

# CORPORATE FLEXIBLE WORKING REQUESTS POLICY

**This applies to All DCC Staff, including Centrally Employed Teachers but  
excluding All Staff in Schools**

**Policy Date:** 6 April 2009

**Version Date:** 30 June 2014

For further advice and guidance in relation to this policy, please contact  
HR ONE at [hrdirect@devon.gov.uk](mailto:hrdirect@devon.gov.uk) or on 01392 385555

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# POLICY

## 1. Introduction

1.1 This policy and procedure apply to all staff employed by Devon County Council, including Centrally Employed Teachers but excluding All Staff in schools (where other procedures are in force) who meet the eligibility criteria.

1.2 From 6<sup>th</sup> April 2003, the Employment Act 2002 amended the Employment Rights Act 1996 to provide parents with children under the age of six (or under the age of eighteen in the case of a disabled child), the right to request flexible working and placed a duty on employers to consider these requests seriously.

From April 2007 this right to request was extended to the carers of adults.

From 6<sup>th</sup> April 2009, the right to request flexible working is extended to parents of children aged 16 and under.

On the 30<sup>th</sup> June 2014, this right was extended to all staff that meet the eligibility criteria.

## 2. Policy

2.1 Devon County Council's Flexible Working Requests Policy gives eligible employees the right to request a variation to their contracts so that they can work more flexibly and thereby achieve a better balance between their lives outside work with their work commitments. Changes to their hours, times and place of work can be requested. This means using practices such as flexitime, home working, job sharing, term time working, variable hours, part time working and annualised hours to enable greater flexibility. These positive employment practices in turn promote equality of opportunity in employment, aid retention and reduce absenteeism.

2.2 Whilst DCC is committed to providing a balance between employees' professional and personal lives the desire to provide flexible working must be balanced with the County Council's duty to maintain service delivery.

## 3. Principles

3.1 Devon County Council is committed to equality in its policy. The conditions for qualification under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

3.2 Employees have the right to be accompanied by a trade union representative or a workplace colleague (not acting in a legal capacity) at any

stage in the procedure. The companion can address the meeting or confer with the employee during it.

3.3 If a change is agreed, it will be a permanent variation of contract and there will be no right for the employee to revert back to the former arrangement. However, short-term (12 months or less) temporary changes should be discussed with the Line Manager, outside this policy.

3.4 If at any point in the future an employee wishes to end their flexible working agreement they should discuss this with their Line Manager and their wishes will be considered in line with the DCC's recruitment and selection policy and business needs.

3.5 An application is taken to have been made on the date that it is received. Where an application is made by email or fax, it is taken to be received on the day it was transmitted.

3.6 Any meetings should be arranged by the Manager(s) at a time and place convenient to both the employee and employer.

3.7 There may be a number of reasons why the time limits specified are too short and an extension may be required. Time limits can be extended where the Manager and employee agree. A written record of this should be made. See [Flexible Working Extension of Time Limit Form](#).

3.8 Time limits will be automatically extended where the person who would ordinarily consider the application is absent because of annual leave or sick leave when the application is received.

#### **4. Eligibility**

4.1 This policy and procedure apply to employees who:

- have worked for Devon County Council continuously for 26 weeks at the date the application is made
- have not made another application to work flexibly under this policy during the past 12 months.

4.2 Flexible working legislation provides an employee, who meets the qualifying criteria, with the right to request flexible working arrangements. Whilst every effort will be made to accommodate a flexible working request, there is no automatic entitlement to have a flexible working request agreed.

4.3 Where an application is received from an employee who does not meet the eligibility criteria, the principals of the flexible working requests policy may be used as guidance.

## 5. Types of Flexible Working

5.1 Types of flexible work patterns include the consideration of:

- Flexi-time
- Part-time working
- Job share
- Temporary work
- Shift working
- Annualised hours
- Term-time working
- Home working
- Variable hours

## PROCEDURE

### 1. Making the Request

1.1 If an employee wants to make a request for flexible working they must complete a [Flexible Working Request Form](#) and submit it (which includes post, fax or email) to their Line Manager.

1.3 The Line Manager should acknowledge receipt of the request by returning, to the employee, the Line Manager's Confirmation of Receipt slip at the end of the [Flexible Working Request Form](#).

### 2. Considering the Request

2.1. The Line Manager will arrange a meeting with the employee within a maximum period of 28 calendar days at which the request will be discussed and if necessary alternatives considered.

### 3. Informing of the Decision

3.1 The Line Manager will write to inform the employee of their decision within a maximum period of 14 calendar days of the meeting.

3.2 If the request is agreed the Line Manager should complete a [Flexible Working Acceptance Form](#) (any compromise offered at the meeting should be confirmed) and send it to the employee.

3.3 If the request is refused the Line Manager should complete a [Flexible Working Reject Form](#) and send it to the employee.

