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**LONDON BOROUGH OF HAMMERSMITH AND FULHAM**

**FLEXIBLE WORKING POLICY**

January 2015

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GRS HR Flexible Working Policy Combined V2 August 2013

FLEXIBLE WORKING POLICY

1. **INTRODUCTION**

1.1 LBHF is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.

These guidelines are designed to explain the provisions that are available for employees and the process that you should take when making an application to work flexibly.

* 1. This right to apply for flexible working is available to all employees who have been employed with Hammersmith and Fulham Council continuously for 26 weeks. You are entitled to make a request once in any 12 month period.

There is no automatic right to have your request granted, but the Council will consider your request fairly and reply to you properly. An application by an employee that is supported by extant legislation will take precedent over other applications.

* 1. You will need to submit a written request for flexible working in which you describe the impact of the change in your working pattern on the service and your colleagues and set out how you think this can be dealt with. As flexible working is not an automatic right, the onus is on you to ensure that your application is well thought out and presented to your manager. You should specify clearly what changes are sought to your current working pattern and how this can be accommodated.
  2. You will need to bear in mind that the new working pattern, if agreed, will be a permanent change and you have no contractual or legislative right to revert to your previous working pattern, unless otherwise agreed. If you request a working pattern that will result in you working fewer hours, your pay will be   
     reduced accordingly.
  3. These guidelines state the process which should be followed by both employees and managers in this process. Where the service is unable to facilitate a change to your pattern of work, this will be explained to you accordingly in writing. Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.
  4. An employee who makes a request for flexible working will not be subjected to any detriment or lose any career development opportunities as a result. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the BT Shared Service Centre .

**2 LEGISLATION**

2.1 The Employment Rights Act 1996 (ERA) provides for an employee with 26 weeks service to be able to apply for flexible working once in a 12 month period to help care for a child who is 16 or younger or a disabled child aged under 18.

2.2 This provision applies to an employee who has responsibility for the upbringing of the child and who is, is married to or is the civil partner of, the mother, father, adoptive parent, guardian, special guardian or foster parent of the child.

2.3 Similarly, ERA provides for an employee with 26 weeks service to be able to apply for flexible working once in a 12 month period to help care for an adult in need of care.

2.4 This provision applies to an employee who is the spouse, civil partner or relative or who lives at the same address as the person in need of care.

2.5 This Policy is designed to help ensure that requests from such employees may be submitted and that such requests will be considered seriously in accordance with ERA.

2.6 It is anticipated that during the Children’s and Families Bill will have extended these provisions to all employees with 26 weeks service.

2.7 This Policy is designed to underline the Council’s commitment to developing work practices and policies that support work-life balance by extending the provisions of this Policy to all employees with over 26 weeks service with the proviso that at the point of application, the consideration of an application by an employee that is supported by extant legislation will take precedent over other applications.

**3 PROVISIONS AND BEST PRACTICE**

**3.1 Employee Provisions**

* To make an application to work flexibly.
* To have your application considered properly in accordance with the set procedure and refused only where there is a clear business ground for  
  doing so.
* To be accompanied by a colleague or trade union representative when  
  meeting the manager to discuss the application.
* Where an application is refused, to receive a written explanation detailing the reason why.
* To appeal against the manager’s decision to refuse an application.
  1. **Employee Best Practice**
* To provide a carefully thought out application request.
* To ensure you have confirmed you are eligible to apply and you have  
  enclosed any relevant information.
* To ensure the application is made well in advance (ideally at least two  
  months) of when you want the change to come into effect.
* If necessary, be prepared to be flexible to reach an agreement with your  
  manager.

**3.3 Employer Provisions**

* To properly consider an application in accordance with the set procedure.
* To refuse an application when the desired working pattern cannot be accommodated within the needs of the business.
* To seek the employee's agreement to extend the timescales for meetings
* where it is appropriate.
* To consider an application withdrawn in certain circumstances ( See Section 12)

**3.4 Employer Best Practice**

* To ensure time limits are adhered to regarding meeting deadlines contained within this procedure.
* To provide the employee with appropriate support and information during the course of the application
* To only decline a request where there is a recognised business ground and to explain to the employee in writing why it applies.
* To ensure that any variation with the procedure is agreed in advance with the employee.

**4 ELIGIBILITY**

4.1 If you have at least six months’ continuous service as an employee with the Council, you may apply to work a flexible arrangement. You may make one application within any 12 month period.

**5 EXAMPLES OF FLEXIBLE WORKING**

5.1 Flexible working arrangements generally fall into one or more of three main categories. The following paragraphs provide some examples of relevant flexible working arrangements.

**5.1.1 Category 1 - Changing the number of hours worked, eg.**

* Four day working week
* Job Sharing,
* Purchasing additional annual leave
* Flexible retirement

**5.1.2 Category 2 - Changing the time when hours are worked eg**

* Flexitime
* Term time working
* Compressed hours
* Shift working
* Annualised hours
* Staggered hours

**5.1.3 Category 3 - Changing the work location eg**

* Desk Sharing (Hot desking)
* Home working

5.2 Further information on each of these different types of flexible working is provided below.

**5.2 Category 1 - CHANGING THE NUMBER OF HOURS WORKED**

**5.2.1 Four Day Working Week**

5.2.1.1. An employee engaged in any part of the Council’s service may seek to reduce their standard working week from five days (36 hours) to four days (28.8 hours) per week for any reason.

