

Lancashire County Council

Employment Committee

Monday 8th November 2021 at 2.00 pm in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No.	Item
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1.	Apologies
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2.	Disclosure of Pecuniary and Non-Pecuniary Interests
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Members are asked to consider any pecuniary and non-pecuniary interests they may have to disclose to the meeting in relation to matters under consideration on the agenda.

3.	Minutes of the Meeting held on 13 September 2021	(Pages 1 - 4)
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To be confirmed and signed by the Chair.

4.	Revised Attendance and Working Flexibly Policy and Procedures	(Pages 5 - 34)
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5.	Urgent Business
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An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any member's intention to raise a matter under this heading.

6.	Date of Next Meeting
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The next meeting of the committee will be held on Monday 6 December 2021 at 2.00pm at County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Lancashire County Council

Employment Committee

Minutes of the Meeting held on Monday 13th September 2021 at 2.00 pm in Cabinet Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Present:

County Councillor Phillippa Williamson (Chair)

County Councillors

A Vincent	D O'Toole
A Ali OBE	A Riggott
L Beavers	S Serridge
P Buckley	

County Councillor Serridge replaced County Councillor Mein at this meeting only.

1. Apologies

Apologies were received from County Councillor Mein.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Minutes of the Meeting held on 7 June 2021

Resolved: That the minutes of the meeting held on 7 June 2021 be confirmed as an accurate record and signed by the Chair.

4. Review of Assistant Coroner Fee Rates

The committee considered a report presented by Janet Mather, Coroner Services Manager, which set out the proposed increase in fees paid to Assistant Coroners who deal with Jury inquests and complex mental health inquests.

It was noted that the report contained an error and that Recommendation i) should have read £472.00, rather than £478.00.

Following a question about the implications of raising the fee paid to Assistant Coroners in some circumstances, the committee was informed that the proposed fees still fell within the salary range agreed by the Joint Negotiating Committee for Coroners.

Resolved: That

- i) The fee paid to Assistant Coroners who deal with Jury inquests and complex mental health inquests be increased to £472.00 per day and £236.00 per half day; and
- ii) The fee paid to Assistant Coroners for all other inquests remain at £416.00 per day and £208.00 per half day.

5. Review of Coroner Salaries and Fees 2021/22

The committee considered a report presented by Janet Mather, Coroner Services Manager, which detailed the proposed pay award of 1.5% across Coroner salaries and the fees paid to Assistant Coroners, in line with guidance received from the Joint Negotiating Committee for Coroners.

The committee thanked Janet for the reports and for the recent training provided to county councillors on the coroners and registrars services.

Resolved: That

- i) The salary for the Senior Coroner and two Area Coroners be increased by 1.5% as set out in the report, with effect from 1 April 2021; and
- ii) The fees paid to Assistant Coroners be increased by 1.5% as set out in the report, with effect from 1 April 2021.

6. Proposed Re-Engagement Following Retirement Policy Statement for Members of the Local Government Pension Scheme (LGPS)

The committee considered a report presented by Deborah Barrow, Head of Service Human Resources, which set out the draft policy statement which had been produced to clarify the county council's position on the re-engagement of former employees after they had accessed their Local Government Pension Scheme benefits.

Resolved: That the Re-Engagement Following Retirement Policy Statement for Members of the Local Government Pension Scheme (LGPS), as set out in the report, be approved.

7. Urgent Business

None.

8. Date of Next Meeting

It was noted that the next meeting of the committee would be held on Monday 11 October 2021 at 10.30am at County Hall, Preston.

L Sales
Director of Corporate Services

County Hall
Preston

Employment Committee

Meeting to be held on Monday, 13 September 2021

Electoral Division affected: N/A;

Revised Attendance and Working Flexibly Policies and Procedures

(Appendices A – D refer)

Contact for further information:

Deborah Barrow, Head of Service Human Resources, Tel: (01772) 535805,
Deborah.Barrow@lancashire.gov.uk

Executive Summary

As part of the on-going Human Resources policy review programme, the Management of Sickness Absence and Flexible Working Policies and Procedures have been reviewed and revised. The revised draft policies and procedures have also been renamed to Attendance Policy and Working Flexibly Policy respectively.

Recommendation

The committee is asked to approve the revised Attendance Policy and Procedure, as set out at Appendix C, and the revised Working Flexibly Policy and Procedure, as set out at Appendix D.

Background and Advice

In July 2020, a report was presented to the Corporate Management Team to provide an update on the Human Resources policy review programme, its principles, and priorities. A clear set of principles were established, to ensure that our Human Resources policies going forward are:

- Modernised – that they align to the values and priorities of the council.
- Straightforward – in terms of the tone and language used, and that clear steps and processes are set out within them.
- Take account of best practice – that through our networks and research that they are benchmarked against those of other high performing organisations.
- Take account of fairness and accountability – that they set expectations to both employees and managers.
- Legally compliant – that they comply with current employment regulations, along with ACAS (Advisory, Conciliation and Arbitration Service) Codes of Practice and national conditions of service, where applicable.

- Embedded and impactful – that our policies and procedures are understood by all, applied where appropriate, and that managers are equipped to make judgements and decisions. Successful delivery of this will also support the development of the council's performance management culture.

The proposed Attendance and Working Flexibly Policies and Procedures have been reviewed and revised and are submitted to Employment Committee for approval.

Revised Attendance Policy and Procedure

As stated in the policy statement, the council recognises the positive impact that a healthy and motivated workforce has in being able to successfully deliver high quality services. The council is committed to promoting health and wellbeing and supporting employees achieve good attendance and be productive at work. As such, a range of resources and services are available to our employees.

The council does recognise that employees may be prevented from attending work through illness on occasion, absence of any length can have an impact on the team and the service they work within. As such, it is important we have appropriate procedures in place to enable absences to be managed effectively across the council.

