



“An Excellent Authority”

Service Instruction
<<Flexible working>>

POD

Document Control

Description and Purpose

This document is intended to give guidance to Managers and employees who wish to apply for flexible working

Active date	Review date	Author	Editor	Publisher
Nov 2010	Nov 2011	A Cross	N Mernock	Magda Jordan
Permanent	<input checked="" type="checkbox"/>	Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
Old WLB booklet		Updated to reflect the flexible working e-mail address and the work of the panel	A Cross

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	<input checked="" type="checkbox"/>	June 2010	DAG	Public Folders

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
Policy		Work life balance policy	Committee services

Contact

Department	Email	Telephone ext.
POD	amandacross@merseyfire.gov.uk	4358

Target audience

All MFS	<input checked="" type="checkbox"/>	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Relevant legislation (if any)

Equalities Act 2010

Flexible Working

Introduction

The Authority is committed to improving the working lives of all employees regardless of age, disability, gender reassignment, family circumstance, marriage or civil partnership status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. It aims to help employees to achieve a balance between the demands of work and personal lifestyle.

Employees who are parents of children aged 16 and under (or disabled children under 18) have a statutory right to request to work flexibly. This right also extends to employees with caring responsibilities, or expects to have caring responsibilities for adults over 18. This includes adults who are a spouse, partner, civil partner or relative of the employee or an adult who lives at the same address and is cared for by the employee. This right does not extend to lodgers, boarders or tenants.

The Authority recognises that other employees may have other personal or individual needs, and has extended the statutory right to all employees who meet the eligibility criteria. This does not give an employee an automatic right to work flexibly and there will be circumstances when the Authority will be unable to meet a desired working pattern.

The Authority will not refuse a request for flexible working without giving sound business reasons in writing for doing so, details of the business reasons can be found later in this chapter.

Making a Request

Applications for flexible working arrangements will be sympathetically considered. Employees must discuss their application to work flexibly with their line manager before submitting a formal request; if confidentiality is required then contact may be made with the Diversity Team for advice. It may be helpful to discuss the impact on salary with the Pay and Pensions Team.

A formal request for Flexible Working must be submitted to the People and Organisational Development (POD) team on the Flexible Working Application Form (FW1) via e-mail to the Flexible Working mailbox or via post to:

Flexible Working Requests
Policy and Contracts Team – POD
Fire Service Headquarters
Bridle Road
L30 4 YD

The team will confirm receipt of the application. Employees must ensure that they read all supporting documentation before submitting a request. This form can be requested by emailing the Flexible working mailbox.

Each request will be dealt with individually, taking into account the employee's personal circumstances, the likely effects that the proposed changes to working hours or place of work

are likely to have on the Authority, the work of the employee's department and the impact on their colleagues.

It is useful for the employee to consider how any potentially negative impacts might be accommodated.

Agreeing to one employee's request will not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

It is recommended that the Flexible Working Application form (FW1) is submitted well in advance of the intended date of when the flexible working arrangement is to begin. The form must be fully completed and should include all relevant information about the flexible working pattern requested and reasons for the request.

Examples of Flexible Working

Some examples of flexible working include:

- **Changing the hours or times** that an employee works
- **Part-time working** – working less than basic full time hours.
- **Job-Share** – two or more people share a full-time job so that all the functions are divided and allocated between the employees. Each of them has a range of duties as in a full time job, but does that job at a different time than the other job sharing partners. Job sharing is essentially a partnership or collaboration between the job sharers and its success therefore depends on the partners working well together with co-operation between them.
- **Home working** – employees are allowed to work from home for all or part of their working hours. It involves work being carried out at home that would normally be done in the office and is suitable for work that requires sustained concentration away from interruptions. Permanent home working would necessitate in a risk assessment being conducted in the employee's home.
- **Compressed hours** – an employee works their normal contracted week however their work time is reallocated into fewer and longer blocks during the week.
- **Term time working/Part year working.** Term time working is an arrangement when employees have blocks of unpaid leave usually during school holidays. Part year working allows employees to have agreed blocks of time off. The most common arrangement for part year working and term time working allows for the annual salary to be reduced according to the amount of unpaid leave. This allows the same monthly rate to be received throughout the year. Annual leave and public holidays are allocated pro rata to hours worked.
- **Career/Sabbatical breaks** – employees are granted significant unpaid time off to undertake another activity. There is a separate SI to deal with this topic.

Flexible arrangements must comply with the law on working time. For further information or further clarification on any of the above please contact the POD department or your representative body.

Contractual Issues

Agreed flexible working arrangements may constitute a permanent change to the employee's terms and conditions of employment and the employee may not have an automatic right to alter or change back to their previous pattern of work.

