

Flexible Working Policy

Author Human Resources, Organisational Development and Transformation

Scope This policy applies to:

- employees of Manchester City Council.

This policy does not apply to:

- staff directly employed by schools, who make a request for Flexible Working.

Purpose The purpose of this policy is to set out flexible working arrangements.

Approval Personnel Committee April 2019

Review The policy will usually be reviewed every 3 years, but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

Document Control

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Description of change:

- Amended due to the implementation of Flexible Working (Amendment) Regulations 2023 which made the right to request flexible working a day-one right for all employees. Amended to add the anticipated changes to the law brought in by the Employment Relations (Flexible Working) Act 2023. Zero tolerance statement added. Clarity on status of career breaks with regard to LGPS members

Flexible Working Policy	1
Document Control.....	1
Revision History	2
1.Policy Aims	3
2.Equality	4
3.Legal Provision	4
4.Balancing Business and Individual Needs	5
5.Employer Led Initiatives.....	5
6.Flexible Working Options.....	6
Part-time working	6
Job sharing	6
Flexitime (Flexible Working Hours Scheme)	6
Staggered working hours	6
Compressed hours	7
Voluntary reduced working time	7
Occasional working from home	7
Home Working (Permanent).....	7
Career breaks/Sabbaticals	8
Flexible Retirement.....	8
Annualised/Seasonal Working.....	9
Term Time Working	9

Informal arrangements	9
Pension implications	9
7.Flexible Working Application Process	10
The Request	10
Considering Requests.....	10
The Decision	12
Appeal	12
Withdrawn Application	12
Timescales	13
Record Keeping	13

1. Policy Aims

Manchester City Council is committed to attracting, developing and retaining a world class workforce. It aims to deploy all the talent and experience available in the most flexible and efficient manner.

Flexible working is the adaptation of standard working arrangements with the aim of balancing the needs of both employer and individual. The Children and Families Act 2014 and the Flexible Working Regulations 2014 extended the right to request flexible working to all employees with 26 weeks service. The Flexible Working (Amendment) Regulations 2023 extended the right to all employees from day one of their employment.

In developing a flexible workforce the Council recognises the importance of supporting employees to balance their work and home life.

Providing that service delivery can be maintained, flexible working, when used effectively, delivers benefits to both employer and employees including:

Employer benefits:

- Improved productivity and overall efficiency
- Reduced absenteeism
- Effective use of office space with associated reduction in costs
- Lower carbon footprint due to reduced fuel and travel costs.

Employee benefits:

- Increased job satisfaction
- A better work-life balance, enabling people to better manage their personal commitments with work easier
- Allows employees to fulfil their caring responsibilities and be confident that support is available to work in different ways if needed
- Improved productivity
- Improved morale and motivation.

Flexible working can benefit services by matching their business needs with the way their employees may want to work. This may help employees achieve a better balance between work and home life.

2. Equality

Manchester City Council is committed to becoming a fair and inclusive employer with a workforce that is representative of the communities we serve. We have a zero tolerance approach to discrimination and [you can read more about this on the intranet](#).

3. Legal Provision

All employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly. An employee can make two statutory requests in a 12 month period, but only one can be live at any one time. A request is live until it is either:

- Decided by MCC
- Withdrawn by the employee (or treated as withdrawn because of a failure to attend two meetings – see section 7).
- Mutually agreed
- The statutory period to decide the request of two months ends (unless it has been extended with the agreement of both parties).

Office holders and agency workers do not have a statutory right to request flexible working.

4. Balancing Business and Individual Needs

In considering requests for flexible working managers must take account of individual needs and treat such requests reasonably, fairly and in accordance with relevant legislation and Council policies. However, both management and employees will need to be realistic, recognising that some flexible working options may not be appropriate for all roles.

5. Employer Led Initiatives

Where a flexible working arrangement is proposed, the Council will need to take into account a number of criteria including (but not limited to) the following:

- the benefits of the proposed arrangement on service delivery
- the cost of the proposed arrangement
- the effect of the proposed arrangement on other staff
- the level of supervision/management required
- the structure of the service area and staff resources
- other issues specific to the service area
- resourcing implications
- health and safety implications
- impact on individuals
- consideration of individual circumstances
- consideration of the timeline for implementation
- evaluation methods of the arrangements.

Where proposed arrangements are service wide, for example varying the provisions of the Flexible Working Hours Scheme, consultation with staff and the trade unions will need to take place and Equality Impact Assessments must be carried out on proposed changes.

6. Flexible Working Options

The policy includes the following options, but recognises that there may be other arrangements that can be accommodated:

Part-time working

Contracted to work fewer hours per week than full time, receiving a pro rata salary.

Job sharing

Job sharing is a form of part-time working where two employees share the responsibilities of one full-time position.

