



HUMBERSIDE FIRE AND RESCUE SERVICE

People & Development

Flexible Working Policy

Owner	Executive Director of People & Development
Responsible Person	Head of Human Resources
Date Written	September 2018
Date Reviewed	September 2023
Date of Next Review	September 2026
EIA Completed	March 2023



What we must
do well



How we support our
communities



We value and support
the people we employ



We efficiently manage
the Service

CONTENTS

1. [Introduction](#)
 - [Core Code of Ethics](#)
 - [National Guidance](#)
2. [Equality and Inclusion](#)
3. [Aim and Objectives](#)
4. [Associated Documents](#)
 - [Equality Impact Analysis](#)
 - [Legal References](#)
 - [National Guidance](#)
5. [What is the Right?](#)
6. [Further Guidance](#)
7. [Needs of the Service](#)
8. [Making a Flexible Working Request](#)
9. [Consideration of an Application](#)
10. [Confirmation of a Flexible Working Request](#)
11. [Rejection of a Flexible Working Request Application](#)
12. [Withdrawal of a Flexible Working Request](#)
13. [Appeal Process](#)

1. INTRODUCTION

Humberside Fire & Rescue Service (HFRS) believes that flexible working and family friendly opportunities can increase staff motivation, promote a healthy work-life balance, reduce employee stress and improve performance and productivity.

Core Code of Ethics

HFRS has adopted the Core Code of Ethics for Fire and Rescue Services. The Service is committed to the ethical principles of the Code and strives to apply them in all we do, therefore, those principles are reflected in this Policy.

National Guidance

Any National Guidance which has been adopted by HFRS, will be reflected in this Policy.

2. EQUALITY AND INCLUSION

This policy states the procedures and processes required to ensure fairness and consistency throughout the Service regardless of age, gender, race, religion or religious or philosophical belief, gender reassignment, disability, sexual orientation, marriage and civil partnership, pregnancy and maternity or any other unjustifiable condition or requirement.

3. AIM AND OBJECTIVES

The aim and objectives of this policy are to demonstrate how HFRS values and supports flexible working, how it meets its responsibilities set out in legislation and to ensure that all employees understand the process associated with making a flexible working request.

4. ASSOCIATED DOCUMENTS

- [Equality Impact Analysis](#)
- Legal References
 - Employment Rights Act 1996
- National Guidance

5. WHAT IS THE RIGHT?

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees who have a minimum of 26 weeks' continuous service at the date on which their application is made, have a statutory right to request flexible working and to have their request considered by HFRS.

HFRS have a statutory duty to consider all applications from eligible employees in a consistent way and requests will only be refused where there are clear and justifiable business reasons for doing so.

An employee can only make one statutory request in any 12 months period.

Employees who have been employed for less than 26 weeks do not have a statutory right to request flexible working. Eligible employees can request a change to their working hours, a change to their working pattern or a change to their work location.

Any request that is made and accepted under this policy will be a permanent change to the employee's contractual terms and conditions (unless agreed otherwise). Under legislation, the employee has no right to revert to their previous working pattern, however, in exceptional circumstances, this may be considered on an individual basis.

6. FURTHER GUIDANCE

Support and information will be provided to employees wishing to make an application and feedback will be given at all stages of the process. Both managers and employees should be flexible and realistic when trying to reach agreement about changes to working arrangements as not all flexible working options will be appropriate for all roles.

This policy does not cover the provisions of the flexi-time scheme. Further information on the flexi-time scheme can be found in the Flexi-time Policy. Any reduction in contractual working hours agreed as part of a flexible working request will also mean a reduction in pay, annual leave and possibly other benefits. These will be calculated on a pro-rata basis in relation to new working hours.

7. THE NEEDS OF THE SERVICE

Where a flexible working arrangement is proposed, HFRS will take a number of criteria into consideration, including but not limited to the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources
- whether the work/hours in question could be reasonably allocated to other staff
- details of the tasks specific to the role
- the workload of the role
- whether it is a request for a reasonable adjustment related to a disability
- health and safety issues

8. MAKING A FLEXIBLE WORKING REQUEST

Employees will need to make a written application (using the 'Flexible Working

Request' form') well in advance of the desired start date so as to allow sufficient time for the application to be fully considered.

All sections of the form must be completed and signed by the employee before consideration can be given to the request. Incorrect forms will be returned to the employee by their line manager for correct completion.

Employees will be required to provide as much information as possible to enable requests to be given full consideration.

9. CONSIDERATION OF A FLEXIBLE WORKING REQUEST

The organisation has a legal duty to consider all applications and establish whether the desired work pattern can be accommodated, taking into account the business requirements.

HFRS will consider all applications on a first come, first served basis. Where conflicting applications are received at the same time, the applicants will be asked to consider alternative arrangements to enable both requests to be considered. Alternatively, employees may also consider and agree to a fair way of random selection. Where an alternative that is suitable for all parties cannot be found, both applications will be refused where there are justifiable business reasons to do so.

