

FLEXIBLE WORKING TOOLKIT

GUIDANCE DOCUMENTS

The following documents are for guidance only and may be amended by SMBC from time to time. They are not, nor intended to be, incorporated into individual contracts of employment.

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TYPES AND BENEFITS OF FLEXIBLE WORKING ARRANGEMENTS

Flexible working covers a wide range of options offering the employee flexibility in arranging work-life balance.

The following list is not exhaustive and flexible working may involve one or more of the following working patterns.

JOB SHARING

Job sharing is an arrangement whereby two part time employees share the responsibilities of one position. For further information on job sharing in Schools please refer to [Job Sharing Guidance](#)

Benefits

It allows employees more time for caring responsibilities or other commitments.

Working regular and defined times, allows employees to make arrangements in his/her free time in advance.

Can allow an employee to ease into retirement (please note, however, there may be pension implications which would need to be considered).

The retention of trained and experienced employees.

The recruitment of skilled and knowledgeable people who are able to work reduced hours.

Two individuals may bring increased skills and expertise to the position.

Peak periods of demand can be covered by flexible hours when the two individuals work simultaneously.

Periods of absence such as sickness and annual leave can be covered.

PART TIME WORKING

Part time working is when an employee is contracted to work fewer than the standard number of contractual hours (i.e. 37 or 32.5).

There can be a wide variety of part time working patterns, i.e. later start/finish times, working mornings or afternoons only and working fewer days in the week.

Benefits

An employee can fit paid work around childcare and other commitments.

It can allow employees to become more accustomed to increased leisure time in the run up to retirement or to supplement a pension from another employer.

Periods of peak demand upon a service can be targeted.

It can be used to retain the skills of employees returning to work following a period of adoption, maternity or paternity leave.

ANNUALISED HOURS

Annualised hours is when an employee's contractual working hours are expressed as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.

Usually the hours are divided into rostered hours, which are set, and reserve hours, when the employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment is usually in 12 equal instalments.

Benefits

The set hours that an employee is rostered to work will usually be known well in advance offering the employee flexibility in arranging work/life balance.

Offers regular salary level throughout the year even though hours of work vary.

Particularly suitable where there are predictable fluctuations in activity level for different teams over different periods, or where the situation is less predictable but workload is likely to be heavy at points throughout the year and lighter at others.

It allows greater flexibility to match staffing to the demands of the service.

The working hours necessary to produce an effective customer relationship can be guaranteed.

Improved productivity.

A reduction in the cost of employing temporary and/or agency workers.

COMPRESSED HOURS

Compressed hours is a working pattern that allows employees to work their contractual hours over fewer working days. Usually a five day week is compressed into four and a half days or a 10 day fortnight into nine days.

Benefits

Extra time is freed up for the employee to spend time with dependants or pursue a hobby or further education.

Quieter periods of working can be used more effectively if the employee's time off is arranged to coincide with them

Cover can be extended beyond the normal hours of work.

TERM TIME WORKING

Term time working is a working pattern whereby an employee has a permanent contract but takes an unpaid leave of absence during the school holidays.

Salary is paid in 12 equal monthly instalments.

Benefits

The problem of finding childcare during school holidays is removed and the employee can spend more time with their children during this time.

It can offer a regular salary level throughout the year.

Recruitment and retention of individuals whose childcare responsibilities might otherwise keep them out of the employment market is possible.

VOLUNTARY REDUCED WORKING TIME

This is a working pattern where it is agreed that an employee will work reduced hours for a certain period of time, with a return to full time hours at the end of this period.

Salary, pension and holiday will be pro rated during this time.

Benefits

A temporary reduction in hours allows an employee to accommodate a specific event in his/her life e.g. a course of study or a relative's illness but allows the security of returning to a full time position.

An employee's skills are retained on a reduced basis at a point where they may otherwise have been lost completely.

HOME WORKING

Home working is where an employee carries out all or a proportion of their duties from home.

It may consist of the occasional, regular, individual or several days working at home

For Core-Council employees only - please refer to the [Home Based Working Policy](#).

