

Appendix 1

FLEXIBLE WORKING, HOME WORKING AND TIME OFF POLICY

1. INTRODUCTION

- 1.1. Within the limitations necessarily imposed by the provision of services to the public, the Council acknowledges the importance of balancing working time requirements with the differing needs and/or priorities that individual staff have outside work in order that it can retain a motivated and demographically diverse workforce.
- 1.2. This document gives a summary of the types of flexible working and time off issues that are available for staff and managers to consider. It should be recognised that, due to the rigid nature of some jobs, it will not be possible for all staff to have as much flexibility as they might wish. It will be for Chief Officers to determine what methods of flexible working are applicable to each section/job. However, it will be for management to demonstrate why a particular method cannot be facilitated.
- 1.3. ***When considering requests for changes to working patterns, leave (such as annual leave and flexi-time leave), time off in lieu etc, managers will be mindful of their responsibility to ensure levels of staffing/office cover that are necessary to enable the Council to undertake its commitments to the public and to discharge its responsibilities for the health and well being of those providing office/service cover.***
- 1.4. ***The Council will adhere to legislation concerning flexible working and will not discriminate unlawfully when making decisions about whether to allow someone to work flexibly.***

2. FLEXITIME

- 2.1 In sections where it is possible to run a flexitime working hours scheme staff will have the opportunity to vary times of arrival at and departure from work and the length of their lunch break subject to there being a period of core hours and that offices are staffed sufficiently to respond to customers during the period from 0830 to 1700 hours.
- 2.2 Staff participating in the scheme will be required to record their working time on the forms which will be provided for each section participating in the scheme.
- 2.3 It has to be understood that within the scheme there will be varying degrees of flexibility depending on the nature of the work. In some sections a very large degree of flexibility outside of the core hours will

be practicable, in others ***e.g. customer services, caretaking, operational staff at the leisure centres***, it will be essential to pre-determine with staff the pattern of hours they will work so that services can be maintained. In these sections staff will need to agree with their managers any departures from normal patterns of work to minimise service disruptions.

2.4 Core and Variable Time

2.4:1 Core working hours are 1000 to 1200 hours and 1400 to 1600 hours, Monday to Friday unless alternative core times are agreed between managers and staff. This may be the case where sections have peak workloads at times outside the standard core hours. Where necessary, core times will also be different for part time staff. Time worked outside of core hours and between 0730 and 1830 hours therefore represents the variable working time.

2.4:2 However, the variable working time may be in a narrower band for staff who depend on certain computer systems for their work if those systems are not available throughout the standard variable time. This issue will need to be resolved at a section level. Time worked between 1830 and 0730, or between the limits of such narrower bands of variable time that are determined for certain sections, is not recordable for the purpose of flexitime but may be claimed as overtime or time off in lieu by staff who qualify for these. A minimum of 30 minutes must be taken for lunch between 12.00 and 14.00.

2.5 Recording and Accruing Working Time

2:5:1 A four week settlement period will apply, whereby at the end of each settlement period a maximum credit or debit of 10 hours can be carried over into the next settlement period. Unless authorised by the Chief Officer due to exceptional circumstances, any hours in excess of 10 hours will not be carried forward. Deficits in excess of 10 hours should be taken from the employee's annual leave entitlement.

2:5:2. If sufficient credit time has been accrued, flexi-leave may be taken in full or half days other than for medical and dental appointments, when the amount of time needed can be taken. A maximum of 1 day's flexi-leave can be taken in any settlement period. All flexi-leave must be agreed with the employee's manager in advance.

2.5:3 Hours not worked because of training, external meetings, sickness or approved leave will be 'credited'. Other hours not worked, e.g. dealing with domestic emergencies, traffic delays or planned medical or dental appointments will not be counted as working hours. Planned dental, hospital or doctors' appointments should be arranged in an employee's own time where possible. In the event that such appointments must take place during work time then flexi-leave, time in lieu, lunch breaks or annual leave must be used to cover the absence.

