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Flexible Working - Policy and Procedure

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Purpose

The Council recognises that flexible working is essential to the successful transformation of the organisation's culture. Flexible working helps to increase employee motivation, reduce sickness absence, promote employee wellbeing and also serves to promote recruitment and retention to the Council.

The Council is committed to helping its employees achieve a positive work life balance that allows greater flexibility around when and how their contracted hours are worked.

The Council anticipates that employees will usually be expected to complete their role within their contracted hours. However, there will be circumstances where this is not possible or managers require additional work to be undertaken.

The Council's aim is to move away from traditional working practices by introducing working arrangements that are focussed, efficient, flexible and innovative in providing effective customer focussed services that meet the needs of the people of Leicestershire and through the application of this policy, we aspire to attract and retain a skilled and motivated workforce, deliver services and provide a work/life balance for employees.

Departmental Management Teams (DMTs) are responsible for driving the aims of this policy and promoting the cultural change required, monitoring and reporting the progress being made. In implementing this policy DMTs in partnership with HR

Services will be required to encourage managers to embrace change in order that they can challenge the necessity for office based working (across all grades) and establish the best working practices and working arrangements, which may include home and remote working;

This policy is designed to provide a council wide framework for managers to meet the needs of the service:

- By managing the working arrangements of employees;
- And;
- Enabling managers to make variations to working arrangements

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Scope

This policy applies to all employees of Leicestershire County Council employed on permanent and fixed term contracts under the following conditions of service:

- National Joint Council for Local Government Services;

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Principles

The Council's commitment to equality of opportunity will be observed at all times during the operation of this procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment and unrelated criminal conviction.

This will enable managers to:

- Provide leadership in managing and motivating their workforce in responding to the future needs of customers, internal services and service users in the most cost effective manner, by being creative and innovative in utilising the most appropriate contractual arrangements to maximise flexible working arrangements;
- Meet requests for flexible working from staff subject to the requirements of the role and needs of the service
- Establish the expectation that employees work effectively, efficiently and deliver outcomes on time;
- Structure working arrangements to reduce business mileage;
- Ensure that any additional hours worked are with the agreement of line managers.

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Roles and Responsibilities

Line managers	<ul style="list-style-type: none">• To establish and monitor working arrangements in accordance with the provisions of this policy and procedure.• To instruct the Employee Service Centre regarding any pay implications arising from
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	changes to working hours.
Employees	<ul style="list-style-type: none"> To ensure that they make up any shortfall in hours or recover TOIL hours. To discuss any requests for changes to working arrangements with the line manager
Employee Service Centre	<ul style="list-style-type: none"> To act as first point of contact to provide advice and guidance to managers and employees on the application of this policy and procedure. To make adjustments to pay as appropriate on instruction from the manager for any changes to working hours for a given month.
HR Services	To advise and support managers in the application of the Policy and Procedure.
Recognised Trade Unions	To advise employees who are trade union members on the application of this policy and procedure

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Flexible Working Arrangements

The following are flexible working arrangements that employees may consider appropriate to meet their personal requirements. Managers may also promote these arrangements to deliver effective services in a cost efficient manner:–

- Compressed Hours - the employee's normal weekly working hours are re-organised and worked within fewer days. More information is available on CIS [by following this link](#)
- Annualised Hours – may be used to accommodate an employee who wishes e.g. for child care reasons, to work term-time only. More information is available on CIS [by following this link](#)
- Job Sharing - a form of part-time working where two (or occasionally more) people share the responsibility for one job. More information is available on CIS [by following this link](#)
- Remote and Occasional Home Working. More information is available on CIS [by following this link](#)

The only constraints on working hours are the opening and closing times of establishments, service points etc and service delivery requirements. Managers will be responsible for establishing the best working practice and working arrangements. Whilst it is accepted that there may be service delivery commitments that do not easily allow for flexible working, managers should not put unnecessary constraints on working hours so that employees are able to work flexibly to meet their personal circumstances or ad hoc appointments etc as long as their monthly contractual hours are met i.e. longer/shorter working days.

Ad hoc commitments

As far as practicable managers should allow employees to meet personal commitments that fall within their working hours i.e. attending a school play, sports day, boiler breakdown. In most cases the commitment will mean that an employee is away from work for a short period during the day. These circumstances are covered in the [Leave Arrangements Policy under Planned or Unplanned Leave](#) and it is expected that an employee could make up the time lost. Where an employee is rostered to work, or there are less flexible working arrangements, the employee may

be able to arrange a “duty swap” with a colleague and agree the arrangement with the manager.

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Employee request for a temporary change to working hours

There are likely to be occasions when employees will require a temporary alteration to their working arrangements for a period of time i.e. to provide care to a child or adult due to illness or incapacity, personal development study or a temporary medical condition that does not fall under the provisions of the Equality Act etc

As far as possible, managers should seek to accommodate such requests.

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Employee request for a permanent change to working patterns

Individual employees may ask managers to give consideration to vary their working patterns on a permanent basis to meet their changed circumstances. Whilst managers are encouraged to try to accommodate such requests they will need to take into account the impact of the permanent change requested.

A trial period may be agreed to establish what impact the change will have.