The Right to Request Flexible Working Application Form

Note to Employee

This form should be used to make an application to work flexibly under the Council's Flexible Working Policy.

You should note that under the right it may take a number of weeks for a request to be considered and implemented and possibly longer where difficulties arise. You are required to submit your application to the appropriate person at least 3 months in advance of the date you wish the request to take effect.

It will help your manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing the form, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your manager (you are also advised to keep a copy for your own records). Your manager will then have 20 working days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

Note to Manager

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications seriously. You have 20 working days after the day you received this application in which to either agree to the request or arrange a meeting with your employee to discuss their request.

You should confirm receipt of this application using the template letter provided in the policy.

FORM FOR MAKING A REQUEST FOR FLEXIBLE WORKING		
Name of employee:		
Directorate/ Team :		
Employee Number		
<p>To be eligible to make a request for flexible working, you must have 26 weeks' continuous service with Solihull MBC. If you are uncertain whether or not you are eligible to make a request, please contact HR Adviser.</p> <p>You can make only one request in every 12-month period.</p>		
Start date with the Council:		
Date form submitted:		
Previous applications for flexible working		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?		
I wish to submit a request for flexible working as detailed below.		
Please provide the reason for your request for flexible working.		
Please set out your current hours of work and working pattern.		
Please set out the pattern of working or working arrangement that you are seeking.		
I would like the above change(s) to my working arrangement/ pattern to take effect on:		

Impact of the new working arrangement :

Please state the effects that you think the changes you are requesting will have on the Council's ability to run its services and on your department, your colleagues etc.

Accommodating the new working arrangement :

Please state how you think any such effects might be dealt with.

Once you have submitted a valid application for flexible working, your manager/ head teacher will contact you to arrange a meeting, which will take place within 20 days of the application being submitted, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.

It will help us to deal with your application if you provide as much information as you can about your desired working pattern. It is also important that you complete the questions about the effects that you think the changes you are requesting will have on the organisation and your colleagues.

Signed:

Date:

Guidance Document 3

Template Letter – Acknowledging Receipt of Flexible Working Request and Invitation to Meeting

Dear (Employee)

I am writing to confirm receipt of your flexible working request in accordance with the Council's policy (copy enclosed).

I would like to discuss this request with you to see how we might be able to accommodate your proposed working pattern and also to ensure that you are fully aware of all of the implications of changing your working arrangement.

I would like to meet with you on (date) at (time). The venue for the meeting will be (venue).

You have the right to be accompanied at the meeting by a recognised trade union representative (or a person approved by the Trade Union) or a nominated work colleague.

Following the meeting, a decision will be made on the feasibility of your request and the decision will be communicated to you in writing no later than 10 working days after the meeting.

The Council/ School will endeavour to grant your request for flexible working if it is at all possible to do so but we will also need to consider the effects of your proposals on the service area and your colleagues. It would be helpful therefore if you are willing at the meeting to discuss possible alternatives to the changes you have requested with a view to seeking a compromise arrangement that suits both parties if this is necessary.

In the event that your request is refused, you will be provided with the reason in writing.

Please could you confirm that you are able to attend this meeting or if not, to suggest an alternative time and date.

Yours sincerely

Manager / Head teacher

Template Letter – Extending Time Limit

Dear (Employee)

Following our meeting on (date and time) regarding your flexible working request, unfortunately I am unable to make a decision within the policy timescale of 10 working days.

This is because

(outline reason for delay).

I would therefore like to extend the time limit by a further 10 working days to (date).

If you are in agreement with the above, would you please confirm this to me in writing, within 5 working days.

Yours sincerely

Template Letter – Agreeing to an Employee’s flexible working request (Please note, this is for HR use only).

Dear (Employee)

Further to your meeting with xxxxxxxx to discuss your request for a change to your working arrangements, I am pleased to confirm that your request has been approved.

I can confirm that, with effect from (date) the terms of your employment contract will change. Your working pattern will be (details).

