
RIGHT TO REQUEST FLEXIBLE WORKING ARRANGEMENTS

Section: Family Friendly Policies
Source: Cabinet Member for Corporate Resources - 16th April, 2003
Issue Date: April 2003.
Amended: March 2007, April 2009, July 2011, January 2014, June 2014, November 2015, June 2022
Appendices: (1) Application for Flexible Working Arrangements
(2) Acknowledgement Slip
(3) Appeal Form

A. Preamble

Sefton Council recognises the need of its employees to balance their work and personal responsibilities. The Council also recognises its obligations under the Children and Families Act 2014.

Before the introduction of the Act in June 2014 the right only applied to parents of children under the age of 17 or those caring for an adult. Now any employee can apply to work flexibly for any reason.

B. Scope

- 1) The scheme is available to all employees who have worked continuously for Sefton for 26 weeks (at the date of application).
- 2) Only one request for flexible working arrangements can be submitted during a 12 month period.
- 3) Requests for flexible working arrangements can be made on a permanent basis or for a temporary specified period dependent upon the circumstances of the case. There is a presumption that any temporary arrangement will last no longer than 12 months.
- 4) All requests must be made in writing on the appropriate form and submitted to the line manager. The employee must specify the flexible working pattern requested and the date the employee proposes the change should become effective.
- 5) The employee must also consider the effects and impact of their proposed request on service provision and be able to offer reasonable and practicable solutions as to how such effects could be overcome.
- 6) It does not apply to school based employees, although Governors are encouraged to adopt a similar procedure to suit the organisation of the school. (The Governors are, of course, obliged to meet the requirements of the legislation).

C. Procedure

- 1) Requests for flexible working arrangements must be submitted on the appropriate form and submitted to the employees' line manager for consideration.
- 2) The line manager must arrange a meeting to consider the request and the meeting must take place within 28 days of receipt of the written request.
- 3) The purpose of the meeting will be to explore in detail the request and how the proposed working arrangements may be accommodated. If it is considered that the proposals are not

practicable alternative arrangements can be explored. Requests can be agreed in principle but are subject to approval by the Establishment Control Panel.

- 4) Any changes in working hours must be approved by the Establishment Control Panel as there are budgetary implications. If working arrangements are agreed in the meeting, the line manager must complete an Establishment Control Form (Amendment to Existing Post) and forward it onto the Assistant Director for sign off and submission to the Establishment Control Panel.
- 5) If the change to working hours is approved by the Establishment Control Panel the Transactional HR team will write to the employee to confirm the change to working pattern and the start date.
- 6) If the request is rejected, either at the initial meeting or at the Establishment Control Panel, the employee must be written to within 14 days, providing detailed reasons for rejection covered by one of the specified business grounds as follows:
 - the burden of additional costs
 - detrimental effect on the ability to meet customer demand
 - inability to re-organise work among existing staff
 - inability to recruit additional staff
 - detrimental impact on quality or performance
 - insufficiency of work during the periods the employee proposes to work
 - planned structural changes
- 7) In some circumstances the line manager may need an extended period of time to adequately consider the request and assess the possibility of re-organising working arrangements. Where it is considered that an extended time period will be required this should be agreed at the meeting and confirmed in writing to the employee, e.g. attempts to recruit additional staff (subject to point 4 above). However, a written response can be provided, within 14 days, advising of the arrangements which will be put in place to try and address the situation.

D. Right of Appeal

- 1) If the employee is not satisfied with the written explanation and is not satisfied that the business grounds apply to their case then the employee has the right of appeal against the line managers' decision.
- 2) An appeal must be submitted to the Assistant Director within 14 days of receipt of the written decision unless the line manager is the Assistant Director when an appeal must be submitted to an alternative Senior Officer (an alternative Assistant Director or Director).
- 3) An appeal hearing will be arranged, and the meeting will take place within 14 days of receipt of the appeal submission. Where this timescale cannot be met all parties must be advised.
- 4) The Assistant Director/ Senior Officer will be advised at the appeal hearing by a member of the Corporate Personnel Department.
- 5) Prior to the appeal hearing the Assistant Director/ Senior Officer will be provided with a copy of the original request and the line manager's written response.
- 6) At the appeal hearing the employee will outline his/her grounds of appeal and highlight why he/she feels the manager's "business grounds" for refusing the request are flawed. The manager will outline the reasons for the decision.
- 7) The Assistant Director/ Senior Officer will consider the case and confirm his/her decision in writing. The Assistant Director/Senior Officer may:
 - uphold the decision
 - make proposals/recommendations and refer the matter back to the line manager/employee/Establishment Control Panel for further consideration
 - reject the decision and uphold the request (subject to approval from the Establishment Control Panel)

- 8) No further right of internal appeal exists.