2.6 Review

- 2.6:1 The Council reserves the right to withdraw or suspend the scheme generally, or in specific sections should circumstances make this necessary, following a minimum of four weeks notice to staff. Staff may withdraw from the scheme by written notice to their manager at the end of any accounting period (ensuring that they have no debit to carry forward).
- 2.6:2 Failure on the part of an individual member of staff to abide by the terms of the flexitime scheme will result in its withdrawal and abuse of the scheme will be treated as a disciplinary matter.
- 2.6:3 Any dispute concerning the operation of the scheme, which cannot be settled by the Service, will be dealt with through the grievance procedure.

3. TIME OFF IN LIEU

- 3.1 Where flexitime is not in operation or the time worked is not within the flexi-time band of core and variable hours, non-M grade staff or ***Leisure Services Business Unit staff not on an “all inclusive salary”*** may request to claim time off in lieu rather than being paid for additional hours or overtime.
- 3.2 Non-M grade staff requiring a specific period of time off work can request that they be allowed to work such hours back at a later time. Such requests must have the agreement of the line manager and hours 'worked back' must complement service needs.
- 3.3 M grade staff are contracted to work the time that is necessary for the proper and efficient despatch of their duties and responsibilities. They do not have a contractual right to overtime payments or time off in lieu. However, managers of M grade staff should monitor their working time, particularly where this involves significant evening or weekend commitments, and may sanction arrangements for compensatory time off where justified by evening or weekend workload levels.

4. REQUESTS TO WORK PART-TIME, JOB SHARE OR CHANGE DISTRIBUTION OF HOURS

- 4.1 All employees have a right to request a change from full to part-time hours or to vary the distribution of their present hours. Such requests will be fully considered, ***by the relevant managers (supported by a representative from Personnel Services), following the procedure set out in the Annex to this policy.*** Whilst it may not

always be possible to find an arrangement that satisfies both the individual and the service need, every attempt will be made to find a complimentary solution.

- 4.2 There are a number of factors that may influence the response to such requests, ***including rights conferred by the Equality Act 2010. In instances where an employee has requested an adjustment on the grounds of a disability, managers will be mindful of the duty to make reasonable adjustments to a working pattern if this removes a barrier to the employee being able to do the job. Managers will also consider requests for adjustments in working patterns to accommodate caring responsibilities, requirements pertaining to religion or belief and issues relating to gender reassignment within the framework provided by the Equality Act 2010.***
- 4.3 Job sharing provides a convenient solution to requests to work part-time where full time hours are required. However, the arrangement of a job share for an existing member of staff can be limited by the ability to fill the 'other half'. Again, every attempt will be made to find a solution but, in the event that none can be found, the request may be refused.
- 4.4 An assumption will be made that an advertised post will be open to job sharing unless the Chief Officer has demonstrated that it cannot be.

5. TERM-TIME WORKING

- 5.1 Term-time working allows for absences during school holiday periods, allowing parents to be at home to care for children. In small teams it can be hard to accommodate one person's absence for such periods without burdening others and in a relatively small organisation like Tonbridge & Malling it is likely to be particularly difficult to accommodate this type of flexible working. Therefore, any employees wishing to move to term time working should make proposals to their manager that explain how their request could be met and any detrimental effects reasonably overcome.
- 5.2 Any agreement to allow term-time working will be reviewed annually and withdrawn where it has adversely affected the effective running of a service or the motivation or welfare of other staff.
- 5.3 ***Those for whom term time working has been agreed will be required to work according to the dates of the academic year of the relevant Education Authority or private school (approximately 38 weeks) for an agreed number of hours per week. The first day of the autumn term will be considered to be the beginning of the new academic year. Should the year's term dates exceed or fall short of the equivalent of 38 weeks, any outstanding balance of hours will be paid or deducted at the year***

end. To this end term time workers will be required to maintain a timesheet, which should be submitted on the first day of each month to their line manager. In the event that the contract is brought to an end, by either the individual or the Council, before the beginning of a new academic year and the individual has been paid for more or less hours than they have worked on a pro rata basis, the balance will be paid to them or deducted from their final salary payment.

5.4 *Entitlement to leave will be on a pro rata basis, according to the number of whole calendar months worked. Any overtaken leave at the time of termination will be deducted from the final salary payment.*

6. HOMEWORKING

6.1 Homeworking, Teleworking and Mobile Working Policy

6.1.1 This policy has been developed in the context of the Council seeking to provide greater flexibility in patterns of work where personal circumstances and the nature of the tasks to be undertaken lend themselves to working from home and/or where reduced travel to work would have environmental benefits.

