

Meeting of:	CABINET
Date of Meeting:	10 DECEMBER 2024
Report Title:	FLEXIBLE WORKING POLICY
Report Owner / Corporate Director:	CHIEF OFFICER – LEGAL & REGULATORY SERVICES, HR & CORPORATE POLICY
Responsible Officer:	PAUL MILES GROUP MANAGER HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT
Policy Framework and Procedure Rules:	There is no effect upon the Policy Framework and Procedure Rules as a result of this report.
Executive Summary:	The purpose of this report is to seek approval of the revised Flexible Working Policy.

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval of the revised Flexible Working Policy, attached as **Appendix 1**.

2. Background

- 2.1 It is important that HR policies and procedures are reviewed periodically to ensure they reflect current employment legislation, best practice and support the HR Business Partner model.
- 2.2 The process for undertaking these reviews includes feedback from managers within each directorate and HR Business Partners and consultation with Trade Union representatives.

3. Current situation / proposal

- 3.1 In addition to updating the policy in terms of a consistent presentation and style, following changes to legislation, the main changes to the policy are:
- An increase in the number of requests that can be made within 12 months.
 - Eligibility is now from day one.

- No expectation for employee to explain impact of request on team and workload.
- Decisions to be made within 2 months

3.2 The application form has been updated to reflect the changes included at 3.1.

3.3 Trade Union representatives were consulted in relation to the review and have had sight of the updated policy. The Trade Union representatives confirmed their agreement to proceed with implementing the reviewed policy.

4. Equality implications (including Socio-economic Duty and Welsh Language)

4.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

5. Well-being of Future Generations implications and connection to Corporate Well-being Objectives

5.1 The well-being goals identified in the Act were considered in the preparation of this report and are not relevant at this time.

6. Climate Change Implications

6.1 There are no climate change implications arising from this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no safeguarding and corporate parent implications arising from this report.

8. Financial Implications

8.1 There are no financial implications as a result of this report.

9. Recommendation

9.1 It is recommended that Cabinet approves the revised Flexible Working Policy.

FLEXIBLE WORKING POLICY

SCOPE

This policy will apply to all employees of Bridgend County Borough Council except:

- **Those employed by Governing Bodies in educational establishments under delegated powers.**
- **Agency workers.**

<Date>

DOCUMENT CONTROL	
Document Title	Flexible Working Policy
Previous Publication Date	October 2015
DOCUMENT APPROVAL	
This document received approval from:	Date
Group Manager HR & OD	
Trade Unions	June 2024
Corporate Management Board	
Cabinet/Council	n/a
REVISION HISTORY	
Revision History	This policy provides an opportunity for all employees to request a change to their working arrangements. It set out the legislative rights of employees and how request should be dealt with.
June 2024	The revised policy reflects changes in legislation which includes an increase in the number of requests that can be made within 12 months, eligibility is now from day one, decision to be made within 2 months. An updated application form.

Contents

1. Introduction.....	6
2. General Principles.....	6
3. Making an application.....	6
4. Considering the application	7
5. Right of appeal	8
6. Right to be accompanied.....	8
7. Time limits	8
8. Roles and Responsibilities	9
9. Monitor and Review.....	9

1. Introduction

- 1.1. The Council recognises that all employees have the right to request a variation to their contract of employment so that they can work more flexibly and thereby achieve a better balance between their work commitments and home life which supports their health and wellbeing.
- 1.2 It will be the Council's policy to consider all flexible working requests and where possible find a solution that suits both the employee and service provision.
- 1.3 The information in this policy reflects the national schemes of conditions of employment and the law as amended by the Employment Rights Act 1996, the Children and Families Act 2014, Employment Relations (Flexible Working) Act 2023 and statutory regulations in respect of Flexible Working.

2. General Principles

- 2.1. The Council's procedures and practice on considering applications for flexible working will take regard of the following general principles.
 - An eligible employee can apply to work flexibly for any reason on day one of employment.
 - Employees are able to make two flexible working requests every 12 months. All requests will be determined on their merit at the time the request is made.
 - Requests to work flexibly will only be refused where there is a clear business reason.
 - Where more than one request to work flexibly is received from employees in the same team, the service will need to look closely at the impact the requests would have on service provision. This may mean that decisions are made in the order the requests are received.

3 Making an application

- 3.1 An application must be dated and made in writing, using the attached 'Flexible Working Application Form', to the relevant line manager.
- 3.2. Eligible employees will be able to request a change in the hours they work, a change to the times when they are required to work, a change to the days they work and to the place of work. This could include such working patterns as annualised hours, compressed hours, flexitime, term-time working, self-rostering, shift working, staggered hours and hybrid working.
- 3.3. The onus will be on the employee to make a considered application explaining:
 - That the application is made under the statutory right to request a flexible working pattern.
 - The flexible working pattern applied for and proposed commencement date, giving the Council reasonable time to consider the proposal and implement it.
 - Whether a previous application has been made and, if so, when it was made.

- 3.4. Where applicable, the employee should also state if they are making their request in relation to any of the protected characteristics identified in the Equality Act 2010. e.g. as a reasonable adjustment to a disability.
- 3.5. An accepted application will mean a permanent change to the employee's own terms and conditions of employment and as such the employee will not be able to automatically revert to the original working pattern unless otherwise agreed. The employee must make it clear in their application and subsequent discussions with the manager if they only wish to request flexible working for a defined period of time.