5.2.1.2 The salary of an employee who commences a four day working week will be reduced commensurately and the revised salary will be paid over 12 months.

5.2.1.3 Similarly, the annual leave (and public holiday entitlement as necessary) and flexi scheme entitlements where appropriate of an employee working a four day week will be applied on a pro rata basis as will all other relevant terms and conditions.

5.2.1.4 A standard working pattern will be agreed prior to commencement so that the employee will attend work on the same four days each week.

5.2.1.5 **Appendix 2** provides indicative examples for the comparison of payment reductions as a result of taking up 4 day working.

5.2.1.6 An employee seeking to commence a Four Day Working Week should only do so on the understanding that this will become a permanent contractual arrangement.

5.2.1.7 However, an employee may seek to apply to revert to full time employment after 36 months. This will allow for the opportunity to be ‘passed on’ to other employees by management as personal circumstances change. If necessary, a further application to revert to full time working may be made annually.

5.2.1.8 Existing part time and job sharing employees may apply for a pro rata working week reduction.

**5.2.2 Job Sharing**

5.2.2.1 Job-sharing typically involves two people employed on a part-time basis, but working together to cover a full time post. They share the pay and benefits in proportion to the hours each works. For further information please refer to the Job Share policy.

**5.2.3 Purchase Additional Annual Leave**

5.2.3.1 An employee engaged in any part of the Councils service may seek to purchase up to 10 days additional annual leave entitlement within an annual leave period at 90% of gross salary per day.

NOTE1: Workers contracted as term time employees are not entitled to apply under this section of the scheme.

NOTE2: The restriction to apply once in any 12 month period does not apply in this instance.

5.2.3.2 The opportunity to purchase additional leave should be regarded as an annual opportunity rather than as a permanent arrangement. However, to accommodate future planning an employee may seek to purchase leave both for a current and/or the following leave year. Requests may be submitted at any time during the leave year, each year.

5.2.3.3 Additional annual leave, once purchased is subject to standard leave request and authorisation procedures. Additional leave must be used within the standard annual leave year ( ie only the standard five days maximum may be carried forward beyond 31 March in any year to be taken before 30 June).

5.2.3.4 Part time and job sharing employees may seek to purchase additional leave on a pro rata basis.

5.2.3.5 Payment for the purchase of additional annual leave will be deducted at source. For the purpose of this scheme, gross salary will include salary and salary related allowances such as honoraria payments or performance payments. Allowances for motor vehicle use, equipment, etc will not be regarded as gross salary.

5.2.3.6 It is a condition of the Scheme that the resultant salary deduction will be made at source on the pay date as soon as is practicable for the Council, following the date when each additional annual leave day is taken.

5.2.3.7 The salary in the pay period immediately following an additionally purchased leave day will be reduced according to the number of additional days leave purchased and taken.

5.2.3.8 This will have a resultant impact on salary and possibly on pension benefits. Therefore both financial and lifestyle implications should be carefully assessed. The purchase of additional annual leave will not be reflected in the description of an employee’s annual salary (eg for mortgage reference purposes).

**5.2.3.9 Appendix 3** provides indicative examples for the comparison of payment reductions as a result of purchasing additional annual leave.

5.2.3.10 Payments obtained through the purchase of additional leave days by employees will be regarded as Council resources rather than as departmental resources.

5.2.3.11 Requests should be considered on the basis that work activity can be covered through the use of existing resources at no additional cost.

5.2.3.12 It is the responsibility of the Manager to ensure that Payroll the BT Shared Service Centre is notified timeously of occasions when purchased annual leave is taken.

**5.2.4 Flexible Retirement**

5.2.4.1 Flexible retirement provides for employees from age 55 who wish to apply for early payment of their pension and to continue to work either reduced hours or in a lower graded position. Specific regulations apply and these are fully explained in the Council’s Flexible Retirement Policy

**5.3 Category 2 - CHANGING THE TIME WHEN HOURS ARE WORKED**

**5.3.1 Flexitime**

5.3.1.1 Flexitime allows an employee to select, within set limits, when to begin and end work each day. Employees are required to work during core times and must work an agreed number of hours during a 4 week accounting period. Individuals are paid for the hours that they work. For further information please refer to the Scheme for Flexible Working Hours

* + 1. **Term Time Working**
       1. An employee engaged in any part of the Council’s service may seek to work during the school year only. A Term Time Worker is not required to  
           work during the six main school holiday periods at February, Easter, Summer half term, Summer, October and Christmas / New Year as   
          recognised by LBHF.

