****

**East Dunbartonshire Council**

**Flexible Working Toolkit**

**Chief Officers and Local Government Employees**

**Contents**

[**1.0** **Purpose** 3](#_Toc162347227)

[**2.0** **Scope** 3](#_Toc162347228)

[**3.0** **Underpinning Principles and Objectives** 3](#_Toc162347229)

[**4.0** **Process Overview** 3](#_Toc162347230)

[**5.0** **Associated Policies/Documents** 3](#_Toc162347231)

[**6.0** **Reason for Refusal** 4](#_Toc162347232)

[**Appendices** 5](#_Toc162347233)

[**Appendix 1:** **Flexible Working Application** 5](#_Toc162347234)

[**Appendix 2: Invitation - Meeting to discuss flexible working request** 6](#_Toc162347235)

[**Appendix 2b: Flexible Working Application – Extension Agreement** 7](#_Toc162347236)

[**Appendix 3: Flexible Working Application - Approved** 8](#_Toc162347237)

[**Appendix 4: Flexible Working Application - Refused** 9](#_Toc162347238)

[**Appendix 5: Flexible Working – Trial Period** 10](#_Toc162347239)

[**Appendix 6: Invitation - Appeal Hearing** 11](#_Toc162347240)

[**Appendix 7: Appeal Upheld** 12](#_Toc162347241)

[**Appendix 8: Appeal Not Upheld** 13](#_Toc162347242)

[**Appendix 9: Flexible Working process - overview** 14](#_Toc162347243)

1. **Purpose**

This toolkit is designed to provide appropriate support to line managers and employees when considering flexible working arrangements.

This toolkit should be read in conjunction with the Flexible Working policy.

1. **Scope**

The flexible working toolkit applies to Chief Officers and Local Government employees. Employees on SNCT Terms and Conditions should refer to the Job-Sharing Procedure Manual 2/07.

1. **Underpinning Principles and Objectives**

To provide managers and employees with a framework of direction and guidance in relation to flexible working requests.

The approach of the Council will be through the following principles:

• Confidentiality

• Person Centred

• Solution Focused

• Fair and Consistent

1. **Process Overview**

The toolkit will support manager’s to understand their responsibilities when considering a flexible working request including:

• Statutory obligation

• Employer obligation

• Decision making

• Outcomes

• Appeals

Flexible working requests can consider a request to work flexibly in a reasonable manner in term of – hours, times, location

**Refer to appendix 9 for a step-by-step overview of the process.**

1. **Associated Policies/Documents**

This forms part of the Council’s Policies and Procedures base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document to support employee’s work-life balance.

All policies/documents can be accessed via the [Employee Zone](https://www.eastdunbarton.gov.uk/employee-zone/policies-and-procedures):

<https://www.eastdunbarton.gov.uk/employee-zone/policies-and-procedures>

1. **Reason for Refusal**

The flexible working pattern should be supported where possible. You should only refuse a request for valid service or organisational reasons such as:-

• adverse impact on service delivery or quality

• adverse impact on work colleagues an inability to reorganise work amongst existing staff

• health, safety and wellbeing considerations

**Acceptable legal reasons for turning down a request are:**

• extra costs that will damage the organisation

• the work cannot be reorganised among other staff

• flexible working will affect quality and performance

• the Council will be unable to meet customer needs

• there is a lack of work to do during the proposed working times

• the Service is planning change to the workforce

**Appendices**

# **Appendix 1:** **Flexible Working Application**

The form can be accessed on the following link or the attachment below.

[Employee Zone](https://www.eastdunbarton.gov.uk/employee-zone/policies-and-procedures):

<https://www.eastdunbarton.gov.uk/employee-zone/policies-and-procedures>

****

# **Appendix 2: Invitation - Meeting to discuss flexible working request**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

Re: **Flexible Working Request**

I refer to your application for Flexible Working dated **DATE**.

In accordance with the Flexible Working policy, I would like to invite you to a meeting to discuss your request for flexible working on (Date, Time & Place). **NOTE: - To be held within 21 days of the request being received.**

This meeting will be an opportunity for us to discuss in more detail your request and consider any implications the change in working arrangements may have for yourself or the service.

You have the right to be accompanied, at the meeting, by an appropriate representative which can be a:

* Colleague
* Trade Union Representative
* Official employed by a Trade Union

A representative acting in a legal capacity **will not** be considered an appropriate representative throughout internal procedures.

Please confirm your attendance by calling me on…………….

