

## FLEXIBLE WORKING POLICY

### POLICY STATEMENT

1. PHSO aims to provide a responsive and professional service to all of our customers which is accessible, flexible and prompt in dealing with their contacts with us. In order to achieve this PHSO needs to be accessible to our customers; to answer the telephone; and to respond to enquiries as soon as they are received. While meeting our business needs is paramount, we recognise that people who work for us need to balance their lives between their work and other commitments. Flexible working can be a useful tool to help get the balance right and so can benefit both PHSO and our employees.

### PURPOSE AND SCOPE

2. This policy and procedure:
  - defines PHSO's flexible working opportunities;
  - sets out the procedure to be followed when making and considering an application;
  - sets out expectations, benefits and entitlements related to flexible working;
  - ensures that employees and managers have a clear understanding of, and comply with, flexible working procedures and entitlements, and PHSO expectations.
3. This policy applies to all PHSO employees, including those on secondment from other organisations, who have been employed continuously for 26 weeks as at the date of their application.
4. Temporary, agency workers who have worked within PHSO for more than 26 weeks may also make an application under this policy.

### PRINCIPLES

5. The principles when considering a flexible working request are as follows:
  - current statutory provision enables all employees to make a request to work flexibly. All applications for flexible working must use the same application form and appeals process regardless of the reason for the request;
  - employees may not make more than one application for contractual flexible working in any 12 month period, other than in exceptional circumstances;
  - all efforts will be made to consider and respond to applications within a reasonable timeframe;

- decisions on flexible working applications will be made in a fair and transparent manner, and according to objective criteria that have due regard to the impact of the decision;
- requests for permanent contractual changes as 'reasonable adjustments' for disability are also covered by this policy;
- contractual flexible working decisions within PHSO are made by managers at Director/Head of Function level, or above;
- non contractual flexible working decisions are made by line managers.

## OUTCOMES

6. The outcomes of this policy are that:
  - flexible work arrangements support high levels of productivity and achievement of PHSO aims and objectives;
  - we value the diversity of our employees; and
  - PHSO acts in compliance with relevant statutory requirements.

## MONITORING AND REVIEW

7. HR, People & Talent will monitor the implementation of this policy and, in particular, decisions made on flexible working applications for fairness and consistency.
8. A formal review of this policy will take place every 3 years unless there is a significant change in relevant legislation which triggers a review before then.

## Annex 1: Types of Flexible Working within PHSO

### Contractual Flexible Working

#### 1. Working non-standard hours

1.1 The standard full-time working week is 36 hours over 5 days, Monday to Friday. Employees (including senior staff) may apply to vary the standard working pattern. Examples of non standard hours include:

- **Part-time working** - this may involve working fewer hours each day or fewer days each week, or both. The nature of PHSO's business means that for most roles the general rule is that employees will be required to work at least 18 hours a week over three days per week.
- **Job-sharing** - two employees work in the same job and share the duties, with different working patterns. This is usually dependent on the employee finding an appropriate job-share partner, if one partner leaves or moves to another position, and a replacement cannot be found or start within 12 working weeks, the job sharing arrangement may have to cease.
- **Compressed hours** - the contractual hours are worked over a reduced number of days, for example 36 hours over a 4 day week.
- **Term-time working** - the employee works during the school term only, taking unpaid leave during holiday periods. This is only suitable for a very small number of posts due to the difficulties of covering the work.
- **Annualised hours** - the employee is contracted to work an agreed number of hours per year, to be worked in a flexible pattern, as agreed.

#### 2. Contractual Home Based Working

2.1 PHSO currently has a small number of employees who are contractually home based. Under this policy it is open to employees to make an application for flexible working. However, when making such an application due regard must be paid to the impact of this on the business needs of PHSO; other PHSO employees and the individual themselves. PHSO places significant value on the informal learning and sharing which takes place within an office environment and the support, both work and personal, which teams provide to each other. In considering applications for contractual home based working the Director/Head of Function (or above) (Deciding Manager), will need to ensure that this is not eroded due to high levels of home based working.

2.2 Employees who apply for home based working must complete a home based self assessment and meet the required health and safety and security standards.

#### 3. Partial Retirement

3.1 Employees who are members of the Principal Civil Service Pension scheme have a reserved right to draw on those benefits from age 60 if in Classic, Classic Plus and Premium, and age 65 if members of Nuvos. Employees who are members of a Partnership pension scheme are entitled to draw a pension from the age they elected when they joined the scheme.

