

# Flexible Working Policy



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<b>Version</b>	<b>Date</b>	<b>Detail</b>	<b>Author</b>
1.0	26 January 2023	Revised to form separate policy from current Employee Leave Schemes & Flexible Working	Scott Davis
2.0	15 December 2023	Revision to section 4 to remove the requirement to have 26 weeks service prior to making a request. To reduce the time to respond to a request from 3 to 2 months. Update the section to include a mandatory meeting prior to making a decision. Revision to section 6 to update job title Revision to section 2 to update the scope of the policy.	Helen Alden

## 1. Purpose

This policy outlines Derbyshire County Council's approach to flexible working to enable managers to lead in a consistent way and provide clarity on the available flexible working options.

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## 2. Scope

This policy applies to all employees of Derbyshire County Council except those employed in schools where the Governing Board is the employer, who are covered by the relevant policies for schools. This policy also does not apply to teachers employed by the local authority and not attached to schools for which a separate policy is available.



### 3. Context for policy development

Aligned to the Council's People Strategy, our people ambition is to be an **employer of choice** and enable our people to be:

- committed and motivated, being proud to work for Derbyshire and valued for their contribution.
- high performing and engaged, being clear about how their role contributes to the organisation's success and having a voice to participate.
- empowered and challenged to lead at every level, to take opportunities, manage risk and learn from mistakes with regular feedback on their performance.
- valued and trusted to find the right solution based on their knowledge and that of our colleagues, our partners and our wider communities.
- energised to be responsible for their wellbeing and safety and that of their colleagues, supported to create enabling environments to succeed.

Our policy development work enables achievement of our people ambition.

#### Guiding Principles

- Our culture and associated working arrangements are built on **mutual trust**.
- Derbyshire County Council will support employees to adopt working arrangements that are **operationally viable** and enable us to **meet business/service needs**.
- The Council recognises the importance of **flexibility**, the need to reduce our **carbon footprint** and the importance of personal **wellbeing** in delivering its services to residents and communities. The Council must also ensure that it is able to continue to develop its workforce over time through the **mutual understanding, experience and resilient connections between people** which come from interaction in person.
- All working arrangements should be **agreed with an employee's line manager**.
- All employees are expected to work from a **safe** and **enabling** space (whether onsite or working remotely) and will have a **defined contractual work location**.
- All employees can access and work from **technology enabled workplaces** across the county, considering the most valuable, effective and efficient method of meeting when needed whilst also considering the development of our colleagues.
- All employees can **reside both within and outside** of Derbyshire (within the UK), but should be **visible and accessible both physically and virtually** to ensure we deliver the **best outcomes** for our residents and communities.

## 4. Flexible working arrangements

The Council promotes work life balance and seeks to support any employee who wishes to work flexibly but this has to be balanced against the needs of the service. If you wish to work flexibly you should initially discuss your request with your manager.

Every employee has a statutory right to ask to work flexibly. If you are making your request in relation to a reasonable adjustment under the Equality Act 2010, due to one or more protected characteristics you should state this on the form.

You are able to make two requests in a rolling 12 month period.

Each request will be considered on an individual basis. In considering your request your manager will need to weigh up the benefits to you and the Council against any adverse business impact of implementing the proposed changes.

The consideration process should be completed within 2 months of receipt of the application, but this time limit can be extended if the employee agrees.

### How do I apply to work flexibly?

After initially discussing your request with your manager you will need to formally submit this in writing to your manager.

All applications for flexible working will be dealt with as follows:

- Your manager will arrange to discuss your application with you as soon as is reasonably practicable. A meeting will be held between you and your manager within 28 days of receipt of your written request and you have the right to be accompanied by a work colleague or trade union representative. If you fail to attend the meeting or a rearranged meeting, your manager can consider your request as being withdrawn.
- Your manager will inform you in writing regarding the decision reached within 7 days of the discussion/meeting. If your request is accepted, or accepted with modifications, your manager will discuss with you any required modifications and how and when the changes might best be implemented.
- If your application is refused, the reasons for the decision will be given to you in writing and you have the right of appeal. Your request will be responded to within 2 months of you making the request.
- If your application to work flexibly is turned down, it could be due to one or more of the following reasons:
  - Additional costs to the Council

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- Detrimental effect to service delivery including quality of performance
  - Inability to re-organise work amongst existing employees
  - Inability to recruit additional employees
  - Detrimental effect on quality
  - Detrimental effect on performance
  - Insufficiency of work during the periods the employees proposes to work
  - Planned structural changes
- If you wish to appeal against the decision you should write to the next level of management within 7 days of receiving the notification that the application has been refused. You will receive a reply within 7 days, acknowledging the registering of your appeal which will take place as soon as practicable. There will be a minimum of 7 days' notice of the appeal date.
  - A departmental appeal hearing will be held, and the appeal decision will be provided to you in writing confirming the reasons for the decision within 7 days of the hearing. You have the right to be accompanied at the appeal hearing. If you fail to attend the appeal hearing or rearranged appeal, your request will be considered withdrawn.
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## 5. Flexible working options

There are a range of flexible working options available to employees. Where the flexible working arrangement results in a reduction of working hours, entitlement to annual leave, bank holiday entitlement and other leave scheme entitlements will be adjusted according.

### Part time working

Your hours of work are less than full time (37 hours per week).

### Annualised hours

The number of full time hours in a year is 1924 hours (37 hours per week x 52 weeks per year) which includes your entitlement to annual leave and the statutory bank holidays.

Changing to this method of working still requires you to work the hours stated in the contract, but these do not have to be worked in standard 37 hour week blocks, providing the number of contracted hours is not exceeded or under worked over the 12 month period.

This method of working could be suitable for you and the service if seasonal variations have an impact on your workload.

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## 6. Compressed working weeks/fortnights

This form of flexible working follows similar principles to annualised hours, in that your contracted hours still have to be worked, but they are worked over a shorter time period e.g. 4 days per week or 9 days per fortnight. The remaining day would therefore be a non-working day.

### Term time only

You work school term times only. This requires that your contract of employment will be varied from a 52 week contract to a 38 week contract, with your salary and annual leave entitlement being reduced accordingly. Your salary continues to be paid in 12 equal payments.

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## 7. Employee profiles

The Councils employee profiles, as outlined in the Working Arrangements Policy, are fixed-based, field-based, flexible or home-based employee.

Employee profiles are assigned to roles determined by the requirements of the role. Any request to change an employee profile would be considered according to the needs of the service and providing that the requirements of the role can be fulfilled.

Requests to adopt a home-based employee profile will be considered in conjunction with the Director of People and Organisational Change prior to Executive Director approval. Such requests will only be considered where there is a legal obligation to consider flexible working and/or aligned to the Equality Act, or where this supports a genuine business need.