

# Working Flexibly

## Policy and Procedure

### Policy Statement

At Lancashire County Council you, our employee, are our most valuable asset. We are proud to embrace a culture of working flexibly with a focus on outputs and quality, and not necessarily focusing on how and when the work is undertaken. This will optimise how we deliver our service, our performance, and improve the experience for our employees and the communities we serve alike. We want to promote a healthy work/life balance to increase engagement, retain talent and remove unnecessary barriers preventing you from reaching your full potential. We want to support and allow as much flexibility as possible in terms of when, where and how you work - unless there are clear service delivery and/or customer needs defined by your manager that mean this is not possible. We also want to give managers the opportunity to be more fluid in working practices within their teams to enable them to be responsive to demands and able to provide the best possible service.

The purpose of this policy is to outline both the legislative requirements and practices of working flexibly.

### Scope

This policy applies to all council employees on LCC terms and conditions, excluding teaching and non-teaching employees employed by schools and employees who transferred to the council in accordance with TUPE regulations and who remain on their previous terms and conditions of employment.

The Working Flexibly Policy supersedes the Flexible Working Policy, Homeworking Scheme, Flexi (Flexitime) Scheme, Time off In Lieu Policy, Sabbatical scheme and Working Hours Policy – these documents are now incorporated into the scope of this policy.

### Definitions

'Flexible working' is a term used to describe the council's working arrangements in terms of time, location and pattern of work.

The ways of working can cover a wide spectrum from a very structured pattern of work (for example where there is a need to provide specific operational cover – such as care provision or in libraries) to completely fluid and agile ways of working which is based on outputs only. Although you have a designated workplace, it may be that you regularly work from home, in the office, on one site, or from multiple locations. The focus should be on working in the most practical location and at the most appropriate times to deliver a high-quality service.

Within this policy, we encourage consideration of a blended approach to flexible working – in that in some cases no one size will fit all. In some instances roles will lend themselves to having fixed hours and location of work or there may be opportunity for the working arrangements to be a hybrid of different ways of working.

There may be occasions where flexibility in working is only required for a limited period (due to childcare requirements, pandemic response etc.) and you are encouraged to utilise this policy under those circumstances.

The standard working week is 37 hours per week for a full-time employee (pro rata for part time employees). Working hours are determined by the needs of the service, aside from employees who transferred to the council in accordance with TUPE regulations and who remain on their previous terms and conditions of employment.

### Principles

Our ways of working are becoming increasingly flexible, with growing numbers of employees working from home or other locations, working part-time and varied hours, and we recognise the many benefits of agile working practices to both you and the council. Overall we value flexibility as it supports us to better meet individual and service requirements, in turn improving the service we offer to our customers. It also allows us to look at alternatives to reduce travel time and increase efficiency.

Although the nature of some roles within the council cannot be completely flexible due to the service requirements, we encourage managers to keep an open mind when considering such requests and to work with employees to find the best possible solution. The council's four values – of being supportive, innovative, respectful and collaborative - should be at the heart of considering and implementing any flexible working arrangement. All flexible working requests will be balanced against the needs of the service and will take into account any flexible working arrangements already in place within the team.

Managers should consider how flexible working options can support their service delivery and their ability to react to changes in working practice.

We are committed to providing a wide range of flexible working options and we will support requests to work flexibly wherever they can be accommodated operationally. These include:

Flexible Working Option	Further Information
<b>Reduced hours (formerly known as V-time)</b>	Voluntary reduced working time – a reduction in the overall hours of work. See the <a href="#">Reduced Hours Guide</a> .
<b>Working from home</b>	Where an employee works from home for the majority of their working time. See the <a href="#">Homeworking Guide (link to follow)</a> .
<b>Agile working</b>	Agile working allows freedom to choose working times (potentially around business hours) which may include evenings and weekends by choice (without enhancements to pay). It is a way of working in which employees determine where, when and how to work. See the <a href="#">Agile Working Guide (link to follow)</a> .
<b>Staggered hours</b>	Altering start and finish times of work.
<b>Annualised hours</b>	Where the working hours are calculated on an annual, rather than daily or weekly, basis as hours agreed over a year. See the <a href="#">Annualised Hours Guide</a> .
<b>Compressed hours</b>	Working your contracted hours in fewer days – see the <a href="#">Compressed Hours Guide</a> .
<b>Job shares</b>	Arrangement where two people share the work and pay of a single full time role. See the <a href="#">Job Share Guide</a> .
<b>Sabbaticals</b>	Where employees with over 1 year service can apply to take an extended period of unpaid time away from work for up to 12 months. See the <a href="#">Sabbatical Guide</a> .
<b>Voluntary term time working</b>	Arrangement where you are contracted to work a particular number of weeks per year that align to the school term times. See the <a href="#">Term Time Working Guide</a> .

