
Flexible Working Policy and Procedure

September 2012

Introduction

Brent is committed to providing excellent, publicly accountable services that give real value for money and to improving customer service standards and satisfaction.

The way in which we deliver services is changing: our new ways of working in the Civic Centre and other buildings; the move to self service; greater emphasis on performance management; together with the changing needs and demands of the people we serve, require a fundamentally different approach to working and doing business. As a result, Brent will further encourage a culture of flexible working that benefits both staff and customers.

Brent actively supports staff at all levels of the organisation to maintain a healthy work-life balance. The Council's Flexible Working Policy is available to everyone who works at Brent and managers must ensure that it is implemented effectively and equitably. The policy has been reviewed and presented in a way that makes it easily accessible and managers are asked to actively promote it within their team(s) and encourage staff to consider the the options for working flexibly.

Our approach

In the future, our people will want and will need to work more flexibly, partly because our customers expect it and partly because, as a modern, hi-tech, high-performing Council, the technology will enable it.

Our business strategy encourages Brent's customers, partners and residents to do more business online. Using mobile and web technology, more of our services will become e-enabled. For most people, their initial point of contact with the Council will be online.

The move to the Civic Centre means that many staff will now be able to work remotely and in a way that better meets the needs of each service. With access to the Civic Centre from 6am to 10pm each day, staff members and their manager will be able to agree how best they can manage their own time to balance individual work-life needs. Desk sharing as well as routine home and mobile working will become more common, particularly as the Civic Centre will be unable to accommodate all staff at all times.

Our IT strategy supports this shift. Mobile technologies such as smartphones, data pens and tablets will allow staff in the field to access key customer data and complete transactions at the point of contact. As a result, staff will be more self sufficient and able to carry out tasks remotely.

Our people management strategy acknowledges the impact that flexible working will have on the relationship between employees and managers. Performance will be measured on

outcomes and results, not presence. And poor performers may have flexible working options amended or reduced. Line managers of staff subject to capability procedures will determine whether they have flexible working arrangements available to them.

Policy statement

Policy summary

Brent's Core Contract reflects the principles of flexible working as the norm.

Flexible working has implications for most staff on working times and where they work. Our flexible working policy is service led and in line with contractual and statutory requirements. It applies to full time and part time employees across all roles, divisions and locations. The policy:

1. Sets out new service expectations for flexible working practices across the Council
2. Supports the statutory right of eligible employees to apply for flexible working
3. Outlines to managers and employees how Brent will support and handle flexible working.

In introducing this policy, we aim to:

1. Continually improve the services we provide to our customers, both internally and externally
2. Change expectations from the public for services, both in how they are provided and the times at which they are available
3. Retain and motivate skilled and experienced employees
4. Increase productivity and service delivery across the organisation.

Due to the requirements of the different services and roles in Brent, employees in certain roles may be more limited in their ability to work flexibly. The degree of flexible working will be determined by the differing business requirements across the organisation.

This policy is non-contractual and may, subject to applicable legislation, be amended or withdrawn by Brent at any time. This policy replaces all previous forms of flexible working arrangements and options, except where staff have statutory rights. Flexi-time will no longer be available for staff at PO6 and above, but it will remain as an option for staff below this grade.

All flexible working arrangements agreed between an employee and their line manager are subject to annual review or more frequently subject to service demands. Arrangements may not revert back to previous terms and conditions without the express agreement of the Council.

An employee wishing to alter their working arrangement for a temporary period of time, for example, to provide care for a terminally ill relative, should discuss this with their line manager. Both the employee and line manager will work with their People and Development Advisor to accommodate a temporary flexible working arrangement wherever possible. This will be an informal arrangement, not covered by this policy.

Managing flexible working arrangements

Successful flexible working needs to be properly managed. It is based on agreed performance and outcomes between all parties involved so it is critical that the individual, their manager and team colleagues are all clear about how they will work with each other and support one another in making this happen.

Employees will need to adapt their ways of working to ensure that they can carry out their job effectively in the new working arrangement.

Line managers will be accountable for maintaining and improving performance levels and will support team members to manage their own working pattern and for dealing with under-performance in a timely and effective way. Further guidance is available on implementing flexible working arrangements.

