

# OXFORD CITY COUNCIL

## FLEXIBLE WORKING POLICY

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## **1. POLICY STATEMENT**

- 1.1 We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so. Managers are encouraged to facilitate requests unless they cannot be accommodated for one of the stated statutory business reasons set out in paragraph 8.6.
- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 This policy and its implementation have been devised in consultation with the Council's recognised unions. We are committed to a programme of action to make this policy effective and to bring it to the attention of all staff.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## **2. SCOPE AND PURPOSE**

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees with at least 26 weeks' continuous service who have caring responsibilities for certain children and adults have a statutory right to request flexible working, reflected in this policy. The criteria for deciding who is eligible to follow the statutory procedure are set out in paragraph 5.
- 2.3 Employees who do not meet the eligibility criteria for the statutory procedure, but who want to make either permanent or temporary changes to their working arrangements, may make a request under paragraphs 6 to paragraph 9 to their line manager who will consider the request according to the same business and operational requirements specifically paragraph 8.6.

- 2.4 Employees whose requests for flexible working are accepted under the statutory procedure will have **permanent** changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the same procedure, but clearly state that they are seeking a temporary change or subject to a trial period and state the desired duration of the changes instead, but this is likely to fall outside of the statutory procedure and rights attached.

### **3. IMPLEMENTING THE POLICY**

- 3.1 The Head of People & Equalities has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
- 3.2 Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote our aims and objectives with regard to flexible working. [To facilitate this process, managers will be given training on diversity awareness and best practice and encouraged to seek advice from People & Equalities].
- 3.3 All members of staff are responsible for the success of this policy and should ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the Head of People & Equalities (P&E).

### **4. FORMS OF FLEXIBLE WORKING**

- 4.1 Flexible working can incorporate a number of changes to working arrangements:
- (a) reduction or variation of working hours;
  - (b) reduction of the number of days worked each week; and/or
  - (c) working from a different location (for example, working from home for part of the week).

Such changes may involve working a set number of hours a year, rather than a week (annualised hours); part time working; working from home; working only during term-time (part-year working); working compressed hours; working flexi-time.

- 4.2 Employees should refer to the Council's other policies relevant to flexible working, such as home working, working hours, etc.

## 5. ELIGIBILITY FOR THE RIGHT TO REQUEST

- 5.1 All employees can make a request for flexible working under the procedure in paragraph 6 to paragraph 9. Statutory requests must satisfy the criteria below.
- 5.2 To be eligible to make a statutory request, you must:
- (a) be an employee;
  - (b) have worked for us continuously for 26 weeks at the date your request is made;
  - (c) have caring responsibilities for the child or adult in respect of whom the request is being made; and
  - (d) not have made a formal request to work flexibly during the last 12 months (each 12-month period runs from the date when the most recent application was made).
- 5.3 Employees who want to work flexibly to care for a child must:
- (a) be making the request in respect of a child who is under 17 (under 18 if the child is disabled)
  - (b) be responsible for bringing up the child and be making the request to enable them to care for the child; and
  - (c) be either:
    - (i) the mother, father, adopter, guardian or foster parent of the child or disabled family member; or
    - (ii) married to, or the partner of, the child's (or disabled family member's) mother, father, adopter, guardian or foster parent. In this context "partner" means a person who is not a relative but, whether of different sex or the same sex, who lives with the child and the mother, father, adopter, guardian or foster parent in an enduring family relationship.
- 5.4 Employees who want to work flexibly to care for an adult who is in need of care must be (or expect to be) the person who cares for that adult, and be:
- (a) married to, or the partner or civil partner of, the adult; or
  - (b) a relative of the adult; or
  - (c) neither of the above, but living at the same address as the adult.

## **6. MAKING A FLEXIBLE WORKING REQUEST**

- 6.1 You should submit a written application for your request to be considered by using the form attached at Appendix 1.
- 6.2 Your written and dated application should be submitted to your line manager. To meet the requirements of the statutory procedure and help your line manager consider your request, it should:
- (a) state the reason for your request, whether to care for a child or adult;
  - (b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
  - (c) address the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
  - (d) provide information to confirm that you meet the criteria set out in this paragraph 5; state whether you have made a previous formal request for flexible working and, if so, when; and
  - (e) ideally be submitted at least two months before you wish the changes you are requesting to take effect.

## **7. MEETING**

- 7.1 Your line manager is required to meet with you within 28 days of your application being submitted. The meeting will also where possible be attended by a P&E representative. You may bring a colleague (who may be a trade union representative) to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 7.2 In most cases, the meeting will be held at your usual place of work. However, we will make reasonable efforts so that the meeting is held at a time and place that is convenient to you.
- 7.3 The meeting will be used to consider the working arrangements you have requested. You should be able to:
- (a) explain how the arrangements will accommodate your caring responsibilities.

- (b) discuss what impact your proposed working arrangements will have on your work and that of your colleagues.

7.4 If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

7.5 Your line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team **OR** your service area.

## **8. DECISION**

8.1 Following the meeting, your line manager will notify you of the decision in writing within 14 days.

8.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, your line manager (in consultation with P&E) will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your employee file to confirm what's been agreed such as any permanent (or trial) variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.