In addition to the above, you can consider buying extra leave if you need this under the Purchase Additional Leave Scheme (PALS), more information on the scheme can be located [here](#).

Requests in relation to flexible working for the above would be considered under the flexible working procedure as detailed below and in line with the ACAS code of practice.

## Flexible Working Procedure – Employee Led - Step by Step

- 1. Eligibility** –The right to request flexible working applies from day one of employment. You can make two statutory requests for flexible working within any 12-month period and only one request will be live at any one time. A final decision (including the appeal process) will be made in respect of a flexible working request within two months, unless an extension to this timescale has been mutually agreed. You can make a request to work flexibly for any reason – for example it doesn't have to revolve around caring responsibilities, it could simply be to achieve a better work/life balance, or to support you if you have a health condition or a disability. It may be you are looking to have a temporary change for a short period of time to your working hours or conditions, for instance to cope with a bereavement or pursue a short course of study. In the event of an agreement to a temporary change, this should initially be agreed for no longer than 12 months, at which point you and your manager will be required to review the flexible working arrangement and make a decision as to whether you continue on a permanent basis, extend the arrangement to an agreed date or revert to your previous terms and conditions of employment. Flexible working arrangements should not continue indefinitely on a temporary basis.

**2. Request Process** – In the event you wish to apply for a flexible working arrangement, we would encourage you to have a discussion with your manager in the first instance to understand if your request can be easily accommodated. If you are unable to agree your request informally, you must complete a [Flexible Working Application Form](#) and submit this to your manager, allowing sufficient time for the application to be considered. Your manager will consider your request on an individual basis, carefully looking at the benefits of the requested changes for both you and the service, and weighing these against any adverse impact the changes could have on you, the team or service delivery.

- **IF THE REQUEST CAN BE ACCOMMODATED** - If the request can be agreed in full, your manager will confirm this to you in writing. The letter will set out the arrangement agreed and when this will commence, and if it is a temporary arrangement, how long it has been agreed for.
- **IF FURTHER CONSIDERATION IS NEEDED** - If the request needs to be discussed further before a decision can be taken, your manager will arrange a meeting with you to discuss your request and consider any possible alternative options. During this meeting your manager will consider the benefits of the requested change to you and the council, weighed against any adverse impact of implementing the change. You are entitled to be accompanied at the meeting by a work colleague, trade union representative or official employed by a trade union. The outcome of the meeting will be confirmed to you in writing.
  - **If the request is agreed following the meeting** – You will be advised in writing by your manager that your request has been agreed and when this will commence.
  - **If the request cannot be accommodated following the meeting** – The letter confirming the decision will be provided to you setting out the reason(s) it cannot be accommodated and details of the appeal process.
  - **If your original request cannot be accommodated, but an alternative is available** – You will be advised in writing of the reasons your original request cannot be accommodated, and the alternative option offered to you. You will have the option to either agree the alternative or appeal the decision not to agree your original request. In the event you agree the alternative, a further letter will be provided to you by your manager to confirm what has been agreed and when it will commence. If you do not accept the alternative proposal and wish to appeal because your original request has not been agreed you will be provided details of the appeal process.

If your request to work flexibly is not agreed, your manager will provide a clear rationale for refusing the request, which may be for one of the following reasons:

- Incurring additional costs that cannot be afforded
- An inability to reorganise work amongst existing employees
- An inability to recruit additional employees
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability to meet customer demand
- Insufficient work for the periods of work requested
- A planned structural change to the team/service is due to take place in the near future

**Trial Period** – Your manager may consider a trial period before a longer term or permanent arrangement is agreed, particularly if there is a significant change to the way of working. This can help to give time to adjust, adapt and resolve any issues encountered. The length of the trial should be mutually agreed at the outset – no longer than three months would be appropriate in most cases. At the point the trial is concluded, and in the event it has been successful, the change is considered permanent, and there would be no scope to automatically revert to your previous terms and conditions. The exception to this would be where the change has been agreed for a temporary period of time.