Managers should be aware that some employees have a statutory right to request flexible working and a separate procedure exists for dealing with this type of request. The procedure and further information on Statutory Right to Request Flexible Working is available on CIS by [following this link](#).

When agreement on a permanent change has been reached, the manager should inform the ESC of the new working arrangements in order that the employee can be issued with a variation to contract by completing the appropriate eform on CIS.

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Management consideration of requests

Whilst it may not be possible to accommodate the working requirements of all employees, when a request is received, managers should wherever possible endeavour to accommodate the request. When considering a request managers should take the following before reaching a decision:

- The reason for the flexibility – by getting to know their employees managers should have an understanding of their lives and the issues that may require some element of flexibility such as childcare or other caring responsibilities
- The impact on the delivery of the service – managers will need to consider whether a request is likely to have a detrimental effect on the ability to continue to deliver a service effectively.

Managers should agree with the employee, in advance, how the time taken will be made up. The options are:

- adjusting working hours over an agreed period:
- using any hours that have been accrued due to a management request to work additional hours (TOIL);
- taking annual;

Or;

- unpaid leave

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Patterns of Work

Managers are responsible for establishing the most suitable working arrangements to meet customer demand. When determining patterns of work managers are encouraged to think creatively in order to meet the needs of the service and to facilitate flexible working requests from employees.

Managers may take account of:

- the times at which service cover must be provided;
- any periods of high or lower demand;
- minimum service cover requirements;
- opening times of an establishment;
- availability of support services and facilities such as ICT, catering, etc. (as applicable) and access to a manager/supervisor;

And;

- Requirements of employees, particularly due to child care or other caring responsibilities, to start work earlier or later start and flexible finishing times

Managers should consult with employees when setting working patterns and ensure that the patterns are clearly communicated in writing to all staff.

Management of workload

Whilst managers are responsible for the allocation and management of workloads and the setting, where required, of deadlines; employees should be empowered to manage their own workloads. As a result an employee may approach their line manager with a request to work additional hours and accrue TOIL in circumstances where a deadline cannot be met unless they work the additional time.

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Manager Initiated change

As working arrangements form part of an employee's contractual terms and conditions of employment, before any changes are made all employees affected by any proposed change must be consulted.

In circumstances where the proposed changes mean that an employee(s) working hours are being reduced or there are proposals of redundancies the [policy and procedure on Organisational Change](#) should be used.

When this is not the case then the [Variation to Contract process](#) should be followed:

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Monitoring and Review

All types of working arrangements will be subject to on-going monitoring and periodic review as part of the County Council's commitment to continuous improvement for the efficiency and effectiveness of service provision and delivery. Where working arrangements are found not to be effective or efficient it may become necessary to consult and negotiate changes with the employee(s) concerned.

Health and Safety

Employees and managers are jointly responsible for the successful operation of this policy and procedure. Managers are responsible for monitoring working

arrangements to ensure that they comply with the [Corporate Health Safety and Wellbeing Policy](#).

In addition managers are reminded that under the Working Time Regulations 1998, employees working more than 6 hours are entitled to receive a minimum 20 minute unpaid break, with the exception of employees under the age of 18 who should not work more than 4.5 hours without a 30 minute unpaid break, other than in certain exceptional circumstances set out in the Regulations. The regulations state that this break can be taken at any time during the employee's working day, but should not be at the beginning or end of their working day.

When determining breaks for employees, managers are encouraged to think creatively in order to meet the needs of the service and to facilitate requests from employees. Managers should not feel constrained by the traditional break times: an employee may, for example, prefer to take 3 x 20 minute breaks through the day instead of a 1 hour break at lunchtime.

More information on the Working Time Regulations is available on CIS [by following this link](#).

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Working Additional Hours/Overtime

Additional hours should only be worked in agreement with the line manager. Where this is agreed the arrangements explained below in relation to TOIL will usually apply. If agreed with the manager, payment may be made for working additional hours if the employee is eligible. For further information about payments for additional hours see ([Pay, Allowances and Benefits](#)). If an employee chooses to work additional hours without the agreement of their manager the time will be deemed to have been worked on a voluntary basis, unless a formal arrangement is in place to cover emergency situations, standby or call-outs.

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TOIL (Time Off In Lieu) Arrangements

In circumstances where an employee has agreed to work additional hours and take TOIL in recompense for the hours worked the following arrangements will apply:

1. Managers must ensure that, as far as is reasonably practicable TOIL is accommodated. Arrangements for taking TOIL must:
2. Be agreed between the employee and the manager;
3. Be taken as soon as possible after the additional hours have been worked, or within 12 weeks of the additional hours being worked, unless there has been prior agreement between the manager and employee to take the TOIL at specified time.
4. It is the responsibility of both the manager and the employee to ensure that TOIL does not accumulate to excessive levels e.g. more than 3 working days.
5. Where the employee can demonstrate that TOIL has been requested and no action has been taken to accommodate the request, or requests have been

refused, the employee has the right to payment for the hours worked. This request should be made in writing to the Service Manager.

6. Where the manager can demonstrate that an employee has not pursued a request for TOIL within 12 weeks of the additional hours being worked, the TOIL will be lost.
7. In circumstances where an employee on an annualised hours contract is asked to work additional hours outside the agreed pattern of working, the additional hours worked should be deducted from the employee's annual total not TOIL.

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