* + - 1. An employee accepted for Term Time Working will continue to retain their entitlement to annual leave according to their grade and length of service. However, all annual leave will be required to be taken during the standard school holiday periods as determined by LBHF each year. In addition, up to 36 days unpaid leave will be allocated to ensure that term time employees are only required to work during term time.
      2. As annual leave entitlement increases according to grade or length of service, so the number of unpaid leave days required will be reduced. Annual leave entitlement plus unpaid leave will always equal the term time leave commitment each year.
      3. To minimise the impact on salary during the first year of term time working, employees should, ideally have a full year’s annual leave entitlement available at commencement.
      4. Part time employees seeking to commence Term Time Working will be eligible to do so on a pro rata basis.
      5. A Term Time Worker will receive their revised salary paid equally over a full year.
      6. An employee seeking to commence Term Time Working should only do so on the understanding that this will become a permanent contractual arrangement.
      7. However, a Term Time Worker may seek to apply to revert to standard working conditions after 36 months. If necessary, a further application to revert to standard working conditions may be made annually. This will allow for the opportunity for Term Time Working to be ‘passed on’ to other employees by management as personal circumstances change.
      8. An application for Term Time Working will only be accepted where it is agreed that normal work activity is capable of being covered during school holiday periods.
      9. Applications for Term Time Working will be considered within a service / unit in chronological order of receipt subject to paragraph 2.7 above.
      10. Temporary employees may seek to apply for Term Time Working provided that there are 12 months remaining in their employment contract from the scheduled date of commencement of Term Time Working.
      11. **Appendix 4** provides indicative examples for the comparison of payment reductions as a result of taking up term time employment
      12. Term Time Working will result in a contractual change to an employee’s terms and conditions of employment and should be considered as a permanent agreement. However, without guarantee, an employee may seek to revert after a minimum period of 36 months subject to opportunity and the agreement of departmental management.
      13. The working year and annual salary will be reduced by up to 36 days per year which will impact on a term time worker’s annual salary and pension benefits. Therefore both financial and lifestyle implications should be carefully assessed.
      14. To minimise the impact on salary during the first year of term time working, employees should, ideally have a full year’s annual leave entitlement available at commencement.
      15. Term Time Working, where agreed should be considered as a permanent change to the resources available to the service.
      16. Managers seeking to accede to a request for School Year Working should contact for advice on current schemes that may be available to cover specific work activities or periods.
    1. **Compressed hours**

5.3.3.1 Compressed hours allow individuals to work their total number of agreed hours over a shorter period. For example, employees might work their full weekly hours over four rather than five days. They would be paid for a full time job but would not receive overtime payments for the agreed extra hours they work in any one day.

* + 1. **Shift working**

**5.3.4.1** Shift working normally requires employees to work standard hours across a pattern of shifts that will span beyond a standard working day/week. Agreed flexible working arrangements may mean that a shift premium is not needed.

**5.3.5 Annualised Hours**

**5.3.5.1** Annualised hours occurs where an employee’s working time is organised on the basis of the number of hours to be worked over a year rather than a week; it is usually used to fit in with seasonal peaks and troughs of work.

**5.3.6 Staggered hours**

5.3.6.1 Staggered hours allow employees to start and finish their day at different   
times. Pay will depend on hours worked in total rather than the time at which they are worked.

**5.4 Category 3- CHANGING THE WORK LOCATION**

**5.4.1 Desk Sharing (Hot desking**)

5.4.1.1 Desk sharing or “hot desking” occurs when employees who spend time working away from their office base share desks with colleagues when they are in the office. For further information please refer to the Smart Working and ICT Guide.

5.4.1.2 Additionally, the Touchdown facilities (the Smart Space at Hammersmith Town Hall and Fulham Touchdown at Fulham Town Hall) have been designed as convenient areas for Smart Workers of all departments to use when nearby. You should discuss and agree with your manager how you could potentially make use of the spaces. The Touchdown Facilities are not permanent work spaces, but should be used when you do not have access to a workstation in your usual work area, or when mobile working.

**5.4.2 Home working**

**5.4.2.1** An employee may seek to work from home. Home working doesn't have to be on a full time basis and it may suit an employee to divide their time between home and office. The principles of health and safety management and information security that apply to staff based in a traditional work location are just as relevant to “home workers”. Work activities and roles in addition to the work station must be assessed for risk and all suitable “reasonably practicable” controls applied. For further information please refer to the Smart Working and ICT Guide, available on the intranet.

**6 APPLYING FOR FLEXIBLE WORKING**

6.1 The application is your opportunity to set out your desired working pattern and

your proposal as to how the Council could accommodate it. In order for your

application to be valid, you must comply with certain requirements. It is

recommended that you use the application form attached as Appendix 7. (Use Appendix 9 to request to purchase additional annual leave)

If you do not use the form attached as attached, your application must contain all the information required in the application form.

6.2 Your new working pattern, if agreed, will be a permanent change and you have no contractual or legislative right to revert to your previous working pattern, unless otherwise agreed.

6.3 You should allow plenty of time (ideally at least two months) between the date

of the application and the date you expect the flexible working arrangement to

start. This is to allow the manager time to look at the application and to assess whether or not it can be accommodated.

**7 CONSIDERING YOUR FLEXIBLE WORKING REQUEST**

7.1 Your manager will seriously consider your flexible working request with the aim of deciding whether the Council can accommodate the requested work pattern.

7.2 Your manager should acknowledge your request (using Exemplar Letter 1, Appendix 5). If your application is incomplete, and does not comply with all the requirements set out above, you will be asked to resubmit it and you will be informed that the request will not be considered until it is resubmitted.