6.1.2 A homeworking arrangement, whether on a permanent, temporary or non-contractual basis, might enable disabled people or those with caring responsibilities to remain in the Council's employment. There may also be periods of time when, due to for example prolonged disruption in travel arrangements or continuing highway maintenance activities, there is a good case for homeworking for some employees. As an action within the Council's staff travel plan, either occasional or more regular patterns of homeworking can also be used to reduce commuter travel and peak time congestion to the Council offices.

6.2 Definition

6.2.1 There are two types of homeworking covered by this policy. Homeworking as a contractual agreement covers the following circumstances:

6.2.1.1 Those who **work at home for an agreed part of their normal working time**, whilst maintaining a regular base at a Council Office i.e. their time would be split between home and office. Staff who are being "eased back into work" following a long term illness, those who have developed a physical or mental impairment.

6.2.1.2 Staff who **work wholly from home** and do not have a base in the office. Some temporary jobs that involve project work or have an identifiable output might belong to this category.

6.2.1.3 Staff who **work from home as a base**. This might involve those employees whose main duties include working on site and rarely requires visiting the Council offices.

6.3 Homeworking on a non-contractual basis covers the following:

6.3.1 Staff who, with the prior agreement of their line manager, are authorised to **work from home** on occasional days. This would have the benefit of reducing commuter mileage in line with the staff travel plan.

6.4 Principles – Contractual Homeworking Arrangements

6.4.1 At present not many jobs within the council lend themselves to contractual homeworking as outlined in section 1.1 above.

6.4.2 Contractual homeworking is not offered as a right but on the suitability of the post/environment/person(s) concerned, where this enhances the quality of service provided.

6.4.3 This policy is intended to apply to those who live within a reasonable travelling distance of the Council offices to enable them to attend team meetings.

6.4.4 The decision on a contractual homeworking request will lie with the line manager in consultation with the relevant Chief Officer. Managers have the right to refuse requests for contractual homeworking where they consider that it is unsuited to the post, environment or person. Managers will also need to consider whether the cost of contractual homeworking outweighs the benefits to the service. If, for example, working regularly from home necessitates a large financial outlay in terms of IT equipment, furniture and a broadband linkage to existing Council systems, there would need to be very compelling advantages to service delivery to justify this expenditure. The IT Manager will need to be consulted in assessing the cost of contractual homeworking in those circumstances where there is a requirement for the purchase of additional equipment/furniture. Staff who do not accept the reasoning provided for a refusal to accommodate a request under this document will have the right of appeal to the Chief Executive.

6.4.5 In order to be considered for a contractual homeworking arrangement, employees will need to be able to demonstrate that they are able to:

- i) work without close supervision
- ii) satisfactorily meet the requirements of the duties of the post
- iii) be self reliant and cope with isolation
- iv) organise working time and meet scheduled deadlines
- v) provide suitable accommodation to work from home, free from distraction
- vi) demonstrate the absolute security of their work (both manual and computerised information)

vii) comply with the Data Protection Act and the Freedom of Information Act

viii) maintain appropriate levels of communication with their manager via phone/fax/e-mail.

6.4.6 Contractual homeworking is unlikely to be suitable for those who are required to closely supervise other staff as part of their duties.

6.4.7 Contractual homeworking is voluntary, and cannot be imposed on any member of staff other than where homeworking formed part of the employee's original contract.

6.5 Process for becoming a contractual homeworker

6.5.1 An employee who considers that s/he has good reasons to request a contractual homeworking arrangement should discuss the issue with his/her line manager setting out ideas on how his/her work could be undertaken.

6.5.2 Before a permanent arrangement is agreed there will be a trial period during which there should be a continuous review of job performance and working practices so that the advantages of contractual homeworking for the postholder and Council can be evaluated.

6.5.3 Before the trial period begins the line manager should have undertaken the attached contractual Homeworking Checklist with the employee.