8.3 You should be aware that changes to your terms of employment will be permanent (unless subject to a trial period) and that you will not be able to make another statutory request until 12 months after the date of your original application.

8.4 If your line manager needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, your line manager may need more time to investigate how your request can be accommodated or to consult several members of staff.

8.5 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, your line manager (in consultation with P&E) will write to you:

- (a) giving the business reason(s) for turning down your application;
- (b) explaining why the business reasons apply in your case; and

(c) setting out the appeal procedure.

8.6 The eight statutory business reasons for which we may reject your request are:

- (a) the burden of additional costs;
- (b) detrimental effect on ability to meet customer demand;
- (c) inability to reorganise work among existing staff;
- (d) inability to recruit additional staff;
- (e) detrimental impact on quality;
- (f) detrimental impact on performance;
- (g) insufficiency of work during the periods that you propose to work;  
and
- (h) planned changes.

NB Note that one or more of these statutory reasons **only** may be relied upon to reject a statutory request.

## 9. APPEAL

9.1 If your request is rejected, you have the right to appeal.

9.2 Your appeal must:

- (a) be in writing and dated;
- (b) set out the grounds on which you are appealing; and
- (c) be sent to the Head of People & Equalities within 14 calendar days of the date on which you received the written rejection of your request.

9.3 People & Equalities and your manager must arrange for a meeting to take place within 14 calendar days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague.

9.4 The appeal will be heard by a minimum of two managers who must not have been involved in the original decision. One will normally be the line manager's manager. You will be informed in writing of the Appeal decision within 14 calendar days of the date of the appeal meeting.

9.5 If your appeal is upheld, you will be advised of the same details set out in paragraph 8.2.

- 9.6 You should be aware that changes to your terms of employment will be permanent and you will not normally be able to make another statutory request until 12 months after the date of your original application. If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. We may, however, consider a further request within 12 months if there has been an unforeseen life changing event.

## **10. BREACHES OF THE PROCEDURE**

- 10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, your line manager (in consultation with P&E) will write to you confirming the extension and the date on which it will end.
- 10.2 If you withdraw a statutory request for flexible working, you will not be eligible to make another statutory request for 12 months from the date of your original request. In certain circumstances, a request made under the statutory procedure will be treated as withdrawn. This will occur if:
- (a) you fail to attend two meetings under the statutory procedure without reasonable cause; or
  - (b) you unreasonably refuse to provide information we require to consider your request.

In such circumstances, your line manager (in consultation with P&E) will write to you confirming that the request has been treated as withdrawn.

## **11 MONITORING AND REVIEW**

- 11.1 This policy is reviewed by People & Equalities in consultation with the Council's recognised unions. Recommendations for any amendments are reported to People & Equalities.
- 11.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.



## Oxford City Council

### APPENDIX 1 - REQUEST FOR FLEXIBLE WORKING

<b>Full Name:</b>			
<b>Service Area:</b>			
<b>Employment start date:</b>			
<b>Date form submitted:</b>			
<b>I wish to submit a request for flexible working as detailed below.</b>			
<b>Previous applications for flexible working</b>			
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?			
<b>If you have made a request within the last 12 months please explain the reasons for this request</b>			
<b>Pattern of working</b>			
Please state the pattern of working you are seeking by providing information under one or more of the following three headings:			
<b>1. I would like to reduce my working hours from [current number of hours worked] hours to [the number of hours you would like to work] hours per week.</b>			

**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 (please indicate the days/times of day you would like to work).**

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**3. I would like to do all/some of my work from my home (please be precise about the number of hours and days/times of the week you would like to work at home).**

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I would like the above change(s) to my working pattern to take effect on:

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**Please state the effects that you think the changes you are requesting will have on the Council's ability to run its business and on your Service Area, your colleagues, etc.**

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**Please state how you think any such effect might be dealt with.**

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**I am making this request under the statutory procedure**

**YES/NO\***  
**\*Delete as appropriate**

<b>If you are making this request in relation to caring responsibilities please tick one box to confirm:</b>	
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)	
<b>Section A: Please tick boxes as appropriate:</b>	
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 on which the child in respect of which you are requesting flexible working was born:	

**Section B: Please tick boxes as appropriate (note: adoptive relationships are included):**

I declare that I have caring responsibilities for my spouse/civil partner/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 my step-parent	
I declare that I have caring responsibilities for my son/daughter/step-son/step-daughter	
I declare that I have caring responsibilities for my brother/sister/step-brother/step-sister/brother-in-law/sister-in-law	
I declare that I have caring responsibilities for my uncle/aunt	
I declare that I have caring responsibilities for my grandparent	
I declare that I have caring responsibilities for my son-in-law/daughter-in law	

Once you have submitted a valid application for flexible working, your manager will contact you to arrange a meeting, which will take place within 28 days of the application, to discuss how the pattern of working you have requested might be made to work. If request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise. 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 Council and your colleagues, as your application may otherwise not be valid.

Signature:		Date:	
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