The proposed Attendance Policy is underpinned by the following principles:

- Strike a reasonable balance between the pursuit of our business needs and the genuine needs of employees to be absent from work when they are unwell.
- Highlight that each instance of absence is unique and may require a different course of action based on the individual circumstances of the case, while still promoting a fair and reasonable approach to absence management across the council.
- Remove prescriptive procedures and timescales to enable managers to make appropriate decisions at the right time for the individual and the service they work within.
- Empower managers to make informed decisions based on the individual circumstances of the case by encouraging ongoing, meaningful discussions between managers and employees, and providing a toolkit of options for managing absence.

The details of the specific key proposed changes are set out at Appendix A.

Consultations

Through the Joint Negotiating and Consultative Forum, the recognised trade unions have been consulted on the proposed Attendance Policy and Procedure.

Consultation has been very positive overall, and the trade unions support the principle of moving away from a prescriptive approach to all absences and focus on the individual circumstances to enable the best chance of an effective return to work. They also welcome the overall emphasis on health and wellbeing.

During consultation the trade unions raised three issues. First, they asked if the council would sign up to the Trade Union Congress' Dying to Work Charter, which focuses on handling with dignity terminally ill employees and taking steps not to end their employment. Second, they asked for the policy to explicitly state extensions to sick pay would be considered, and third, they asked that an Attendance Hearing would not be arranged whilst awaiting the outcome of an independent medical assessment of whether ill-health retirement would be recommended or not, regardless of how long it would take for a recommendation to be made. Overall, the trade unions have noted the proposed policy changes.

In relation to Trade Union Congress' Charter, the council already has arrangements in place that are more flexible than the Charter as they focus on the employee's wishes about whether they want to continue in employment or not.

In relation to sick pay, the council applies the National Joint Council (Green Book) Sick Pay Scheme, as do most councils, and whilst it does not prevent councils from considering extensions to sick pay, the scheme is silent on the circumstances in which this would be applied. Requests of this nature are unique, and currently most employees do not request an extension of their sick pay. Therefore, to make an explicit statement in the policy would potentially focus it more on extending sick pay beyond normal entitlement rather than earlier intervention to support improving the medical condition and hopefully recovery.

In relation to ill-health retirements, it is wholly acknowledged that the issues around ill-health retirement should be handled sensitively. Should ill-health retirement be recommended, it will release pension entitlements to employees in the Local Government Pension Scheme and the effective date of the entitlements is always from when the request for independent medical assessment is registered not when the recommendation is made after assessment. Although that is the case, at times, the independent medical assessment can be exceptionally prolonged because further medical information is requested through GPs, consultants and specialists and it can take many months with no timescale in sight to receive the outcome of the assessment. The revised policy therefore highlights that in these circumstances, given the limbo position for employees and the continued impact the absence has on the service, there may be a need to convene an attendance hearing to consider the continued absence, its impact on the employee and the service, and determine what action to take.

Revised Working Flexibly Policies and Procedures

The revised policy aligns to principles of our new ways of working including employees working from home or other locations, working part-time and varied hours, and the council recognises the benefits of agile working practices. There are clear benefits to both the council and employees in working flexibly whilst at the

same time delivering high quality services to Lancashire residents. It also allows us to look at alternatives to reduce travel time and increase efficiency.

The revised policy acknowledges that the nature of some roles within the council cannot be completely flexible due to service requirements but encourages services to apply flexible thinking to flexible working requests and work with employees to identify the best possible outcome. It enables consideration of how flexible working options can support service delivery and improve recruitment and retention of key experience and skills.

The details of the specific key proposed changes are set out at Appendix B.

Consultations

Through the Joint Negotiating and Consultative Forum, the recognised trade unions have been consulted on the proposed Working Flexibly Policy and Procedure. Consultation has been very positive overall, and they support the principle of flexible working opportunities for all together with the enhanced policy provisions to facilitate those considerations.

The trade unions asked that services did apply the principles of the policy and give real choices for employees to have access to working flexibly. Unison could not support the replacement of the flexi-time scheme with applying Time off in Lieu (TOIL). It was explained that working flexibly should be a universal offer to all employees, that flexi-time was (before the pandemic) only accessed by 10% of the council's workforce and the proposed policy offers far more flexibility than ever before. A commitment to review the policy six months after its launch was made and the trade unions welcomed this opportunity.

Implications

This item has the following implications, as indicated:

Risk management

The council is legally required to ensure that its Human Resources policies and procedures comply with current employment legislation and the proposed Attendance and Working Flexibly policies do. There is also a commitment to keep the Human Resources policies under review to ensure they continue to meet business requirements, council priorities and changes in legislation.

Financial

Overall, there are no significant financial implications to the revised policies and procedures. The revised Attendance Policy and Procedure may result in fewer referrals to the council's occupational health provider due to the less prescriptive referral process and as such may reduce referral costs.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Tel
N/A		

Reason for inclusion in Part II, if appropriate
N/A

Proposed key changes to Attendance Policy and Procedure

- The Management of Sickness Absence Policy and Procedure has been renamed the Attendance Policy and Procedure, to reflect the focus on promoting good health and attendance, in addition to managing sickness absence.
- The approach has shifted from short-term and long-term absence management to procedures for managing all absences (regardless of length) and supporting employees to return to and remain in work.
- Prescriptive timeframes and procedures have been removed to allow managers to make appropriate judgements based on the individual circumstances of the absence and the needs of the service.
- Referrals to Occupational Health are now optional rather than mandatory, to enable managers to consider the option with the employee and refer as and when necessary.
- The 8-weekly case review meetings have been removed from the procedure for managing prolonged absence, yet there is greater emphasis on the manager and employee having ongoing, meaningful conversations throughout the absence.
- An absence review meeting has been introduced into the procedure for managing prolonged absence to consider any final options that may facilitate a return to work ahead of an attendance hearing.
- The search period in the redeployment process has been increased to 12 weeks for all employees as standard; previously this was limited to 4 weeks unless the employee had a disability. However, employees with a disability will retain a higher priority status when being considered for alternative roles.
- There has been an amendment to the wording around phased returns. The new procedure reiterates that a phased return should not usually last longer than 4 weeks, as per the current policy, but the wording "unless occupational health advice recommends otherwise" has been removed.
- A new sickness absence trigger has been added for situations where the numerical triggers have not been reached but there is reasonable cause for concern about patterns of absence.
- The wording of the existing trigger level has been revised from "a total of 10 working days (pro rata for part time employees)" to "any absence which amounts to more than 2 of your working weeks" to avoid confusion around pro rata calculations.
- The appeal period for employees who are dismissed at an attendance hearing has been reduced from 10 days to 5 days in line with other HR procedures.

