



Flexible Working (Policy & Procedure)

OFFICIAL

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Policy

Statement

Merseyside Police recognises that the world of work is continually changing and evolving. To meet this challenge, we are committed to the development and review of personnel policies that will assist staff to manage the competing demands of home and work-life whilst ensuring that the service provided to the communities we serve is not impaired.

Merseyside Police will continue to make every effort to remain receptive to initiatives, which provide added value to our service delivery and the management of our staff. We recognise that our workforce are both loyal and committed and would wish to ensure that all of those who may need to review their working patterns, have the opportunity to be able to do so. The Flexible Working Policy will provide the necessary framework to deliver this Force commitment.

The initiatives identified within this policy, take account of statutory provisions in accordance with Employment Law, and are intended to provide an overall response by the Force to enable staff to manage relevant issues relating to the requirements of their Home and Working lives.

Aims

Our primary aim is to provide a service to our communities, which meets their needs from within our existing resources. In delivering this service we must consider the needs of our staff and provide opportunities to permit staff to achieve a more effective work life balance through flexible working methods which will enable individuals to combine work with the demands of family life and other personal responsibilities.

Objectives

- a) To retain committed, skilled and motivated staff who may otherwise have been lost to the organisation.
- b) To provide consistency of approach for all applications for flexible working.

Application and Scope

All Police Officers and Police Staff, must be aware of, and are required to comply with, all relevant policy and associated procedures. Certain flexible working options will particularly apply to officers and staff depending on their individual circumstances but the entire document applies to anyone with line management responsibility.

Consideration has been given to the compatibility of this document with The Employment Act 2002 and Children and Families Act 2014 and the Equality Act 2010. It satisfies the legitimacy of its aims; the justification and proportionality of the actions intended by it; and it defines the need to document the relevant decision making processes and outcomes of action.

Outcome Evaluation

Regular audit of flexible working will take place to ensure compliance with policy and a corporate approach to decisions.

HR Shared Services will provide information to Strand Leads to enable effective management and review of staff working flexibly throughout their Strand.

Version History

26/2/2018	V 1.6 Updated re Force Structure and amendments to legislation Removal of HR QA Process
01/09/2020	V1.7 Refreshed

Procedure

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1. Introduction

- 1.1 The Flexible Working Policy extends beyond fulfilling the needs of family friendly policies. Flexible working arrangements can assist in providing a balance for those with different commitments in their life.
- 1.2 Given the nature of policing work and the complex activities involved, there will be different circumstances that will dictate whether or not flexible working can be applied to all of our work practices/arrangements.
- 1.3 When considering requests for flexible working, the requirements of the role and the needs of the Force will be of paramount importance.
- 1.4 All applications for flexible working will be dealt with in accordance with the procedures identified in this document.
- 1.5 Additional guidance on managing requests for flexible working can be found in [Code of Practice on Handling Requests to Work Flexibly in a Reasonable Manner; ACAS Guide](#).

2. Statutory Provisions

2.1 Police Staff

- 2.1.1 The Employment Rights Act 1996 and Regulations made under it, provides a statutory right to Employees to make a request for flexible working, the Children and Families Act 2014 expanded this right from employees who are parents and carers to all employees. Under law management must seriously consider applications from Police Staff, and only reject applications if there are good business reasons for doing so.

Staff must:

- a) Be an employee, but not an agency worker.
- b) Have worked for the Force for 26 weeks' continuously before applying.
- c) Not have made another application to work flexibly under the right during the past 12 months.

The law requires that all requests, including any appeals, must be considered and decided upon within a period of 3 months from first receipt, unless an extension to this period is agreed with the member of staff.

2.2 Police Officers

- 2.2.1 Police Officers are 'Officers of the Crown'. They do not have a contract of employment and are subject to the Police Regulations and Determinations 2003 (as amended). The statutory Flexible Working Regulations 2014 do not apply to police officers, as under Police Regulations they are able to request a change to their working pattern at any time and for any reason. However for the purposes of this policy the statutory timescales for dealing with applications will apply, and Police Officers will receive formal notification of the change when a formal flexible working application has been approved.

3. Flexible Ways of Working

3.1 The range of scheme can include any of the following flexible ways of working:

Compressed hours (Full and part time)

Part-time

Job share

Annual hours

Term-time only

Home working

Change of location

Voluntary Reduced Hours (V Time)

Please see [Definitions](#) for detail on each of the above.

3.2 Other initiatives include:

[Maternity / Maternity Support Leave](#)

[Shared Parental Leave](#)

[Adoption Leave](#)

[Parental Leave](#)

[Career Break](#)

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4. Responsibilities

4.1 The granting of any flexible ways of working as described in this document will rest with local decision at the highest level i.e. Strand Lead.

