



# HR Policy

Flexible Working Policy  
November 2023



## Human Resources

# Flexible Working Policy

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## 1.0 INTRODUCTION

Brent is committed to providing excellent, publicly accountable services that give real value for money and to improving customer service standards and satisfaction. In support of this commitment, the aim of this policy is to support employees to do the best job they can, whilst improving work-life balance, wellbeing, and morale.

The way in which we deliver services is changing. An increasing use of technology for efficiency, a move to self-service, a greater emphasis on outcomes, performance management and productivity, together with the changing needs and demands of the people we serve and the people who serve, require a fundamentally different approach to working.

The Council is committed to encouraging a culture of flexible working that benefits both staff and customers and recognises its positive impact on wellbeing, commitment, engagement, and outcomes.

## 2.0 SCOPE

This policy applies to employees regardless of their age, disability, race, sex, religion and belief, sexual orientation, gender identity, marriage and civil partnership.

The policy does not apply to Teachers and school-based non-teaching staff where the schools have separately agreed processes nor to agency workers, contractors or casual workers.

## 3.0 DEFINITIONS

<b>Mobile workers</b>	who spend the majority of their working time away from the office delivering community-based services, but who will come back to their base for example, for administrative duties e.g. social workers
<b>Fixed base workers</b>	who spend the majority of their working time in the Civic Centre or other council building but are not able to work flexibly due to the nature of their role e.g. Library officers
<b>Field based workers</b>	who do not work in council buildings e.g. school crossing patrols
<b>Homeworkers</b>	for whom their home is their contractual work base. They may occasionally have the need, or be required, to visit council buildings for their work
<b>Flexible workers</b>	this applies to the majority of Brent employees who can work remotely from a range of locations including home e.g. Finance officers

## 4.1 GENERAL PRINCIPLES

- Flexible working relates to employees' working times, hours of work and places of work. The Council's flexible working policy is service led and in line with contractual and statutory requirements.
- The Council encourages employees to work flexibly for an enhanced work-life balance, where service needs permit.
- There are a range of types of role undertaken within the council and the flexibility which can be offered will not be the same for all roles.
- Employees who are able to work remotely are expected to come to their work base as required, for example, to attend team meetings and to work collaboratively and may be required to routinely attend their work base for a specified minimum number of days over a period.
- Flexible working arrangements will usually not be suitable for fixed base and field based roles which rely on employees to be at their place of work for service delivery – see section 3.0 for examples of such employees.
- Employees are expected to work such hours and apply such flexibility as are necessary for the performance of their role.
- Where employees work from an office base, the council operates a policy of hot-desking. Employees do not have their own desks, but have work space for their service where they can hot desk.
- Heads of services need to determine the extent of flexible working, which they are able to offer employees in their teams, based on the needs of the service. Such decisions will usually involve remote working and time off in lieu arrangements.
- Any deviation from this policy will be subject to the agreement of the relevant Corporate Director and the Director of HR & OD.
- Where employees in a team are not able to work equally flexibly, consideration should be given to establishing a local flexible working rota.
- The ability for teams to work remotely and the availability of time off in lieu arrangements will usually be decided on a service basis. All other types of flexibility not included in the general arrangements agreed for the service will normally need to be applied for individually via the statutory Right to Request Flexible Working Procedure shown in Appendix 1.
- Any individual requests over and above that afforded by the service as above, including any temporary working arrangements, will be subject to the Right to Request Flexible Working Procedure on a first come first served basis.
- Employees will be subject to the same policies and procedures whilst working flexibly as when not doing so.
- Exceptionally, the Council may require access to employees' home, for example, for the purposes of maintenance of council-provided equipment and/ or health and safety risk assessment.
- Where working remotely is agreed within a service, this does not guarantee any right to work remotely indefinitely – see section 7.1 for more information on working remotely.
- Employees may be required to alter or cancel agreed 'working from home' days in order to accommodate service needs or attend work meetings.
- Working remotely and other flexible working is entirely at the discretion of the Council; it is therefore, a non-contractual benefit.

- All flexible working arrangements agreed between an employee and their line manager must be reviewed frequently in light of service demands and at least annually.
- Employees not performing to expected standards or abusing the flexible working system may have flexible working options removed and be subject to disciplinary action.