Yours sincerely

Line Manager

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

|  |  |
| --- | --- |
|  |  |

# **Appendix 2b: Flexible Working Application – Extension Agreement**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

**Re Flexible Working Request – Extension Agreement**

I refer to our previous discussions/meeting on date in relation to your flexible working request dated **DATE**.

Based on the content of our discussion and in the circumstances (ADD details re the circumstance e.g. Annual leave) whereby your flexible working request cannot be considered within the statutory timeframe (within two months of the date of your application), you have agreed for the timescale to be extended to DATE (Date to be inserted for agreed extension) allow full consideration of your request.

I would ask that you sign the agreement below and return this to myself by return. Should you wish to have any further discussions around this, please do not hesitate to contact me.

Yours sincerely

Line Manager

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

**Agreement**

Name –

Date –

Agreement – I hereby agree to an extension of the statutory timeframe for consideration of my flexible working application.

Review date –

Signed …………………………………………………………………………………………..

# **Appendix 3: Flexible Working Application - Approved**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

**Re Flexible Working Request - Approved**

I refer to our previous discussions/meeting on date in relation to your flexible working request dated **DATE**.

I am writing to confirm that your request has been approved and the permanent change to your working arrangements and terms and conditions of employment will be effective from DATE.

A variation of contract of employment will be sent to you detailing the change to your working pattern.

Yours sincerely

Line Manager

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

Employee Services – with approved request

# **Appendix 4: Flexible Working Application - Refused**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

**Re Flexible Working Request - Refused**

I refer to our meeting held on date in relation to your flexible working request dated **DATE** and write to confirm that your request has been refused on the grounds of:

Delete as appropriate and provide an example

•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

•detrimental effect on ability to meet customer demand

•insufficient work for the periods the employee proposes to work

•a planned structural change to the business.

I appreciate this outcome will be disappointing and I would be happy to discuss with you any other forms of support that might be of assistance to you.

If  you  consider  this decision to be unfair in the circumstances, you may appeal in writing, within  14 calendar days of receipt of this letter to:  ***service Executive Officer – insert name and contact details***

Yours sincerely

Line Manager

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

# **Appendix 5: Flexible Working – Trial Period**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

**Re Flexible Working Request – Trial Period**

I refer to our previous discussions/meeting on date in relation to your flexible working request dated **DATE**.

I am writing to confirm that your request has been approved initially on a trial basis during which time the arrangements will be reviewed to determine the suitability for yourself and/or the impact this may have on service provision.

I will review these arrangements with you on a quarterly basis for up to 12 months at which time consideration will be made to:

1. continuing with the trial arrangements (for a total period of 12 months)
2. approving the arrangements as a permanent change to your terms and conditions of employment
3. determine if the arrangements cannot be accommodated due to business reasons as such the temporary arrangement will cease and you will revert to your existing terms and conditions.

The trial period will be effective from DATE.

The review dates are:

DATE

DATE

DATE

Final Review DATE

Yours sincerely

Line Manager

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

# **Appendix 6: Invitation - Appeal Hearing**

\*If a meeting is required

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date *– To be sent within 7 calendar days of the appeal decision*

Dear name

**Re Flexible Working Request – Appeal Hearing**

I refer to your letter dated **DATE** advising you wish to appeal against the outcome of your Flexible Working request dated **DATE.**

I write to confirm that in accordance with the Flexible Working policy I will hear the appeal and a hearing has been arranged for **DATE and TIME.** The venue for the hearing will be **VENUE**.

The appeal process will follow the format which is outlined in section 5.8 of the Flexible Working policy.

You have the right to be accompanied by a trade union representative or work colleague, please note it is your responsibility to notify your trade union representative of the above arrangements.

In the meantime, please do not hesitate to contact me should you have any questions

regarding the procedures.

Yours sincerely

Executive Officer

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

# **Appendix 7: Appeal Upheld**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

**Re Flexible Working Request – Appeal Upheld**

I refer to your appeal submission dated **DATE** in relation to your flexible working request dated DATE.

Following the case put forward by yourself (and representative), I wish to advise you that I have taken the decision to uphold your appeal.

Arrangements will be put in place for your line manager to discuss the outcome of this appeal with you and agree arrangements for your working arrangements to be changed in accordance with the Flexible Working policy.

A copy of this letter has been forwarded to your Trade Union Representative (if appropriate).

Yours sincerely,

Executive Officer

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

# **Appendix 8: Appeal Not Upheld**

**Private and Confidential**

Employee Name

Employee Address

Sent by email: email address

Date

Dear name

**Re Flexible Working Request – Appeal Not Upheld**

I refer to your appeal submission dated DATE to consider your flexible working request outcome.