6.5.4 Once the employee, the line manager and the relevant Chief Officer have agreed the arrangements for contractual homeworking, the Senior Personnel Officer should be notified in order for any appropriate contractual changes to be expedited.

6.5.5 The homeworking employee should follow established Council procedures for requests for annual leave, notification of absence due to ill health etc.

6.5.6 The homeworker will be expected to attend team meetings and other relevant meetings as required. No travel expenses will be paid for attendance at these meetings.

6.5.7 If an existing homeworker plans to move home, or if their circumstances otherwise change, they must inform their line manager so that s/he can consider whether the homeworking arrangement can continue in the new location.

6.6 Insurance

- 6.6.1 In general contractual homeworkers are covered in the same way as other employees under the Council's Employers and Public Liability Insurance arrangements.
- 6.6.2 Employers Liability – If a homeworker suffers an injury caused by the Council's negligence, any claim which arises will be dealt with under this insurance.
- 6.6.3 Public Liability – If through the negligence of the homeworker, whilst carrying out their duties, a third party suffers an injury or loss, any claim which arises will be dealt with under the Council's insurance. If, however, claims arise within the employee's home for whom the Council has no control (e.g. defects on the homeworker's premises) they would not be covered.
- 6.6.4 Home Insurance (Property/Contents) – Homeworkers will be required to clarify that their Home Insurance covers them for working at home and will be required to produce evidence of this on an annual basis.
- 6.6.5 Mortgage and Tenancy Agreements – Homeworkers should inform anyone with an interest in their property, i.e. building society, landlords etc.

6.7 Equipment and software

- 6.7.1 Any decision to purchase and supply equipment and software for homeworking will need to be made in consultation with the IT Manager. In assessing the overall cost managers and staff will need to be aware that this cost will involve a requirement for ongoing support from IT staff.
- 6.7.2 Any equipment and software provided and maintained by the Council will remain the property of the Council. The Council will not be responsible for maintenance costs or repair in the event of loss or damage of any personal equipment used.
- 6.7.3 Homeworkers must regularly backup their computer files and ensure that these backups are stored by IT Services.

6.8 Taxation

- 6.8.1 An employee's **council tax** position is unlikely to change through homeworking.
- 6.8.2 Contractual homeworking is a matter of choice and administrative convenience. It is therefore unlikely to qualify for **tax relief**. However, employees may wish to clarify their own tax position with the Inland Revenue.
- 6.8.3 Any equipment supplied for homeworking should be used for Council business only, and as such is unlikely to be classified as a

taxable benefit by the Inland Revenue. There will be a requirement for staff to declare such equipment on their Tax Return only if the total value of the equipment supplied by the Council exceeds £2,500.

6.9 Travel Expenses

- 6.9.1 In normal circumstances any travel incurred by a homeworking employee would be reduced by their notional home to work travel.
- 6.9.2 It is very unlikely that any contractual homeworker would be able to demonstrate to the Inland Revenue that their normal place of work is home for the purposes of claiming travel expenses. At present the Inland Revenue would not accept that the home is a normal place of work if the Council provides any workplace facilities for the employee. Nor would it allow employees to claim home as a place of work if their duties include regular visits to a workplace for team meetings etc.

6.10 Health & Safety Implications

- 6.10.1 Health & Safety Display Screen Equipment Regulations 1992 – are directly applicable to contractual homeworkers required to use a display screen as part of the homeworking arrangement, including the opportunity for any eye test.
- 6.10.2 Risk Assessment – an assessment of the risks involved will be carried out by the line manager according to the schedule attached in annex 1.
- 6.10.3 Testing of electrical equipment provided by the Council – this will take place in accordance with existing maintenance guidelines.
- 6.10.4 Visitors to home – contractual homeworkers must not meet clients or representatives in their home. Rooms at the Council Offices or other suitable locations should be used for this purpose.
- 6.10.5 Accidents – connected with official duties undertaken at home should be recorded using the Council's existing accident reporting process.

6.11 Monitoring

- 6.11.1 Staff who have a contractual homeworking arrangement will be able to opt into the Flexi-time system. Any Flexi-time taken should be authorised by the line manager in the normal way.