7.3 Your manager should arrange to meet with you within 28 days of receiving your valid application.

7.4 Both you and your manager can agree to extend the time limits set out in this procedure. Your manager should record this agreement in writing, specifying the period to which the extension relates and the date on which the extension is to end. Your manager can use Exemplar Letter 2 in Appendix 5in order to seek your agreement to any time limit extension.

7.5 You have the right to be accompanied at this meeting by a work colleague or trade union representative. If you fail to attend the meeting more than once without a reasonable explanation, your manager can treat the application as withdrawn.

7.6 This meeting provides both parties with the opportunity to discuss the desired work pattern in depth and to consider if and how it can be accommodated. Both parties should be prepared to be flexible. If the original requested pattern cannot be accommodated, the meeting also provides an opportunity to see if an alternative working arrangement may be appropriate. It may also be in the interests of both parties to agree that the new working pattern will take place for an agreed trial period. In such instances Section D – Proposal Variation -of the application form should be completed

**7.7 Making the most of the meeting - the Manager should:-**

* Make a list or draft an agenda of the issues that should be discussed at

the meeting. If the manager believes that the request can be granted, the meeting can be an opportunity to discuss a suitable start date before

formally accepting the request.

* Inform the employee of anyone who will be present at the meeting.
* Liaise with Smart HR to be clear about the process and options.
* Familiarise themselves with the different types of flexible working.

**7.8 Making the most of the meeting – the Employee should**

* Be prepared to expand on any points within the application.
* Prepare to be flexible. Your manager may ask if there are any other working patterns you would be willing to consider, or if you would consider an alternative start date or a trial period.
* If you are taking trade union representation or a colleague along, make sure they are fully briefed on your request beforehand, and provide them with a copy of your application, and inform your manager that you will be accompanied. This will save time during the meeting.
* Familiarise yourself with these guidelines before the meeting.

**7.9 Criteria to be considered by your manager to establish whether the job is suitable for flexible working**

7.9.1 Your manager will need to consider various aspects of your job in order to determine whether it is suitable for flexible working. For example:

• Do you manage staff?

• Do you depend on others for advice or guidance?

• Do you have long or short term deadlines?

• Do you have control over workflow?

• Is the equipment needed to do your job only available in the workplace?

• Do you have to respond to customer demand immediately or is it longer term?

• How does most of your communication with customers take place i.e. mostly in  
 writing, on the phone or in person?

**8 NOTIFYING YOU THAT YOUR REQUEST HAS BEEN AGREED**

8.1 You manager must notify you of their decision within 14 days of the meeting to discuss the request. If your manager needs more time to consider the request, this must be agreed with you. Refer to Exemplar Letter 2 in Appendix 5.

8.2 If your manager accepts your request, you will receive written confirmation. Your manager can use Exemplar Letter 3 in Appendix 5to notify you of the agreement that:

* Details the new working pattern
* States the date on which it will start
* Ensures that the notice is dated
* States that the arrangement is a permanent change to terms

and conditions of employment (unless a trial period is introduced)

8.3 The manager should also:

* Complete the remainder of the application form
* Inform Smart HR of the new working pattern / hours by submitting the completed application form
* Check to see if salary payments need adjusted
* Check if all health and safety and information security requirements have been satisfied. (This might be particularly relevant when home working is agreed)
* Ensure that appropriate teams and colleagues are advised of the change as necessary

8.4 Where the agreed change is permanent, you may not revert back to your previous working pattern unless it is agreed with your manager.

**9 TRIAL PERIOD**

9.1 It may be that before committing to a permanent change, you and your manager will want to trial a change informally for a period of three months, with a monthly review and final decision after that.

9.2 The Manager should issue confirmation using Exemplar Letter 5 in Appendix 5 and also complete Appendix 8 to supplement the Application form as detailed above.

**10 NOTIFYING YOU THAT YOUR REQUEST HAS BEEN REFUSED**

10.1 Your manager must notify you of their decision within 14 days of the meeting to discuss the request.

10.2 If your manager decides that they cannot accommodate any kind of flexible working for you, you will receive Exemplar Letter 4 in Appendix 5which :

• States which of the listed business reasons apply as to why your request cannot be accepted.

• Provides an explanation of why the business reasons apply in your circumstances.

• Sets out the appeal procedure.

10.3 **On what grounds can an application be refused?**

10.3.1 A manager can reject a flexible working request on only a limited number of set grounds which are as follows:

• The burden of additional costs.

• A detrimental impact on quality.

• The inability to recruit additional staff.

• A detrimental impact on performance.

• The inability to reorganise work among existing staff.

• A detrimental effect on ability to meet customer demand.

• Lack of work during the period you propose to work.

• Planned structural changes.

In the written refusal of your flexible working request, your manager must explain sufficiently why the business ground applies in the circumstances.

**11 APPEAL AGAINST THE REFUSAL**

11.1 If you are dissatisfied with the decision reached by your manager, you are entitled to have the decision reviewed by a more senior manager, who must be third tier or above. You must make your appeal in writing to the within 14 days after the date you receive written notice that your request has been refused. When appealing against a refused request you should include your original flexible working request and the decision letter. You will have to set out the grounds for making the appeal and ensure that it is dated. There are no constraints under which you can appeal. It may be that you wish to bring to attention something that the manager may not have been aware of when they rejected the application. Or it may be to challenge a fact the manager has quoted to explain why the business reason applies.