If you feel during the trial period that the arrangement is not working for you, arrange a meeting with your manager to discuss the issues. If at that point you decide you no longer want to go ahead with the flexible working arrangement, you will revert to your previous terms and conditions on the review date (or beforehand if mutually agreed).

In the event your manager has concerns about the success of the trial period, they will arrange a meeting with you to discuss the issues encountered. In the event it is felt the issues cannot be overcome, the manager may require you to revert to your previous terms and conditions at the end of the trial period (unless exceptional circumstances apply – such as a serious/significant detrimental impact on the

service, where there may be a requirement for the trial to end sooner). They will write to you to confirm this and the reasons for their decision. Under these circumstances you retain the right to appeal the decision in line with the procedure below.

- 3. Appeal Process** – in the event your flexible working application is refused, you have the right of appeal. You must set out your appeal in writing within 5 working days of receipt of your manager's decision. The letter of appeal must clearly state the grounds for appeal to be considered. A further meeting will then be arranged with a senior manager who has not been involved in the decision-making process previously. You are entitled to be accompanied at the meeting by a work colleague, trade union representative or official employed by a trade union. If your chosen companion is unavailable at the time proposed for a meeting, the manager should postpone the meeting to a time proposed by you providing this is convenient for the manager and ideally within 5 working days of the date of the original meeting.

The senior manager will confirm the outcome of the appeal in writing, detailing any agreement that has been met (and when this will commence) or an explanation of the grounds for dismissing the appeal. The decision at the appeal stage is final. The appeal process should be concluded within 2 months of the original request, unless an extension has been mutually agreed.

#### **4. Important Points to Note in relation to the Flexible Working Procedure**

- **Time limits** - there may be occasions where the time limits specified above are too short and an extension may be required (for example, where more time may be needed to explore an alternative working pattern/arrangement, or due to sickness or annual leave). Time limits may be extended under these circumstances. You should be aware that a request for flexible working may take some time for full consideration for the benefit of all parties, and therefore it may not be concluded in a short timescale. In any event a decision should be made in relation to the flexible working application within two months unless an extension has been discussed between both parties. In the event you do not agree to an extension, you should be aware that a decision may be made based on the information available at that time.
- **Withdrawal of a flexible working application** – If you decide to withdraw your application, you should advise your manager in writing. If you do not attend both a first meeting and a rearranged meeting, either at the initial decision stage or an appeal stage, the manager will consider your application to be withdrawn. In these circumstances, the manager should confirm the withdrawal of the application in writing to you.
- **Pay & Benefits** – it is important to be aware that where there is a reduction of hours – this will have an impact on your salary and annual leave entitlement on a pro rata basis. The details of the changes to your terms and conditions of employment will be explained to you in the confirmation letter you from your manager. Furthermore, pension contributions are payable on your actual pay received (i.e. the reduced pay) and therefore future pension benefits will be affected. Further information can be found on the [Local Pensions Partnership website](#). Should you have any further queries, [AskHR](#) can provide further assistance.

## **Flexible Working Procedure – Management Proposal - Step by Step**

The demands of the service and ways that we respond to them are ever evolving. Your Head of Service is ultimately responsible for determining the best possible way services can be delivered considering flexible working arrangements. In the event your management team identify that a change to the ways of working could benefit the service and the team, you can expect them to engage with you to communicate the reasons for the changes and the anticipated benefits. This section refers to what you can expect in the event of a management proposed change to your terms and conditions of employment. In the event the change relates to a restructure of the service, which may include potential redundancies, you should refer to the [Restructure and Reorganisation Policy](#).

### **Non-Contractual Changes**

A non-contractual change would be where a proposed change to working practice does not involve a fundamental change to your terms and conditions – e.g. a different way of undertaking a work activity that is reasonable and within your ability and skill range. An example of this would be asking you to adopt a new system or technology, or requesting that you organise your work in a different way.

Under these circumstances a formal consultation process does not apply, but you can expect your manager to engage with you to discuss the rationale for the change, the anticipated benefits and when it will be implemented.