6.12 Principles – Non- Contractual Homeworking

- 6.12.1 Non-contractual homeworking will be for those staff who are authorised to work from home on occasional days and so help meet mileage reduction objectives within the staff travel plan. In order to achieve this, staff should be encouraged by their line manager to work a full day at home without using the car on that day to ensure mileage

reduction objectives are met. Part days working at home should be only be considered acceptable in exceptional circumstances as this would not accord with objectives in the staff travel plan..

6.12.2 It must be recognised that not all staff will be able to work from home, e.g. frontline staff and those undertaking site visits but need to use the office as a base. For other staff, formal conditions, as set out below, must be met to enable home working to be authorised.

6.12.3 Non-contractual homeworking will be at the request of the employee and on this basis, any IT hardware and software, office facilities and any associated costs will be the responsibility of the employee. Sections 4,5,6, and 7 of this policy do not apply to non-contractual homeworkers. To accord with the provisions of the Display Screen Equipment Regulations 1992, staff working at home on a non-contractual basis will be expected to complete a self assessment of their own work stations.

6.12.4 Staff who wish to homework on occasional days will need to ensure that this is agreed **in advance** with their line manager. Managers have the right to refuse requests for such homeworking where they consider that this would create difficulties. For example, the line manager will need to ensure that there is adequate cover in the office for staff to homework and that other team members are made aware of the request and are consulted. Normally, only one member of staff within a team would be allowed to homework on any given day.

6.12.5 There will need to be trust between the line manager and employee. However, it is the responsibility of the line manager to ensure the employee has one or more specific work tasks that can be undertaken at home when agreeing to a request to home work. This should be monitored by the line manager to ensure that work has been completed as agreed.

6.12.6 Those working from home on occasional days will be expected to keep to their normal hours of work, maintain access to GroupWise and be contactable via email and/ or telephone during core work times.

6.13 Members

6.13.1 In line with the Council's commitment to achieving the E-government agenda, elected members of the Council need to have access to appropriate IT facilities.

6.13.2 This commitment is discharged by offering a loan to any Members wishing to purchase IT equipment for use at home, and by the availability for Member use of two workstations at the Civic Suite reception.

6.14 Addendum

In the event of adverse weather conditions preventing staff from travelling safely to work, or in times of civil emergency, or when the place of work is closed, the Council may request that staff work from home where this is appropriate and possible. In such circumstances, the principles of non-contractual homeworking (para.10 above) will apply, albeit that the request to work from home will be made by the Council and the Health & Safety measures should be complied with where this is reasonably possible within the available time frame.

7. MATERNITY LEAVE

7:1 Pregnant employees have the right to paid time off for ante-natal care.

7:2 Employees with more than 26 weeks continuous TMBC service, and who meet the necessary qualifying criteria, have a basic right to Statutory Maternity Leave of 39 weeks paid leave and a further 13 weeks unpaid leave.

7:3 For employees with more than 1 years continuous local government service, there is an occupational entitlement to enhanced rates of maternity pay (six weeks at 9/10ths pay, twelve weeks at half pay plus Statutory Maternity Pay, and then 21 weeks at the statutory rate).

7:4 In order to retain the half pay element mentioned above, an employee must return to work following the end of their maternity leave for a minimum of three months.

7:5 Employees on maternity leave can work for up to 10 Keeping in Touch days during their maternity leave.

8. PATERNITY LEAVE

8:1 For employees with at least 26 weeks continuous service with TMBC, and who satisfy the conditions relating to Statutory Paternity Leave, there is a statutory entitlement to two weeks paternity leave with Statutory Paternity Pay. For employees with more than 1 years continuous service with TMBC, there is an occupational entitlement for one of these weeks to be paid at the normal weekly rate.

8:2 Paternity Leave can be taken by the biological father, the mother's husband, partner or civil partner, or the adopter's spouse, partner or civil partner. They must have or expect to have responsibility for the child's upbringing.

8:3 Statutory Paternity Pay

8:3:1 In order to be assessed for Statutory Paternity Pay, form SC3 (for paternity leave), form SC4 (for paternity leave adoption) or form SC5 (for paternity leave adoption from abroad) should be completed by the employee

and forwarded to the payroll office by the 15th week before the baby is due **or within 7 days of the adopter being notified of being matched with a child.**

8:3:2 The employee can change their mind about the intended start date but should give the employer 28 days notice of the dates.

