

## **Merthyr Tydfil County Borough Council Human Resources Department**



# **Flexible Working Policy**

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## 1.0 INTRODUCTION

Merthyr Tydfil County Borough Council recognises that a better work-life balance can improve employee motivation, performance and productivity and reduce stress. Therefore, the Council wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, further learning and other interests.

The Council is committed to agreeing any flexible working arrangements provided that the needs and objectives of both the Council and the employee can be met. The aim of this policy is to implement a system of flexible working which is applied consistently and fairly across the Council.

If an employee thinks that they may benefit from flexible working they are encouraged to have an informal discussion with their line manager in the first instance to talk about the options available.

## 2.0 SCOPE

This Policy applies to all Council employees (except school based staff for whom separate arrangements exist) irrespective of age, race, colour, religion/belief, disability, nationality, ethnic origin, gender, sexual orientation or marital status, domestic circumstances, social and employment status, gender reassignment, political affiliation or trade union membership.

All employees will be treated in a fair and equitable manner recognising any special needs of individuals where adjustments need to be made. No member of staff will suffer any form of discrimination, inequality, victimization, harassment or bullying as a result of implementing this policy.

## 3.0 LEGAL ELIGIBILITY

Following legislative changes which came into force on the 6<sup>th</sup> April 2024, the right to make a flexible working application has become a **day one right**. An employee can make two statutory flexible working requests in any 12-month period although they may still make additional requests without the statutory right.

Before June 2014 the right only applied to the parents of children under 17 or 18 in the case of parents of disabled children or to those caring for an adult. Now any eligible employee can apply to work flexibly for any reason.

## 4.0 WHAT IS FLEXIBLE WORKING

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be typical arrangements that employees will request but the Council recognises that there may be alternatives or a combination of options which are suitable to both the Council and the employee.

- Flexitime
- Part-time working
- Job-sharing
- Staggered hours
- Annualized hours

- Compressed hours
- Shift working
- Term time working
- Home-working
- Career break

## 5.0 TYPES OF FLEXIBLE WORKING

**Flexitime** – allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work an agreed number of hours during the accounting period.

**Part time working** – covers any arrangement where an employee is contracted to work fewer than the standard number of contracted hours per year for the type of work in question.

**Job-sharing** – is an arrangement where a full time post is divided into two part time roles. The two job holders then share the overall duties and responsibilities and provide cover for one another. The skills and the hours each employee wishes to work must be compatible and meet the needs of the Council.

**Staggered hours** – employees in the same work place have different start, break and finish times often as a way of covering longer opening hours.

**Annualised hours** – a system which calculates the hours an employee works over a whole year.

**Compressed hours** – employees work their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in pay. For example a five day week is compressed into four days or a 10 day fortnight into nine days.

**Shift working** – suitable for employees who work in services providing 24 hour cover.

**Term time working** – employees reduce their hours or take time off during the school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary is usually paid in 12 equal monthly instalments pro rata the number of school term weeks. The contract will usually specify that no annual holiday should be taken during term time.

**Home working** – is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The Council can consider home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement. Please refer to the Council's Agile and Homeworking Policy

**Career Break** – the employee has an extended period of time away from paid work, often with a guarantee of a return to the same or a similar job at the end of the career break.

## 6.0 THE NEEDS OF THE COUNCIL

The Council is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Request to work flexibly must be considered objectively. It does not provide an automatic right to work flexibly but managers must make every effort to accommodate an employee's request to change their working pattern. However, there may be occasions where it is not possible due to operational reasons for managers to agree to the requested work pattern.

Where a flexible working request is proposed the Council will need to take into account a number of criteria including (but not limited to) the following:

- The costs associated with the proposed arrangement.
- The effect on ability to meet customer demand.
- The effect of the proposed arrangement on other staff.
- The workload of the role.
- Details of the tasks specific to the role.
- The availability of staff resources.
- The impact on quality and/or performance.
- Whether there is sufficient work in the period(s) the employee proposed to work.
- Existing structure of the department.
- Planned structural changes.
- Whether it is a request for a reasonable adjustment related to a disability.
- Health and safety issues.