4 Considering the application

- 4.1 Upon receipt of an application to work flexibly, the relevant line manager will alert the Head of Service and if necessary, seek advice from the HR Business Partner. The line manager will be asked for detailed observations on the application and the reasonableness of the proposed working pattern.
- 4.2 All applications will be considered carefully and any benefits of the requested working arrangements for the employee and service will be weighed against any adverse business impact of implementing the change. Under no circumstances will individuals be discriminated against during the consideration of the application.
- 4.3 If the manager agrees to the details of the application, and the form is approved by the Head of Service, the employee will be informed in writing of the new working pattern. The letter will be issued by HR Lifecycle team.

If the manager is not in agreement with the details of the application, a meeting will be arranged, within 28 days of receipt of the application, with the employee, the line manager and if necessary, the HR Business Partner to explore the desired work pattern in depth and discuss how best it might be accommodated or consider other alternatives. The employee has the right to be accompanied at this meeting by a Trade Union representative or work colleague.

- 4.4 An application may only be refused on one or more of the following grounds:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the employer's business

- 4.5 If agreeable between manager and employee, a trial period could be used to explore whether a flexible working arrangement is suitable. This trial period should be no longer than 12 months and does not entitle the employee to any automatic right to continue with the arrangement following the trial period. The HR Lifecycle team will write to the employee to confirm the arrangements.

Prior to the end of the trial period, the manager will need to arrange a further meeting to consider whether the arrangement becomes permanent, or the employee reverts to their original working hours. The employee has the right to be accompanied at this meeting by a Trade Union representative or work colleague.

4.6 Within 7 calendar days of the date of the meeting the HR Lifecycle team will write to the employee, to either:

- confirm a new work pattern and a start date or
- confirm a compromise work pattern agreed at the meeting or
- Provide clear business grounds as to why the application cannot be agreed, the reasons why they apply in the circumstances and to set out the appeal procedure.

5 Right of appeal

5.1 The employee has the right of appeal where a request is not accepted. The employee has 7 calendar days in which to exercise their right of appeal from the date of the written notification.

5.2 The appeal must be made in writing, stating the grounds for the appeal.

5.3 Within 14 days of receipt of an appeal the Director, or nominated officer, and HR Business Partner will meet with the employee to consider the appeal.

5.4 The Director, or nominated officer, will inform the employee in writing of the decision within 7 calendar days of the appeal meeting and, if the appeal is refused, give sufficient reason as to why. There will be no further internal right of appeal.

6. Right to be accompanied

6.1. The employee will have the right to be accompanied at the original meeting and at the appeal by a work colleague or trade union representative if they so wish.

6.2. The employee and/ or representative will have the right to address the meeting, which will be conducted as informally as possible, and to ask questions of the line manager as appropriate.

7. Time limits

7.1. The statutory regulations on flexible working stipulate that a flexible working request must be decided on within two months of receipt of request. However, where there is good reason to extend the above time limits, e.g. to explore an alternative working pattern, this may be done with the employee's agreement and confirmed in writing.

7.2. Time limits will automatically be extended where the person who would ordinarily consider the application is absent, e.g. because of annual leave or sick leave, when the application is received. In instances of extended absence every effort will be made to ensure that any extension of time scales is not prolonged and unreasonable.

8. Roles and Responsibilities

8.1 Line Managers will:

- Foster a supportive work environment, operating in a fair and consistent manner
- Ensure understanding of the policy and employee rights.
- Signpost to relevant health and wellbeing resources where needed.

8.2 Employees will:

- Comply with this policy in a reasonable, constructive, and appropriate manner
- Maintain regular contact with managers so that they can provide appropriate advice and support when needed.

8.3 HR Business Partners will:

- Provide support and advice to managers on the application of this policy
- Review the policy
- Identify any learning and development needs as a result of the application of this policy.
- Signpost to relevant health and wellbeing resources where needed.

8.4 Trade Union Representatives will:

- Provide advice and support to employees as required.
- Contribute to the review of the policy.

9. Monitor and Review

- 9.1 This policy will be reviewed in accordance with the policy review timetable or sooner if there is a need, or due to any legislative changes.

FLEXIBLE WORKING APPLICATION FORM

Application made under the statutory right to request a flexible working pattern

1. Personal Details

Name:

Employee No:

Department:

Job Title:

2. Eligibility - I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet the eligibility criteria as follows:

I have not made two requests to work flexibly under this right during the last 12 months whilst working in this current post

*Yes/No

* Delete as appropriate

3. Please describe your current working pattern (days/ hours/ times worked):

4. Please describe the flexible working arrangement you are requesting.

Note: You can request a change in the hours you work, a change to the times you are required to work and to your place of work. An accepted application will mean a permanent change to your working arrangements/ terms and conditions of employment, unless otherwise agreed for a trial period up to a maximum of 12 months. **Please state if this request is being made in relation to any of the protected characteristics identified in the Equality Act 2010.**

(You may continue on a separate sheet if necessary)

I would like this working pattern to commence from:

Date:

Note: Please allow up to 2 months to consider your request before it can be implemented and possibly longer where difficulties arise.

Signed: (Employee)

Date:

Signed: (Head of Service)

Date:

Please give this application to your Head of Service for approval.