8:3:3 If it is not possible to give the necessary notice, the issue should be discussed with the Line Manager who should liaise with Personnel and Payroll.

8:3:4 Statutory Paternity Pay can be paid for one or two weeks (but not two separate weeks).

8:3:5 Paternity leave cannot start before the child is born **and must finish within 56 days of the actual birth or expected week of childbirth.**

8:4 Additional Paternity Leave

8:4:1 In addition to the provisions outlined above, employees will be entitled to take additional paternity leave (APL) of between 2 to 26 weeks in the first year of their child's life, or the first year after the child's placement for adoption. In order to be assessed whether there is an entitlement for payment for any of this leave the employee needs to complete form SC7 (for parents), SC8 (for adoptive parents, or SC9 (for adoptions from abroad).

8:4:2 Employees can start their additional paternity leave any time from 20 weeks after the child is born, provided that the mother or adopter has returned to work. Any APL which falls within the mother or co-adopters statutory maternity or adoption leave pay will qualify for the remainder of the mother's or co-adopter's statutory maternity or adoption leave pay. This will be paid to the father as additional statutory paternity pay. Contractual benefits, apart from remuneration, will continue during APL and fathers will be able to take Keeping in Touch Days.

9. PARENTAL LEAVE

9:1 For parents (of children under five years old **or a child under the age of 18 who has been adopted within the last 5 years**) with at least one years continuous local government service, there is a statutory right to take up to 13 weeks unpaid leave for each child, to care for that child (18 weeks where the child is entitled to disability living allowance).

9:2 Parental leave must be taken in whole weeks, and no more than 4 weeks in any one year can be taken in respect of each child. **Each week of parental leave is measured in terms of the employees normal working week, so one week of parental leave may be 5 days for a full time employee, or e.g. 3 days for a part time employee.**

10. ADOPTION LEAVE

10:1 Employees will be allowed up to five days paid leave for the purpose of visiting a child and making the necessary arrangements with the Adoption Agency or Social Services Department. This leave applies to both prospective parents.

10:2 Employees with more than 26 weeks continuous service, and who meet the necessary qualifying criteria, have a basic right to Statutory Adoption Leave which mirrors the Statutory Maternity Leave and **Statutory Paternity Leave provision**.

10:3 For employees with more than 1 year's continuous service with TMBC, there is an occupational entitlement to enhanced rates of adoption pay.

11. COMPASSIONATE LEAVE

11:1 Compassionate Leave is at the discretion of Chief Officers to whom requests for such time off should be directed. In most instances between 1 and 5 days paid leave will be granted but this will entirely depend on the circumstances and the reasons leading to the request.

12. SPECIAL LEAVE

12:1 Special Leave is normally unpaid and meant to be used whenever it is not appropriate or possible to use annual or compassionate leave. Again, it is at the discretion of Chief Officers.

12:2 Where the request is only for one or two day's leave, Chief Officers may consider allowing the individual to work the hours back at some time in the future rather than to reduce their pay.

13. TIME OFF FOR RELIGIOUS HOLIDAYS

13:1 Leave for religious holidays/festivals not celebrated by a public holiday will not be unreasonably refused and should be taken out of the annual leave entitlement.

14. JURY SERVICE

14:1 If you are called for Jury Service, inform your Chief Officer of the dates you have been asked to attend. The Courts will send you a Loss of Earnings Certificate which you should take to Payroll.

15. TIME OFF FOR PUBLIC DUTIES

15:1 Reasonable paid time off during working hours of up to 18 paid days per year may be authorised by your Chief Officer for the performance of the following public duties:

- Justice of the Peace
- A member of a local authority
- A member of a statutory tribunal
- A member of an NHS Trust board or Health Authority or Primary Care Group
- A governor of an educational establishment
- A member of a board of visitors for prisons, remand centres and young offenders institutions
- A member of a housing association board
- A member of the Territorial Army

15:2 Although this is discretionary, Chief Officers are encouraged to allow time off for such duties wherever reasonably practical, and likewise employees are expected to ensure the time off does not have a detrimental effect on the performance of their job wherever this can be avoided.