4.2 When considering a flexible working request, Managers must hold a meeting with the member of staff to discuss the application. They must ensure that every effort is made to reach a mutually agreeable solution with the member of staff concerned before reaching their final decision, which must be objective and justifiable. Managers must consider carefully each case to meet the needs of the service and the individual, and will be discouraged from seeking exemptions of post/role without a request being fully considered and other options explored.

4.3 Depending on the type of request being made, the following factors need to be taken into consideration:

Duties and responsibilities

Any special requirements including where there are statutory provisions (e.g. Equality Act)

Working arrangements

Organisational aspects

Financial considerations

Managers should also be aware that a request may involve more than one way of working flexibly and the same consideration should be afforded.

- 4.4 Local management must ensure that all actions in respect of the application are processed via the links provided in a timely manner.
- 4.5 Line managers must review flexible working applications on an annual basis to ensure that the working arrangements continue to meet the needs of the organisation and individual.
- 4.6 The HR Shared Services Department will be responsible for updating personnel records via Origin.
- 4.7 Advice and guidance may be sought via Ask HR or by contacting a HR Advisor.

5. Representation – Right to be Accompanied

- 5.1 A member of staff making an application may request to be accompanied at any meeting held to discuss the application. Where such request is made, a representative of a recognised Trade Union/Staff Association or a fellow employee may accompany the member of staff. The nominated individual may address the meeting and confer with the applicant, but they cannot answer questions on their behalf.

6. Conditions of Service

- 6.1 All conditions of service for flexible working staff shall be applied in the same way as they would for full-time appointments but on a shared and/or pro-rata basis as appropriate for each flexible working arrangement. Pay and all leave provisions will be pro rata to the hours worked.
- 6.2 In circumstances where an employee has asked for a specific working arrangement on fixed hours, e.g. to work 0700hrs–1500hrs, they will not have the facility to work additional hours to accrue flexi time. This arrangement would be classed as a 'Fixed Shift' and would not fall within the parameters of the Flexi Time Policy. In the event that an employee who works on a fixed shift basis works additional hours at the request of their manager, they will be entitled to payment for the additional hours at the appropriate rate in accordance with the PSC Handbook, or they may wish to elect to take time off in lieu for the additional hours worked.
- 6.3 Any agreed flexible working arrangement will apply specifically to the current substantive post/role held by the individual. Any change in post/role through for example organisational change, lateral moves, promotion or redeployment will require a new application to be made in accordance with force policy.
- 6.4 Any extra duty performed in addition to the flexible working scheduled hours will be regarded as either additional hours or overtime, and will be managed in line with local procedures for resource management.
- 6.5 Police Staff are employed under a contract of employment to perform a particular role and are subject to Employment Law. Under the Flexible Working Regulations 2002 any change in their hours will be a **permanent** change to their contract, and there is no automatic right to revert to full time hours unless there is an approved 'V' Time flexible working arrangement.

- 6.6 'V' Time or voluntary reduced hours is a temporary flexible working arrangement with an agreed start and end date. This option may be available for staff that wish to work fewer hours for a particular period that will not exceed 2 years. The individual continues in the same job and will return to full time work at the end of the approved arrangement.
- 6.7 Whenever a new flexible working option is approved for a Police Staff member, a new written statement of particulars will be issued by HR Shared Services to reflect the agreed variation of the contractual relationship.
- 6.8 Police Officers that work part time who were recruited as full time officers may return to full time working within a maximum four month period. Regulation 5 of the 2003 Regulations has been amended to allow officers who have been working on a part time basis to return to working full time within two months of giving written notice if there is a suitable vacancy.
- 6.9 In the absence of a suitable vacancy the officer will be appointed to a full time post within four months of written notice being received.
- 6.10 Full details of Police Regulations and Police Staff Terms & Conditions of Service provisions can be accessed via the Force Intranet Policy Reference pages.

7. Monitoring and Review

- 7.1 All flexible working agreements must be regularly reviewed in order to assess their continued suitability in meeting the individual circumstances and the business needs of the Force. In any event, the Strand must undertake a review at least once each year.

8. Application Procedure

8.1 Considerations

- 8.1.1 Before making a Flexible Working request application, a member of Police Staff must be aware that approval of any request will bring about a **permanent** change to their terms and conditions of employment. Full consideration must be given to the financial aspects of the request as it may lead to a reduction in income. The reduction in salary or allowances may also affect pension and redundancy payments, and staff are advised to seek independent professional advice from their Trade Union/Staff Association.
- 8.1.2 Staff should note that under the statutory right it may take up to **3 months** to consider a request before it can be implemented and possibly longer where difficulties arise. Staff must therefore ensure applications are submitted at least **3 months** in advance of the date they wish the request for flexible working to commence. In exceptional circumstances of unforeseen and urgent personal requirements, taking each case on its merits, consideration will be given to waiving the notice period requirements.