I write to confirm that following consideration of all the information submitted by you, your trade union representative and management that the grounds of your appeal have not been substantiated and the appeal shall not be upheld.

The reason that your appeal has not been upheld is that your request would have:

*State the reason with an example refer to section 6 of the toolkit and delete as appropriate:*

•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

•detrimental effect on ability to meet customer demand

•insufficient work for the periods the employee proposes to work

•a planned structural change to the business.

Please note that in accordance with our Flexible Working Policy, you have no further right of appeal. I appreciate that you will be disappointed with this outcome and would like to re-iterate that we will continue to support you in your role in line with relevant policies, as and when required.

Yours sincerely

Executive Officer

**Copy to:**

Local HR Case Adviser

TU Representative – where applicable

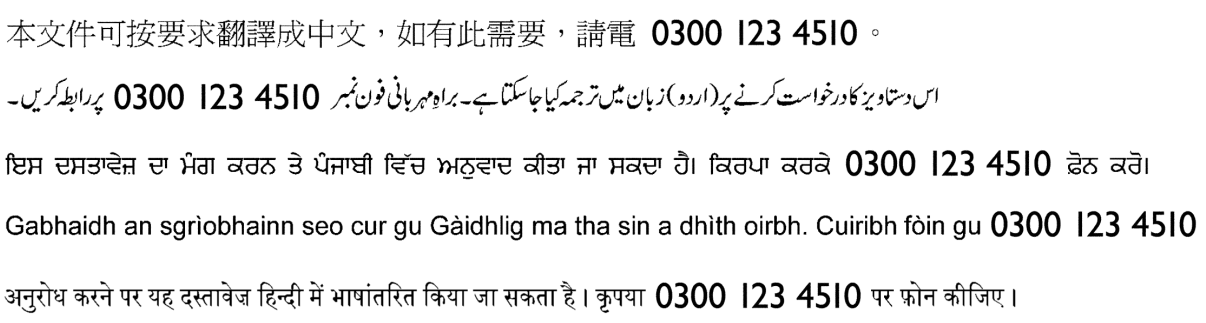
# **Appendix 9: Flexible Working process - overview**

|  |  |  |
| --- | --- | --- |
| **Flexible Working overview**  **To be applied in conjunction with the Flexible Working Policy** | | |
|  | Narrative | Timescale |
| **Criteria** | Flexible working requests can be considered from day one of employment and can also be discussed during the recruitment process  2 applications are permitted during a 12 month period |  |
| **Procedure** | On receipt of a Flexible Working application  Ordinarily a meeting should be arranged/ discuss application with employee | Within 21 calendar days of receipt |
| Consideration of application | Within 2 months of date of application |
| Notification of employees right to appropriate representation to any discussion |  |
| **Refusal of request** | Commitment to supporting flexible working requests, refusal must be on ‘business grounds’  Contact local HR Case Adviser to discuss refusal before confirming decision to employee  Employee’s have right of appeal (see below) | Within 2 months of date of application |
| **Trial Period** | As an alternative to refusal of an application – a trial period may be considered for a period up to 12 months.  This must be confirmed in writing  Regular review dates must be arranged  Trial arrangements and final review to be confirmed in writing  Notification of temporary change to be confirmed to Employee Services | Within 2 months of date of application |
| **Granting the request** | Agree and confirm in writing start date  Ensure all systems are updated to reflect the change  Email the fully completed application to: employeeservices@eastdunbarton.gov.uk | Within 2 months of date of application |
| **Business Reasons – benefits to be considered** | Increased staff retention  Increased efficiency  Reduced absenteeism  Extended skill pool |  |
| **Business Reasons – potential reasons for refusal** | The burden of additional costs  Detrimental effect on ability to meet customer demand  An inability to reorganise work among existing staff  An inability to recruit additional staff  A detrimental impact on quality  A detrimental impact on performance  A detrimental impact on department  Insufficient work during the periods the employee proposes to work  Any planned structural changes  The nature of the job and associated duties |  |
| **Refusal Decision** | In writing | Within 2 months of date of application |
| **Appeals Process** | Employee to submit appeal in writing to the Executive Officer  Appeal outcome to be confirmed in writing by EO | Within 14 calendar days of being notified of the outcome  Within 7 calendar days of appeal being considered |

**Other Formats & Translations**

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council’s Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

**Kirkintilloch G66 1TJ Tel: 0300**