

## Flexible Working Arrangements – Police Staff

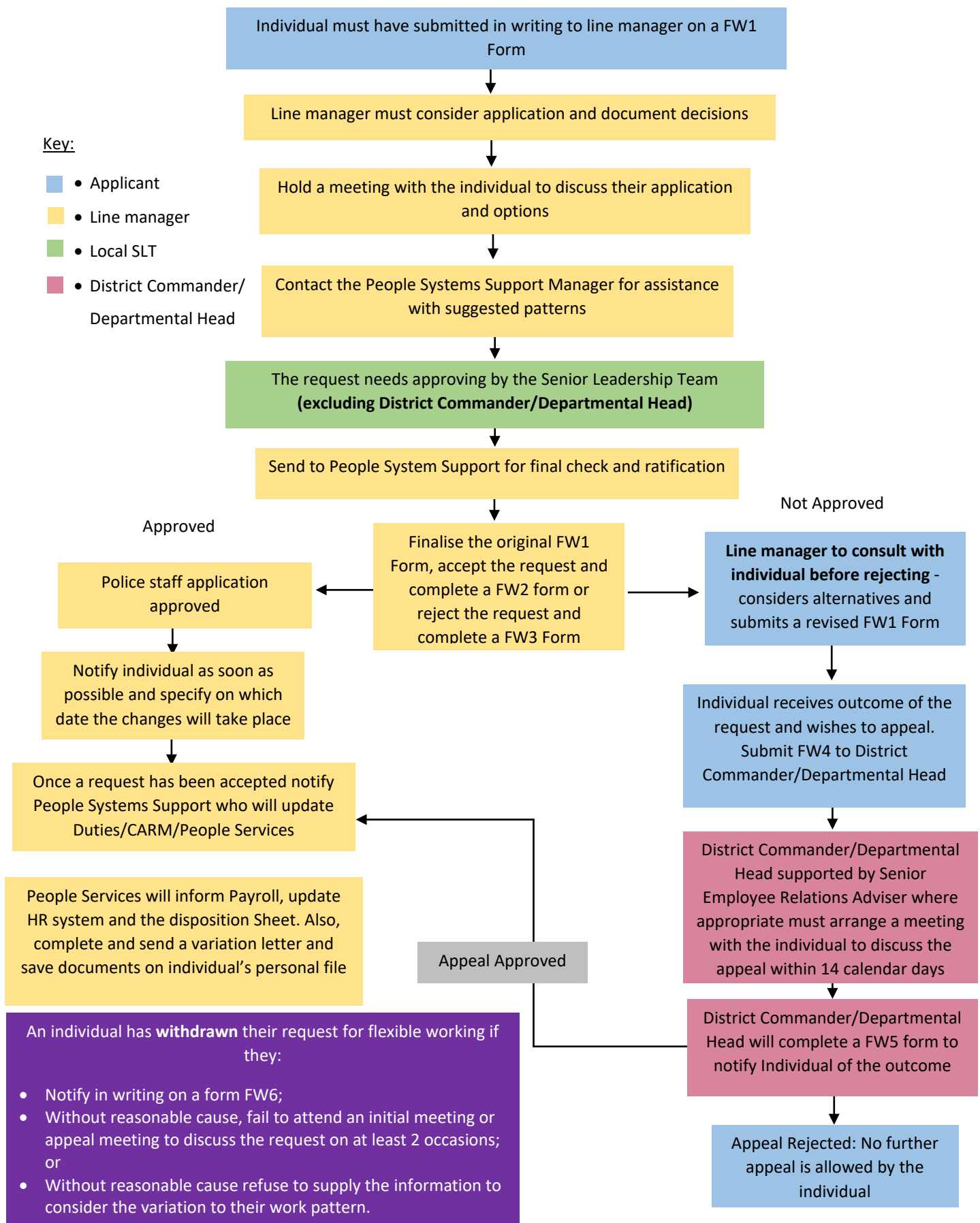
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## Flowchart – Flexible Working Arrangements



## Policy Statement

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### Summary

West Yorkshire Police (WYP) recognises the benefits of having policies and procedures which strengthen attraction and retention of a future workforce and allow staff to balance the demands of work, family and personal life, by supporting individuals who wish to work flexibly. Applications for a flexible working arrangement will be considered on an individual basis, within a reasonable timeframe and in accordance with ACAS guidelines, and are subject to organisational demand.

The provisions of this policy extend to a number of flexible working arrangements, which includes compressed hours, job sharing and part time working.

There are other provisions which WYP offer and are referred to under separate policies or procedures such as career breaks and unpaid leave.