15:3 Performance of any such duty should be declared in accordance with the Code of Conduct.

15:4 Paid time off of up to three days per year may also be authorised for the performance of voluntary duties with recognised groups undertaking work of benefit to the residents of the borough.

18. TIME OFF FOR STUDY & TRAINING

18:1 *To make a request for time to train an individual must:*

- *be an employee*
- *have worked for the Council continuously for at least 26 weeks on the date they make their request.*

18:2 *As there is no time limit for the length of time that the study or training may take, potentially the entire range of developmental activity currently supported by the Council could fall within the remit of these regulations – IF THE INDIVIDUAL REQUESTING THE TRAINING CHOOSES TO INITIATE THE FORMAL PROCESSES SET OUT IN The Employee Study & Training (Procedural Requirements) Regulations 2010.*

18:3 *Employees will have the right to request that the Council allow them time to undertake training. They do not have the right to be paid for the time spent training.*

18:4 *In order for a request for time to train to be a valid request, covered by the legislation, it must be submitted in writing.*

18:5 *The timescales for considering time to train requests mirror those set out in the requesting flexible working procedure set out in the Annex to this policy.*

18:6 *The employee's request for time to train can only be refused for one of the "business reasons" set out in the Annex (below) to this policy.*

Annex

REQUESTING FLEXIBLE WORKING PROCEDURE

This procedure should be followed whenever an employee makes a request to work part time, job share or change the distribution of their hours, or for time off for study or training.

An employee can make only one request every 12 months. The employee and their line manager, supported by a representative from Personnel Services, should follow the procedure set out below. Time limits can be extended only where this has been agreed in writing.

The employee initiates the procedure by making a formal written request. The request should include details of the requested change in working pattern and the date on which it is proposed the change should take effect. The employee should also explain what effect, if any, he or she thinks making the change would have on the service they provide or role they undertake, and how, in his or her opinion, any such effect might be dealt with. A copy of this formal request should be sent to the relevant line manager and Personnel Services.

The line manager, having consulted a representative from Personnel Services, may agree to the employee's request to vary their working patterns, or for time off for study or training. If so, they must write to the employee within 28 days of receipt of the employee's request. The letter must set out the agreed changes to the employee's working patterns and the date these are to commence.

In the absence of an immediate agreement to the employee's request, the line manager must arrange a meeting within 28 days to consider the employee's request. An employee has the right to be accompanied by a work colleague or trade union official working for the Council at the meeting. The manager will be supported by a representative from Personnel Services.

The manager must consider the employee's request seriously and, in the case of a change to the pattern of working hours, can only refuse the request for one of the following prescribed business reasons:

*the burden of additional costs;
detrimental effect on the ability to meet customer demand;*

***inability to reorganise work among existing staff;
inability to recruit additional staff;
detrimental impact on quality;
detrimental impact on performance;
insufficient work during the periods the employee wished to work;
planned structural changes.***

There are the following two additional reasons for refusing a request for time off for study or training;

***the proposed study or training would not improve the employee's effectiveness;
the proposed study or training would not improve the performance of the Council.***

The manager must notify the employee in writing of their decision within 14 days of the meeting.

The employee must be given the opportunity to appeal the decision. The employee must outline in writing the reasons why he or she thinks the decision is wrong within 14 days of the decision. The appeal letter should be submitted to the employee's Chief Officer, or the Chief Executive or his/her nominated deputy (as appropriate).

The Chief Officer, Chief Executive or nominated deputy will then organise an appeal meeting to consider the employee's appeal. An employee has the right to be accompanied by a work colleague or trade union official working for the same employer at the appeal meeting. The manager hearing the meeting will be supported by a representative from Personnel Services.

The manager hearing the appeal meeting must notify the employee of their final decision within 14 days of the appeal meeting. If they agree to vary the employee's working pattern, it should be set out in writing what the agreed change is and when it is to start. If they do not agree to any change, they should provide the employee with their reasons.

Any changes put in place will be permanent unless the employee and employer agree otherwise. For example, the changes could be put in place for a three month trial period.

Personnel Services

June 2004

Amended May 2006, August 2006, January 2007, March 2007, August 2007, June 2011