

Annex 1

New Forest National Park Authority

Flexible Working Policy

1. Introduction

- 1.1. The Authority recognises that there has to be a balance between work and home life. Flexibility can benefit both employers and staff. It enables the retention of skilled staff; reduces staff turnover and absenteeism and increases staff morale.
- 1.2. All staff have the right to make a statutory request to work flexibly. Any application should be made by following the statutory procedure set out below.
- 1.3. In addition staff may from time to time need to take time off to look after dependants and carry out paternal responsibilities. The Authority recognises this and will respond positively to requests for reasonable time off without pay.

2. Flexible Working

- 2.1. The arrangements below set out the policy in relation to flexible working.

3. Eligibility

- 3.1. In order to make an application for flexible working the staff member will have to meet the criteria set out below.
- 3.2. To meet the statutory eligibility criteria, the staff member must:
 - have worked for the Authority continuously for 26 weeks at the date the application is made;
 - not have made another application to work flexibly during the past 12 months;

However applications will be considered if you do not meet this criteria.

4. Flexible Working: Rights and Responsibilities

- 4.1 A member of staff has the right to:
 - apply to work flexibly;
 - have his/her application considered properly and refused only where there is a clear business ground for doing so;
 - have a work colleague or Trade Union official present when meeting to discuss the request;
 - have a written explanation where an application is refused;
 - appeal against a refusal of the application.
- 4.2 The member of staff has the responsibility to:
 - provide a carefully thought-out application; (Pro-forma available for your use)
 - ensure the application is valid by checking the eligibility criteria;
 - ensure that the application is made well in advance of when it is to take effect;
 - be prepared to discuss the application in an open and constructive manner;
 - if necessary, be prepared to be flexible in order to reach agreement.

4.3 The Authority has the right to:

- reject an application when the desired working pattern cannot be accommodated within the needs of the business;
- seek the staff member's agreement to extend the timescales within which the application must be considered where it is appropriate;
- treat an application as withdrawn in certain circumstances.

4.4 The Authority has the responsibility to:

- consider requests properly in accordance with the set procedure;
- ensure that managers adhere to the time limits within the procedure;
- provide staff with appropriate support and information in making the application;
- only decline a request where there is a recognised business ground (as detailed in para 8.7 below) and to explain to the staff member, in writing, those criteria which apply;
- ensure that any agreed variation with the procedure is agreed in advance with the staff member and recorded in writing.

5. Type of changes to be considered

5.1 Eligible staff can request to:

- change the hours they work;
- change the times when they are required to work; or
- work from home (whether for all or part of the week).

5.2. Examples of flexible working patterns are annualised hours; compressed hours; flexitime; home-working; job-sharing; shift working; staggered hours or term-time only working.

6 Applications

6.1 An application under the statutory right must:

- be in writing (whether on paper, e-mail or fax) (you are encouraged to use the Pro-forma see Appendix 2) and dated;
- state that the application is being made under the statutory right to request a flexible working pattern;
- explain what effect, if any, the staff member thinks the proposed change would have on the business and how, in their opinion, these effects might be dealt with;
- specify the flexible working pattern applied for;
- state the date on which it is proposed the change should become effective;
- state whether a previous application has been made to the employer and if so, when it was made;

7. Effect of Change to Working Pattern

7.1 Any request that is made and accepted under the statutory right will result in a permanent change to the staff member's contractual terms and conditions of employment (unless otherwise agreed). This may result in a reduction in pay if, for example, hours are reduced. The staff member has no right to revert back to the previous working pattern.

8. Consideration of Applications

8.1. Employers have a legal responsibility to consider all applications and establish whether the desired work pattern can be accommodated within the needs of the business.

Receipt of application

- 8.2 The manager receiving the application should acknowledge the application within seven days.

Incomplete Applications

- 8.3 If the staff member fails to provide the required information as set out in Section 6, the manager receiving this should inform them what has been omitted and ask that the application is re-submitted when complete. The staff member should also be informed that the application will not be considered until it is complete and re-submitted.

