



St. Helens
Council

Policy and Procedure Relating to Flexible Working Applications

Human Resources Service
Town Hall
Victoria Square
St Helens
Merseyside
WA10 1HP
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1.0 Scope

This Policy and Procedure applies to all employees of St Helens Council.

The purpose of this policy is to inform employees of their statutory and contractual rights in relation to the right to request flexible working. The policy also provides relevant information relating to the process to be followed in connection with applications for flexible working.

A request for flexible working comes about when an individual wishes to vary their current contractual work pattern. For example, this can include, but is not limited to, part time working, a reduction in hours or days and term time only working. This should not be confused with agile working, which is a management led initiative concerned with where and how an employee carries out their duties.

2.0 Policy

Whilst the legal right to request flexible working is only available to employees with more than one year's service, applications will be considered from any employee regardless of length of service. The legal right is to 'request' flexible working and managers are obliged to consider any application whilst also considering Service need.

All requests for flexible working will be dealt with in accordance with the ACAS Code of Practice.

Only one application per year can be made, and accepted applications will generally mean a permanent change to the employee's terms and conditions of employment unless otherwise agreed between both parties. It is important that, before making an application, the employee gives careful consideration to which working arrangement they are requesting; any financial implications it might have on them in cases where the desired working arrangements will involve a drop in salary; and any effects it will have on the service and how these might be accommodated.

Whilst the law does not provide for a right of appeal, the Council recognises a right of appeal for employees as good practice, in line with ACAS guidance.

3.0 Procedure

3.1 Submission of a Flexible Working Application

The formal procedure to request any form of flexible working is detailed below. The onus is on the employee to make a considered application in writing, using the application form at appendix 1. The completed application form should be submitted to the employee's line manager.

3.2 Management Response Upon Receipt of a Flexible Working Application

Normally within **28 days** of receiving the request, the Manager must arrange to meet with the employee. This provides the Manager and the employee with the opportunity to explore the proposed working arrangement in depth, and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working arrangements should there be difficulties in accommodating the proposal outlined in the employee's application. The employee can, if they wish, be accompanied by a trade union representative or Council employee of his/her choice. **The Manager must consult with Human Resources before discussing the request with the employee.**

Normally within **10 days** of the date of the meeting, the Manager must write to the employee to either agree to a new working arrangement (which must clearly specify adjustments to working hours, days agreed and so forth) and start date; or to provide clear business grounds as to why the application cannot be accepted and the reason why the grounds apply in the circumstances, and set out the appeal procedure.

There are eight business reasons upon which an application can be refused. These are:

1. The burden of any additional costs is unacceptable to the organisation
2. An inability to reorganise work among existing staff
3. An inability to recruit additional staff
4. The employer considers the change will have a detrimental impact on quality
5. The employer considers the change would have a detrimental effect on the business' ability to meet customer demand
6. Detrimental impact on performance
7. There is insufficient work during the periods the employee proposes to work
8. Planned structural changes e.g. where there are plans to reorganise or change the business, and flexible working changes may not fit with these plans

3.3 Time Period for Full Consideration of an Application

All time periods can be extended where the Manager and the employee agree. Any extensions must be recorded in writing by the Manager and copied to the employee. However, it should be borne in mind that any request, including any appeal, must be dealt with within a maximum period of 3 months from receipt of the request, in accordance with the Employment Rights Act 1996 and associated Regulations.

3.4 Management Led Proposals Relating to Flexible Working Arrangements

Proposals from Managers to introduce any of the flexible working arrangements, where such changes affect large groups of staff, should be subject to consultation and Council approval via the normal decision-making mechanisms. All proposals to change working arrangements must be discussed and agreed with the Human Resources Section.

3.5 Right of Appeal

Where any disagreement arises over issues covered by this policy the employee has a right of appeal to the relevant Chief Officer. Any appeal should be submitted in writing within 10 working days of receipt of the flexible working decision letter.

The Chief Officer, or nominated officer, will hear the appeal normally within ten working days of receipt of the notification. The format of the appeal hearing can be found at appendix 2.

The written decision of the outcome of the appeal meeting should be delivered to the employee normally within ten working days of the meeting.

4.0 Further Information

Any questions relating to this Policy or Procedure, or further guidance on issues connected with Flexible Working applications, can be obtained from the HR Section.

5.0 Review of Policy and Procedure

This policy will be reviewed three years following implementation, or earlier in the event of further changes in legislation.

Date of Policy: January 2020

Appendix 1 – Flexible Working Application Form

SECTION 1 – PERSONAL DETAILS

Employee Name	
Employee Number	
Post Title	
Date of Application	
Current Working Hours/pattern E.g. Days/hours/times worked (use a separate sheet if required)	
Please state the hours and working pattern requested (use a separate sheet if required)	
Date this working pattern requested from	
Is this a request to change the working patterns permanently or on a temporary basis?	
If temporary, how long for?	

SECTION 2 – INFORMATION TO SUPPORT YOUR REQUEST FOR FLEXIBLE WORKING

Please state your reason for requesting flexible working (use a separate sheet if required):

Please state what effects, if any, you think this would have on your work, and how this might be dealt with (use a separate sheet if required):

Signed:	
Date:	

SECTION 3 – LINE/SERVICE MANAGER COMMENTS

You are required to meet the employee and discuss the application normally within 28 days. The employee may be accompanied by a trade union representative or work colleague. **You must consult your HR Support Officer prior to discussing the application with the employee, in order that your HR Support Officer can advise you on this matter.**

Please note that applications should only be declined on recognised business grounds i.e. operational or technical reasons related to the employee’s job. These reasons must be explained in writing to the employee normally within 10 days of the meeting taking place.

The application must be discussed with and signed by the Assistant Director/Chief Officer prior to responding to the employee.

I have met with the employee _____ on _____ and discussed the details of flexible working with the employee concerned.

I DO/DO NOT support the application.

If supported, what date are these arrangements to be implemented from?

_____ These arrangements are temporary/permanent.

If temporary, how long for? _____

Is this to be reviewed ? _____

Reasons for the decision _____

I am unable to support your original request but I am able to offer the following alternative pattern which we discussed and which you did/did not agree would be suitable for you.

This would be as follows:- _____

This has/has not been agreed.

If agreed, date these arrangements to be implemented from _____

These arrangements are temporary/permanent.

If temporary, how long for? _____

Is this to be reviewed? _____

If Yes, date to be reviewed? _____

Signed _____ Date _____

Print Name _____ Line Manager _____

SECTION 4 – HUMAN RESOURCES OFFICER COMMENTS

Comments

Name:	
Signed	
Date	

SECTION 5 – STRATEGIC DIRECTOR / DIRECTOR OF PUBLIC HEALTH / DEPUTY DIRECTOR / SENIOR ASSISTANT DIRECTOR / ASSISTANT DIRECTOR DECISION

Application APPROVED/REFUSED Date _____

Signature _____ Assistant Director/Chief Officer

Comments: _____

SECTION 6 - HUMAN RESOURCES RECORDS

Date Application received	
Adjustments to pay made	
Employee Notified	
Signed by HR Officer	
Comments	

Appendix 2 - Order Of Presentation At Appeal Hearing

1. Hearing Officer to outline purpose of the meeting and the background to appeal
2. Employee, or TU Representative, invited to indicate basis of appeal
3. Questions/Clarification from Hearing Officer / HR Adviser
4. Response from Manager
5. Questions/Clarification from Hearing Officer / HR Adviser
6. Summary by Manager
7. Summary by Employee / TU Representative
8. Consideration and decision by Hearing Officer
9. Hearing Officer advises both parties of the decision which will be confirmed in writing