3.4 The only valid reasons for a request being refused include:

- Additional cost to the department
- Detrimental effect on the department's ability to meet customer demand
- Inability to recruit additional staff
- Detrimental impact on quality of service
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

3.5 The Line Manager should send copies of the [Flexible Working Request Form](#) and either the [Flexible Working Acceptance Form](#) or the [Flexible Working Reject Form](#) to [HR Admin - Mailbox](#).

#### **4. Appeal against the Decision**

4.1 If an employee is dissatisfied with the response from their Line Manager they will have the right to appeal.

4.2 The employee should register the appeal using a [Flexible Working Appeal Form](#) within 14 calendar days of receiving the written refusal for the request for flexible working. This should be sent to their Head of Service.

4.3 The Head of Service must contact their designated HR Adviser to inform them of the appeal and seek advice regarding the employee's request and their Line Manager's grounds for refusal.

4.4 The Head of Service must hold the appeal meeting within a maximum period of 14 days of receipt of the appeal.

4.5 The Head of Service must notify the employee of the decision using a [Flexible Working Appeal Reply Form](#), within a maximum period of 14 calendar days after the date of the meeting.

4.6 If the request is accepted the Head of Service will write to the employee informing them of the variation agreed to and the date on which it is to take effect.

4.7 If the request is refused the Head of Service will write to the employee setting out the grounds for the refusal and explaining why they apply.

4.8 Once the appeal process is complete, the Head of Service should send copies of the Flexible Working Appeal Form and the Flexible Working Appeal Reply Form to [HR Admin](#).

4.9 This is the end of the appeal procedure and no further appeal mechanism will operate within the County Council.

#### **5. Withdrawal of Flexible Working Request**

5.1 If an employee wishes to notify their Manager that they wish to withdraw their application, they should do so in writing. Where this is not forthcoming the Manager should write seeking clarification that the employee has withdrawn their application and the [Flexible Working Notice of Withdrawal Form](#) should be completed and sent to [HR Admin](#).

5.2 Where an employee fails to meet their responsibilities DCC may also treat an application as withdrawn. In these circumstances, the Manager should write to the employee to confirm that the application has been withdrawn.



## GUIDANCE

### 1. Employee Guidance

1.1 You should ensure that your application is valid by checking that all the eligibility criteria are met and that you have provided all the necessary information.

1.2 The level of detail required on an application will depend on the desired changes, but in all cases it is in your interest to be as clear and explicit as possible. You must provide an explanation of what effect, if any, you think the proposed change would have on DCC and your team and how you think this may be dealt with. This does not mean that you are expected to know every factor that might influence the decision, simply that you should show you have considered the factors that might influence the decision.

1.3 You should ensure that your application is made well in advance of when you want the variation to your contract to take effect. There is no set time, but the process can be expected to take around 14 weeks, or longer if a problem arises.

1.4 You should be aware that if you request a flexible working pattern that will result in you working fewer hours, your pay would be reduced too.

1.5 If necessary, you should be prepared to be flexible yourself to reach an agreement with your Manager, which balances your wishes with DCC's commitment to maintain service delivery.

1.6 If you are due to go on maternity leave think carefully about when you make your request. If you want the changes to start on your return from maternity leave, you should make your application in good time.

### 2. Management Guidance

2.1 Managers have a duty to consider requests seriously but are able to refuse where there is a clear business reason.

2.2 Managers should acknowledge receipt of a request. An acknowledgement slip is included on the bottom of the request form, which allows you to readily confirm the date on which the application was made.

2.3 If staff fail to provide all the required information, you should inform them what they have omitted and ask them to re-submit the application when complete. You are not obliged to consider the application until it is complete and re-submitted.

2.4 Managers should ensure that any variation in the procedure is agreed with staff in advance and recorded in writing.

2.5 Managers must allow any of their staff to take time off during work hours to act as a companion to another member of staff requesting flexible working.

2.6 Where a Manager agrees to a new working pattern, the Manager should try and implement this within 8 weeks of the new working pattern being agreed. It may be appropriate to agree that the new working pattern will take place for an agreed trial period in order to see how it would suit both parties.