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### Scope

This policy applies to all police staff.

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## General

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### Principles

- All roles can be considered for flexible working.
- Applications for flexible working arrangements will be considered on an individual basis.
- All individuals, regardless of grade or length of service, can apply.
- Flexible working arrangement requests, subject to organisational demands, can be made for:
  - Compressed hours;
  - Job sharing; and
  - Part-time working.
- A flexible working request is not agreed until it is approved by the district/departmental SLT for business reasons and has been ratified by the People Systems Manager who will ensure compliance with Working Time Regulations and the principles of good roster design.
- A variation of contract letter will be issued when a flexible working request is approved.
- A flexible working arrangement is only agreed for the role the individual is in when they apply and a review will take place if the individual changes role, requests a temporary flexible arrangement, or as part of organisational change.

- An individual who requires a change to their flexible working arrangement must submit a new application.
  - Requests will be dealt with including any appeal within two months from receipt of the application.
  - Disabled police staff may ask for flexible working as a reasonable adjustment.
  - Individuals may submit two requests in a 12-month period, unless there is a significant change in their circumstances.
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**Working  
pattern criteria**

Working patterns in West Yorkshire Police must:

- Contain a continuous 24-hour rest period each week; **or**
  - Contain a minimum uninterrupted rest period of 48 hours in any reference period of 14 days.
  - Have at least an hour break between shifts. The recommended break between working periods is 13 hours or more.
  - Have a minimum rest break of 30 minutes if the working day is six hours long or more.
  - Support the delivery of local operational demand.
  - Allow for the circumstances where travelling time may form part of the working day.
  - Incorporate any overtime into working calculations.
  - Have a maximum of four consecutive nights in a shift pattern unless the individual is a dedicated night worker.
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## Flexible Working

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**Part time  
working**

- All roles may be suitable for part time working, subject to organisational needs.
- Roles that are advertised as 'part time' will have the required hours already agreed prior to release.
- Individuals could request to work reduced hours on a daily basis or apply to work the required number of hours over fewer days.
- There is no minimum limit to the number of hours that can be worked on a part time basis.
- Where an employee is allowed to reduce their working hours then the Senior ER Adviser may, after due consideration of all the circumstances, offer the balance of hours (up to a maximum of 10 hours) to an existing employee, where there is a justified business need:
  - If that employee is working in the same role at the same location, and the total number of hours and budget for each role (37) is not exceeded.

NB: Other part time employees must not expect that they will be offered the additional hours.

Those additional hours cannot be advertised as a further part time position to other employees.

- **Note:** Where the number of hours for re-allocation exceeds 10, a member of the People team will submit proposals to the resourcing panel for approval using a 'Notification to fill a vacant post' form (Per 9 or 9a).
  - There is no right at a later stage for individuals to increase their hours from part time to full time working.
  - If an individual wishes to increase their hours from part time, they would have to:
    - Apply for an advertised full time role; or
    - Be offered increased hours by their line manager, e.g. as a result of a colleague in the same role reducing their working hours (see Balance of hours).
  - Any further reductions/increases in hours can only be varied once a 12-month period has elapsed from the date the flexible working arrangement request began. To do this, individuals would have to submit a new flexible working arrangement request application.
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#### **Job share**

- All full time roles (except where there are agreed exclusions) can be deemed appropriate for job share.
- Individuals have a right to apply for internal vacancies on a job share basis where they are not excluded.
- All internal and external adverts, subject to any exclusions, will contain the phrase 'suitable for job sharing'. However, the application will only be agreed where the other half of the job can be filled by another person.
- In the event no one else applies for the job as a 'job sharer', then the individual will only be offered it as a full time position.
- Hours and patterns of work must be agreed between the individual and their line manager.
- Part of the individual's work pattern may need to overlap with their job share partner, where organisational need requires this.
- If a job share partner is:
  - Absent for a short period, normally less than 28 working days, due to sick leave or annual leave, then the other job share partner may, by mutual agreement, increase their hours of work **or** undertake additional duties on a temporary basis.
  - Absent for a long period due to long term sickness or maternity/adoption/shared parental leave, then the other job share partner may, by mutual agreement, extend their working hours to full time on a temporary basis **or** recruit a temporary employee on the job share hours.

