



Policy and Procedure for dealing with Requests for Flexible Working

1. Introduction.

The Council recognises that from April 2003, the Council has a legal duty to consider applications for flexible working from employees who are parents of young or disabled children. As an employer committed to equal opportunity and through this policy is seeking to offer working practices to all eligible individuals in order that they can continue employment by working flexibly.

2. Purpose of the Policy

The purpose of this document is to outline the procedure to be followed when an employee wishes to request flexible working in order that all employees making such requests are treated fairly and equitably by the Council.

3. Scope of the Policy

This policy applies to employees of the Council who have at least 26 weeks service and who have not submitted a request to work flexibly in the previous 12 calendar months (with the exception of employees of schools on delegated budgets and all staff employed on teachers conditions of service, for whom there are alternative procedures.) and will not discriminate on any level.

4. Eligibility

To be eligible to make a request for flexible working, employees must have responsibility as a parent for a child under the age of 6 years or for a disabled child under the age of 18 years. This will include the mother, father, adopter, guardian, or foster parent of the child in question or be either married to, or living with the partner of one of these individuals and living with the child. They can be of either sex but must have or expect to have, responsibility for the upbringing of the child and any application must be made for the purpose of caring for the child.

5. Procedure to be followed.

(i). Employee Request

An employee wishing to adopt a flexible working pattern is required to make a written request to their line manager. This written request should be as comprehensive as possible, and should include the following:

- Date of birth of the child concerned. (The employee should note that the line manager might wish to see an original birth certificate or other supporting evidence.)
- The desired working pattern, which should comply with any appropriate legislation e.g. The Working Time Directive, Health and Safety legislation etc.
- An explanation of any problems or adjustments that the line manager may have to consider in accommodating this request and how they can be met.
- Any additional costs that may arise as a result of this request e.g. equipment costs etc.

The line manager is required to advise the employee, in writing, within 28 calendar days of receiving the request that:

- The request has been approved and the date that the variation will become effective

Or

- The date a meeting will be held within this 28-day period to consider the request. The line manager is further required to advise the employee, in writing, within 14 calendar days of this meeting either that the request has been agreed and the date of the variation or sufficient reasons to explain why the request has been refused and the right of appeal.
- At this meeting the employee will present their request as fully as possible assisted by their representative in accordance with paragraph 5(iv).

(ii). Appeal Procedure.

If the employee wishes to appeal against the decision of the line manager to refuse the request for flexible working, this has to be sent to the Director of the employing department, in writing, setting out the grounds of appeal within 14 calendar days after receipt of the line managers decision.

The Director of the employing department or his representative will hold a meeting with the employee within 14 days of receipt of the appeal letter. Within 14 calendar days of the date of this meeting, the Director or his representative will notify the employee in writing that either:

- The employee's appeal has been upheld and the date that the contract variation is effective from

Or

- The employee's appeal has been dismissed, along with sufficient explanation as to why this decision has been reached.

(iii). **Timescales**

An employer and employee may agree to an extension of any of the timescales outlined in paragraphs 5.1 and 5.2. However, this confirmation must be recorded in writing, a copy sent to the employee, and clearly specify which period the extension refers to and the date on which the extension will end.

Where the line manager tasked with considering the application for flexible working, is away from work on annual leave or sick leave on the day the application is made, the timescales will commence on the day the individual returns to work or 28 days after the application is made, whichever is the sooner.

(iv). **Right to be accompanied.**

At all stages of this procedure, the employee has the right to be represented and accompanied by their trade union representative, friend or colleague of their choice. However, it is the employees representative to arrange their representation. If the employee's representative is not available on the date arranged for the meeting, an alternative date must be arranged as a matter of urgency, preferably taking into account the representatives availability.

(v). The line manager in consultation with the departmental personnel unit will consider that the employee has voluntarily withdrawn their application for flexible working if:

- The line manager has been notified by the employee either verbally or in writing that the employee is withdrawing the application
- Without reasonable cause, the employee failed to attend a meeting to discuss the application more than once
- Without reasonable cause, the employee refused to provide the line manager with the information required in order to assess whether the contract variation can be agreed to.

However in all cases the line manager will write and confirm the status of the application, unless the employee has provided written notification.

(vi). **Further information and advice**

Further information and advice on this policy and its application can be obtained from:

Human Resource Management Division, Corporate and Customer Services Department. Tel ext. 6287.

Personnel Unit, Housing and Social Services Department. Tel ext.7544

Personnel Unit, Lifelong Learning Department. Tel ext 8050

Personnel Unit, Environment and Regeneration Department. Tel ext 7166

This policy has been agreed with the Council's constituent trade unions. Any future amendments/ revisions will be subject to full consultation and agreement.

Signed.....Branch Secretary Unison

Date.....

Signed.....Trade Union Co-ordinator

Date.....

Signed.....Head of Human Resources

Date.....