## 5.1 WORKING HOURS AND BREAKS

When working flexibly, the following applies to all employees:

- Employees must take a minimum of 30 minutes' break for every 6 hours worked, up to a maximum of 2 hours – usually called a lunch break for those working standard hours.
- Breaks must not be at the beginning or end of the working day so as to shorten it, unless otherwise agreed by the line manager on an ad hoc basis.
- In addition to taking a break during their working day employees should take a rest break:
  - of at least 11 hours between each day they work and
  - of at least 24 hours in every 7 days they work (or 48 hours in every 14 days they work)
- Employees should not normally work beyond 48 hours a week. Any exceptions to this should be discussed with the line manager who should consult HR before any additional hours are worked.

In addition, the following applies to employees in relation to working patterns:

- Head of Service may agree core hours on a case by case basis subject to the needs of the service. Any agreement on this basis will not be permanent and will be subject to regular review.
- Any work carried out by employees outside of their normal working hours will be discussed and agreed with the line manager usually in advance.

## 6.0 RESPONSIBILITIES

### 6.1 Managers' Responsibilities

Managers must ensure they:

- meet the needs of the service in any consideration of flexible working
- treat all employees consistently, fairly and promptly
- consider flexible working as a reasonable adjustments for disabled employees, including those types outside the scope of this policy, as necessary

- deal with any statutory and formal requests for flexible working promptly and in line with timescales set out in Appendix 1
- demonstrate equal access for developmental and promotion opportunities to all employees who work flexibly
- have checked that employees have completed the risk assessment prior to remote working arrangements being agreed
- endeavor to accommodate individual preferences on start and finish times, providing it does not adversely impact on services provided, or find a suitable solution, where possible
- make clear with employees and their teams what they expect, how they will work with each other and support one another when agreeing flexible working
- give due consideration to whether employees, who are subject to performance management procedures, have flexible working options open to them or not
- empower employees as far as possible to manage their own time and output whilst supporting them
- provide support to put any health and safety requirements in place promptly
- keep in contact with employees who work remotely on a frequent basis and promote the use of wellbeing initiatives where necessary

## **6.2 Employees' Responsibilities**

Employees must ensure they:

- are able to achieve their own and the team's objectives, and to meet service delivery when working flexibly
- agree any change to their re-occurring remote working day(s), with their line managers where applicable
- submit a Right to Request Flexible Working form where they would like a change made to their working hours or place of work, over and above the service's standard provision for flexible working
- adhere fully to the provisions set out in this policy and procedure and that any change to their working arrangement does not impact on their ability to achieve their own and the team's objectives, and to meet service delivery requirements
- maintain an open and honest dialogue with their line manager to ensure that the arrangement continues to work effectively for the whole team
- are contactable by telephone and e-mail during core hours or as agreed with their manager and keep their calendars up to date, in exactly the same way as when they are when they work from their office base
- take appropriate responsibility for health and safety and for their wellbeing and discuss any concerns with their manager
- comply with any local arrangements and protocols to work flexibly in their team, as appropriate
- report any loss, theft or damage of Council property, including any data breaches, to their manager, without delay
- take appropriate breaks in line with the requirements listed in section 5.0 above

## 7.0 TYPES OF FLEXIBLE WORKING

Brent offers employees a range of flexible work options which include but are not limited to the following.

### 7.1 Remote Working

- Remote working, sometimes called 'working from home', is based on the concept that work does not necessarily need to be done in a specific place to achieve successful outcomes.
- Remote working refers to work undertaken anywhere away from the staff member's main place of work and may include their home, or other council premises.
- Remote working from outside the UK is not permitted.
- Subject to the type and specific needs of the service and the requirements of the employees post, remote working is available to all staff. Brent Council will move to a position whereby staff are in the office or at work in the borough for a minimum of 3 days a week from 1 April 2024. From 1 January 2024 staff will be expected to be in the office or within the borough for a minimum of 2 days per week. Staff may, of course work in the office or in the borough more often if they wish.
- From 1 April 2024, all staff must attend their Office / Brent workplace on either a Monday or a Friday each week.
- All DMTs and Team meetings will be face to face in the workplace unless exceptional circumstances make this impossible
- It may be necessary for managers to operate a rota to ensure staff attendance is evenly spread across the working week, subject to the needs of the service.