- Where a job share partner leaves the role, the remaining individual may be offered the full time position, but only after it has been advertised to individuals at risk of redundancy.
  - **Note:** This does not apply to job share individuals in such a position prior to the JNCC April 2014 agreement. In these circumstances, where the job share partner leaves the role, the remaining individual will be offered the full time position before it is advertised (individuals are under no obligation to increase to full time hours). If the individual declines the offer, then the new arrangements as detailed in the bullet point above, would apply in the future.
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**Compressed**

- Compressed hours allow individuals to work a total number of hours over a shorter number of days and would only be agreed subject to organisational need.
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**Exclusions**

- If a District Commander/Departmental Head considers a role is unsuitable for flexible working and wants to exclude it, they must inform the Head/Assistant Head of ER of their reasons.
  - This must be based on justifiable organisational needs.
  - The Head/Assistant Head of ER will:
    - Consider the reasons, in consultation with the District Commander/Departmental Head; and
    - Advise them whether the role is unsuitable.
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## Leave, Payments and Pensions

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**Principles**

- Annual leave entitlement will be pro rata to that of a full time individual and will be calculated and recorded on the duties management system (CARM) to be taken at times agreed between the individual and their line manager.
- Public holidays taken will be allocated on a pro rata basis of a full time individual and recorded on CARM.
- Individuals must review PSC Terms and Conditions for annual leave and public holiday calculations.
- Working during the weekend period attracts compensation in accordance with PSC Terms and Conditions.
- Hours worked in addition to an average of 37 hours per week will be paid in accordance with PSC Terms and Conditions.
- Pension entitlement will be accrued on a pro rata basis for the period of time the individual is employed on a part time/job share basis.

- Part time pensionable service will have an effect on an individual's future pension.
  - **Note:** Individuals must contact the Pensions Manager for detailed, confidential information on how this will affect their pension before they apply to reduce their hours.
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## Responsibilities

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### Individual

To exercise their right to flexible working as an employee, individuals are responsible for:

- Submitting in writing to line management on form FW1;
  - Stating that it is an application under the legal right to request flexible working;
  - Stating that it is being submitted to permanently change the terms and conditions of employment or requesting a temporary variation (if so, state the requested period of the variation);
  - Specifying the change applied for, giving details of:
    - The proposed flexible working pattern requested and how it could be made to work (See pattern design);
    - The location (where applicable);
    - The date when it would be suggested the proposed change to become effective;
    - Whether the request is for consideration as a reasonable adjustment owing to a disability; and
    - Any previous applications that have been made;
  - Signing and dating the form;
  - Submitting any appeal against the decision to the District Commander/ Departmental Head within 7 calendar days of receipt of the written response; and
  - To withdraw a request for a Flexible Working Arrangement, notifying their line manager, in writing on form FW6.
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### Line manager

Line managers are responsible for:

- Considering and making a recommendation on all requests, within 28 days of the initial request unless an extension is agreed with the individual;
- Ensuring the form has been fully completed;
- Checking whether the individual has submitted their current working pattern;
- Ensuring the individual has submitted a copy of their proposed working pattern;

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- Arranging a meeting within 14 calendar days of receiving the application, allowing the individual to be accompanied by a work colleague or trade union representative, to discuss the request and how the proposed working pattern can be accommodated alongside business needs;
  - Contacting the People Systems Support Manager to ensure the proposed working pattern is a good roster design for the relevant District/Department team;
  - Using the National Decision Model when considering a request to:
    - Determine whether there are any cost implications to the proposed working pattern.
    - Identify any potential impact in terms of service delivery.
    - Identify whether the proposed changes will have any adverse impact on colleagues.
    - Ensure the proposed working pattern complies with the Working Time Directive.
    - Identify whether there are any planned organisational changes.
    - Identify if a compromise to the proposed flexible working pattern can be reached.
    - Consider any potential discriminatory issues.
    - If unable to accommodate, consider if the pattern could be accommodated elsewhere in the organisation subject to recruitment and selection processes; and
  - Providing a detailed rationale of their decision and submitting to SLT (the Director must not be involved in this process).
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**Request  
approved**

- Where a request has been approved by SLT and ratified by the People System Support Manager, the line manager will confirm this agreement to the flexible working pattern request on form FW2, specifying details of the new flexible working pattern and confirming the date the new pattern will commence.
  - The individual will be informed of the decision within 28 calendar days of the initial request, agreeing any additional timescales with the individual and confirming this will be a permanent or temporary change to their terms and conditions of employment.
  - People Systems Support will be notified of the change in working pattern. They will then update the CARM system with the new pattern and inform Duties (if appropriate) and calculate any pay implications. They will also notify People Services who will update the HR System, disposition sheet, complete a variation to contract letter for the individual and inform Payroll. All documentation will be stored on the individual's personal file.
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**Request  
rejected**

- Where a request for a flexible working arrangement has not been ratified and/or been declined by the People Systems Support Manager, the line

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manager will consult with the individual, within 28 calendar days of the initial request, on form FW3 and provide a clear and detailed rationale outlining the business reasons why the application has been rejected. See Business Reasons for Refusal.