- Example scenarios of where occupational sick pay may be withheld have been added.
- Replace the discretionary extension of sick pay guidance to default to the NJC sick pay provisions. This allows for consideration of extensions to normal sick pay entitlements but does not have the prescriptive approach currently in place. It allows individual circumstances to be considered.
- The carry-over of annual leave during sickness absence has been aligned to the statutory requirements.
- The 'Time Off for Medical Appointments' and 'Manage Sickness Absence and Annual Leave' guides have been incorporated into this policy.
- A revision has been made to how time off for hospital admission is covered so that if an employee is admitted for treatment which leaves them unable to work, the time off will be recorded as sickness absence.
- Highlights that if ill-health retirement is under independent medical consideration but a decision is not forthcoming and a timescale for a recommendation is unknown, the case may proceed to an Attendance Hearing without confirmation of the ill health retirement decision due to no clear timeline for decision and a protracted period of time waiting for this decision.

Appendix B

Proposed key changes to Working Flexibly Policy and Procedure

- **Right to request flexible working from day one of employment** – Given the uncertainty of personal circumstances, it is proposed employees will have the right to request flexible working from day one of employment rather than be required to wait 26 weeks as is the current legal position. This of course does not mean automatic approval but allows consideration.
- **Management discretion to allow more than one flexible working application in 12 months** – In addition to the above, it is proposed to have added flexibility for management to consider more than one flexible working request within 12 months if the service wishes to consider it.
- **Flexi-time replaced by Time off in Lieu (TOIL)** – it is proposed to move away from employee led flexi-time accrual, which is not what the current scheme allows but appears to have evolved in a small number of teams. Key service stakeholders tell us it is not driven by operational demands but by employees, therefore it will potentially be reducing our resource levels. Working flexibly should be a universal offer and the flexi-time scheme is only utilised by 10% of the workforce. It also focuses on core hours which we have entirely moved away from during the pandemic. If there is a need to ask employees if they can work extra hours, they will of course be able to have payment or Time off in Lieu (TOIL) for doing so, which does not require us to have a flexi-time scheme to facilitate. Ideally TOIL would be taken within a month of accruing it but services have the option to be flexible with that so they can manage absence levels.
- **Home working requests consolidated into Working Flexibly policy** – It is proposed to incorporate home working requests into the Working Flexibly Policy and remove the current limitations, which are that employees needed to meet certain requirements to be eligible to submit an application i.e. long term absence, maternity/adoption/shared parental leave or disability. Therefore, this has been removed to make requests available to all staff.
- **Career break removal / increase of sabbatical duration** – The revised policy incorporates related policies/guides, and having reviewed them, it is proposed to remove the career break scheme as this is outdated and not widely used. The main reason for this is that employees must resign and do not receive any former benefits of being a council employee should they be re-employed. In its place, it is proposed to extend the option for our employees to request a sabbatical. This means extending the length of the sabbatical from up to 6 months to up to 12 months and allowing employees with one-year service to request a sabbatical rather than the current five years' service.

Attendance Policy and Procedure

Policy Statement

At Lancashire County Council we recognise the positive impact that a healthy and motivated workforce has in being able to successfully deliver a high quality service. We are committed to promoting health and wellbeing and supporting every employee to achieve good attendance and be productive at work. To enable this, we offer a range of resources and services, including:

- A dedicated [health and wellbeing](#) site which includes:
 - Support for [mental health concerns](#) and [musculoskeletal problems](#), including evidence-based information, resources and sources of support within the council as well as from external organisations.
 - Guidance on [continuing to work with a long-term health condition](#).
 - Tools and resources for [managing stress](#).
- [Stress risk assessments](#) and [wellness action plans](#).
- Access to free and confidential mental health support services: [Remploy](#) and [Able Futures](#).
- A comprehensive [Occupational Health Service](#), which, via manager referral, offers psychological wellbeing services including counselling and CBT, physiotherapy and other [specialist services](#).

Whilst we recognise you may be prevented from attending work through illness on occasion, absence of any length can have an impact on the team and the service you work within. As such, it is important we have appropriate procedures in place to enable absence to be managed effectively across the council.

Scope

This policy applies to all council employees on LCC terms and conditions, excluding teaching and non-teaching staff 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.

Any sickness absence(s) during the probationary period will need to be reported through the absence reporting procedure but the management of the absence(s) will be handled under the council's [probation arrangements](#).

This policy covers instances of sickness absence and time off for medical appointments. It does not cover absences for any other reason, such as [emergency time off for dependants](#) or [annual leave](#).

Principles

Every instance of sickness absence is unique and any action taken to manage your absence and/or support you will be based on your individual circumstances, the nature of your role and the service you work within.

If you are not well enough to work, it is essential you engage with your manager throughout the period of absence, as your ongoing discussions and updates will enable your manager to determine what support to provide to you, what steps to take to manage your absence and over what timeframe.

Responsibilities

All employees are required to:

- Take personal responsibility for their health, safety and wellbeing.
- Attend work when they are fit to do so.
- Follow the absence reporting procedure and provide the correct absence certification if they are not well enough to attend work.

- Maintain regular and meaningful contact with their manager whilst absent due to illness.
- Engage with the absence management and monitoring procedures, including attending all meetings and OH appointments.
- Refrain from any activities outside work that are incompatible with their illness / condition or that may delay recovery, including undertaking work in a second job, whether it is paid or unpaid / voluntary.
- Take up any support identified to assist recovery and a return to work.

All managers are required to:

- Promote a culture of good attendance and take responsibility for monitoring sickness absence levels.
- Comply with and instigate the procedures for managing attendance set out in this policy.
- Act fairly when applying the procedures.
- Take appropriate action to manage and progress sickness absence cases.
- Maintain regular and meaningful contact with employees throughout the period of absence.
- Be supportive towards employees who are absent due to illness and, where appropriate, aim to identify ways in which to assist them to return to work and/or improve their attendance in the future.
- Record all sickness absence accurately on the Oracle HR & Payroll System immediately after being informed of the start and end of an absence, through Oracle Manager Self Service.
- Conduct return to work discussions following every period of sickness absence.