### 7.2 Part-time working

- Part-time working is an agreed regular pattern where an individual works fewer hours per week than a full-time employee (36 hours per week or 40 hours for senior managers).
- Employees who work part time will receive pro-rata entitlements of relevant council benefits e.g. annual leave.
- Part time workers will be expected to manage their office attendance on a pro-rata basis

### 7.3 Job sharing

- Job sharing is when a role is shared between two people.
- Staff working in a job share arrangement will agree with their line manager the percentage of role and number of days they will each work. In some cases there may be an overlap between the job sharers. The impact on entitlements is the same as for part time working.
- The job share arrangement can be established from the creation of a new role or can be requested by the role incumbent via the procedure described in Appendix 1. In either circumstance, the line manager should discuss the option with HR.
- Brent reserves the right to reject a request for job sharing where it is not possible to recruit a job share partner to the other part of the role and where

the role cannot be undertaken part time as an alternative. If one of the job share partners resigns or gets promoted, Brent reserves the right to end the arrangement if the remaining job share partner cannot find a replacement and the role is full-time.

#### **7.4 Time off in Lieu (TOIL)**

- TOIL is usually only used to allow for peaks and troughs of workload. It allows for an employee to work extra time and then take that time off to compensate. It is not intended as a regular arrangement and should only be used where absolutely necessary.
- Given the flexibility allowed within this policy the need to apply TOIL is likely to be minimal as employees will be able to manage their time flexibly in discussion with line managers.
- Where necessary TOIL can be made available to employees within services. It will be entirely at the discretion of the Heads of Service and will be subject to the needs of the service.
- TOIL arrangements must be agreed in advance with line managers.
- TOIL must not exceed one day per month.
- All employees up to and including Head of Service level may be offered TOIL.

#### **7.5 Compressed hours**

- Compressed hours are where an employee works their standard full time hours over a shorter period, for example over four days.
- An employee can also apply to work a nine day fortnight.

#### **7.6 Term-time working**

- An employee can request to work during term time only. The individual reduces the total number of days they work in a year by not working during school or college holidays.
- Term time working must commence at the beginning of a term in order to synchronise annual leave and pay calculations. These dates, including the timing of annual leave days, will be agreed between the individual and their line manager.
- To make this option feasible, there needs to be a significant lull in workload during the school or college holiday periods or sufficient resources in the team to accommodate the extended periods of non-working.
- HR can provide advice on how a move to term-time working will affect entitlements.

#### **7.7 Annualised hours working**

- Annualised hours are where the period of time an employee works is defined over a whole year.
- Employees agree with their manager and commit to a number of hours and



an agreed pattern of working over a twelve-month period as determined by the needs of the service.

- Salary is paid in equal monthly instalments regardless of the number of hours worked in a specified period.

## 7.8 Employment breaks

Subject to the needs of the service, employees may take a break in employment (without pay and benefits) of up to 6 months, for example to look after family, a friend, to travel, do voluntary work or undertake full time education or training.

The eligibility criteria are:

- Employees should have no less than two years' service with the council at the time the break is due to commence.
- Access to those provisions will be discretionary and will depend on operational and service requirements.
- An employment break should not commence when long term sickness, capability or disciplinary issues (where informal or formal) are pending or ongoing.
- There is no limit on the number of employment breaks an employee may request.
- However, there should be a period of no less than two years between each one.
- Employees will need to gain the agreement of their line manager/service team manager to the proposed employment break.

## 7.9 Flexible and early retirement

- Flexible retirement is where an employee continues working for Brent in a reduced capacity but starts to draw part or the whole of his/her pension.
- Approval for flexible retirement must be made on the basis of the arrangement being in the interests of both the employee and the Council's business and operations.
- Both early and flexible retirement will be cost neutral to the Council.
- Employees can choose to retire and start drawing their pension after the age of 55. Where pension is drawn before State Pension Age, their pension will be subject to a permanent reduction – see the [Flexible and Early Retirement Policy](#) for more information.
- As Flexible and early retirement can impact on the level of pension benefits for employees, advice and guidance should be sought from the [Pensions Team](#).