- 3.2 Once an employee reaches the age at which they can draw their accrued benefits one of the following options can be chosen:
1. Resign and start drawing their pension
  2. Continue working and defer drawing their pension; or
  3. Request to continue working at reduced hours (or a lower grade) and draw their accrued pension benefits - this is known as Partial Retirement
- 3.3 An employee can only take Partial Retirement if it has been agreed following a formal application under the Flexible Working Policy. Working reduced hours is necessary to ensure there can be no issues around salary "abatement". This could occur if the total amount of new income with revised salary and pension is greater than the salary that was received before Partial Retirement began. For further information on abatement, see the booklet "What is abatement?" available from the PCSPS website, <http://www.civilservice.gov.uk/>

## Non-Contractual Flexible Working

### 4. Flexible Working Hours (flexi-time)

- 4.1 The flexi-time system allows employees to vary their hours of work, within certain parameters, to help them balance work and other commitments.
- 4.2 Employees may vary their hours of work on a day-to-day basis within certain parameters and are required to complete a timesheet on a daily basis recording actual hours worked. Full time colleagues must work the core hours of 10.00 - 12.00 and 14.00 - 16.00, unless agreed otherwise with their line manager.
- 4.3 Most PHSO employees (other than those who work fixed hours, senior staff, and those who have had the facility revoked for capability or disciplinary reasons) are automatically eligible to participate in the FWH system. Detailed information on the flexi time scheme can be found in the [Leave and Working Hours policy](#) on the intranet.

### 5. Ad hoc Home based working

- 5.1 Working at home occasionally can be beneficial in achieving a balance between work and home life, for example attending a school assembly or a medical appointment that could not be scheduled at the beginning or end of the day. Therefore, ad hoc home based working is available to all employees where they may need some flexibility, from time to time in their working week.
- 5.2 Ad hoc home working is not contractual, it is not intended to be a permanent arrangement nor is it intended, or expected, that there would be any regular patterns for ad hoc working for example, every Friday, twice a week etc.
- 5.3 The Principles in Annex 3 must be followed when requesting, or agreeing, ad hoc home based working.

## **Annex 2: Procedure for making and considering Contractual Flexible Working requests**

### **1. Scope of Procedure**

1.1 This procedure covers the following flexible working types:

- Contractual home based working
- Reductions/Increases to contractual hours
- Partial Retirement

1.2 Requests for ad hoc home working are not part of the formal procedure set out below. See Annex III.

### **2. Written Application**

2.1 Before making a formal application for flexible working, the employee should first discuss their proposed changes with their line manager. They must then complete the Flexible Working Application Form and submit this to their Director/Head of Function (or above).

2.2 When making and considering an application for flexible working, the employee and the manager must consider:

- the impact on the employee's ability to meet their targets/deadlines and/or customer service requirements;
- the impact on the rest of the team or department, including consideration of other flexible working arrangements already in place;
- whether there are any security or health and safety concerns;
- any additional costs incurred or resources required as a result of a change in working arrangements;
- the employee's current performance and attendance records; and
- whether the employee has made a flexible working application in the past 12 months.

2.3 On receipt of the application, the Deciding Manager will consider the application; they may wish to discuss the implications of the request with their Leadership Team member, HR, People & Talent or Service Delivery.

### **3. Stage 2 - Formal Meeting**

3.1 The Deciding Manager will convene a formal meeting with the employee to discuss their application as soon as possible but no later than 20 working days from the date of the application. The employee has a right to be accompanied at the meeting by a work colleague or Trade Union representative, so sufficient notice of the meeting should be given.

## 4. Flexible Working Decision

- 4.1 Within 10 working days of the meeting the Deciding Manager will make their decision and communicate this to the employee, in writing, copied to HR, People & Talent and the line manager.
- 4.2 In the case of contractual home based working applications the Deciding Manager cannot reach a decision until a home based Health and Safety & Security self assessment has been completed. However, the decision to refer the employee to Service Delivery for a home based Health and Safety & Security self assessment (paragraph 5.3 - 5.7) should be within 5 working days of the meeting.

### Consideration of home based working applications

- 4.3 An application for contractual home based working cannot be formally agreed until:
  - The Deciding Manager has made an 'in principle' decision; and
  - A successful home based Health and Safety & Security self assessment has been completed.
- 4.4 A home based Health and Safety & Security self assessment is not required if the Deciding Manager declines the application for PHSO business reasons. However, if the Deciding Manager is minded to agree to the request, a formal decision can only be made once a successful home based Health and Safety & Security self assessment has taken place.
- 4.5 In such circumstances, immediately following the Formal Meeting (3.1) the Deciding Manager must contact the Service Delivery team to notify them that a home based Health and Safety & Security self assessment will be required.
- 4.6 The [self assessment form](#) can be found on the Intranet and once completed sent to Service Delivery for their consideration.
- 4.7 Service Delivery will consider the assessment and within 5 working days of receipt will advise the Deciding Manager of the outcome of the assessment against the required standards.
- 4.8 The Deciding Manager will then reach a final decision on the application. An application cannot be agreed until the Health and Safety & Security self assessment has been completed and a satisfactory standard is achieved.

### Application Approved

- 4.9 A successful application for flexible working requires a change to an employee's contract of employment. Once an amended contract has been issued the change is permanent and there is no automatic right to revert to the original working pattern. However, the employee must ensure that they are able to meet the Health and Safety & Security standards. If at any time it is found that this is not the case the employee will be required either to make adjustments to meet the requirements or alter their contract so that they return to being office based.

