



DOWN DISTRICT COUNCIL

FLEXIBLE WORKING ARRANGEMENTS

PROCEDURE



INVESTOR IN PEOPLE

1.0 Making an Application

- 1.1 An employee must put their request in writing to the Director of the Service¹ (or equivalent) by completing the standard application form (**Appendix I**), stating their relationship with the child/adult, the reason, the proposed effective date for the requested working arrangements; whether a previous application has been made and if so, when. The requested pattern of working hours, how they might be accommodated and the effect that they envisage this will have on the department/organisation should also be stipulated.
- 1.2 It is the responsibility of the employee to ensure he/she is fully appreciative of the implications of their application on his/her terms and conditions of employment.
- 1.3 Human Resources can advise on contractual implications and Payroll can advise employees on the impact a reduction in hours can have on their long-term benefits within the Superannuation Scheme.
- 1.4 Directors (and equivalent) should make their application to the Clerk and Chief Executive². Other persons reporting to the Clerk should apply to the Director of Corporate Services.
- 1.5 Any application by the Clerk and Chief Executive should be made to the Chair of the Policy and Resources Committee³.
- 1.6 An employee who has been unsuccessful in their application may reapply no sooner than 12 months from the notification of the outcome.
- 1.7 In the case of 2.2 of the Policy, an application should be made no later than the 14th day before the child's 16th (18th) birthday.

2.0 Considering the Application

- 2.1 The Designated Officer accompanied by a member of the Human Resources Team or other management representative, will meet with the employee to discuss the application within 28 days of the request being received. Employees have the right to be accompanied by a Down District Council work colleague or an accredited Trade Union representative at the meeting.
- 2.2 If an employee misses two meetings without reasonable cause, his/her application may be treated as withdrawn. It is important therefore that Human Resources is informed as soon as possible to explain why an employee is unable to attend a meeting.

¹ Hereafter referred to as the Designated Officer

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- 2.3 The following operational issues should be considered when deciding to apply for/offer an alternative pattern of work/refuse the application or refuse some or all of the requested arrangements:
- Burden of additional costs
 - Detrimental effect on ability to meet customer demands
 - Inability to reorganise work within available resources (without adversely affecting other employees)
 - Inability to recruit to absorb any shortfall in work
 - Detrimental impact on quality or performance
 - Insufficiency of work during periods the employee proposes to work
 - Planned structural changes.
 - Working Time Regulations regarding breaks, daily/weekly rest periods and the number of hours to be worked in the suggested periods etc.
- 2.4 The onus will be on the employee to demonstrate how the arrangement can be accommodated.
- 2.5 The Designated officer will confirm the decision, using **Appendix II** (following consultation with Human Resources and where necessary, other managers) to Human Resources within 5 days of the meeting with the employee; including effective date (where the request is granted) and reasons for decline (where the request is not granted).
- 2.6 The employee will be notified in writing of the decision, by Human Resources within 5 days of receiving the decision. If the request is granted, the variation and commencement date will be specified.
- 2.7 Notice of the decision must be given in writing within 14 days of the meeting with the employee.
- 2.8 Human Resources will forward the decision for noting to the Senior Management Team.
- 2.9 If the request is not granted, the notification will specify the reasons and the right of appeal. An employee wishing to appeal against the decision should do so using the form provided at **Appendix III**.
- 3.0 Appealing Against the Decision**
- 3.1 Employees have the right to appeal the Designated Officer's decision within 14 days of it being notified to them. This should be in writing to the Clerk and Chief Executive⁴, using the form provided at **Appendix III** and copied to Human Resources, setting out the grounds of appeal. The appeal meeting must be held within 14 days and written response issued within 14 days of the appeal.

⁴ Hereafter referred to as Appeal Chair

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- 3.2 Where the appellant is a Director or equivalent, any appeal will be heard by the Chair of the Policy and Resources Committee⁵.
- 3.3 In the case of an appeal by the Clerk and Chief Executive, this will be heard by the Chair of the Council.⁶
- 3.4 There is no further right of appeal.
- 3.5 If an employee misses two appeal meetings without reasonable cause, his/her application may be treated as withdrawn. It is important therefore that Human Resources is informed as soon as possible to explain why an employee is unable to attend a meeting.

4.0 Duration of Flexible Working Arrangements

- 4.1 Approval of an application will normally represent a **permanent** change to the employee's terms and conditions of employment and the employee forfeits his/her right to return to their previous working pattern/contract. This does not preclude individuals making further applications in accordance with the Flexible Working Arrangements Policy.
- 4.2 In extenuating circumstances however, consideration may be given to a variation for a specified time period only and/or for a trial period however, this cannot be guaranteed and is by agreement only.

5.0 Main Terms and Conditions of Employment

- 5.1 Employees will be advised in writing of revised terms and conditions of employment including any loss of entitlements or statutory rights.
- 5.2 Where applicable salary/wage will be paid pro-rata for the year in which any changes take effect, by the usual method of payment. In the event of leaving, the employee's final salary/wage will be adjusted to reflect any under/overpayments.
- 5.3 Annual and other forms of leave may be expressed in hours to accommodate variations in work patterns, or pro-rata to hours worked as necessary.
- 5.4 Where an employees' hours have reduced she/he will not be eligible to accrue time in lieu or receive overtime payments until the full time equivalent contracted hours per week have been worked.
- 5.5 Where a Term Time working arrangement is agreed, employees will be required to notify the Line Manager in writing annually of the school holiday dates on which they intend to take time off, as soon as these dates become available.
- 5.6 Employees availing of flexible working arrangements will be provided with the same opportunities for training and development as those working 'traditional' working patterns.

⁵ Hereafter referred to as Appeal Chair

⁶ Hereafter referred to as Appeal Chair

- 5.7 Employees will be expected to show flexibility where organisational needs require attendance (including training courses) during days/periods they would not usually work. (E.g. Bank Holiday working etc.)
- 5.8 Where the employee takes up another post within the Council, there will be no automatic entitlement to continue with the agreed working arrangement. They may be required to submit a further application for consideration.
- 6.0 Withdrawing a Flexible Working Application or Arrangement**
- 6.1 Employees wishing to withdraw an application for Flexible Working should do so using the form provided at **Appendix IV**. Once an application is withdrawn, other than in exceptional circumstances, another application **cannot** be made until 12 months has passed from the date of the original application.
- 6.2 Where 4.2 applies and an agreed temporary trial period is subsequently deemed to be not operationally satisfactory, the employee will be provided with 14 days written notice of termination of the temporary working arrangement and point 2.8 will apply. In such circumstances, an employee has a right of appeal in accordance with section 3 of this Procedure.

If at any stage there are any issues within the policy which are perceived by any party as conflicting with their rights, that party should raise a complaint through the Council's Grievance Procedure.