Typically, job-sharing works on a shared responsibility basis where the individuals both carry out all the duties of the job, simply picking up the work where the other one left off. The duties of the position are divided between the two individuals, with each being able to provide cover for the other where necessary.

Flexitime (Flexible Working Hours Scheme)

Flexitime enables employees to choose when they can start and finish work between set times during the working day. In line with the standard Corporate Flexitime Scheme, they are required to work during the agreed core hours unless otherwise agreed by their line manager in advance and must work the agreed number of hours during each 4 week accounting period.

Employees can carry over additional time accrued after every four week period. Any additional hours accrued over the normal limit, due to operational requirements/peak workloads, must be agreed in advance by management.

Generally, within the Council the majority of services operate a flexitime system whereby 7 hours may be carried over every 4 weeks. Provision of flexitime will be set out as per the corporate Flexible Hours Scheme, or by service specific arrangements where an agreed variation has been implemented.

Staggered working hours

Staggered working hours allow for start and finish times other than the normal business hours. The standard working day remains seven hours for full time employees.

Compressed hours

Compressed working hours permit employees to work their total number of contractual hours over fewer working days by working longer individual days. Where more than one employee within a team wishes to work compressed hours, a rota may be necessary to ensure fairness as some days (usually Monday and Friday) will be more popular choices for time off.

An employee would have a usual half day or day off, subject to the needs of the service area.

Consideration will need to be given to the length of the working day which must not become too onerous and the employee will need to have adequate rest breaks.

Where the compressed hours arrangement enables the employee to have a day or half a day off per week, there will be no further right to a further day off under the Council's flexitime scheme.

Voluntary reduced working time

Voluntary reduced working time is a system whereby it is agreed that the employee will work reduced hours for a certain period of time, with a return to full time hours on an agreed date.

Occasional working from home

Occasional working at home is a provision where the employee carries out some or all of their duties at home on an occasional basis. This is an ad hoc arrangement and needs to be agreed beforehand with the line manager, employees must make themselves available if they are required in work (even if they have planned to work from home).

Home Working (Permanent)

Where appropriate managers may consider that an employee can work from home for all or part of their contracted working hours. Factors detailed in respect of occasional working at home must also be considered.

The nature of working regularly from home means that often employees are unseen and work non-standard hours. Consequently the emphasis must be on task-oriented working, defining outputs and jobs to be done. Clear and effective communication channels are

essential, as is the need to keep in touch with employees to avoid isolation. Managers must also satisfy themselves that the employee has the necessary time management skills, the ability to work without close supervision, self-motivation and flexibility.

Before agreeing to home working, managers must undertake risk assessments associated with any tasks that the employee is asked to undertake and consider the requirement to meet health and safety legislation. Regular supervision and review of the arrangement must be agreed in advance and failure to meet any agreed targets/deadlines/quality of work may result in the home working provision being withdrawn.

Career breaks/Sabbaticals

Career breaks/sabbaticals allow an employee an extended period of time away from paid work. A career break/sabbatical will be considered if there is clear rationale in terms of benefits for both the employer and employee which supports learning, expertise and skill development that the employee will bring back to the workplace and if adequate cover arrangements can be made. In addition, it is recognised that a career break can also support employees where time out is needed for caring responsibilities, or for health reasons.

During the period of the break there will be no pay, pension or National Insurance contributions. The period of break will count as leave of absence and an employee's service prior to the break will be protected. Annual leave will not accrue during the period of absence covered by the career break. Career Breaks count as authorised unpaid leave in the Pension scheme and employees should consider seeking independent financial advice on the effect of a Career Break on pension benefits. Continuity of service will be preserved during the break providing that the employee returns to Council employment after the break.

An employee on a career break may be required to fulfill certain reasonable conditions intended to enable the employee to keep up to date on work issues. These will be specified in the career break agreement.

All career breaks should be agreed in conjunction with the Council's Career Break Policy.

Flexible Retirement

Employees from age 55, who are active members of the pension scheme with 2 years pensionable service or more, may wish to consider flexible retirement whereby they can reduce their hours or move to a lower grade, and access their pension.

Each request for flexible retirement will be considered on its individual merits and will only be agreed if it is in the interests of the service to do so. All requests should be discussed initially with the employee's line manager before a written request is submitted to the Head of Service.

All applications will be considered through the flexible retirement approval process detailed within the Flexible Retirement Policy, which will include consideration of the costs of release.

Annualised/Seasonal Working

In this arrangement there is an agreed number of guaranteed hours the employee is contracted to work through a twelve month period, but the hours of work may vary in each accounting period. The organisation may increase or reduce, in advance, the required numbers of hours to be worked at a given time to match the service delivery needs. Annualised hours and seasonal working may be suited to jobs where there is seasonal demand, peaks and troughs in workload, or where there is a need to respond rapidly to unpredictable demands.