- The line manager will submit all Flexible Working Arrangements documentation to People Services for the outcome to be recorded on the HR System for monitoring purposes and the documentation to be retained on the individual's personal file.

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**Compromise or temporary arrangement offered**

- Where the flexible working arrangement pattern requested has not been approved but an alternative pattern as a compromise has been identified, the line manager will confirm the compromise offered and set a date of 14 calendar days for a response from the individual.
- The line manager will process the request as approved/declined as appropriate once the individual responds.
- The line manager must offer to agree to the arrangement for a specified temporary period, to evaluate the impact on business need.

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**Individual withdraws flexible working arrangement request**

- If an individual withdraws their Flexible Working Arrangement request, they must confirm this on form FW6 and submit this to People Services for retention of the individual's personal file.

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**Senior Leadership Team (SLT)**

An appropriate member of the SLT (**excluding the District Commander/ Departmental Head**) is responsible for:

- Approving/rejecting the request and sending the approved application form the People System Support Manager for final ratification;
- Determining if the arrangement will be permanent or temporary and timescales;
- Considering an alternative posting if required; and
- Providing a clear and detailed rationale outlining the business reasons why the application cannot be accommodated and returning the application form to the line manager.

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**People Systems Support Manager**

The People Systems Support Manager is responsible for:

- Working collaboratively with the line manager to fully consider the proposed flexible working arrangement;
- Considering the proposed flexible working pattern and ratifying/rejecting in line with working time and working pattern design;
- Informing the line manager as soon as practicable; and

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- Providing a clear and detailed rationale outlining the reasons why the application cannot be accommodated.
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## Review

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### Review of flexible working arrangements

- Annual reviews do not need to take place for police staff because the change is a permanent change to their contract.
  - A review must take place when an individual who has an agreed flexible working pattern changes role.
  - A flexible working pattern is only agreed for the role the individual is in when they apply.
  - A review can take place as a result of organisational change where the flexible working agreement no longer meets organisational need. Please refer to the Shift Working and Working Time for Police Staff policy.
  - An individual who requires a change to their flexible working pattern must submit a new application.
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### Business reasons for refusal

- Under legislation and in accordance with this policy, flexible working requests may only be declined if there would be a negative impact in one or more of the following ways:
    - There would be a detrimental effect on our ability to meet customer demand;
    - It is not possible to re-organise the work amongst existing individuals;
    - WYP is unable to recruit additional staff;
    - There would be a detrimental impact on quality;
    - There would be a detrimental impact on performance;
    - There is insufficient work during the period the individual proposed to work;
    - Structural changes are planned;
    - There would be additional costs incurred; or
    - There would be negative impact on colleagues.
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## Appeal Process

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### Principles

- An individual can appeal a flexible working arrangement request that has been declined.
- All appeals must be submitted to the District Commander/Departmental Head on a form FW4 outlining their grounds for appeal within 14 calendar days of receipt of the written response from the line manager.

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- An individual may appeal on one or more of the following reasons:
    - The procedure has not been followed properly;
    - The business reason(s) for rejecting the appeal have not been sufficiently explained; or
    - A fact in the explanation of the business reasons is incorrect.
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**District  
Commander/  
Departmental  
Head**

The District Commander/Departmental Head **must not** be involved at any stage in the original request ensuring that they remain impartial.

The District Commander/Departmental Head is responsible for:

- Arranging a meeting within 14 calendar days of receiving the appeal notice;
  - Informing the individual of their right to be accompanied;
  - Determining that the correct process has been followed;
  - Seeking advice from a Senior Employee Relations Adviser (if required);
  - Notifying the individual of the outcome within 14 calendar days of the appeal meeting using form FW5;
  - Providing rationale and if unable to accommodate the request, this must be in accordance with legislation and based on one or more specific grounds. See Business Reasons for Refusal; and
  - Ensuring that a copy of the FW5 is sent to People Services to be placed in the individual's personal file.
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## Additional Information

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### Compliance

This policy complies with the following legislation, policy and guidance:

- Employment Rights Act 1996
  - Employment Act 2002
  - Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Amendment) Regulations 2002
  - Work and Families Act 2006
  - Children and Families Act 2014
  - Police Regulations 2003
  - Terms and Conditions policy
  - Flexible Working Regulations 2014
  - Data Protection Act 2018
  - Working Time Directives
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