## Contractual Changes

Where it is proposed that a contractual change is made (outside of the restructure policy), your manager will consult with you in line with the steps below:

- **Step 1 – Consult with Trade Unions & Announcement to Employees** – Your manager will engage with the Trade Unions in the first instance. Your manager will then communicate to all affected employees the details of:
  - The proposed change and reasons for the change
  - The anticipated outcomes for the service and employees
  - When it is proposed the change will take place
- **Step 2 – Consultation** – There are a number of methods your manager may use to gain input from you through consultation, these can include:
  - Via an online form
  - Through the recognised Trade Unions (if you are a Trade Union member)
  - Through 1:1 meetings/group meetings
- Your manager will consider any input provided by you and provide regular responses to questions either directly to you, to a wider employee group in the team/service included in the consultation and/or a Trade Union representative. Consultation is a two way process and the consultation period will vary depending on the nature of the change and the number of employees affected. Your manager will consider any ideas or alternatives put forward, it may be not all suggestions can be agreed, however your manager will explain the rationale behind this. Ultimately the decisions taken by management are intended to provide the best possible service.
- **Step 3 – Close Consultation** – Following the end of the consultation period, you will receive a letter confirming the changes (if any) and when they will be implemented. You will be given notice of the change taking place.

## Home & Agile Working

Home and agile working can have a number of benefits to both you and the council. Home working can offer many positives such as reduced commute time, positive environmental impact and increased work life balance. Where appropriate in line with service requirements, and subject to management approval, agile working can empower you to determine where, when and how you work, removing barriers to be focused on outputs as opposed to traditional constraints. This can allow us to be more responsive, better meet service needs, reduce costs and increase productivity.

It is important to note that some roles in front line services do not lend themselves to sustained homeworking or agile working. However there may be other flexible working options that may work for both you and your service.

The flexible working processes as outlined in both the employee led request and management proposal sections above should be followed in the event of a request to work from home or move to a more agile way of working.

There are some additional considerations that you need to be aware of as outlined below:

- **Health & Safety** – In the event home working is confirmed (or agile working where working from home is likely to take place), you must complete the [Home Working Risk Assessment Form](#). This will ensure that any potential risks of working from home are assessed and if required, actions taken to remedy the situation to ensure a safe working environment. This assessment includes reference to general electrical safety and PAT testing, amongst other potential hazards and guidance on how to control them. It is important that you take care of your own health and safety as well as others around you at home – such as family members, neighbours, and so on. It is important that you report all employment related risks to your manager and health and safety. If you have an accident whilst at home, the normal [accident reporting processes](#) apply.
- **Confidentiality** – when working at home or remotely, there are some considerations you should take to ensure you keep work and client information secure. Keep mobile devices and laptops secure by keeping them in sight when in use, lock screens when they are left unattended and store devices securely. It is important that any phone calls or online meetings/conference calls cannot be overheard or overseen, particularly if the work being discussed is confidential, business-critical or sensitive. Secure email should be used to send any personal, sensitive or confidential information. Remember to check that email

addresses and any attachments are the correct ones before sending. Where handling personal data in hard copy format is unavoidable, ensure it is stored away securely when not in use and disposed in confidential waste as soon as possible when no longer required.

- **Homeworking Allowance** – A homeworking allowance is not available, however you may be eligible to claim tax relief for some of your bills via HMRC. More information is available [here](#).
- **Mileage Claims** – It is important to note that in the event a home working request is agreed, and if this is due to choice rather than an objective requirement of the job, any travel to your usual office would still be considered a commute and would not be eligible for mileage claims. Please refer to the Travel and Expenses policy for further information.
- **Home Working Equipment** - The use of personally owned tools and/or equipment in connection with the homeworking activity must be approved by your line manager before use. It is important to carry out regular visual checks of any equipment issued by the council and in the event of any equipment faults, please report them straight away. If necessary the equipment should be taken out of use until a repair has been carried out. Hardware (such as your laptop or phone) or software faults should be reported to [ICT Services](#). Furniture or ancillary equipment faults should be reported to your line manager to take action as necessary such as arranging repairs or replacing equipment.
- The council will not be responsible for any costs such as telephone, internet provision or utility costs associated with an employee working from home.
- In some cases, where it is identified via a [Home Working Risk Assessment](#), it may be appropriate for your manager to agree for the provision of equipment and/or furniture to allow effective and safe working from home. Upon completion of the Home Working Risk Assessment, you should discuss the outcome with your line manager who will work with you to identify possible solutions to any issues identified. You may want to consider requesting equipment from your office base, for example an operator chair, separate monitor, keyboard or mouse. Arrangements to collect items from the office should be made with [Facilities Management](#). Where a desk is identified as required, you can arrange to purchase an appropriate work desk and reclaim the cost using the [expenses process](#). The council will make a contribution of currently up to the maximum value of £85 for an appropriate work desk (including VAT and delivery). More information on suitable desk examples can be found [here](#). If a requirement for specialist equipment is identified as part of the risk assessment (i.e. provision of a specialist chair due to a disability or health-related matter), this will be explored on a case by case basis. You should discuss your requirements with your line manager. Please look after all equipment loaned to you.
- **Insurance** – Home working employees are covered in respect of the council's insurance policies for Liability and Material Damage in connection with the home working activity. However, in respect of equipment provided by the council for use at home, you should inform your own buildings and contents insurers of the presence of council equipment on the premises and the fact that the home will be used regularly in connection with your employment. There would not normally be an additional charge for this level of cover, but where an additional charge applies, you would be responsible for covering any additional costs. More information on insurance can be found [here](#).

