



**East Dunbartonshire Council**

**Flexible Working**

**Revised September 2014**

**Report: CST/082/14/AMC**  
**Appendix 15 – Flexible Working Policy**

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### **Monitoring and Review**

This policy will be reviewed in line with:

- Legislative Change
- Other external factors
- Feedback on the effectiveness of the policy
- Requests for review by Elected Members, Trade Unions and/or Management

### **Alternative Formats**

All Customer Services and Transformation Team policies and procedures can be found on The Hub.

The policy and procedure can also be made available (on request) in a variety of formats. These can be requested from the Customer Services and Transformation Team by contacting 0141 578 8471. Information will be made available in line with the Council Accessible Information Policy.

## 1.0 Introduction

The Children and Families Act 2014 made a number of changes to the Employment Rights Act (1996) in relation to flexible working.

- 1.1 Previously the act allowed for parents of children under 17 and parents of disabled children under 18 and some carers to apply for flexible working arrangements. As of 30<sup>th</sup> June 2014, the right to apply for flexible working arrangements has been extended to all employees (with service of more than 26 weeks as before).
- 1.2 This policy on flexible working will form part of a package which will assist employees seek a better work-life balance and form part of the Council's umbrella of work life balance policies.

## 2.0 Scope

- 2.1 The terms of the policy will apply to all employees of East Dunbartonshire Council.

## 3.0 The Right to Request Flexible Working

- 3.1 Where an employee has worked for 26 weeks, it is the duty of the employer to consider a request to work flexibly in a reasonable manner. in terms of :-
  - ⌚ Hours
  - ⌚ Times
  - ⌚ Where the employee is required to work (location)

## 4.1 The Criteria

- ⌚ Employee has been employed by the organisation for more than 26 weeks.
- ⌚ The employee will not have made a previous application for permanent flexible working in the last 12 months.

## 5.0 The Procedure

- 5.1 The initial onus will be on the employee to make a considered application in writing. They will only be able to make one application a year under the right and an accepted application will mean a **permanent** change to the employee's own terms and conditions of employment. It is important therefore that, before making an application, the employee gives careful consideration to the requested working pattern: any financial implication it might have on them in cases where the desired working pattern will involve a drop in salary; and any effect it will have on their employer's business and how these might be accommodated.

- 5.2 On receipt of a flexible working request, the employer will seek to arrange to discuss the application within 28 days.
- 5.3 Ordinarily a meeting between the employer and the employee will be arranged within 14 days after the application has been received to discuss it. In the event of any delay to having a discussion the employer will seek to keep the employee updated as to the delay.
- 5.4 The consideration of a flexible working application, including any appeal should take place within three months of the date of application. In a circumstance where an employer cannot deal with the request within the three month timescale, they may extend the time limit provided the employee agrees to the extension.

The employee may be accompanied to any discussion regarding their application for flexible working by a Trade Union Representative or a person of their choice. This right should be made available to the employee both before and on commencing the discussion.

- 5.5 A mutually agreeable meeting time should be arranged between employer and employee. If the employee does not attend the arranged meeting and also any subsequent rearranged one without reason, an employer may deem the application as withdrawn. The employer should ascertain and consider the reasons for the employee failing to attend both meetings before reaching any decision to close their application. In the case that an application is being withdrawn the employer must notify the employee of the decision.
- 5.6 An employer is not obligated to grant a request to work flexibly if it cannot be accommodated by the business on the grounds listed below at 6.3.
- 5.7 Having considered the changes the employee is requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, the employer must let the employee know their decision to: accept the request and establish a start date and any other action or confirm a compromise agreed at the discussion or reject the request, setting out clear business reasons, how these apply to the application and the appeals process.
- 5.8 In line with ACAS best practice, the employer will communicate the decision to the employee in writing and in the event of accepting the request setting out what changes will be made to the employee's terms and conditions. In the instance where an employer is unsure if the arrangements requested are sustainable a temporary or trial period of arrangements can be agreed between them and the employee rather than rejecting the request. This arrangement should be confirmed in writing and review points should be set so that employer and employee can jointly discuss how the new arrangements are working and make any adjustments necessary.

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## 6.0 Appeals Process

The employee will have the right to appeal the decision should they feel that the decision is unfair. The appeal should be made in writing within 14 days of receipt of the outcome letter to the relevant Director.

The decision of the Director will be final and there will be no further right of appeal.

## 7.0 Business Reasons

7.1 Flexible working is about investigating how tasks/work load can be completed and will involve initiative solutions to a changing labour market. The benefits to the organisation could include the following:-

- ① Increased staff retention
- ① Increased efficiency
- ① Reduced absenteeism
- ① Extended skill pool

7.2 The focus when considering a request for flexible working should be on managing outputs and maintaining the maximum level of service

7.3 Not all posts, situations duties or responsibilities are suitable for flexible working and an employer will be able to refuse requests where they have a clear and sustainable business reason. Reasons may include any of the following:-

- ① The burden of additional costs
- ① Detrimental effect on ability to meet customer demand
- ① An inability to reorganise work among existing staff
- ① An inability to recruit additional staff
- ① A detrimental impact on quality
- ① A detrimental impact on performance
- ① A detrimental impact on department
- ① Insufficient work during the periods the employee proposes to work
- ① Any planned structural changes
- ① The nature of the job and associated duties

## **8.0 Work Life Balance**

This policy will form part of the range of benefits to employees that will facilitate the Council's work-life balance objectives.

## **9.0 Related Policies**

- Worklife Balance Policy

## **10.0 Nationally and Locally Agreed Terms and Conditions**

This agreement complements existing Council decisions and nationally agreed terms and conditions of service and the entitlement of individual employees to seek enforcement of their rights within nationally and locally agreed terms and conditions of service.



## East Dunbartonshire Council

### FLEXIBLE WORKING

TO BE COMPLETED AT LEAST 3 MONTHS PRIOR TO ANTICIPATED START DATE

#### Department Details

Directorate:	Department :	Location:
Post Title:	Salary Grade:	
Employment Status: Proposed Effective Date:	Current Allowances:	Employee No:

#### Personal Details

Surname:	Forename(s):
Title:	
Address:	
Address:	
Address:	
Postcode:	Telephone:
National Insurance No:	Date of Birth:

**Part A – To be Completed by Employee**

Please state the work pattern you wish to adopt and the affect this will have on your duties.

**Signed:** .....

**Date:** .....

**Part B – To be Completed by Director**

Please state if you support this application, the affect this request will have on your service and how the request can be supported. If the request cannot be supported please state reasons.

**Signed:** .....

**Date:** .....



**Part C – To be Completed by Customer Services & Transformation**

**Signed:** .....

**Date:** .....