Arranging a Meeting

- 8.4 After checking that the application is valid, the manager should arrange a meeting with the staff member to consider the request. This meeting should be held within 28 days after the date the application was received, although this time period can be extended by mutual agreement. The staff member can be accompanied, if they wish, by a work colleague or a Trade Union official. If the staff member's companion is unable to attend the meeting, the staff member should re-arrange the meeting for a date within seven days of the originally proposed time, ensuring that the new time is convenient to all parties; or consider an alternative companion.

Failure to attend

- 8.5 If the staff member fails to attend a meeting as agreed and does not provide a reasonable explanation, the Authority may treat the application as being withdrawn and the manager should write to the staff member within seven days of the meeting date confirming that the application was now considered as withdrawn.

Meeting

- 8.6 The meeting will provide both parties with the opportunity to discuss the required work pattern in depth and consider how this might be accommodated. It will also provide an opportunity to see if an alternative working arrangement may be appropriate. It may also be appropriate to agree that the new working arrangement will take place for an agreed trial period in order to see if it suits both the staff member and the manager concerned. A note of the meeting should be taken and a copy supplied to the staff member.

Notification of decision

- 8.7 The manager holding the meeting must write to the staff member confirming the decision within seven days following the date of the meeting.

If the request is accepted, the notification must be dated and:

- include a description of the new working pattern;
- state the date from which the new working pattern is to take effect.

The manager should also ensure that Human Resources is informed and any pay implications are administered. If there are any health & safety implications, e.g. if the staff member will be working at home, the manager should be satisfied that a risk assessment has been carried out and any necessary action taken.

If the request is rejected, the notification must be dated and:

- state the business ground(s) for refusing the application;
- provide sufficient explanation as to why the business ground(s) for refusal apply in the circumstances;
- provide details of the staff member's right to appeal against a decision to reject their application.

An application may only be rejected on one or more of the following grounds:

- burden of additional costs;
- detrimental effect on 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;
- insufficiency of work during the periods the staff member proposes to work;
- planned structural changes.

The aim in explaining a rejection to the staff member should be to explain in terms that are relevant, why the relevant business grounds mean that the requested working pattern cannot be accepted. Any facts quoted in the explanation must be accurate and the manager must be sure that he or she is able to substantiate them should they subsequently be disputed.

9. Appeals

9.1 A staff member has fourteen days to appeal in writing after the date of notification of the employer's decision. When submitting the appeal the staff member must set out the grounds for making the appeal and ensure that it is dated.

9.2 The Authority will arrange an appeal meeting within 14 days after receiving notification that the staff member wishes to appeal. This is on the same basis as the meeting to discuss the request as detailed in Paragraph.8.6. There are no restrictions on who should hold the appeal meeting, although it would normally be a manager senior to the one who originally considered the application. It may also be appropriate for the appeal to be heard by an appeal panel set up by the Authority. The person(s) hearing the appeal should be supplied with copies of the original request, notes of the meeting and correspondence detailing the refusal and the appeal letter from the employee.

A note of the meeting should be taken and a copy supplied to the staff member.

9.3 The Authority must inform the staff member of the outcome of the appeal in writing, within 14 days after the date of the meeting.

If the appeal is upheld the written decision must be dated and:

- include a description of the new working pattern;
- state the date from which the new working pattern is to take effect.

If the appeal is dismissed the written decision must be dated and:

- state the grounds for the decision. These will be appropriate to the staff member's own grounds for making the appeal;
- provide an explanation as to why the grounds for refusal apply in the circumstances. The principles relating to the explanation for the decision set out at section 8.7 above apply to the decision following an appeal.

9.4 Written notice of the appeal outcome constitutes the Authority's final decision and is effectively the end of the formal workplace procedure.

10. Summary

10.1 A summary of the flexible working process is outlined in a flowchart attached to this policy as Appendix 1.

11. Leave Arrangements: to care for dependants and fulfil parental responsibilities

- 11.1 The Authority understands that many staff have to balance work and family commitments and aims to support staff who have an emergency to deal with in their personal life.