## Other Procedural Matters

- **Overtime/TOIL** – The purpose of TOIL (or time off in lieu) is to ensure that where you are asked on occasion to work extra hours over and above your contractual weekly hours, you are compensated accordingly. This will allow the council to continue to meet its business objectives, whilst facilitating a healthy work life balance for its employees. In line with this policy, it is generally expected that additional time worked can be managed in an informal and flexible manner with agreement from your management team. TOIL and overtime is underpinned by managers determining the most appropriate working arrangements for their services, and additional hours worked would be driven by business needs. If you are asked to undertake additional work outside of your contracted hours due to the needs of the service you will be compensated by either TOIL or overtime. Where this is foreseen to be a regular requirement due to the nature of your work, you should discuss and agree how any additional time worked will be recompensed with your manager. In the event you are asked to work additional hours you should agree with your manager for the additional time worked to be taken in lieu at a later date (ideally within one month of working the additional hours). If it is not possible for the time to be taken in lieu, you should discuss with your manager whether you are eligible for this time to be paid as overtime (overtime rates can be found [here](#)). Wherever possible any additional time worked should be agreed in advance of the event with your manager. In the event you leave the council, you should ensure any TOIL is taken before your leave date.
- **Exceptional Circumstances** – In the event of a pandemic, epidemic, severe weather or other exceptional circumstances it may be the case in some services that homeworking is a requirement to ensure the safety of our employees. At those times home working is not considered a contractual change, but a temporary change in response to the circumstances. It is important to ensure critical front line

services continue to be provided where necessary face to face, but with an assessment of risk. As such home working under those circumstances is not an automatic right.

- **Working Time Regulations** – in making your request, or management led requests, you/your manager must ensure that your request is not in contravention of Working Time Regulations (for example, ensuring a break is factored into work over six hours, or working time not exceeding more than 48 hours in a week – unless there is a pre-agreed working time opt out). More information can be found on the GOV.UK site linked [here](#).

## Documents to be used in Conjunction with this Policy

- [Flexible Working Request Form](#)
- [Home Working Risk Assessment](#)
- [H&S DSE Guidance](#)
- [Employee Health & Wellbeing](#)
- [Family Responsibilities Policy Statement](#)

## Policy Version Control

Version	Date	Change
2	07/04/24	<ul style="list-style-type: none"> <li>• Updates made in relation to the Employment Relations (Flexible Working) Act 2023               <ul style="list-style-type: none"> <li>○ Flexible working requests are a day one statutory right</li> <li>○ Two requests for flexible working can be made within any 12 month period.</li> <li>○ A final decision (including appeal) needs to be made within 2 months (previously 3 months)</li> </ul> </li> </ul>
1	17/11/21	<ul style="list-style-type: none"> <li>• Employees now have right to request flexible working from day 1.</li> <li>• Homeworking requests are now incorporated into the Working Flexibly policy.</li> <li>• Time off in Lieu (TOIL) policy is now incorporated into the Working Flexibly policy. TOIL remains in place, removal of limit of 18 days per year (2 days per month) maximum TOIL, requirement added to use TOIL accrued within one month where possible.</li> <li>• Addition of 'Flexible Working Procedure – Management Proposal'.</li> <li>• Flexibility added for management to consider more than one flexible working request within 12 months, if the service allows this.</li> <li>• Career breaks scheme removed from Working Flexibly policy.</li> <li>• Sabbaticals increased from 6 months to 12 months.</li> <li>• Service criteria for sabbaticals reduced from 5 years continuous service to 1 year continuous service.</li> <li>• Flexi-time scheme now incorporated into the working flexibly policy, this is now covered by either TOIL or overtime pay.</li> </ul>