

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.

Template letters for line managers to issue are available from your HR Advisor.

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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. They may work together part of the week, or not see each other by working different days. The manager will need to determine whether each person will be responsible for the position at different times, or if each one will be responsible for different tasks.

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 5-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.

More information can be found in the Term Time Only Guidance on the Intranet.

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.

HYBRID WORKING

We have a separate guidance document which sets out our approach to hybrid working. Hybrid working is already available for roles that have the flexibility to work from different locations and non-standard hours.

If we do not currently offer you hybrid working due to your role, but you would like to request it, you can make a request under this policy.

SCHOOLS

The Department of Education has produced some Guidance to specifically help teachers, schools and employers make arrangements for flexible working. Please see: [Flexible working in schools - GOV.UK](#) for more details and case studies.

Guidance Document 2

The Right to Request Flexible Working Application Form

FAIR PROCESSING NOTICE

All information supplied on this form may be held and used as detailed:

The form will be retained securely by the line manager and accessed by, and disclosed to, individuals only for the purposes of managing your request for flexible working. This may include being shared with Human Resources to ensure the process is correctly followed, and with members of the independent appeal panel (SMBC senior employees/school governors) should the matter be referred to an appeal meeting, or even to an Employment Tribunal and legal representatives should a case progress that far.

For further information about how we use your information please refer to the Council's/School's Data Protection Policy on the [Intranet](#) /School's [Extranet](#) and Privacy Statement on www.solihull.gov.uk

Note to Employee

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

You should note that under the right it may take several 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 2 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. 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. A decision will need to be notified to the employee within 10 working days of a meeting.

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

FORM FOR MAKING A REQUEST FOR FLEXIBLE WORKING		
Name of employee:		
Directorate/ School:		
Employee Number		
<p>To be eligible to make a request for flexible working, you must be an employee of 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 two requests in every 12-month period, unless there are exceptional circumstances.</p>		
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:		

Once you have submitted a valid application for flexible working, your manager/ Headteacher 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.

Signed:		Date:	
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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. It can also include flexibility over where someone works, whether that be from home or an alternative workplace.

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 and are required to consult with their employees, as a means of exploring the available options, before rejecting a flexible working request. 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 which 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.

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. Alternatively, a career break can be requested under the Council's/School's Career Break Scheme. Please also refer to the Carer's policy and options available for caring responsibilities.

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.

Q9) What should an employer do if it receives more than one statutory flexible working request at around the same time and cannot accommodate all of them?

A. The legislation does not specify any order of precedence in dealing with competing statutory flexible working requests. In general, therefore, the employer can deal with the requests in the way that best suits the needs of the service.

In deciding how to deal with competing requests, the manager should bear in mind the different legal obligations that apply when a request engages in issues of equality. To find a fair and workable solution when competing requests are made, the manager may wish to find a way of sharing whatever flexibility may be available. This could involve agreeing some sort of rotation whereby the employees take it in turns to work to their chosen pattern. Alternatively, it may be possible to agree a compromise in which the employer agrees changes that go some way towards meeting the requests made by a number of employees, even if no application is granted in full.

Please contact your HR Advisor for advice in these situations.

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 6 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>An employee's request to change their 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. A long-hours culture and lack of flexibility can adversely affect an employer's ability to recruit and retain skilled staff.</p>	<p>Flexible working options can also be attractive to employees and new recruits, especially as employee expectations change with regard to their jobs, careers and work-life balance, and demographic changes affect employees' needs to balance their job with other responsibilities such as caring.</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 wellbeing and quality of work-life balance. It allows employees to easier manage disability and long-term health conditions, as well as supporting their mental health and stress.</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 i.e. unacceptable to the organisation**

In considering this, managers should reflect on the proposal's less obvious savings such as a reduction in overheads from hybrid working 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/ Headteacher 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/ Headteacher 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. Consider how the request would affect performance and what evidence there is for this.

- **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, such as reorganisation or a restructure, 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/ Headteacher 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. Another example would be an employee asking not to work during certain days or times in order to accommodate religious requirements.

A manager/ Headteacher 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.

Consider other options

If the employee's request is not possible, there might be a way to find another option. Trying to find a compromise can help keep good working relationships and retain staff. For example:

- if you cannot make a change permanently, you could look at making the change for 6 months only.
- if you cannot have someone working part-time every week, you could investigate a fortnightly part-time work pattern.
- if you cannot make a change on all working days, you could look at making the change on some working days only.

It's a good idea to talk with the employee and:

- explain why the changes they initially requested cannot be made.
- listen to their reasons for requesting the change.
- suggest any other possible options.
- ask if they have any ideas for other options.

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

Other reading:

[GOV.UK - Flexible working](#)

[Acas – Making a flexible working request](#)

[Working Families](#)

[Working Forward Campaign](#)