11.2 The senior manager should call a hearing of the interested parties within 14 days after receiving notification you wish to appeal. You are entitled to be accompanied at the meeting by a trade union representative or colleague.

11.3 The manager who dealt with the flexible working application should submit a statement (which can be the original decision letter) 5 days in advance of the hearing to both you and the senior manager.

11.4 Management must inform the employee of the outcome of the appeal in writing within 14 days after the date of the meeting. If the appeal is upheld the written decision must:

• Include a description of the new working pattern.

• State the date from which the new working pattern is to take effect.

• Be dated.

11.5 If the appeal is dismissed, the written decision must:

• State the grounds for the decision. These will be appropriate to the employee’s grounds for making the appeal

• Provide an explanation as to why the grounds for refusal apply in the circumstances.

• Be dated.

11.6 A written notice of the appeal outcome constitutes the employer's final decision and is effectively the end of the formal procedure within the Council. You will not be able to make another formal request until 12 months after the date of your original application.

11.7 The Appeal Hearing Procedure is set out as **Appendix 6** to this procedure.

**12 EXCEPTIONS TO THE PROCEDURE AND WITHDRAWALS**

12.1 There may be occasions when your manager needs more time than these procedures allows in order to reach a decision. There are also situations where your manager may treat your application as withdrawn.

**12.2 Extension of time limits:**

12.2.1 There are two sets of circumstances where the time limits for giving decisions and raising appeals can be extended.

**12.2.1.1 Through agreement by the employer and the employee.**

* Your manager might need to extend time limits where, for example, s/he needs more time to consult with other staff or your manager agrees to a trial period to check the suitability of the proposed working arrangement.
* Any such extensions must be agreed in writing.
* Letter 2 attached **Appendix 5** may be used.
* The written record of the agreement must be:
* dated,
* sent to you,
* specify what period the extension relates to; and
* specify the date on which the extension is to end.

**12.2.1.2 Through absence**

12.2.1.2.1 An automatic extension applies where the individual who normally deals with the request is absent from work due to leave or illness. The extension lasts as long as the period of absence.

**12.3 Treating an application as withdrawn**

12.3.1 There are three circumstances where the manager can treat an application for flexible working as withdrawn:

12.3.2 The applicant unreasonably refuses to provide the information the manager needs to consider the application. The manager should confirm in writing the withdrawal of the application.

12.3.3 The applicant fails twice to attend a meeting to discuss the request (or a meeting to discuss an appeal) without reasonable cause. The manager should be flexible however if the applicant cannot attend due to unforeseen circumstances. The manager should confirm the withdrawal

of the application in writing.

12.3.4 The applicant decides to withdraw the application. This needs to be confirmed by the applicant in writing.

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| **APPENDIX 1**    ***London Borough of Hammersmith and Fulham***  ***Procedure for Handling Requests for Flexible Working***  **Application for Flexible Working Received**  **Within 28 Days**  **Hold a Meeting with the Employee to discuss the Application**  **Within 14 Days**  **Write to Employee providing formal**  **notice of decision**  **Consider 3 month**  **trial period**  **Request Refused**  **Within 14 Days**  **Employee may Submit an Appeal**  **REQUEST ACCEPTED**  **Within 14 Days**  **Senior Manager to Discuss Appeal with Employee**  **Within 14 Days**  **Write to Employee providing formal**  **notice of decision**  **Request Refused Completes Council Procedure** | | | | | | | | |  | | | | | |  | | | |  | |  | | |  |  | | |  | |
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| **APPENDIX 2**  **Reduction in Working Week from 5 to 4 Days**   |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Indicative Comparison of Salary Payments** (March 2013 Rates) | | | | | | | | | | |  |  |  |  |  |  |  |  |  |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | | **Grade** | **SP** | **annual rate** | | **annual net** | | **monthly net** | |  |  |  |  | |  |  | **£** |  | **£** |  | **£** |  |  |  |  |  | | Scale 3 | 17 |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 36 hours a week | | 20127 |  | 15384 |  | 1282 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 28.8 hours a week | | 16101 |  | 12924 |  | 1077 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | SO2 | 32 |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 36 hours a week | | 30345 |  | 22116 |  | 1843 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 28.8 hours a week | | 24276 |  | 18156 |  | 1513 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | PO5 | 44 |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 36 hours a week | | 40506 |  | 28464 |  | 2372 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 28.8 hours a week | | 32405 |  | 23268 |  | 1949 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | PO9 | 55 |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 36 hours a week | | 49920 |  | 35112 |  | 2926 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | | 28.8 hours a week | | 39936 |  | 28104 |  | 2342 |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  | |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | | **1 The information in this appendix is provided as a general comparison guide.**  **2 All calculations assume Tax code 810L, membership of pension scheme and**  **only deductions of tax, NI and pension contributions.**  **3 The reduction of working week from 5 to 4 days assumes a reduction in working hours**  **from 36 to 28.8 hours per week.** | | | | | | | | |  |  |  |  |  |  |  | |  |  |  |  |  |  |  | | **APPENDIX 3**  **Purchase of Additional Annual Leave (Per day)**   |  | | --- | | **Indicative Comparison of Salary Payments** (March 2013 Rates) | | | | | | |  | | | | | | | | | | | | | | | | | | | | |  | |  |  | | |  |  | |  | |
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| **Grade** | **SP** | **annual rate** | | | **monthly net** | | | **monthly net** | | | **after 1 days leave** | | | | |
|  |  | **£** | |  | **£** |  | | **90% cost** | |  | **deducted** | | | | |
|  |  |  | |  |  |  | | **£** | |  | **£** | | | | |
|  |  |  | |  |  |  | |  | |  |  | | |  | |
| Scale 3 | 17 | 20127 | |  | 1282 |  | | 69.5 | |  | 1234 | | |  | |
|  |  |  | |  |  |  | |  | |  |  | | |  | |
| SO2 | 32 | 30345 | |  | 1843 |  | | 104.75 | |  | 1748 | | |  | |
|  |  |  | |  |  |  | |  | |  |  | | |  | |
| PO5 | 44 | 40506 | |  | 2372 |  | | 139.82 | |  | 2275 | | |  | |
|  |  |  | |  |  |  | |  | |  |  | | |  | |
| PO9 | 55 | 49920 | |  | 2926 |  | | 172.32 | |  | 2792 | | |  | |