Procedure

The following sections set out the procedure for managing absence.

Absence Reporting

If you are not well enough to work, you must contact your manager before your work start time to notify them of the reason for absence, the expected length of absence and any work that needs to be picked up to allow your manager to make contingency / operational / business arrangements and/or arrange cover. You are required to keep your manager updated throughout the sickness absence on your progress and likely return to work date.

It is expected that you will report your absence and maintain contact with your manager by telephone to allow proper discussion to take place, unless an alternative method has been agreed with your manager.

You can self-certify for the first 7 calendar days of sickness absence, however you must obtain a fit note from your GP or hospital to certify your absence from the 8th calendar day onwards and for the remainder of your absence.

Accidents Involving a Third Party

If you are unable to work due to an accident involving a third party, even if this happened outside work, you will need to refer to the [recovery of sick pay third party accidents policy](#) and ensure that you complete the [accident / incident form](#) at the earliest opportunity.

Absence Management

During periods of absence, your manager will agree suitable contact arrangements with you and use the information you provide in relation to your health and recovery to determine the most appropriate course of action to manage your absence and support you to return to work. It is therefore really important that you engage with your manager throughout the absence.

Any action taken will be based on the nature of your illness, length of absence and the role or service you work in, but may include an Occupational Health referral, a risk assessment, a wellness action plan, a phased return to work and/or temporary adjustments, reasonable adjustments if you have a disability, redeployment or ill health retirement.

Welfare Visits

If you have been absent for a prolonged period, your manager may arrange a welfare visit with you to ensure they are offering support as needed, to receive updates in relation to your ill health and identify any potential steps that could be taken to aid a return to work.

The welfare visit could be an agreed catch up at your home, a mutually convenient location or via video conferencing where appropriate.

Occupational Health Referrals

Depending on the reason, length or frequency of sickness absence, your manager may talk to you about whether it would be helpful to seek advice from [Occupational Health](#) (OH), or whether you both feel there's already enough information available from your GP / consultant. The purpose of an OH referral is to provide independent advice on your health and fitness to work, respond to specific questions, provide guidance on how workplace adjustments might assist you to return and indicate relevant timeframes for potential recovery.

If your manager considers it would be helpful to make a referral to OH, you are required to attend the appointment; doing so forms part of your contract of employment with the council and is a condition of you receiving sick pay. We hope you will see the benefits of obtaining such advice, however if you choose not to engage with the referral or to allow OH to provide your manager with feedback, any decisions on your absence and, if applicable, your continued employment with the council, will be taken based on the information available at that time.

Following the appointment, OH will prepare a report for your manager to consider. The report will offer advice to inform your manager's decision-making, but it is not intended to prevent managers from taking reasonable action to manage your absence or making appropriate decisions for the service. Your manager will discuss the content of the report with you to understand your thoughts on the most appropriate course of action, but it is ultimately for your manager to determine whether any OH recommendations or adjustments are operationally achievable based on service requirements.

Returning to Work

When you are well enough to come back to work, your manager will hold a return to work discussion with you to consider the practicalities of your return and any support you may need. The discussion will normally take place on your first day back in work, however if this is not possible, your manager will arrange a suitable time to follow up with you.

Returning to Work Early

If you wish to return to work earlier than the end date stated on your fit note, you will need to discuss this with your manager prior to returning to allow them to consider the implications for you and the service. Provided you are fit to return to work, your manager may agree to an earlier return and will catch up with you at appropriate intervals to review your progress. However, if there are concerns that you may not yet be well enough to return to work, your manager may take further advice from OH and/or HR and/or advise you to obtain further medical advice from your GP / consultant to verify your fitness to return.

Your health and wellbeing are a priority and returning before you are ready to do so may have a detrimental impact on your health in the long term. It also may not be in the best interest of your colleagues or service users for you to return to work sooner than you are well enough to do so, particularly if where doing so could put them at risk. It is important you work with your manager and your GP or any other relevant health professionals to ensure that at the point of your return, you are well enough to do so.

Phased Return to Work

A phased return may be an option to support you back into work if you have been absent for a prolonged period and feel you would struggle to return to your normal hours straight away. It involves gradually increasing the hours you work over a fixed period of time and should not usually last longer than 4 weeks.

If a phased return is recommended by OH or your GP / consultant, you should discuss the matter with your manager who will consider how it could be accommodated. Your manager may need further advice or information from OH or HR before agreeing to a phased return.

During a phased return, you will receive your normal rate of pay for the hours you work. You should agree with your manager how the remaining time will be covered; this can either be by annual leave, sickness absence or a combination of both. In the case of sickness absence, you will receive any remaining sick pay entitlement for up to a maximum of 4 weeks, and the full period must be covered by a fit note.

If you think you need a longer phased return than 4 weeks, you will need to talk to your manager who will consider your request in line with service needs. If a longer phased return is agreed, the non-worked time can be covered by annual leave, unpaid leave, sickness absence or a combination of these.

Temporary Adjustments to Support a Return to Work

Temporary adjustments, such as altered hours or amended duties, may be helpful in supporting you to return to work following a prolonged period of absence. The adjustments can be flexible but we would not normally expect them to last longer than 4 weeks.

If you are returning to work following a prolonged period of absence and consider temporary adjustments would be helpful, you should discuss this with your manager who will assess whether the adjustments can be accommodated operationally. You and your manager could also consider any additional information provided by OH as part of this discussion.

Reasonable Adjustments to Support Employees with a Disability

The aim of reasonable adjustments is to remove any barriers preventing an employee with a disability* from returning to or continuing to work.

A disability* is defined as a physical or mental impairment that has a 'substantial' and 'long-term' (i.e. it has lasted or is likely to last for 12 months or more) negative effect on your ability to do normal daily activities. Examples of 'normal daily activities' include mobility, speech, memory, ability to concentrate, learn or understand.

