking and how these might be accommodated. It also allows the employee to explain the reasons why they are

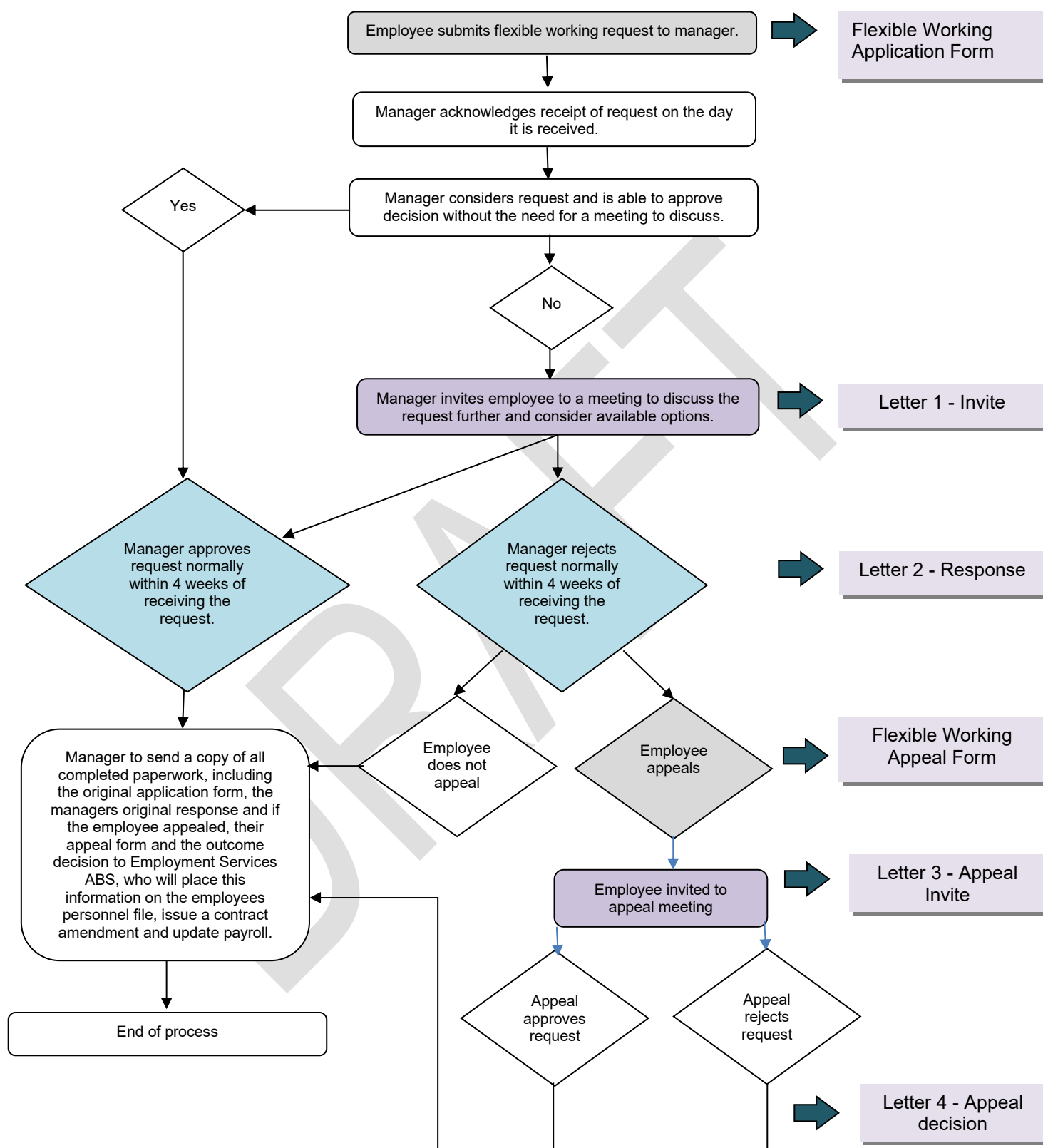
seeking the change (if they choose to disclose this) and to expand upon any points within their application. The meeting may also provide an opportunity for the manager and employee to propose alternative approaches, where possible, as well as discussing the option of trial periods or short term / temporary arrangements.

- 5.4 Following the meeting the manager should consider the request fairly and objectively looking at the benefits of the requested changes for the employee and the business and weighing these against any adverse business effects of implementing the changes. Managers should carefully consider where they may be able to mitigate adverse business impact by utilising other resources/recruitment options where these may be practicable.
- 5.5 Managers are under no obligation to agree flexible working requests, however they should only be refused where they cannot be accommodated by business grounds set out in the legislation;
- the burden of additional costs;
 - detrimental effect on ability to meet customer demand;
 - inability to recruit additional staff;
 - inability to reorganise work among existing staff;
 - detrimental impact on quality;
 - detrimental impact on performance;
 - insufficiency of work during the period the employee proposes to work;
 - planned structural changes.
- 5.6 In considering the above business grounds managers must be mindful not to inadvertently discriminate against employees because of a protected characteristic, such as where flexible working arrangements would be a reasonable adjustment for a disability. The council has a duty to make reasonable adjustments under the Equality Act.
- 5.7 The manager should confirm their decision in writing to the employee as soon as practically possible and normally no later than 4 weeks after having received the initial request.
- 5.8 All completed paperwork, including the original application form and management decisions for all approved and rejected requests should be forwarded to Employment Services ABS for contract amendments to be made and inclusion on the employee's personnel file.

6.0 Appeal process

- 6.1 An employee has the right to appeal against a rejection of their flexible working request. Should the employee wish to exercise this right, they should complete the Flexible Working Appeal Form and submit this to their manager within 10 working days of the date of the written outcome.
- 6.2 The appeal will be considered by another manager within the council, this will normally be the deciding manager's line manager or an alternative manager normally from within the service area or directorate.
- 6.3 The manager considering the appeal will convene a meeting with both parties to discuss the application and the rejection rationale including any new information not available at the time of the original request being made.
- 6.4 The manager having considered the appeal should confirm their decision in writing to the employee as soon as practically possible, however this must be no later than 3 months after the initial request to work flexibly was submitted.
- 6.5 There is no further right of appeal, nor can the matter be raised under the council's grievance policy.

Appendix 1 – Right to Request Flexible Working Flowchart



Whole process - from the employee submitting the initial request to work flexibly to any appeal response must be completed within 3 months.