These new agreed terms represent a permanent variation to your contract of employment. Formal requests for flexible working cannot be made more frequently than once every 12 months so you may not make another request until [date].

Please sign the attached copy of this letter and return it to [name] to indicate your agreement to the changes detailed above within 10 working days.

Yours sincerely

Template Letter - Decline a Request for Flexible Working

Dear (Employee)

Further to your meeting with xxxxx to discuss your request for a change to your working arrangements.

Having given the matter thorough consideration I regret that I am unable to agree to your request. The reason(s) for this is/are set out below (**Note to manager: there may be one or more reasons for refusing the request and there must be additional detailed evidence to support the reason for declining the request**).

- Impose an unreasonable burden of additional costs on the Council/ School.
- Have a detrimental effect on the Council's/ School's ability to meet customer demands.
- Have a detrimental impact on quality.
- Have a detrimental impact on performance.
- Create unacceptable difficulties for the Council/ School as we have been unable to make arrangements to reorganise the work amongst other staff.
- Create unacceptable difficulties for the Council/ School due to an insufficiency of work during the periods you proposed to work.
- Be inappropriate due to planned structural changes.

You requested (**outline proposal**). Unfortunately, agreeing to this/these change/s would (**list the appropriate points and expand on them with evidence as necessary**):-

The reason why this is relevant to your application for flexible working is (**explain further why the employee's request is not workable**).

You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you must do so in writing within 10 working days of receipt of this letter to (name and job title). Your letter requesting an appeal hearing must set out the grounds on which you wish to appeal against the decision as outlined above.

Yours sincerely

Frequently Asked Questions

Q1) What is flexible working?

A1) Flexible working includes part time working, staggered hours, compressed working hours, job sharing, shift working, shift swapping, self-rostering, term time working, annualised hours..

Q2) To what extent should an employer consider a request to work on a job share basis?

A2) Employers should not dismiss any flexible working requests without due consideration. It is important that an employee may be able to claim discrimination. The employer should take reasonable steps to find a job share partner.

Q3) Do I have to give a reason for my request for flexible working?

Q3) Whilst it is not a statutory requirement to provide a reason, we continue to ask the question so that we can understand the employee's needs can assist us in suggesting a way in which those needs can be met and also ensures that we are not indirectly discriminating against employees

Q4) Can an employer turn down an application for flexible working if the employee's role involves managing staff?

A4) Employers should explore the possibility of flexible working whatever the job role

Q5) I have more than 26 weeks continuous local government service, but am a new employee to Solihull Council, can I apply for Flexible Working?

A5) No you must have worked for Solihull Council for 26 weeks.

Q6) Can I apply for flexible working to care for a relative who lives overseas?

A6) It is unlikely that this would be the best option to care for relatives living overseas. It would be more likely that an employee would request a block of paid/unpaid leave which would depend on service needs.

Q7) If a flexible working arrangement has a trial period how long should it last?

A7) It should be long enough for the employer to have a good idea as to whether the working pattern would be practicable and viable on a long term basis

Q8) If a job share arrangement is agreed, subject to recruitment to the job share partner post, can the decision be reversed, if recruitment isn't possible?

A8) If recruitment is not possible to the job share partner role, the flexible working application will be reviewed.

AGENDA FOR FLEXIBLE WORKING MEETING

- Prior to meeting the employee, the manager should consider whether any members of the team are looking for a change of hours which may help to accommodate the request for flexible working.
- If the employee attends without representation, check that employee agrees to proceed.
- Confirm details of the request (proposed effective date, number of hours, working pattern etc).
- Reassure employee that the Council/ School is keen to support flexible working and where possible will try to accommodate any requests for flexible working.
- Remind the employee that any change to hours would mean a permanent contractual change and that pay will be adjusted accordingly.
- Confirm that no other formal request can be submitted for 12 months (except in exceptional circumstances).
- Identify any ways in which the service would benefit from the proposed change.
- If the request may be difficult to accommodate (business reasons only) – discuss and explore options and/or alternatives.
- Consider whether a trial period would be appropriate.
- Discuss whether the employee would consider any alternative working patterns.
- Confirm that the decision will receive written notification within 10 working days.