If you have a disability that affects your ability to carry out your role, you may wish to discuss reasonable adjustments with your manager. Reasonable adjustments may need to be implemented on a permanent basis and may include workplace adaptations, changes to equipment, altered hours and amended duties, for example:

- A change to the workplace – For example, an employee who uses a wheelchair because of their disability is struggling to get to the office as they can only manage to use the wheelchair for short distances, so their employer provides an accessible car parking space near the office entrance.
- A change to the way things are done – For example, an employee with epilepsy is struggling with drowsiness and a lack of energy in the mornings, so their employer agrees for the employee to start their working hours later when this happens.
- A change to get someone to help – For example, an employee with an eyesight condition agrees with their employer to have a support worker.

Please be aware that adjustments can only be put in place where they are "reasonable" and can be accommodated within your role and the service in which you work. When considering the reasonableness of your request, your manager will look at:

- The potential effectiveness of the adjustment, i.e. would you be able to meet the standards of service delivery, targets or performance requirements associated with your role to an acceptable standard?
- The practicalities of the suggested adjustment, for example, can the premises be adapted as required, is it feasible to accommodate an adjustment in the way that is being suggested?
- Whether any disruption might be caused to service delivery, working arrangements or premises and how this could be managed.
- The cost of the adjustment – your manager may suggest that you contact [Access to Work](#) if the adjustment involves changing or replacing equipment or furniture.

This list is not exhaustive and there may be additional factors specific to the individual circumstances of the case for your manager to consider.

Sometimes it may not be possible to accommodate adjustments. In these circumstances, your manager will explain the reasons why the adjustments cannot be accommodated and discuss the next steps with you.

Risk Assessments and Wellness Action Plans

As part of your return to work, your manager may suggest exploring the following options:

- [Risk assessments for employees with a health condition / disability](#) to help ensure the workplace is safe and identify any reasonable adjustments.
- [Stress risk assessments](#) to help identify potential causes of stress within the workplace and identify any necessary action to reduce stress.
- [Wellness action plans](#) to guide discussions about what keeps an individual well at work and which situations can trigger them to become unwell, as well as helping individuals who are recovering from an illness.

Trigger Levels

The council has trigger levels in place to help manage absence and highlight when management action is needed. The trigger levels are as follows:

- Any absence(s) within a rolling 12 month period which amounts to more than 2 of your working weeks;
- 3 instances of absence in any rolling 12 month period; or
- Where there is reasonable cause for concern about patterns of absence when looking at your absence history.

All pregnancy-related absence will be excluded from the trigger levels.

If you reach any of the trigger levels your manager will review the circumstances of the absence(s), including whether any of the absences are disability-related, and they may ask you to attend a stage meeting.

Stage Meetings

The purpose of a stage meeting is to review your absence record, understand the reasons for absence and explore any underlying health, personal or work-related issues which may be contributing to your absence levels.

Stage meetings work sequentially as follows:

- If you reach the trigger levels you may be asked to attend a stage one meeting.
- If you do not achieve the required levels of improvement within the stage one review period, you will be asked to attend a stage two meeting.
- If you do not achieve the required levels of improvement within the stage two review period, you will be asked to an attendance hearing.

The manager chairing the stage meeting will inform you that your levels of absence are unsatisfactory and that improvement is required. They will explain the improvement expected of you and the length of the review period, for example that you are not expected to incur any more than X days or X instances of absence within the following X months.

If you meet the required standard of improvement during the review period, no further action will be taken. However if you do not, the next stage of the procedure may be applied.

It is also important to note that if your attendance levels deteriorate during the 12 months after the end of the review period, even if you have not reached any of the trigger levels, your manager may apply the next stage of the procedure, i.e. the process will not restart from the beginning.

Access to Work

[Access to Work](#) (ATW) is a government scheme aimed at assisting people with a disability or health condition by providing practical support and helping to meet additional costs associated with overcoming work-related obstacles resulting from their disability or health condition.

ATW may help pay for:

- Adaptations to premises and equipment;
- Special aids and equipment which a non-disabled person doing the same job would not need;
- Support when extra costs in travelling to and from work are incurred because of the disability;
- A contribution towards a support worker;
- A communicator at a job interview.

ATW funding may be available if:

- Your disability or health condition stops you from being able to do parts of your job;
- You have work-related costs because of your disability or health condition;
- You have a mental health condition which affects your ability to do a job and you need support to do the role.

Please note that this process is employee led; your manager cannot refer you to ATW, nor will they receive any information or advice from ATW. Your manager will provide whatever support they can, although ATW can only be commissioned by the employee themselves. As such, if you feel that the type of work you undertake is affected by a disability or health condition that has lasted or is likely to last for 12 months or more, and/or OH have suggested equipment, travel assistance or support to facilitate a return to work, you should contact ATW to check whether you meet the criteria for help.

Redeployment

Redeployment to Facilitate a Return to Work

If you are not well enough to return to your substantive role but you are well enough to continue working in some other capacity, OH may recommend exploring redeployment to another role.

In these circumstances, your manager will first consider if there are any suitable alternative roles within the service, taking into account your capabilities, skills and relevant experience. If there are no redeployment opportunities within the service, your manager will contact HR for you to be granted priority status on the [council's recruitment portal](#) for 12 weeks. From there, you will be able to search for suitable vacancies in the normal way and when you submit an application you will be doing so as a redeployee and you will be considered ahead of other job applicants for the role.

It is important you clearly demonstrate how you meet the essential criteria for the role within your application. For guidance on applying for roles and attending interviews, please refer to the CVs and interview skills section of the [career support](#) page.

Once a vacancy reaches the closing date, the manager responsible for recruitment to the vacancy (hiring manager) will only receive applications from redeployees in the first instance, with applications from employees with a disability released ahead of other redeployees. At that point, the hiring manager will assess each redeployee's suitability for the role based on the essential criteria. If you have demonstrated that you meet the essential criteria for the role, you will be invited for interview.

Opportunities for redeployment are dependent upon vacancies that exist within the council at the time.