When requesting a reduction to working hours and/or days, before submitting an application, employees are encouraged to consider any impact this change will have on some of their contractual terms and conditions of employment, such as:

- ~ **Salary** – e.g. any request for a reduction of hours will reduce the salary the employee receives pro-rata to the full time rate
- ~ **Holiday Entitlement & Flexi** – the holiday entitlement and flexi allowance for employees reducing their working hours will be pro-rated according to their contractual hours.
- ~ **Pension**

Any changes in salary will have an impact on pension contributions and pension entitlements. In accordance with Authority policy, the Authority urges individuals to seek independent financial advice when considering pension matters. There may also be an impact on the benefits an employee receives.

For operational employees who reduce or change their working pattern, an individual training plan will be agreed. This may include a request by the employer for the employee to agree to attend training on a day that will be outside of the agreed hours requested. When training takes place outside the hours normally worked and the employee agrees to the request time off in lieu will be granted. In all other circumstances arrangements will be made for training to take place within the employee's hours of work.

When a request is submitted from an employee there is no guarantee when accommodating a request that the employee will be able to return to their previous location.

Process

Applications are considered jointly by the Authority's Flexible Working Panel which is made up of representatives from other appropriate sections including POD, Equality and Diversity Team, Time and Resource Management and the Pay and Pensions team, along with the employee's line Manager if appropriate.

Where further information is required from the employee, for example, regarding the reason for the request or regarding the hours requested, a member of the Policy and Contracts team will arrange a meeting with the employee. The employee and his/her trade union representative will be invited to the meeting to discuss this matter with the Panel's representative.

The panel will discuss the practicalities of the requested working arrangements and consider suitable alternative arrangements.

The meeting with either the employee or the panel will be held within 14 days of receiving an application.

If the application can be accommodated as detailed in the application, the employee will be notified within 14 days of the panel meeting with details of their new working hours and salary. This will be a permanent change to their contract.

If the application can be accommodated but not as detailed in the application a further meeting will be arranged to be held with the employee and his/her representative within 28 days of the application being received. Within 14 days of this meeting the employee will be notified of the outcome

As a local agreement there may a trial period to check the suitability of the proposed working arrangement prior to the application being submitted. Advice can be sought from TRM or POD to establish whether a flexible working application is a suitable solution for an employee or whether a short term review of working hours is a more practicable response.

Refusing an Application

There may be circumstances where due to business and operational requirements the Authority is unable agree to a request.

In these circumstances the employee will be notified of these reasons in writing. However, the Authority will endeavour to ensure that any refusal will not come as a surprise and a meeting will be held with the employee to outline the reasons why the request cannot be accommodated.

There are eight business grounds on which the Authority may refuse a request for flexible working which include:

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing employees
- Inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Insufficiency of work during periods the employee proposes to work and
- Planned structural changes.

Appeals

Employees have the right of appeal against any decision about Flexible Working. A written appeal should be submitted to the Director of People and Organisational Development within 14 days of receiving the outcome detailing the grounds for making the appeal.

An appeal meeting will be organised within 14 days of receiving the appeal. The appeals process will adhere to the principals of the Authorities Grievance Procedure for the time being in place and as agreed between the Authority and the Representative bodies.

If an appeal is rejected, the employee will receive a written decision within 14 days of the appeal meeting. The letter will state the grounds for the decision and provide an explanation as to why the grounds for refusal apply in these circumstances.

The employee will not be able to make another formal request until 12 months after the date of their original application, unless there are exceptional circumstances.

Dealing with unresolved flexible working requests

There may be occasions where an employee feels that the application has not been dealt with to their satisfaction. Employees should try to sort out any problems with an application informally. For example, if a manager misses a deadline to respond to an employee's request, the employee may speak to the manager requesting that they deal with the application as quickly as possible to resolve the situation. If the situation is not resolved to the employee's satisfaction, they may refer to the Authority's grievance procedure.

Extension to Time Scales

In certain circumstances it may not be possible to deal with the employee's application or appeal to be available or for the employee to respond within the required time scales. In these situations the time scales may be extended by mutual agreement between the Authority and the employee.

Withdrawal of Application

An employee can withdraw their application at any time prior to any decision being reached by the Flexible Working panel and must be put in writing.

The request may be deemed to be withdrawn where the employee fails to attend a meeting more than twice without reasonable cause, or unreasonably refuses to provide information which can be used to assess the request. However, the Authority will be flexible where - on both occasions - the employee cannot attend due to unforeseen circumstances. The Authority will confirm in writing the withdrawal of the application. In these circumstances the employee may not submit a further application for another 12 months.