

B5 Flexible Working Policy

1 Policy

- 1.1** It is the aim of the Council to become an employer of choice and attracting and retaining employees through offering flexible ways of working, in line with statutory guidelines.
- 1.2** The Council values the contributions of all its employees and every effort is made to assist them in combining work more easily with family and other personal commitments.
- 1.3** The Council is committed to maximising the opportunities offered by a modern working environment and advances in technology to improve service delivery and productivity. This is underpinned by encouraging managers and employees to consider flexible working arrangements.
- 1.4** The above forms the Council's policy as at November 2010, it should be noted that: -
 - the policy does not confer any contractual rights
 - the Council will retain the right to review the policy at any time. Changes may result from employee, management and trade union feedback and/or from changes in employment legislation. The Council, following consultation with recognised Trade Unions, will implement revisions and updates.
 - The policy will cease on the 1 April 2015.

2 Scope

- 2.1** This policy applies to all Council employees, including Head Teachers, Teachers and Chief Officers.
- 2.2** A Chief Officer is defined as a Deputy Chief Executive, Assistant Chief Executive, Director or a designated Deputy to one of the Directors.
- 2.3** The policy excludes the Chief Executive
- 2.4** The policy excludes agency workers.
- 2.5** The policy is recommended for implementation by staff directly employed by schools, for example those based in Academies.

3 Principles

- 3.1 The Council will apply this policy fairly and consistently to all employees, whether they work full or part time or are employed on a temporary or long-term contract.
- 3.2 The Council will ensure that this policy is updated to reflect any changes in legislation.
- 3.3 No employee will suffer detriment of any kind as a result of applying for flexible working.

4 Summary of Procedure

- 4.1 An outline of the procedure for applying for flexible working can be seen below. Full detail can be seen in the Operational Guidelines.

Action	Timescale
Flexible working application made, see annex A for the form.	
Manager meets with employee to discuss the application.	Within 28 days of receiving the request.
Manager notifies the employee in writing of their decision.	Within 14 days of the meeting. If the request is accepted the arrangements are put in place to begin the flexible working. If the request is rejected the employee is offered the right of appeal.
Employee appeals in writing against the decision, setting out in full their grounds for appeal.	Within 14 days of notification of the decision
HR receives the appeal and arranges a meeting.	Meeting arranged within 14 days of receipt of the appeal
Employee notified in writing the outcome of the appeal.	Within 14 days of the meeting. If the request is accepted the arrangements are put in place to begin the flexible working. If the request is rejected the employee is advised that they can reapply 12 months after the date of the original application.

5 Right to Request Flexible Working

5.1 To be eligible to make a statutory flexible working request, a person must:

- be an employee of the Council, agency workers do not qualify
- have worked for the Council continuously for at least 26 weeks on the date they make their request
- not have made another statutory request during the past 12 months.

5.2 The employee can only make an application to care for either:

- a child under 17
- a disabled child who is under 18, and who is in receipt of disability living allowance
- certain adults who require care

5.3 Under the statutory arrangements, applications cannot be made for any other reason.

5.4 Parents can request flexible working if they are either:

- the mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child or a person who has been granted a residence order in respect of a child
- married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian, foster parent or private foster carer or person who has been granted a residence order in respect of a child

5.5 A carer can request flexible working if they care, or expect to be caring, for either:

- a spouse, partner, civil partner or relative
- someone who lives at the carer's address

5.6 A relative is a mother, father, adopter, adoptee, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent. Step-relatives, adoptive relationships and half-blood relatives are also included.

- 5.7** Employees can make one application every 12 months - even if the second request in this period was for a different caring responsibility. Each year runs from the date the first application was made.
- 5.8** Before making a subsequent request, the employee must - at the date of application - still meet the eligibility criteria.

6 Types of Flexible Working

- 6.1** The types of flexible working requests eligible employees can apply for:
- change their hours of work
 - change the times required to work
 - work from another location of the business or from home.
- 6.2** For a list of the different types of flexible working, see the Operational Guidelines.

7 Proof of Parental / Caring Responsibilities

- 7.1** Employees do not have to give proof of their caring relationship. Therefore the Council accepts applications in good faith and makes the decision on whether or not to grant a request solely on business grounds.
- 7.2** In addition, an employee does not have to show:
- That the child or adult in question requires any particular level of care.
 - Why they themselves must provide that care.

If the manager believes that an employee may be abusing the right to request, for example they do not have a qualifying relationship with the child or adult in question, evidence may be asked for.

- 7.3** However, under the legislation the employee does not have to provide proof of their relationship or the level of care required. The manager will make the decision on whether or not he or she can grant a request based on business grounds rather than the employee's personal circumstances. If it is suspected that the employee may be abusing this right, the Council's Conduct Procedure should be instigated.

8 Contract of employment

If an employee's flexible working request is approved, this may lead to a permanent change to their contractual terms and conditions. If this is the case, then the employee may not revert back to the previous working pattern unless the Council agrees otherwise.