8.2 Process

- 8.2.1 Staff can apply to work flexibly for any reason providing they meet the qualifying criteria. In the event of a large demand in a particular area or unit, requests must be considered in the order they are received.
- 8.2.2 The 3 month statutory time frame will be applied to both Police Staff and Police Officers. ([See Timescales and Responsibilities](#)).
- 8.2.3 The member of staff must complete the Flexible Working Application E-Form that can be found on the [ORIGIN](#) portal. The application must include the requested flexible working pattern and the date that they would like the change to come into effect. The application also requires the member of staff to state how the requested working pattern can be accommodated without any detrimental impact on the individual, the work unit, Strand or Force as a whole.
- 8.2.4 Overall, Management have 3 months commencing after the day of receiving the formal E-form application to deal with the request, **including** any appeal process unless there is an agreed extension to timescales. This will be documented on the electronic form to enable decisions and audits to be consistent across the organisation. Every effort must be made to make the final decision at **least 4 weeks** prior to the proposed shift start date to enable the correct salary to be paid to the individual and prevent any budget discrepancies within the Strand.
- 8.2.5 Line management have the first 21 days of the 3 month statutory time period to consider the flexible working request. **Line Managers must hold a meeting with the member of staff to discuss the request.** If the Line Manager is absent from work on the day the application is made and is likely to remain unavailable, another manager must be nominated.
- 8.2.6 The Line Manager will be responsible for ensuring that the new working pattern is compliant and meets organisational needs in consultation with the person with local responsibility for resources. In addition, the shift allowances must represent 'value for money' when compared with the full time shift pattern. This **MUST** be done in consultation with the resource manager or person with local responsibility for resources prior to making recommendations.
- 8.2.7 If the member of staff and management agree to an extension of time limits for dealing with a request, this must be documented on form [Per 52](#), signed and then recorded on the electronic application. A copy must be given to the member of staff, the manager and HR Shared Services.
- 8.2.8 Should a Trade Union/Staff Association Representative or Colleague not be available to attend a meeting to discuss the request, the member of staff can propose an alternative date, convenient for all parties within 7 days beginning the day after original meeting date.
- 8.2.9 The E-Form must be submitted with a Line Manager recommendation to the Strand Lead who will have the following 21 days of the remaining statutory notification period to consider the Line Manager's recommendation, and decide whether to approve or reject the flexible working request.
- 8.2.10 In circumstances where the Strand Lead:
- is unable to support the line manager's recommendation
 - supports a line manager's recommendation to refuse an application

- requires further information in order to make a decision

then a meeting must be held with the member of staff to discuss the application within the **21 day** period.

- 8.2.11 At this meeting the Strand Lead may be accompanied by the Line Manager concerned or by another appropriate member of the Command Team. The Strand Lead may delegate to another Command Team Member the authority to make the final decision.
- 8.2.12 Where the decision made is to defer or refuse the application, the notification of refusal on the Flexible Working E-Form **must** contain the reason and sufficient supporting information on the basis of one or more of the following grounds:
- a) Burden of additional costs
 - b) Detrimental effect on the ability to meet customer demand
 - c) Inability to re-organise work among existing staff
 - d) Inability to recruit additional staff
 - e) Detrimental impact on quality
 - f) Detrimental impact on performance
 - g) Insufficiency of work during the periods the Employee proposes to work
 - h) Planned structural changes
- 8.2.13 HR Shared Services will inform the individual of the decision via e-mail within 7 days. If approved, the written notification will include the agreed new working pattern, number of hours and commencement date etc.
- 8.2.14 If rejected the notification will be dated and include the reasons for the decision, the business grounds and reference to the Appeals Procedure.
- 8.2.15 HR Shared Services will advise the payroll provider of any salary and/or allowance adjustments to be applied as necessary with effect from the implementation date. HR Shared Services will also make the necessary arrangements for the revised working patterns to be reflected on the HR Origin system.
- 8.2.16 The Force Resource Unit (FRU) must activate the new shift patterns on the Duty Management System (DMS) and adjust the Terms & Conditions Profile, which will include the revised annual leave allocation etc.
- 8.2.17 Following adjustment of hours, staff **must** check their pay slip to validate that their working pattern has been correctly applied and therefore that their pay is correct. Staff must notify HR Shared Services of any discrepancies immediately.
- 8.2.18 In exceptional cases where a member of staff is unable to complete an online application, such as staff absent from work for a period of time, staff and line managers can contact Ask HR or a HR Advisor for advice.
- 8.2.19 Further guidance on completing a flexible working application on Origin can be accessed on the force intranet [here](#).