It is important to note that by entering into the redeployment process, you are accepting that you are not considered fit to return to work in your substantive role, even where adjustments have been made, and this therefore has implications for your continuing employment with the council. As such, if you do not secure a suitable alternative role by the end of the 12 week search period, an attendance hearing will be arranged where a decision on your continued employment will be made. One of the potential outcomes of the hearing is that you could be dismissed from your employment with the council.

For further information on redeployment, please refer to the [vacancy management policy](#).

Disability Retention Process for Employees in Work

If you are in work but are struggling to carry out the full remit of your role due to a health condition or disability, your manager may meet with you to discuss whether the [disability retention process](#) might be applicable in your case.

Ill Health Retirement

If OH consider the nature of your illness / condition is likely to mean you will be unfit for any work in the foreseeable future, and you meet the qualifying pension scheme criteria, they may suggest exploring ill health retirement. For further information on this, please refer to the [ill health retirement policy](#).

Absence Review Meeting (for Prolonged Absences)

If you have been absent for a prolonged period, it becomes clear that there is no realistic prospect of you returning to work within a reasonable timeframe and the service is not able to sustain the absence any longer, your manager will ask you to attend an absence review meeting. The purpose of the review meeting is to consider whether there are any further options that can be explored to support you to return to work before the case is referred to an attendance hearing.

An appropriate manager will chair this meeting and you can be accompanied by a work colleague, trade union representative or an official employed by a trade union if you wish.

Attendance Hearings

Whilst we will support you during sickness absence, repeat or continued absence cannot be sustained indefinitely. As such, you may be asked to an attendance hearing in the following circumstances:

- You are repeatedly absent and your attendance levels have not improved during the stage two process; or
- You have been absent for a prolonged period and there is no prospect of a return to work in the foreseeable future.

The purpose of an attendance hearing is to consider the current position and how this affects your ongoing employment with the council. As such, one of the potential outcomes of the hearing is that you could be dismissed.

Medical Information prior to an Attendance Hearing

It is important that we understand any medical information relevant to your absence(s) prior to the attendance hearing as this will enable the manager chairing the hearing to make an informed decision.

Prior to the hearing your manager will ask you to review the latest available medical information, for example the most recent OH report or information from your GP / consultant, and advise whether the information is still up-to-date. If you confirm that the information is still up-to-date, the manager chairing the hearing will consider this as part of the attendance hearing. However, if there has been a change in your circumstances since that information was provided or it has been a while since medical information was obtained, your manager may make a referral to OH prior to the attendance hearing.

Attendance Hearing Process

Attendance hearings will be chaired by an appropriate manager, advised by a member of the Corporate HR Team.

You will be asked to attend the hearing in writing with a minimum of 5 working days' notice and you will be provided with a copy of all the documentation that will be considered at the hearing.

When a hearing has been scheduled, you must take all reasonable steps to attend. If you are prevented from attending the hearing due to health reasons, you can seek to agree an alternative date within 5

working days of the original with your manager. If you are not well enough to attend the rescheduled hearing, you can submit a written statement for the manager chairing the hearing to consider.

You have the right to be accompanied at the hearing by a work colleague, trade union representative or official employed by a trade union. For further information on this, refer to the **Other Procedural Matters** section below. If your companion is unavailable on the proposed date, you may suggest an alternative date within 5 working days of the original.

If a hearing has been re-arranged at your request but you do not attend, a decision on your continued employment with the council may be made in your absence based on any written submissions available, and the outcome will be confirmed in writing within 5 working days.

During the hearing, the manager who referred the case will present a record of your sickness absence for the manager chairing the hearing to consider.

You will be given the opportunity to respond to this and present any further information that will assist the hearing manager to understand your illness / condition and/or reasons for your sickness absence levels. The manager chairing the hearing, the HR representative and the manager who referred the case will have the opportunity to ask you questions about the information you have presented.

The manager who referred the case will be asked to sum up, then you will be given the opportunity to do the same before the meeting adjourns to enable the manager chairing the hearing to consider the outcome.

You will be verbally notified of the outcome as soon as reasonably practicable following the hearing, and this will normally be confirmed to you in writing within 5 working days of the verbal notification.

Appeals

If you are dismissed at an attendance hearing, you have a right of appeal which will likely fall into the categories that either the absence management procedure was not followed correctly or that relevant information was not considered.

You must submit your grounds for appeal in writing to the manager named in the outcome letter within 5 working days of the date you receive the letter. It is really important that you set out the grounds on which you are appealing so that the manager considering your appeal can prepare to address these at the hearing.

A senior manager who has not previously been involved in the decision-making process will chair the appeal hearing, advised by a member of the Corporate HR Team.

The manager considering the appeal will invite you to a hearing without unreasonable delay; this will normally be held within 20 working days of receipt of your appeal. If it is not possible to achieve this timeframe, this will be explained to you and the date of the hearing will be confirmed.

The appeal hearing is your opportunity to talk through your grounds of appeal but it is not a repeat of the original hearing. The manager hearing the appeal will consider evidence presented at the original hearing which is relevant to the grounds of appeal or any new information relating to your absence(s) that could have had a bearing on the outcome but was not available at the time.

After the appeal hearing, the manager will notify you in writing of their final decision without unreasonable delay. This decision is final and there will be no further right of appeal.

Other Procedural Matters

Formal Meetings

A formal meeting is a meeting that may impact on your continued employment with the council, for example a stage meeting, absence review meeting, attendance hearing or appeal hearing.

Under this procedure, you have the right to be accompanied at any formal meetings by a work colleague, trade union representative or an official employed by a trade union. The work colleague, trade union representative or official employed by a trade union can present your case and respond to any views

expressed at the meeting on your behalf, but cannot answer questions on your behalf or prevent others from presenting or explaining their position / information.

We do not allow meetings to be recorded as this could make those present feel uncomfortable and therefore less willing to contribute, but the manager chairing the meeting will take notes to summarise the key points of the discussion. Notes taken by the manager will not be detailed minutes of the meeting and will not be shared with you as a matter of routine, therefore if you wish to make your own notes during the meeting, you are welcome to do so.

Confidentiality

Any information received during the absence management procedure will be treated in the strictest confidence and any records will be kept in accordance with data protection legislation.