Attitudes to flexible working

<p>Managers/ head teachers should remember:</p>	
<p>An employee's request to change his or her working hours does not mean a reduction in that person's commitment to the job or to the organisation.</p>	<p>The number of hours that someone works is not nearly so important as the quality of the work performed during those hours.</p>
<p>Evidence suggests that long working hours have a negative impact on employees' motivation, performance and wellbeing.</p>	<p>Evidence suggests that a long-hours culture and lack of flexibility can adversely affect an employer's ability to recruit and retain skilled staff.</p>
<p>Giving employees a reasonable degree of choice over their working hours and patterns is likely to bring substantial benefits to them in terms of their health, wellbeing, reduced stress levels and quality of work-life balance.</p>	<p>Giving employees a reasonable degree of choice over their working hours and patterns is likely to bring substantial benefits to the employer in terms of a more motivated, energetic, loyal and productive staff.</p>

Business Reasons to consider following a request to work flexibly

Any request to work flexibly must be considered objectively and the Council/ school can only refuse them if there are business reasons for doing so. These business reasons are set out in legislation and are:

- **The burden of any additional costs is unacceptable to the organisation**

In considering this, managers should reflect on the proposal's less obvious savings such as a reduction in overheads from homeworking arrangements or better coverage of service.

Solihull is a large employer and therefore it may be difficult to defend on the basis of cost, for example increased payroll costs.

- **An inability to reorganise work amongst existing staff.**

The Council/ school should consider the cost of recruiting additional staff against the potential cost of losing the existing member of staff making the request. Also consider talking to the team about any reorganisation of work where appropriate.

The employee may have particular skills or technical knowledge that other team members may not have and therefore may place unreasonable pressures on other staff if the request was granted. However the manager/ head teacher must consider what the implications would be if the employee chose to leave. This may create training and development opportunities for existing staff.

- **Inability to recruit additional staff.**

The manager should explore whether other colleagues would be happy to rearrange their working patterns to accommodate the request, or they may wish to try to recruit internally or externally to accommodate the proposed new working arrangements.

- **The change will have a detrimental impact on quality**

Managers should look carefully at the skills and potential of other employees when considering this reason. With training and development opportunities, many staff can acquire the new skills required.

- **The change would have a detrimental effect on the business' ability to meet customer demand.**

When considering the impact on the business of a flexible working arrangement, the manager/ head teacher could consider a trial arrangement for

a fixed period to see if it is sustainable over the longer term. Alternative working practices may also be considered.

- **Detrimental impact on performance**

Performance can mean of the individual, the team or the whole organisation. For example a request for homeworking may not be appropriate where team working is key to the delivery of a service or where a manager may need to ensure appropriate behaviours or working practices are observed amongst his/her staff.

- **There is insufficient work during periods the employee proposes to work.**

The manager would need to consider the likely impact on service delivery where the proposed working pattern sits outside of “normal working hours” e.g. the school day/ hours of a front line service, or where there is inadequate demand.

- **Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit in with these plans.**

If the manager has plans to make changes to the service then it would be good practice to share these with employees as it could help them to see opportunities through flexible working to make the business more effective.

Avoiding unlawful discrimination

In considering these business reasons the manager/ head teacher must be careful not to inadvertently discriminate against particular employees because of their protected characteristics’ such as where flexible working arrangements would be a reasonable adjustment for a disabled employee.

A manager/ head teacher should also be careful not to directly or indirectly discriminate against employees, for instance, when dealing with requests from employees with childcare responsibilities.

The Equality Act 2010 prohibits discrimination because of protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

A manager/ employer must ensure that part-time workers are treated consistently with other workers. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 make it unlawful to treat part-time workers worse in their contractual terms and conditions than comparable full time workers, unless treatment can be justified on objective grounds.

Source: Handling requests in a reasonable manner to work flexibly; An Acas guide.