Term Time Working

This is where an employee's working pattern follows school term patterns. They work as normal during term time. During school holidays, they do not attend work but are still employed. Non-working time during school holidays are accounted for by a combination of annual leave and unpaid leave.

Informal arrangements

Other arrangements that suit both the service and employee can be agreed. For example structured time off in lieu could be approved where employees work longer hours during busy periods. This would allow an employee to take an equivalent amount of time off (with pay) during a quieter period without having to change contracts to a seasonal/annualised contract.

Pension implications

When considering making a request for Flexible Working, employees should think about the effect on their pension contributions and pension benefits. Reductions in contractual hours and/or days will have an impact on pension and employees should consider taking independent financial advice in this regard.

For more information please visit your pension scheme website.

[Homepage - GMPF](#)

[Teachers' Pensions \(teacherspensions.co.uk\)](http://teacherspensions.co.uk)

[NHS Pensions | NHSBSA](#)

7. Flexible Working Application Process

This process covers formal, statutory requests for flexible working. Employees, managers and services may choose to agree flexible working arrangements informally without the need to go through the full process as described below.

The Request

Any request to vary an employee's working pattern must be put in writing using the 'application for flexible working' form and submitted to their line manager. The request will need to detail the relevant issues including:

- the regular working pattern they require;
- the reason for the request; e.g. caring responsibilities
- any proposed period of review
- date of the application and the date the employee proposes the request to start

Considering Requests

Whilst there is no automatic right for an employee to be allowed to work flexibly or at different times to their colleagues, the manager has a duty to deal with requests in a reasonable manner and within a reasonable timeframe.

All flexible working requests submitted should be received with the view that they will be granted, unless there is a genuine business reason not to.

Where a request is to be declined, it must be for one or more of the following prescribed business reasons:

- the burden of additional costs
- an inability to reorganise work amongst existing staff

- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the employer's business

The manager will consider the proposed flexible working arrangement carefully, weighing up the potential benefits to the employee and the organisation against any adverse impact, the logistical implications and the cost of implementing the changes.

Each case will be considered on a case by case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar request. Requests should be considered in the order they are received. Each case must be considered on its own merits taking into account the business context including those who already work flexibly. Managers must always operate within the legal framework of the Equality Act, and ensure that no employee faces discrimination on the basis of a protected characteristic.

The manager will arrange a meeting with the employee as soon as possible after receiving the request, normally within 28 days, to consult with the employee about the flexible working request. The meeting should establish details of the proposed working arrangement, how it can be of benefit to the employee and service and how it may be accommodated. The employee may be accompanied at this meeting by a friend or representative if they wish.

There may be some circumstances in which a request may be agreed without a meeting, if the request is easily workable, but no request should be rejected without first holding a meeting and consulting with the employee.

If the request cannot be accepted in full, the manager and employee should use the consultation meeting to discuss ways in which some of the benefits of the original request could be achieved. This may involve, for example, modifications to the original request, alternative flexible working options, and/or a trial period to assess the feasibility of any proposed arrangement.

The Decision

After giving consideration to the request, the Head of Service should respond to the employee in writing as soon as possible, normally within 14 days of the meeting, either:

- a) accepting the request in full. The start date and any other action should be agreed.
- b) accepting the request in part (a compromise) such as it may be agreed on a temporary basis or with a trial period, and agree a start date. The employee should be informed of their right of appeal and the name of the Appeal Officer.
- c) rejecting the request and giving an explanation of the prescribed business reasons for doing so and how these relate to the application. The employee should be informed of their right of appeal and the name of the Appeal Officer.

Where the request is accepted, or a compromise is accepted, the manager should discuss with the employee how and when the changes might best be implemented.

Where a variation to the original working pattern is agreed, the line manager must complete the relevant forms to implement any contractual changes to pay where necessary.

Appeal

If the employee is dissatisfied with the outcome, the employee has a right of appeal to a nominated senior manager as detailed in the outcome letter. Detailed grounds for appeal should be submitted in writing by the employee within 10 working days of receipt of the outcome letter. An appeal meeting should preferably take place to consider the appeal, but a paper review may be appropriate if agreed with the employee. The nominated senior manager must give the decision on the appeal to the employee in writing within the statutory two-month period, or within any extension agreed with the employee.

Withdrawn Application

If an employee has failed to attend a meeting to discuss application, including any appeal meeting, and the employee fails to attend a rearranged meeting without a good reason, managers may treat the application as having been withdrawn. This will be confirmed in writing to the employee.

Timescales

The law requires that all requests, including any appeals, must be considered and decided on within a period of two months from first receipt, unless the manager agrees to extend this period with the employee.

Record Keeping

The information requested as part of the flexible working policy is required in order for the Council to process requests for flexible working. This information is not used for any other purpose. Any personal data provided will be stored securely in line with data protection legislation, the Council's data protection policy and the Council's retention schedule.