Circumstances in which staff may request leave for dependants

- 11.2 All staff will be entitled to take a reasonable amount of time off, **unpaid**, during working hours for the purpose of:
- providing assistance when a dependant falls ill, gives birth, or is injured or assaulted;
 - arranging care for a dependant who is ill or injured;
 - taking necessary action in consequence of the death of a dependant.
- 11.3 A 'dependant' is defined as the staff member's wife, husband, child, parent or someone who lives in the same household, but who is not an employee, tenant or lodger of the staff member. The term 'dependant' may also include any person who relies on the staff member to make arrangements for the provision of care in the event of illness or injury, where the staff member is the primary carer or is the only person who can help in an emergency.
- 11.4 The right to time off under these provisions is intended to enable staff to deal with emergency situations involving dependants and to make longer term care arrangements. This might mean making arrangements to employ a temporary carer or taking a sick child to stay with relatives.
- 11.5 Staff may also request time-off where there is an unexpected disruption in their normal care arrangements for a dependant, e.g. childminder or nurse is unexpectedly absent; closure of schools or nurseries etc.
- 11.6 Staff could request to take annual leave from next years annual leave entitlement, use flexi time, or work extra hours instead of taking unpaid leave.

Entitlement to leave

- 11.7 The right to take time-off is for a period of time which is reasonable. The legislation does not specify the amount of time a staff member is entitled to, since this will vary according to the circumstances of the emergency. For most cases, one or two days should be sufficient to help the staff member cope with the crisis (e.g. to deal with the immediate care of a child, visiting the doctor or hospital if necessary and to make longer term arrangements). It is unlikely to be reasonable for a staff member to take two weeks leave to look after a sick child. The time off is granted so that the staff member may make long-term care arrangements if required but not to carry out prolonged care themselves.
- 11.8 In the event of a dispute over the staff member's entitlement to time off under these provisions, the matter should be discussed with the staff member's line manager but failing resolution, can be raised through the Authority's grievance policy.

Notice of intention

- 11.9 A staff member must tell their line manager (or leave a message for him/her) the reason for the absence as soon as is reasonably practicable, together with details of how long the absence is likely to last. There may be exceptional circumstances where a staff member returns to work before it was possible to contact his/her manager but the manager should be informed of the reason for the absence on returning. It is not necessary to give notice in writing.

Abuse of the right to take time-off

- 11.10 If a manager believes that a member of staff is abusing the right to time-off, the matter should be dealt with under the disciplinary policy.

12. Parental Leave

Eligibility

- 12.1 Staff with at least one year's continuous service will be entitled to **unpaid** parental leave if he or she:
- is the parent (and is named on the birth certificate) of a child or a disabled child under eighteen years old; or
 - has adopted a child under the age of 18 or
 - has adopted a disabled child under the age of 18; or

Leave available

- 12.2 Parental Leave may be taken either from the birth or adoption of the child or on completing one year's service, whichever is the later. This will be unpaid and can only be taken in blocks or multiples of one week and will be subject to a maximum of four weeks in any one year. The maximum amount of leave will be eighteen weeks, for **each** child, until the child's 18th birthday. Where the child is disabled, parental leave up to a maximum of 18 weeks can be taken up to the child's 18th birthday and exceptionally may be taken a day at a time, if they wish. If the staff member wishes, it may be possible to elect to extend maternity or adoption leave by taking a period of parental leave.

Notice required

- 12.3 A staff member wishing to take advantage of parental leave must give 21 days' notice of the request to take leave. Staff should produce proof of their entitlement to leave, e.g. birth certificates, disability living allowance details, adoption papers, etc.

Postponement

- 12.4 In certain circumstances an employer can postpone leave (for no longer than six months) when, for example work is at a seasonal peak, a significant proportion of the workforce applies for leave at the same time, or the staff member's role is such that his or her absence at that particular time would harm the business.
- 12.5 If postponement is considered, the matter should be discussed with the staff member and the postponement arrangements should be confirmed in writing no later than seven days after the staff member's notice to take leave and any alternative leave should be equivalent to the staff member's original request.
- 12.6 Where the request to take parental leave relates to leave immediately after the birth or adoption of a child, the leave cannot be postponed.

Return to work

- 12.7 At the end of parental leave, if the leave was for a period of four weeks or less, the staff member has the right to return to work in the same job. If the leave was for a longer period, the staff member is entitled to return to the same job, or, if that is not reasonably practicable, a similar job on the same or not less favourable terms and conditions as the old job.

Appendix 1

Flexible Working Process