8.3 Appeal Against a Decision to Refuse Application

- 8.3.1 Any member of staff who is refused an application to work flexibly, is entitled to appeal against the refusal by completing a form [Per 53](#) available on the Force Intranet, providing the date and details of the grounds for the Appeal. This form must

be submitted within **7 days** of notification of a refusal to grant a flexible working request.

- 8.3.2 Upon completion the member of staff must submit the appeal form to the Strand Lead who will record the reasons for refusal together with the full rationale behind the decision on the form [Per 53](#).
- 8.3.3 The completed form [Per 53](#) must be forwarded to Head of People Services. Where necessary, a meeting will be held to discuss the Appeal. The meeting will take place within **14 days** of the date of submission of the Appeal Notice.
- 8.3.4 The requirement to hold a meeting will not apply in cases where within **7 days** of the date of the Appeal notice, the Appeal is upheld and the member of staff is notified in writing of the decision on the form [Per 53](#). This will confirm the revised working arrangements and the date of commencement.
- 8.3.5 In those cases where a meeting is held to discuss the Appeal and the Appeal is upheld, the member of staff will be notified on form [Per 53](#), and as above, this will confirm the revised working arrangements and the date of commencement.
- 8.3.6 In the event that the appeal is rejected the form [Per 53](#), will outline the grounds for the decision and sufficient explanation as to why those grounds apply.
- 8.3.7 In either case the notification will be provided within **7 days** of the date of the meeting. In cases where the Appeal is rejected, the decision will be final.
- 8.3.8 The Appeal Process outlined in this document is the means by which any feeling of dissatisfaction is addressed, and is the final stage for flexible working requests.

8.4 Extension of Time Periods

- 8.4.1. The law requires that all requests, including any appeals, must be considered and decided upon within a period of 3 months from first receipt, unless an extension to this period is agreed with the member of staff.
- 8.4.2. The member of staff and the Force may agree to an extension to any of the time periods referred to provided that it is recorded in writing by the Manager dealing with the application on a Form [Per 52](#) . The completed form must specify the period the extension applies and the end date. The document must be dated and two copies given to the member of staff, one of which will be retained, the other will be signed by the applicant and returned to the Line Manager who must forward a copy to HR Shared Services for recording and filing.

8.5 Withdrawal of Application

- 8.5.1 The Force may treat an application for flexible working as having been withdrawn where a member of staff has:
- a) Given notification, orally or in writing that this is the case.
 - b) Without reasonable excuse, failed to attend a meeting to discuss the application on more than one occasion.
 - c) Without reasonable cause, refused to provide the Force with the relevant information required in order to assess whether or not the contract variation could be agreed.
- 8.5.2 If the member of staff withdraws the application, the Line Manager must ensure that HR Shared Services is notified as soon as possible.
- 8.5.3 In the event that the application is withdrawn without receipt of written notice from the member of staff, the Line Manager will confirm this in writing to the staff member and forward a copy to HR Shared Services.

9. Right Not to Suffer a Detriment

- 9.1 A member of staff that has exercised the statutory right to request flexible working and considers that they have suffered a detriment may seek redress at an Employment Tribunal.
- 9.2 A member of staff who has made an application under the statutory right has the right not to be subject to any detriment by any act, or any deliberate failure to act by the Force on the grounds that:
- a) The employer's failure to comply with the statutory procedure
 - b) The employer's use of an incorrect fact to explain why the application has been refused and which the employer failed to address at the appeal
 - c) The employer's refusal to allow the employee to be accompanied.
- 9.3 Staff must present their complaint to an Employment Tribunal within three months of the date that the employer's decision is notified on appeal, or in complaints relating to procedural breaches, three months from the date of the alleged breach.
- 9.4.1 Further advice can be sought from a Trade Union/Staff Association Representative, via Ask HR or by contacting a HR Advisor directly.

10. Right to Written Statement of Reasons for Less Favourable Treatment

- 10.1 If an individual working part-time, job share or fixed term considers that they have received less favourable treatment, they may request a written statement giving particulars of the reasons for the treatment. The member of staff is entitled to be provided with such a statement from the Line Manager, who will seek advice from an HR Employee Relations Consultancy Advisor, within 21 days of their request.
- 10.2 A written statement is admissible in any proceedings at Employment Tribunal.