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| **1 The information in this appendix is provided as a general comparison guide.**  **2 All calculations assume Tax code 810L, membership of pension scheme and**  **only deductions of tax, NI and pension contributions.** | | | | |
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**APPENDIX 4**

**Term Time Employment**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Indicative Comparison of Salary Payments** (March 2013 Rates) | | | | | | | | | |
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| **Grade** | **SP** | **annual rate** | | **term time** | | **annual net** | | **monthly net** | |
|  |  | **£** |  | **weeks** |  | **£** |  | **£** |  |
|  |  |  |  |  |  |  |  |  |  |
| Scale 3 | 17 |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| all year round | | 20127 |  |  |  | 15384 |  | 1282 |  |
|  |  |  |  |  |  |  |  |  |  |
| term time | | 17525 |  | 45.4 |  | 13716 |  | 1143 |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| SO2 | 32 |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| all year round | | 30345 |  |  |  | 22116 |  | 1843 |  |
|  |  |  |  |  |  |  |  |  |  |
| term time | | 26655 |  | 45.8 |  | 19572 |  | 1631 |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| PO5 | 44 |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| all year round | | 40506 |  |  |  | 28464 |  | 2372 |  |
|  |  |  |  |  |  |  |  |  |  |
| term time | | 36046 |  | 46.4 |  | 25608 |  | 2134 |  |
|  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| PO9 | 55 |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |
| all year round | | 49920 |  |  |  | 35112 |  | 2926 |  |
|  |  |  |  |  |  |  |  |  |  |
| term time | | 44424 |  | 46.4 |  | 31116 |  | 2593 |  |
|  |  |  |  |  |  |  |  |  |  |

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| --- |
| **1 The information in this appendix is provided as a general comparison guide.**  **2 All calculations assume Tax code 810L, membership of pension scheme and**  **only deductions of tax, NI and pension contributions.**  **3 The change to term time only working from all year round assumes 39 weeks working**  **8 bank holidays and annual leave at 24 days for Scale 3, 26 days for SO2 and 29 days**  **for PO5 and 10.** |

**Appendix 5**

**Exemplar Letters**

**Exemplar 1: Acknowledgement of receipt of application/ meeting invitation**

(NB The meeting must be held within 28 days of receipt of the application)

Dear

I acknowledge receipt of your application dated ……………….. requesting a flexible working arrangement.

We are required to meet to discuss your application within 28 days and accordingly I should be obliged if you would meet with me as detailed below. You are welcome to bring a colleague or trade union representative to our meeting .

Yours sincerely

Manager etc

Date Time Location

**Exemplar 2: Notification seeking agreement to extend a timescale**

(Manager: Please issue in duplicate to the employee)

Dear

I write in connection with your application dated ……………….. requesting a flexible working arrangement.

I wish to extend the amount of time that the Policy allows to

**(Select one)**

• Arrange a meeting to discuss your application (28 days)

• Notify you of my decision regarding your application (14 days)

• Arrange a meeting to discuss your appeal (14 days)

• Notify you of my decision regarding your appeal (14 days)

The Policy allows for a time extension where this is agreed between the Manager and employee. I wish to extend the time limit to …… days. This means that I will have until

**(date)** to complete the necessary action. I need the extra time for the following reason:

If you agree to this extension, please countersign one copy of this letter and return it to me as soon as possible.

Yours sincerely

Manager etc

I agree to your request to extend the amount of time as detailed above.

Signed: Date:

**Exemplar 3: Letter confirming agreement to flexible working request**

(NB This must be issued within 14 days of meeting the employee and copied to SmartHR)

Dear:

I refer to your recent application for flexible working and to our subsequent meeting on (date).

**(Select one)**

* I am pleased to advise that I am able to agree to your request.
* I am unable to agree to your original request but am pleased to agree to the Proposal Variation as detailed in Section D of the application.