## **7.0 SUBMITTING A FLEXIBLE WORKING REQUEST**

The right to request flexible working legislation requires that employees must make their request in writing, setting out:

- The date of the application, the change to working conditions that they are seeking and when they would like the change to come into effect.
- If it is a statutory request and if they have made a previous application for flexible working and the date of that application.
- If they are making their request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.

If an application does not contain all of the required information the line manager must explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Employees should be aware that if the employer approves their application, the variation in contractual terms is a permanent one and the employee has no automatic right to change back to their previous pattern of work, unless the application seeks the variation for a specified time period only. A trial period may also be agreed.

## **8.0 RESPONDING TO A FLEXIBLE WORKING REQUEST**

Upon receiving a written request for flexible working the line manager will consider the proposed request, looking at the potential benefits and adverse effects to the employee and to the Council in implementing the proposed changes. The Council is now obliged to respond to flexible working requests within two months.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Where a request can, without further discussion, be approved as stated in the employee's application a meeting to discuss the request may not be necessary and the employee will be informed of the agreement to the request by a confirmation letter. This confirmation letter

needs to be sent within 28 calendar days of the Council receiving the request. The 28 day period may be extended with the agreement of both the employee and line manager.

Where the Council may wish to propose a modified version of the request, a meeting will be required to discuss these proposals further. At the meeting the employee, may if they wish, be accompanied by a recognised trade union representative or a work colleague.

A request cannot be rejected without the employer first meeting with the employee. All relevant information must be understood by both parties before a decision is made and will have only two months to consider and decide the outcome. The employee, may if they wish, be accompanied at the meeting by a recognised trade union representative or a work colleague.

If a meeting is to be arranged it will be held within 28 calendar days of the Council receiving the request, again the time limit may be extended with the agreement of both the employee and line manager. Consideration should be given to the request carefully looking at the benefits of the requested changes for the employee and the business and weighing these against any adverse business impact of implementing the changes. Employers are under no statutory obligation to grant a request to work flexibly if there will be a detrimental effect on the Council in doing so.

Having considered the changes the employee is requesting the employer must let the employee know their decision in writing within 14 calendar days of the meeting, to either:

- Accept the request and establish a start date and any other action;
- Confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly or if a trial period is implemented;
- Reject the request, setting out clear business reasons, how these apply to the application and a right of appeal.

Both the employee and the line manager are responsible for monitoring and evaluating the effectiveness of and continued quality of work and delivery of the objectives. If the line manager has any issues with this, they are entitled to modify or stop the continuation of the flexible working. Notice of 12 weeks will be given unless the continuation of the flexible working has an immediate impact on health and safety or significant impact on service delivery.

## **9.0 TRIALLING NEW WORKING ARRANGEMENTS**

There may be instances where the line manager is unsure whether the arrangements requested are sustainable in the business or about the possible impact on other employees' requests for flexible working and wants to agree flexible working arrangements for a temporary or trial period rather than rejecting the request.

Before embarking on a trial period, both the line manager and employee must agree to extend the statutory time limit for reaching a final decision under the Flexible Working Policy. The agreement must be made in writing. The written agreement should state the start and end date of the trial period (with the employer reserving the right to cut it short or lengthen if necessary) and the changes that have been agreed. The written agreement should also record that the employer reserves the right, at the end of the agreed trial period, to require the employee to revert back to his or her previous working arrangement.

Furthermore, to avoid misunderstanding, it is good practice to set review meetings where the line manager and employee can jointly discuss how the new arrangements are working and make any adjustments if necessary.

## **10.0 VARYING AN EMPLOYEE'S CONTRACT**

Where flexible working is agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment will be sent to the employee advising of the change to the employee's working pattern.

## **11.0 APPEAL PROCESS**

The employee has a right to appeal the decision if their request is refused or is only agreed in part.

The employee must lodge an appeal within 14 calendar days of receiving notification of the decision. This should be done in writing to the Head of Human Resources and clearly state the grounds on which they are appealing.

The appeal will be heard by a nominated senior manager within 14 calendar days. The employee will then be informed of the outcome to their appeal within 5 calendar days of the appeal meeting. The decision made at the appeal meeting is final and there is no further right of appeal.