Additional Information

- 1) The employee is entitled to be accompanied at all stages of the procedure by a TU Representative, colleague or another person of their choice.
- 2) In all cases the request process must be complete within **3 months** of first receiving the original request.
- 3) Changes to the specified timescale must be agreed jointly. If no agreement is reached and the matter has not been dealt with within the specified time limits the employee will be entitled to advance to the appeal stage.
- 4) The operation of this procedure will be the subject of review by the Chief Personnel Officer which may result in changes, subject to consultation with the Trade Unions and other appropriate parties.
- 5) Any employee wishing to reduce their hours must be aware that, if a redundancy situation arises, a reduction in hours will significantly affect their redundancy payment.
- 6) Approved permanent and temporary working arrangements must be authorised by the Establishment Control Panel. Transactional HR will confirm the details in writing to the employee.
- 7) Agreement should be made where possible to take outstanding leave accrued whilst on full time hours before a part time contract takes effect.

Examples of Flexible Working Arrangements

Sefton Council has approved “in principle” a range of Flexible Working Arrangements.

Approval is “in principle” as there are a number of arrangements that can be considered and each one will depend on an individual’s circumstances, the job they are doing and other considerations.

The following are examples of flexible arrangements.

Job Sharing Scheme

Job Sharing is when two people share the duties, responsibilities and hours of one post.

Compressed Working Week

This is an arrangement when normal full-time hours are worked over, for example, four days a week.

Term-Time Only Working

This is self-explanatory and is of clear benefit to employees with school age children.

Annualised Hours

In this arrangement the hours normally worked throughout the year are arranged to a pattern that best suits the employee and the job.

Request for Flexible Working Arrangements

Employees please complete Part A of this form and submit it to your line manager for consideration.

Part A

Name:

Employee Number:

Job Title:

Grade:

Line Manager:

Work Location:

Work contact number:

Trade Union/Rep:

Start date with Sefton:

Current weekly hours:

Current working pattern:

Is this your first request for flexible working?

Yes

No

If no, when was your last request submitted?

Are you requesting a temporary or permanent change to your working pattern?

Temp

Perm

If temporary, please specify the end date (within 12 months):

Proposed working pattern:

Proposed operative date:

If you are applying to job share please specify if this is a single or joint application:

Single

Joint

If joint, please attach a copy of your partners form.

Are you making this request in relation to the Equality Act 2010 e.g. as a reasonable adjustment for a disability?

Yes

No

Details of Request:

Please specify the details of your flexible working request. You must include details of how your work would be affected by the proposed changes and how any such effects might be overcome to maintain service provision. Please also provide details of the reasons to justify the date claimed.

Signature: _____

Date: _____

Part B

Line managers please complete Part B and then send the form to Corporate Personnel along with a completed Establishment Control Form (amendment to existing post).

Date met with employee: _____

Request approved (in principle):

Yes

No

Signature: _____

Date: _____

NB. Requests can be agreed in principle, but are subject to approval by the Establishment Control Panel. An ECF (amendment to existing post) **must** be completed and forwarded to the Head of Service for sign off and submission to Establishment Control Panel.

SEFTON M.B.C.

REQUEST FOR FLEXIBLE WORKING ARRANGEMENTS

Acknowledgement Slip

TO	Name:	
	Designation:	
	Section:	

I acknowledge receipt of your request for flexible working arrangements received on In order to consider your request in detail I have scheduled a meeting to be held on at The meeting will take place at You are entitled to be accompanied at the meeting by your Trade Union Representative, a colleague or other person of your choice.

Signed: Date:

Print Name:

SEFTON M.B.C.

APPEAL AGAINST DECISION TO REJECT REQUEST FOR FLEXIBLE WORKING ARRANGEMENT

Your appeal will not be considered unless this form is completed and returned to your Assistant Director within 14 days of receiving written confirmation that your request was rejected.

Name of Appellant:			
Post Title:		Work location:	
Grade:		SCP:	
Work Telephone No.:			
Trade Union:		Name of Rep:	

Details of Appeal

You must clearly state below your grounds of appeal identifying specific points on which you disagree with the decision.

Please attach a copy of your initial Request form and your line managers response.

Signed Date.....