Legislation

This policy is underpinned by the 2002 Employment Act which grants the statutory right for employees (agency workers are not eligible) with 26 weeks service to request flexible working if they:

- have or expect to have parental responsibility of a child aged 17 or under, or a disabled child under 18 (this includes biological parents, legal guardians, adoptive and foster parents and spouses, civil partners or partners of these, as long as they have parental responsibility for the child)
- are a carer who cares, or expects to be caring, for an adult who is a spouse, partner, civil partner or relative; or, who although not related to them, lives at the same address

Only one application can be made under the statutory provisions in any twelve-month period (12 months will be counted from the day the person responsible for approving the application receives it).

Brent will consider flexible working arrangements to support reasonable adjustments for disabled employees in accordance with the Equality Act 2010, including arrangements outside the scope of this policy where appropriate.

Definitions and general information

Employees

Brent recognises four categories of employees:

- **Mobile workers**, who spend the majority of their working time away from the office, delivering community-based services
- **Office-based workers**, who spend the majority of their working time in Council buildings including the new Civic Centre. The Council operates a policy of hot desking or location independent working, where employees do not have their own desks, but are allocated work space according to their needs
- **Non office-based workers**, who do not work in Council buildings, for example staff working in Brent's parks or day care centres
- **Flexible workers**, the majority of Brent employees, who (with appropriate guidance and IT support) can work from a range of locations including home. The Council does not expect any of its employees to work entirely from home

Flexible working

Flexible working involves variations to one or more of the following:

- Work location;
- Times and hours of work;
- Number of hours worked.

Line managers will work with their team to determine how services are provided, ensuring appropriate cover is put in place at the busiest periods during the day and will endeavour to accommodate individual preferences on start and finish times, providing it does not adversely impact on services provided. Line managers will retain the ultimate discretion, in line with business needs, in respect of when hours are worked.

The opening times of the Civic Centre are 6am to 10pm. As many employees do not have fixed working hours, they are able to manage their working time flexibly. It is likely that they will therefore work more hours on some days than others, for example, to deliver a piece of work. Employees will work with their managers to ensure that their contracted hours are managed, including where staff work a weekend as part of their normal working week.

Employees working six hours per day or more must take a lunch break of at least 30 minutes, up to a maximum of two hours. The break must not be taken at the beginning or end of the day to shorten the working day.

In addition, Brent also offers employees a range of flexible work options. These include but are not limited to:

Flexible remote working (working from home)

Home working is available to all employees for up to two days per week. Employees may need to alter the days they work from home in order to accommodate business needs. Employees working from home must complete the checklist which ensures that Health and Safety and insurance issues are complied with. Managers must make sure that employees have completed the checklist prior to home working arrangements being agreed.

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).

Job sharing

Job share is when a full-time equivalent role is shared between two people. Similar to part time, the two individuals 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. In either circumstance, the line manager and/or individual should discuss the option with their HR Advisor.

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.

Flexi-time

Flexi-time is a form of flexible working that allows employees to accumulate additional hours that can be exchanged for the equivalent amount of time off. Flexi-time can be accumulated across the 6:00 am to 10:00 pm working day and can be exchanged for up two working days per calendar month.

Individuals who have agreed flexi-time arrangements with their line manager are still required to attend pre-arranged work commitments such as meetings. Services must be maintained throughout the day.

Employees at grade PO6 and above are not entitled to flexi-time however may be entitled to TOIL where managers deem it appropriate.

Time off in Lieu (TOIL)

TOIL arrangements must be agreed in advance with line managers. TOIL must not exceed one day per month.

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. This option must be discussed and agreed at Assistant Director level and is likely to only be agreed in exceptional circumstances. An employee who is granted compressed hours is not entitled to Flexi-time.

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.

People and Development Advisors can provide advice on how a move to term-time working will affect entitlements.

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.

Employment breaks

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

Buying and selling annual leave

Employees, subject to the needs of the service and the service unit's budget, may buy additional annual leave or sell their annual leave where they foresee that they will not be able to use all their leave in that leave year or that they would value the increased income.

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. As flexible retirement is not cost neutral to Brent, it must not be detrimental to the interests of the Council. Brent's flexible retirement policy is currently subject to review.