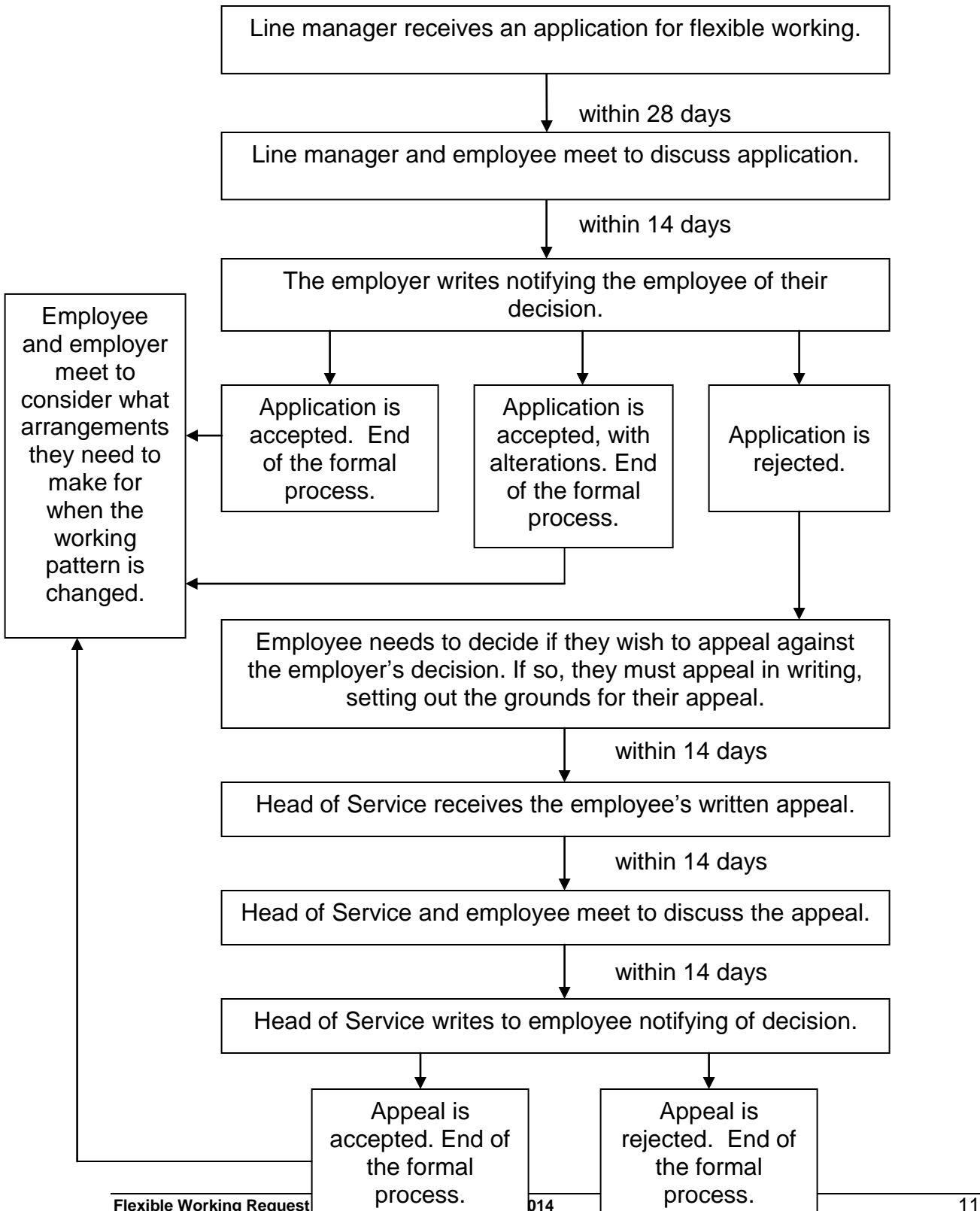
2.7 When accepting a new working pattern it may be beneficial to mutually agree either a finite time period for the change, or a time-scale (e.g. annually) for reviewing the change.

2.8 When accepting a request check:

- That the flexible working method reflects the relevant County Council policy and guidance (see <http://staff.devon.gov.uk/worklifebalance.htm>)
- Whether or not the employee's pay and/or contract of employment need amending. If so contact [HR Admin](#) to arrange
- That all health and safety requirements have been met (particularly relevant where the employee is to work from home)
- That all changes comply with the working time regulations.

2.9 When refusing a request you must include an explanation about your reasons, bearing in mind the 'valid reasons' set out in the procedure.

## FLOW CHART



## POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
05.04.2007	Revision of existing policy following Work and Families Act 2006.	P & S	06.04.2007	
01.10.2007	Added the following criteria to section 4.0 – eligibility as a result of minor changes to the flexible working regulations on 1 October 2007: <ul style="list-style-type: none"> <li>- And be either: the mother, father, adopter, guardian, special guardian or foster parent of the child;</li> <li>or</li> <li>- married to or the partner of the child's mother, father, adopter, guardian, special guardian or foster parent.</li> </ul>	P & S	01.10.2007	
06.04.2009	New, separate Corporate Flexible Working Requests Policy drafted. (previously combined with the Model School Policy).  Increased from child under six to child under sixteen in line with legislation coming into effect on 6 April 2009	P & S	06.04.2009	
	Update email references from HR Helpdesk to HR Direct.  Update references from Personnel Admin to HR Admin	HR ONE	03.09.2013	
30.06.14	Revision of policy following legislation changes with effect from the 30/6/13.	HR ONE		

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