Accordingly, your revised working arrangement is…………………………………………

This arrangement will commence on…………………………………………………………

Please remember that this revised working arrangement will be regarded as a permanent change and that as a result, you have no right in policy or legislation to revert to your original working arrangement, unless otherwise agreed.

Please do not hesitate to contact me if you require further information or clarification.

Yours sincerely

Manager

**Exemplar 4: Letter advising employee that flexible working application has been refused.**

(NB This must be issued within 14 days of meeting the employee and copied to SmartHR)

Dear

I refer to your recent application for flexible working and to our subsequent meeting on (date).

I have carefully considered the content of your application along with the detail of our meeting **(and any alternative proposals suggested)** and have to advise you that it will not be possible to accommodate your request on the following business ground(s):

**(Select as appropriate)**

• The burden of additional costs.

• A detrimental impact on quality.

• The inability to recruit additional staff.

• A detrimental impact on performance.

• The inability to reorganise work among existing staff.

• A detrimental effect on ability to meet customer demand.

• Lack of work during the period you propose to work.

• Planned structural changes.

The ground(s) apply in these circumstances because:

**(NB Include details why any alternative arrangements discussed during the meeting are not acceptable)**

If you are unhappy with my decision you may appeal against it by writing to Debbie Morris, Bi Borough Director of Human Resources, within 14 days of this letter, setting out the grounds for your appeal. The Appeal Procedure is available in the Flexible Working Policy, Section 10.

Yours sincerely

Manager etc

**Exemplar Letter 5: Letter confirming trial period arrangements**

Dear

I refer to your recent application for flexible working and to our subsequent meeting on (date).

I am pleased to advise you that I am prepared to enter into an informal trial period regarding the above request for a period of three months.

Consequently your new working arrangement is (*enter details, effective date, and arrangements regarding equipment, health and safety, information security, etc*.)

As this is for a trial period I shall review the impact of the trial on a monthly basis on the following dates and should be obliged if you would meet with me on each of the dates.

Following the trial I shall make a decision regarding the suitability of maintaining

the flexible arrangement on a permanent basis and will write to you regarding the outcome.

In the meantime if you require further information or assistance please do not hesitate to contact me.

Yours sincerely

Manager, etc.

Review Date 1 Time

Review Date 2 Time

Review Date 3 Time

**Appendix 6**

**APPEAL HEARING PROCEDURE**

**1 Purpose**

1.1 The fundamental purpose of the hearing is to give the employee the opportunity to fully present his/her case.

**2 Chair’s Responsibilities**

2.1 The Chair of the hearing shall be responsible for the proper conduct of the hearing which shall be conducted on a formal basis and shall adjudicate on procedural issues relating to the conduct of the hearing. However, the Chair may not vary the order of the proceedings without the agreement of all the parties concerned at the hearing. The Chair should take any necessary action to ensure a fair and orderly hearing.

2.2 The Chair shall confine the business to the grounds of the hearing.

2.3 The Chair may ask questions or points of clarification at any time. Otherwise questions of the Chair shall be put to each party, after it has presented its case. A representative from Smart HR may attend the hearing as procedural advisor to the Chair.

2.4 The Chair will decide the outcome of the hearing after all evidence has been presented and the hearing draws to a close. There are no further internal proceedings.

**3 Process**

3.1 The Chair shall commence the proceedings by stating the reasons for the meeting being held and the outcome sought by the employee.

3.2 Either party may call witnesses as appropriate

3.3 The Chair will ask either side whether any witnesses are to be called. Any decision in relation to the postponement or adjournment of the hearing shall be made by the Chair.

3.4 The employee and/or representative shall present the employee's case, introducing witnesses as appropriate and allowing the management side an opportunity for questions after the employee's case has been completed.

3.5 The management representative shall reply to the employee's case introducing witnesses as appropriate and allowing the employee and/or representative to ask questions after the management presentation has been completed.

3.6 Material not previously circulated will only be admitted with the agreement of both parties.

**4 Summing up**

4.1 Neither party may introduce new matter in their summing up.

4.2 Both parties have the opportunity to sum up their cases. The employee or his/her representative shall have the right to sum up last.

**5 Representatives**

5.1 It is the responsibility of the parties concerned to arrange for the attendance of their representatives and witnesses. In the case of representatives / witnesses who are employees of the Council, time off with pay shall be granted to attend flexible working appeal hearings held in normal working hours. In the case where the meeting is held outside normal working hours, the employee, their representative and any witnesses called may claim overtime or flexitime as appropriate.

**6 Notification of Decision**

6.1 The Chair will consider all the written and verbal evidence presented and shall reach a decision after the Hearing has drawn to a conclusion.

6.2 The Chair will issue formal written notification of the outcome of the appeal to the employee within 14 days of the Hearing. Exemplar letter 3 or 4 as appropriate will form the basis of the notification.