Early retirement between the ages of 55 and 59, together with early payment of pension benefits is at the Council's discretion. However, employees can retire voluntarily at any point between the ages of 60 and 64 and choose to start drawing their pension immediately.

Flexible and early retirement can impact on the level of pension benefits. Advice and guidance should be sought from the Pensions Team in People Services (need to insert link).

Roles and responsibilities

Employees

Employees are required to adhere fully to the provisions set out in this policy and procedure and must ensure 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.

Employees must maintain an open and honest dialogue with their line manager to ensure that the arrangement continues to work effectively for the whole team.

Any significant change in circumstance must be notified to their line manager at the earliest opportunity.

Line managers

Line managers are required to apply this policy proactively, fairly and consistently within their teams to support Brent's culture of flexible and new ways of working and commitment to reduce reliance on office accommodation.

Line managers are responsible for considering statutory and formal requests for flexible working.

Directors, Assistant Directors and service heads

Directors, ADs and service heads are required to ensure that flexible working is used to its full potential and used fairly and consistently across the Council and to promote this policy in full.

People and Development

The People and Development Team can advise on this policy and its implementation. The Assistant Director People and Development is responsible for considering appeals where the decision maker was the Director.

Trades unions

The role of the trades unions is to represent the views and interests of their members on this policy and associated procedures, as a need arises, and to advise and represent individual members as appropriate.

Requesting flexible work patterns

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 and whether it can be accommodated within their service or business area. If not, they should consider how further changes might work in practice; they will need to be able to provide a clear, justified case to support their request, particularly taking into account the potential grounds for refusal. It is recommended that employees discuss a range of different options with their line manager.

If employees are unsure if they have the statutory right to apply for flexible working they should discuss with their line manager.

Making a request for flexible working

Following discussions with their line manager, employees should make a submission to their line manager in writing. Any arrangements may be changed in accordance with business needs.

Timescales

Where a request for flexible working is made, it must be considered by the line manager within 28 days and a decision made. An employee is entitled to representation if a meeting is convened to discuss the request. If the employee wishes to appeal against the manager's decision, they must do so within 14 days.

Considering a request for flexible working

Line managers must consider each request in accordance with the provisions of this policy and procedure. They should review the request with the individual, taking into account the impact on the service and team before making their decision

Managers can decline requests if the proposed working pattern is considered to be against the business interest or may prevent service or business objectives being met. For statutory requests refusal 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.

Managers must be able to objectively justify their decision. Before declining requests for flexible working, managers may wish to consult their People and Development Advisor.

As any agreed change under the statutory application process (and some non-statutory applications,) will in most cases represent a permanent variation to the employee's contract the manager must seriously consider whether the arrangement can be accommodated long term. Managers should carry out regular reviews to ensure that service demands are being met and that all staff are being treated equitably.

Requests for flexible working outcomes

The line manager will be responsible for communicating the decision to the employee.

Where a pattern of flexible working is agreed, line managers should confirm with the employee the new working pattern, the date that the new arrangements take effect, and any time limitations and additional review dates.

Where a request is refused, the reasons for refusal must be clearly set out in writing, and the individual must be informed of the right of appeal.

Any statutory request for flexible working that is accepted will constitute a contractual change to the employee's terms and conditions. All agreements are subject to annual review.

Agreed working arrangements will commence on the agreed date once confirmation of approval has been received in writing, and/or once appropriate arrangements are in place with regard to frequent remote working, or job share.

Where an approved request results in a permanent variation to the employee's contractual terms, the working arrangement will be reviewed on an annual basis as part of the performance appraisal process to ensure that they continue to meet personal and business needs, and that there are no health and safety or well-being concerns.

Permanent variations may revert at the request of the employee if the business needs can accommodate the reversion (or an agreeable alteration) or at the request of the Council if service needs require.

Appeals

An appeal must be made in writing, within 14 days of the date an employee receives written notice that their request had been rejected, or their arrangement is to be altered/reverted. They 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 employee's line manager's manager (or the Assistant Director People and Development if the Director 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 liaise with the original decision maker who will communicate the new working pattern and start date of the new arrangements to the individual and their line manager, and notify People and Development.

There is no further right of appeal under any Council procedure.