9 Considering an employee's flexible working request

- 9.1** The Council will seriously consider all statutory flexible working requests with the aim of deciding whether the requested work pattern can be accommodated.
- 9.2** The Council will follow the statutory procedure, summarized above and detailed in the Operational Guidelines.
- 9.3** The employee has the right to be accompanied by a work colleague from Barnet Council or recognised trade union representative.

10 Refusing a flexible working request

- 10.1** The council will only reject a flexible working request on a limited number of set grounds. These are:
 - planned structural changes
 - the burden of additional costs
 - a detrimental impact on quality
 - the inability to recruit additional staff
 - a detrimental impact on performance
 - the inability to reorganise work among existing staff
 - a detrimental effect on ability to meet customer demand
 - lack of work during the periods the employee proposes to work
- 10.2** Where an employee feels that the Council has not properly considered their request he or she has the right to one appeal.

11 Extension of time limits and withdrawn requests

- 11.1** There are two circumstances where the time limits for giving decisions and raising appeals can be extended.
 - Through written agreement by the Council and the employee
 - Through absence, an automatic extension applies where the line manager who would normally deal with the request is absent from work due to leave or illness. The extension lasts as long as the period of absence. For longer periods, the authorised substitute for the line manager will deal with the matter.

11.2 There are three circumstances where the Council can treat an employee's application as withdrawn:

- The employee unreasonably refuses to provide the information needed to consider their application.
- The employee twice fails to attend a meeting to discuss a request (or a meeting to discuss an appeal) without reasonable cause.
- The employee decides to withdraw the application in writing.

12 Dealing with unresolved flexible working requests

Where an employee feels that their application has not been managed to their satisfaction then one of the following may be applied by the individual or the Council:

- Informal resolution
- The Council's Grievance Procedure

13 Operational Guidelines

Full detail relating to the management of the Flexible Working Policy can be found in the accompanying Operational Guidelines.

Annex A

Application for Flexible Working**Part A – to be completed by the Employee**

My name:	
Service Area:	
Start Date with the Council:	
Declaration of eligibility, please tick one box:	
I wish to make a request to work flexibly in relation to my parental responsibilities (go to Section A)	
I wish to make a request to work flexibly in relation to my caring responsibilities (go to Section B)	
Section A: Parental Responsibilities <i>Please tick boxes as appropriate:</i>	
I declare that I have a child who is currently under 17 years of age	
I declare that I have a disabled child who is currently under 18 years of age	
I declare that my spouse/civil partner/partner has a child under 17 years of age	
I declare that my spouse/ civil partner/partner has a disabled child under 18 years of age	
I declare that I am the legal guardian of a child who is currently under 17 years of age	
I declare that I am the legal guardian of a disabled child who is under 18 years of age	
I declare that my spouse/ civil partner/partner is the legal guardian of a child under 17 years of age	
I declare that my spouse/ civil partner/partner is the legal guardian of a disabled child who is under 18	
I declare that I am currently fostering a child who is under 17 years of age	
I declare that I am currently fostering a disabled child who is under 18 years of age	
I declare that my spouse/civil partner/partner is currently fostering a child under 17 years of age	
I declare that my spouse/civil partner/partner is currently fostering a disabled child who is under 18	
I declare that I live with the child and have responsibility for the child's upbringing	
I declare that I am making this request in order to care for the child	

Please state the date of birth of the child, in respect of which you are requesting flexible working:		
Section B: Caring Responsibilities. <i>Please tick boxes as appropriate, adoptive relationships are included:</i>		
I declare that I have caring responsibilities for my spouse / civil partner		
I declare that I have caring responsibilities for someone who lives at the same address as me		
I declare that I have caring responsibilities for my mother / father		
I declare that I have caring responsibilities for my guardian		
I declare that I have caring responsibilities for my parent-in-law		
I declare that I have caring responsibilities for step parent		
I declare that I have caring responsibilities for son / daughter / step son / step daughter		
I declare that I have caring responsibilities for brother / sister/ step brother / step sister / brother in law / sister in law		
I declare that I have caring responsibilities for uncle / aunt		
I declare that I have caring responsibilities for grandparent		
I wish to submit a request for flexible working as detailed below.		
I have submitted a previous request for flexible working.	Yes	No
My last request for flexible working was submitted on:		
Please state the pattern of working you are seeking by providing information under one or more of the following three headings:		
1. I would like to reduce my working hours from my current number.		
I currently work hours per week and I would like to reduce this to hours per week.		

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2. I would like to alter the days I work and / or the timing of my working hours so as to work at the following times. <i>Please indicate the days / times of day you would like to work.</i>	
3. I would like to do all / some of my work from home. <i>Please detail below how many hours and when you would want to work at home.</i>	
I would like the above change(s) to my working pattern and contract to take effect on:	
Please state the effects that you think the changes you are requesting will have on the Council's abilities to deliver its services and on your department and colleagues.	
Please state how you think any such effect could be managed.	
Signed:	
Date:	

Part B – to be completed by the manager

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I confirm that I have seen this request and discussed it with the employee.

Approved		Not approved	
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Signed:

Name:

Title:

Date:

Please forward this form to HR once completed to ensure that the request is processed within set time limits.

Part C – to be completed by HR Shared Services

Application received (date):

Application approved / refused (date):

Acknowledgement sent to employee (date):