Sick Pay Entitlement

If you are unable to work due to illness, you may be entitled to receive sick pay. However, this is conditional upon you following and engaging in the procedure and there may be situations where sick pay may be withheld.

The council applies the sickness scheme set out within your national conditions of service (for example, the National Joint Council for Local Government Service sickness scheme). If you have TUPE transferred into the council, please refer to your terms and conditions for details of your sick pay entitlement. If you require further information about your sick pay entitlement, please contact [AskHR](#).

Sick pay is calculated on a rolling 12 month basis from the start date of absence and is made up of two elements; occupational sick pay (OSP) as set out below and statutory sick pay (SSP). SSP is payable at the appropriate rate, irrespective of your actual earnings, during the period of absence for up to a maximum of 28 weeks. On the expiry of 28 weeks' SSP, Payroll will provide you with the appropriate notification forms so that you can claim any government benefits.

Length of Continuous Service	Occupational Sick Pay Entitlement
During 1st year of service	1 month's full pay and, after completing 4 months' service, 2 months' half pay
During 2nd year of service	2 months' full pay and 2 months' half pay
During 3rd year of service	4 months' full pay and 4 months' half pay
During 4th and 5th year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

Support where Sick Pay Entitlement is Exhausted

If you reach a point where you have exhausted your sick pay entitlement, you may want to:

- Speak with the [Welfare Rights Service](#) (01772 533633 between 10:00-12:00 and 14:00-16:00 Monday-Friday or via email on HQWRS@lancashire.gov.uk) for advice and guidance on benefits.
- Contact [Citizen's Advice](#) to see if you are entitled to any financial support.
- Explore options with your bank or building society, mortgage provider or landlord, such as payment holidays.
- Notify your critical illness cover provider, if applicable.
- Speak with your trade union, if you are a member, as they often have hardship funds in place for such situations.
- Refer to the council's [money worries – debt and financial planning guide](#) for useful links and advice on managing your finances.

Withholding Occupational Sick Pay (OSP)

You need to be aware that OSP is conditional and may be withheld where:

- There is evidence that your absence is not due to you being unwell.
- You do not engage with your manager or the absence management procedure, including attending OH appointments.
- You do not follow the absence reporting and certification requirements of the procedure.
- There are patterns to your absence that are of cause for concern, for example, absences immediately before or after a weekend or bank holiday, or during sporting events.
- There is a genuine belief that you have reported in sick because your annual leave request was denied.
- You choose to participate in any activity that is prejudicial to your recovery.

If a decision is taken to withhold your OSP, the reason(s) will be explained to you and you will have a right of appeal against the decision. If the manager considering the appeal decides that the grounds for withholding OSP were justified, you will forfeit the right to any further payment in respect of that period of absence. If the manager upholds the appeal, OSP will be applied.

Possible Actions Related to Withholding Sick Pay (OSP)

We also reserve the right to consider action in line with the disciplinary procedure where:

- There is reasonable belief that your actions may hinder or prolong your recovery.
- Your conduct during your absence conflicts with what you have told us about your health or recovery.
- There is repeated abuse of the OSP provision.

Time Off for Medical Appointments

If you need to take time out of work to attend a medical appointment, please ensure you give your manager as much notice as possible and provide any written confirmation of appointments if requested.

You should endeavour to book medical appointments outside working hours wherever possible. If this cannot reasonably be arranged, appointments should be made at a time that is least disruptive to service delivery, for example at the beginning or end of your working day.

Routine Medical Appointments

Where doctor, dental, hospital or optician appointments cannot reasonably be arranged outside working hours, you should agree with your manager how the lost time will be made up. These appointments will not be regarded as sickness absence and therefore do not need to be recorded on Oracle and will not count towards the sickness trigger levels.

Hospital Admission

If you are admitted to hospital for treatment and are unable to work as a result, this would fall within the sickness absence provisions and the time off would be recorded as sickness absence.

Antenatal Appointments

If you require time off during working hours for antenatal care, please refer to the [parental information pack](#) or to the [special leave with pay](#) provisions for prospective fathers / partners.

Fertility Treatment

If you require time off during working hours for fertility treatment, you will receive your normal pay for the time you are not in work and you will not be expected to make up the lost time.

Elective Surgery

If you wish to take time off work for elective surgical procedures or appointments, for example cosmetic surgery or laser eye surgery, the time should be taken as annual or unpaid leave.

Sickness as a result of Medical Treatment

If you are unfit to work as a result of a medical appointment or procedure, you must notify your manager as soon as possible. Your absence will be recorded as sickness absence and sick pay provisions will apply. If the absence continues, you will need to follow the absence reporting procedure.

Annual Leave and Sickness Absence

You will continue to accrue annual leave during periods of sickness absence.

You are encouraged to use annual leave while you are absent due to sickness, as you would if you were in work. This may be particularly helpful where the leave would assist in your recovery, if you are reaching the end of your sick pay entitlement, or where you are returning to work from absence and wish to use some leave to break up the week(s) to help ease you back in.

If you are prevented from taking annual leave while absent because of the nature of your illness / condition, you may be able to take the leave at another time upon your return to work.

Please be aware that if you are absent due to sickness and you have more than the statutory 20 day annual leave limit remaining by the end of the annual leave year, you will lose the difference. For example, if you are absent due to sickness and you have 28 days' annual leave left on 31 March, you will be able to carry over 20 days' leave into the new leave year but you will lose the remaining 8 days.

Pre-arranged Annual Leave

If you are prevented from taking pre-arranged annual leave due to illness, or you fall ill during a period of annual leave, your manager may approve a request to treat some (or all) of the period of annual leave as sickness absence. However, requests will only be agreed where you have followed the absence reporting procedure and provided satisfactory medical evidence (i.e. a doctor's statement or hospital discharge paperwork) covering the dates you were ill.

If you have pre-arranged leave and you use the leave for the purpose it was intended, for example to go on holiday or to visit family, the time will remain recorded as annual leave. Taking annual leave during a period of sickness absence does not break the period of sickness absence, i.e. it will be recorded as a single instance of sickness absence rather than 2 instances either side of your annual leave.