## **8.0 APPLYING FOR FLEXIBLE WORKING**

### **8.1 Eligibility**

- An employee may make a formal flexible working request from their first day of employment.
- An employee may make two flexible working requests in a twelve month period.

For the Council's Right to Request Flexible Working Procedure, see Appendix 1.

## **9.1 FURTHER INFORMATION**

Any clarification or advice in respect of the application of this policy should be sought from Human Resources.

# Appendix 1 - RIGHT TO REQUEST FLEXIBLE WORKING PROCEDURE

This procedure applies where employees would like to formally make a statutory flexible working request for a type of flexible working which is over and above that agreed generally by their service for say, remote working or TOIL. This will usually include the following types of flexible working:

- Part-time working
- Job sharing
- Compressed hours
- Term-time working
- Annualised hours
- Employment breaks

## 1.1 Before requesting flexible working options

Individuals wishing to request a change in the way they work will need to think about

- the type of flexible working they wish to ask for
- whether/ how it can be accommodated within their service or business area.
- If not, how further changes might work in practice;
- How they will provide a clear, justified case to support their request, particularly taking into account the potential grounds for refusal.

## 1.2 Making a request for flexible working

Following consideration to the kind of flexible working they would like to apply for and how it would work in practice, employees must fill out a Flexible Working Request Form and submit this to their line manager, whilst sending a copy to HR.

## 1.3 Considering a request for flexible working

Managers must make a decision in response to the request as soon as possible but no later than 1 month of the employee making the request. In order to be able to fully consider the request, the line manager must set up a meeting to discuss it.

The invitation to the meeting must be in writing, providing 5 working days' notice and employees must be given the opportunity to be accompanied by a work colleague or a trade union representative.

The meeting may include discussion on the following:

- The reason(s) that the employee wants the change
- the details of the request, how the employee sees it working in practice, and how any problems might be overcome

- any other options which might work, should the request be difficult to fulfill
- the impact on the service and team
- whether it is necessary to implement a trial period and for how long

Any agreement to the flexible working request will be made on a permanent basis, unless otherwise agreed.

Following the meeting, the line manager must consider the request in light of the benefits to the employee and the Council and any adverse impact on the service. Managers must be able to objectively justify their decision. Before declining requests for flexible working, managers should consult HR.

All request refusals must fall within one (or more) of the following grounds:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional employees
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

#### **1.4 Decision on Request for Flexible Working**

- Once a decision has been made by the line manager, they will be responsible for communicating the decision to the employee in writing.
- In the interests of being transparent and having open communication, it may be helpful to discuss the decision with the employee. Managers should keep a record of such meetings.
- Where the line manager agrees to the employee's request, or agrees it with modifications, the manager should discuss with the employee how and when the changes might best be implemented.
- In such cases when conveying the decision, line managers should confirm with the employee the new working pattern, and the date that the new arrangements take effect.
- Where the change will be implemented on a trial or fixed term basis, this should be made clear in the letter.
- The employee must also be made aware that the arrangement will be reviewed periodically, as part of the normal supervisory arrangements and the performance appraisal process to ensure it continues to meet personal and service needs, and that there are no health and safety or well-being concerns.

- Where the request is being rejected, the line manager must set out the reason(s) for the refusal from the list set out in section 7.4 above and the employee must be informed of the right of appeal.

## **1.5 Appeal**

- An appeal must be made in writing, within 10 working days of the date an employee receives written notice that their request had been rejected, or their arrangement is to be altered/reverted.
- Employees will need to set out the grounds for making the appeal and ensure that it is dated.
- The notice of appeal must be sent to the relevant Director (or the Corporate Director Governance if the Director of HR & OD was the decision maker), who will be responsible for considering and responding to the appeal in writing within 14 days of receipt of the appeal letter.
- For statutory requests, a meeting must be held with the individual to discuss their appeal. This meeting must take place within 14 days of receiving the appeal and the employee will be given an option of two dates. The employee has the right to be accompanied by a trade union representative or work colleague. The person considering the appeal will then have a further 14 days to inform the employee of the outcome of their appeal in writing.
- If the appeal is upheld, the person hearing the appeal will communicate the new working pattern and start date of the new arrangements to the individual and their line manager, and will notify the HR Service.
- There is no further right of appeal under any other council procedure including the grievance procedure.