- 4.10 Prior to the issuing of the amended contract, the employee and Deciding Manager may agree to undertake the new arrangement on a temporary basis for up to three months. At the end of the three months both the employee and the Deciding Manager must consider the application again and reach a decision on whether the arrangement is one which should be made permanent. Temporary arrangements such as this should only be agreed on an occasional basis, the costs involved with a temporary arrangement should be considered when reaching a decision.
- 4.11 If the application is approved, the Director/Head of Function (or above) will confirm the effective date and arrangements to be put in place.
- 4.12 HR, People & Talent require the final signed copy of the application and copies of letters issued (if applicable).

### **Application Declined**

- 4.13 If the application is declined, the decision letter will set out the reason for the decision and inform the employee of their right of appeal.
- 4.14 HR, People & Talent require the final signed copy of the application and copies of letters issued

### **5. Stage 3 - Appeal**

- 5.1 If the employee is not satisfied with the decision, they may write to the manager of the decision maker within 10 working days of the date of the decision setting out their grounds of appeal. The countersigning officer will either hear the appeal themselves or appoint another Director/Head of Function to consider the appeal on their behalf.
- 5.2 The Appeal Manager will write to the employee to invite them to a meeting. The employee has the right to be accompanied at the meeting by a trade union representative or work colleague. The meeting should be held as soon as possible, but no later than 10 working days from the date of the appeal letter. A member of HR, People & Talent will attend the meeting in an advisory capacity.
- 5.3 At the meeting the Appeal Manager will consider the facts of the case and may, if necessary, adjourn to collect and consider further evidence. The Appeal Manager may wish to interview other employees involved (for example, the manager who made a decision on the application) to present their views.
- 5.4 The manager will subsequently communicate their decision to the employee in writing, with a copy to HR, People & Talent. The letter will include:
- the outcome of the appeal
  - the grounds for the decision and how they relate to the grounds for the appeal;
  - an explanation as to why the grounds for refusal apply;
  - any actions agreed to resolve the situation or to provide redress if the appeal is upheld; and
  - a reminder that there is no further appeal.

## Annex 3: Procedure for Ad Hoc home based working

### 1. Requesting ad hoc home based working

#### 1.1 If making a request for ad hoc home working:

- The request must be in writing (an email is sufficient) to their line manager in advance of the day they wish to work at home (blocks or multiple days cannot be requested);
- The line manager must provide a written decision; in advance of the day requested (an email agreement is sufficient).

#### 1.2 In reaching a decision on the ad hoc home based working request, the manager must consider:

- The impact on other members of the team  
For example agreeing one request may mean declining the request of another team member, or that another team member spends a disproportionate amount of that day answering calls which could have been shared;
- The regularity of the request  
This is ad hoc working and therefore not regular and with a pattern. If regular home working is requested this should be done through a flexible working application which will be formally considered;
- Health & Safety & Security  
Any member of staff wanting to work at home on an ad hoc basis would be required to complete an Ad Hoc Home Based Health and Safety & Security Self Assessment and meet the required standards;
- Any cost implications  
It is not expected that PHSO will incur additional costs as a result of an employee working from home on an ad hoc basis; this includes expenses like courier costs;
- Security of PHSO information (See the Security Notes and Guidance)  
The security of PHSO information must not be compromised as a result of ad hoc home based working. The employee must ensure that they do not act contrary to the security policy.

### 2. Guidelines if working at home (ad hoc)

#### 2.1 If an ad hoc home working day is agreed, employees are:

- subject to all the same terms and conditions and policies and procedures of PHSO employment as if they were working in the office;
- expected to be contactable during normal working hours, unless otherwise arranged and agreed;
- expected to make themselves aware of the Security Notes and Guidance and ensure that they adhere to the security requirements;
- expected to be responsive to the changing needs of the Office and be aware that an agreement for a day working at home could be removed if the office needs require it;



- aware that ad hoc home working is a discretionary arrangement and as such there is no right of appeal against a manager refusing an ad hoc request for home working.

2.2 An employee who has requested, and received agreement for, ad hoc home based working may request a thin client laptop, from the pool available, for use on that day. PHSO has a substantial number of thin client laptop but it cannot be guaranteed that a laptop will always be available for the day requested. No other equipment is routinely provided by PHSO.

### **3. Managers' responsibilities**

3.1 Line managers must ensure that where a day's ad hoc home based working has been requested the employee is aware that an ad hoc home based Health and Safety & Security self assessment must be completed. This should be prior to the member of staff working from home and emailed to Service Delivery, who will review and let the line manager have comments. This should be completed on an annual basis or where there is a significant change to the work station.

3.2 Managers are required to keep a record of the requests for ad hoc home based working, both those which are agreed and those refused. This record is an audit trail and can be requested by senior managers, HR, People & Talent or Service Delivery should it be necessary. The record should be kept for 12 months.

Links to other documents:

[Flexible Working Application Form](#)

[Homeworker self-assessment form](#)

Guidance on the use of the Flexible Working Policy:

[Contractual Flexible Working Application Guidance](#)

[Contractual Homebased Working Guidance](#)