## Appendix 7

London Borough of Hammersmith and Fulham

Application for Flexible Working

***A: EMPLOYMENT DETAILS***

|  |
| --- |
| **Name:**  **Department:**  **Section:**  **Job Title: Grade:**  **Employee Reference Number** |

|  |
| --- |
| **NB Employees seeking to purchase additional annual leave should complete Appendix 9** |

***B: FLEXIBLE WORKING PROPOSAL***

|  |
| --- |
| **Proposed start date of flexible working arrangement:**  **Current working pattern:** (Days/Hours/Times/Frequency)  **Proposed flexible working arrangement:** (Days/Hours/Times/Frequency)  **Why are you requesting this flexible working arrangement:**  (NB If you are making this request under the legislative rights detailed in  Section 2, please state so clearly and also detail your relationship to the child/adult.)  **Date of any previous application for flexible working:** |

***C: MANAGING THE FLEXIBLE WORKING PROPOSAL***

|  |
| --- |
| **How will you ensure the quality of your work is not affected by your proposed flexible working arrangement?**  **Are there any benefits that your team/department/the Council would gain from your proposed flexible working arrangement?**  **Do you envisage requiring any additional technology/resources?**  **What working practices will need to be changed in your workplace if your request is accepted?**  **Will you need to change your own working practices? If so, how?**  **What flexibility will you have if customer/business needs conflict with your proposed flexible working arrangement?**  Please continue any section on an additional page as necessary |
| **I confirm that I have read the flexible working policy and will adhere to the principles contained in the policy. I understand that if approved, this will constitute a permanent change to my terms and conditions.**  **Signed Date** |
| **For further information on flexible working, please call the BT Share Service Centre on . Email**  **When complete, please submit this form to your line manager.** |

***D: PROPOSAL VARIATION***

|  |
| --- |
| **Enter details of any variation to the Flexible Working Proposal in Section B that is agreed following the meeting between employee / manager.**  **Signed: Employee Date**  **Signed: Manager Date** |

*E: DECISION*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **LINE MANAGER TO COMPLETE (i), (ii) or (iii) below:**  **I have considered the application for additional flexible working detailed in Section B / D above.** (Delete as appropriate)   1. **I AGREE to the request for flexible working.**   **Agreed Commencement Date:**     1. **I AGREE to the request for flexible working for a trial period of 3 months. The arrangement will be reviewed on a monthly basis and again at the end of the trial period. This will ensure that we continue to meet service and team needs.**   **Agreed Commencement Date:**   |  |  | | --- | --- | | **1** |  | | **2** |  | | **3** |  |     **Review Dates**       1. **Having considered the above request for flexible working, I do not agree with this request. My reasons for this are as follows:** |
| **Signed: MANAGER Date** |

***F: FINANCIAL IMPLICATIONS (To be completed by Manager)***

|  |
| --- |
| 1. **What is the annual gross saving, if any, associated with this proposal:** 2. **Will back filling of all or part of the post be required?**   **If so, please provide details and annual costs.** |

***G: FINAL APPROVALS***

|  |
| --- |
| **EXECUTIVE DIRECTOR APPROVAL**  **Signed ……………………………………………………. Date …………………………**  **HR DIRECTOR APPROVAL**  **Signed ……………………………………………………. Date …………………………** |

|  |
| --- |
| **Manager:**  **When approved and fully signed, please send this form to the BT Shared Service Centre :-** |

**Appendix 8**

**TRIAL FLEXIBLE WORKING ARRANGEMENT**

**THREE MONTH REVIEW**

***A: EMPLOYMENT DETAILS***

|  |
| --- |
| **Name:**  **Department: Section:**  **Job Title: Grade:**  **Employee Reference Number** |

*B: TRIAL PERIOD FLEXIBLE ARRANGEMENT*

|  |
| --- |
| **Detail the flexible arrangement being trialled** |

***C: DECISION***

|  |
| --- |
| **LINE MANAGER:**  **I confirm that I have reviewed the trial flexible working arrangement with the above named on**  **Date 1…………………………, Date 2 …………………….., Date 3 ………………………..**  **and that as a result the request for the continuation of this flexible working arrangement is:**  **APPROVED DECLINED**  **Reason approved / declined:**  (If declined, please state effective date) |
| **Line Manager Signature Date** |
| **When complete, please send this form to:- BT Shared Service Centre** |

**Appendix 9**

**FLEXIBLE WORKING POLICY**

**APPLICATION TO**

**PURCHASE ADDITIONAL ANNUAL LEAVE**

***A: EMPLOYMENT DETAILS***

|  |
| --- |
| **Name:**  **Department: Section:**  **Job Title: Grade:**  **Employee Reference Number** |

***B: ADDITIONAL LEAVE DETAILS*** *(To be completed by employee)*

|  |
| --- |
| **Number of additional days requested:**  **When will the additional annual leave be taken?**  **Which annual leave year does this request apply to?**  **How many days additional leave have been purchased**  **for this annual leave year previously?** |
| I confirm that I have read the flexible working policy and will adhere to the principles contained in the policy***.***  **Signed ………………………………………………………….. Date …………………….** |

***B: DECISION (To be completed by Line Manager)***

|  |
| --- |
| **LINE MANAGER:**  I have discussed the request for the purchase of additional annual leave with the above named employee and consequently, the request is  **APPROVED DECLINED**  **My reasons for this are as follows:**  **(NB If approved the post may not be backfilled at cost)** |
| **Signed: MANAGER Date** |
| **Manager:**  **When approved and fully completed, please send this form to:- the BT Shared Service Centre** |