Additional Support

There is a wealth of useful resources and information to support you in keeping well on the [health and wellbeing](#) site.

If you have a disability or an underlying medical condition that affects your ability to undertake your role, or if you feel you are struggling with your health or attendance, we encourage you to be open with your manager. Talking about these matters early on will enable us to support you to continue attending work and providing an effective service.

We recognise that the absence management procedure can be stressful and we encourage you to speak with your manager in the first instance if you have any questions or concerns.

Similarly, you can contact the [Employee Support Team](#), who can provide an impartial listening ear and practical help to all employees who may have work-related or personal problems or concerns. Alternatively, you can contact your trade union if you are a member.

You may also wish to reach out to the various support networks within the council, which include the [Disabled Workers Forum](#), the [Forum of Asian and Black Employees \(FABE\)](#) and the [LGBT Employee Network](#).

Employees with a disability or long-term health condition may also find it helpful to refer to the Government's [Access to Work Scheme](#), which can provide practical advice and support.

Policy Version Control

Version	Date	Change
1	TBC 2021	<p>The "management of sickness absence policy and procedure" has been renamed "attendance policy and procedure" to reflect the focus on promoting good health and attendance, in addition to managing sickness absence.</p> <p>The approach has shifted from short-term and long-term absence management to procedures for managing all absences (regardless of length) and supporting employees to return to and remain in work.</p> <p>Prescriptive timeframes and procedures have been removed to allow managers to make appropriate judgements based on the individual circumstances of the absence and the needs of the service.</p> <p>Referrals to Occupational Health are now optional rather than mandatory, to enable managers to consider the option with the employee and refer as and when necessary.</p> <p>The 8-weekly case review meetings have been removed from the procedure for managing prolonged absence, yet there is greater emphasis on the manager and employee having ongoing, meaningful conversations throughout the absence.</p> <p>An absence review meeting has been introduced into the procedure for managing prolonged absence to consider any final options that may facilitate a return to work ahead of an attendance hearing.</p> <p>The search period in the redeployment process has been increased to 12 weeks for all employees as standard; previously this was limited to 4 weeks unless the employee had a disability. However, employees with a disability will retain a higher priority status when being considered for alternative roles.</p> <p>There has been an amendment to the wording around phased returns. The new procedure reiterates that a phased return should not usually last longer than 4 weeks, as per the current policy, but the wording "unless occupational health advice recommends otherwise" has been removed.</p> <p>A new sickness absence trigger has been added for situations where the numerical triggers have not been reached but there is reasonable cause for concern about patterns of absence.</p> <p>The wording of the existing trigger level has been revised from "a total of 10 working days (pro rata for part time employees)" to "any absence which amounts to more than 2 of your working weeks" to avoid confusion around pro rata calculations.</p> <p>The appeal period for employees who are dismissed at an attendance hearing has been reduced from 10 days to 5 days in line with other HR procedures.</p> <p>Example scenarios of where occupational sick pay may be withheld have been added.</p> <p>The extension of sick pay guidance has been removed and instead, useful information and guidance have been added to support employees who are in half or nil sick pay.</p> <p>The carry-over of annual leave during sickness absence has been aligned to the statutory requirements.</p> <p>The 'Time Off for Medical Appointments' and 'Manage Sickness Absence and Annual Leave' guides have been incorporated into this policy.</p> <p>A revision has been made to how time off for hospital admission is covered so that if an employee is admitted for treatment which leaves them unable to work, the time off will be recorded as sickness absence.</p>

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
Reduced hours (formerly known as V-time)	Voluntary reduced working time – a reduction in the overall hours of work. See the Reduced Hours Guide .
Working from home	Where an employee works from home for the majority of their working time. See the Homeworking Guide (link to follow) .
Agile working	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 Agile Working Guide (link to follow) .
Staggered hours	Altering start and finish times of work.
Annualised hours	Where the working hours are calculated on an annual, rather than daily or weekly, basis as hours agreed over a year. See the Annualised Hours Guide .
Compressed hours	Working your contracted hours in fewer days – see the Compressed Hours Guide .
Job shares	Arrangement where two people share the work and pay of a single full time role. See the Job Share Guide .
Sabbaticals	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 Sabbatical Guide .
Voluntary term time working	Arrangement where you are contracted to work a particular number of weeks per year that align to the school term times. See the Term Time Working Guide .

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** – Whilst there is a statutory requirement to have 26 weeks' continuous service to make a flexible working request, at Lancashire County Council we can see the benefit for all employees to have access to flexible working from day one of employment. Only one statutory request can be made and considered in any 12-month period, including requests for a temporary change to your terms and conditions of employment. If your circumstances change and it is necessary for you to make an additional request for flexible working within that 12 month period, you are encouraged to discuss this with your manager who will potentially consider this in line with service and operational requirements. 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. You are encouraged to put as much detail in the form as possible as to what you feel the potential impact may be on the service, and how you would overcome any obstacles. It is important you ensure your manager has all of the information that they require to make an informed decision. 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 within 20 working days of you submitting the application. 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 within 20 working days of receiving your application to discuss your request and consider any possible alternative options. You are encouraged to prepare for the meeting the points that you wish to discuss and how you feel any challenges can be overcome. 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 within 10 working days of the meeting.
 - **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

Health and safety implications may also be considered (to ensure your welfare, particularly when considering home working requests – for example the suitability of your home working environment).

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 – up to 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 10 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 within 10 working days of receipt of the appeal letter 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 within 10 working days of the meeting, 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.

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 three 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 and 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
1	TBC 2021	<ul style="list-style-type: none"> • Employees now have right to request flexible working from day 1. • Homeworking requests are now incorporated into the Working Flexibly policy. • 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. • Addition of 'Flexible Working Procedure – Management Proposal'. • Flexibility added for management to consider more than one flexible working request within 12 months, if the service allows this. • Career breaks scheme removed from Working Flexibly policy. • Sabbaticals increased from 6 months to 12 months. • Service criteria for sabbaticals reduced from 5 years continuous service to 1 year continuous service. • Flexi-time scheme now incorporated into the working flexibly policy, this is now covered by either TOIL or overtime pay.