Once an application is received, the line manager should acknowledge receipt (using the 'Receipt of Flexible Working Request' form) within 28 days of the application being received. The line manager will then arrange a mutually convenient date and time on which to meet with the employee. A representative from the HR Team will also be in attendance. A different timescale may be used if both parties agree; and should be confirmed, in writing, by the manager.

If the line manager is on sick leave or annual leave when the request is submitted, the 28 days period will start from the date on which they return. In the event of long-term sick leave, the Head of HR will authorise another appropriate line manager to deal with the request.

The meeting should enable:

- the request to be discussed in more detail
- all possible options to be explored
- dates to be agreed

The employee has the right to be accompanied at the meeting by a union representative or a work-place colleague. The responsibility is on the employee to arrange such representation should it be required. If the employee's chosen representative is not available on the date of the meeting, they can request an alternative date and time. The new date should take place within 7 calendar days of the originally proposed date or the employee can bring a different representative. The representative is not allowed to answer questions on the employee's behalf.

The employee making the request must attend the meeting. If the employee fails to

attend the initial meeting and/or a re-arranged meeting without a satisfactory and reasonable explanation, their application will be considered to have been withdrawn and the manager will write to the employee accordingly.

Line managers must ensure that any requests for flexible working are considered in a positive way and all avenues exhausted prior to reaching their decision.

Line managers may wish to consider/discuss the following:

- Do any other employees wish to volunteer to change their current working pattern to enable the request to be granted?
- Would implementing the flexible working request on a temporary basis, with regular review points, enable a trial of the new working pattern?
- Is the request to change the working pattern due to a reason that may be subject to change? If so, an agreed temporary change to the employee's contract may be more suitable.

The line manager must inform the employee of the decision in writing within 14 calendar days after the day of the meeting (using the 'Acceptance of a Flexible Working Request' form). A copy of this form should also be sent to the HR Team.

In cases where the request is more complex and/or has a significant impact on other employees, then the 14 days may be extended by agreement of all parties and with the authorisation of the Head of HR. Any extensions must be confirmed in writing to the HR Team stating the reasons and identifying a new timescale. The form titled 'Extension of Flexible Working Request Time Limits' should be used for this purpose.

10. CONFIRMATION OF A FLEXIBLE WORKING REQUEST

HR will write to the employee confirming that the request has been agreed. The letter will include:

- a description of the new working arrangements
- the start date of the changes
- confirmation of the permanent changes to the employee's terms and conditions of employment
- any other action agreed, e.g. health and safety considerations if the new working pattern involves regular working from home.

The HR Team will inform Resource Management of the changes, via a People Form.

Where the change(s) has/have a possible impact on other employees within the section, the line manager should inform them of these changes, whilst still ensuring confidentiality around the details of the request is maintained.

11. REJECTION OF A FLEXIBLE WORKING REQUEST

If it is not possible to approve an application for flexible working, even after considering alternative options, then HR will inform the employee of this. The letter

must state the business reasons for the decision which should include:

- A clear and factual explanation as to how the business reasons apply in the particular circumstances of the employee's request

Details of the employee's right to appeal. The only reasons for rejecting an application are:

- burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing employees
- inability to recruit additional employees
- detrimental effect on quality
- detrimental effect on performance
- insufficiency of work during period the employee proposes to work
- planned structural changes

12. WITHDRAWAL OF A FLEXIBLE WORKING REQUEST

An application may be withdrawn in the following circumstances:

- The employee makes a decision to withdraw their request. They must inform their line manager of their decision, in writing, as soon as possible.
- Where an employee fails to attend two meetings to discuss their application without providing what the organisation considers to be a satisfactory or reasonable explanation.
- If a manager seeks more information in relation to an employee's application in order for a decision to be made and the employee unreasonably refuses to provide the information, the line manager can then treat the application as having been withdrawn.

If the above occurs, then the HR Team must be informed as soon as possible and the 'Withdrawal of Flexible Working Request' form should be completed.

13. APPEAL PROCESS

An employee has the right to appeal, within 14 calendar days of having been notified of the decision, if they feel their application has been rejected because:

- it has not been considered properly
- they wish to challenge one of the business reasons
- new information has arisen that would make implementation easier

The appeal must be submitted in writing to the Head of HR, setting out the reasons for the appeal. The 'Flexible Working Request Appeal' form should be used. The Head of HR will arrange an appeal meeting within 14 calendar days of having received notification of the appeal. The employee has the right to be accompanied at

**Human Resources
Flexible Working Policy**

this meeting by a union representative or a HFRS work place colleague. The onus is on the employee to arrange such representation should it be required.

If the employee's chosen representative is not available on the date of the meeting, they can request an alternative date and time. The new date should take place within 7 calendar days of the originally proposed date or the employee can bring a different representative. The representative is not allowed to answer questions on the employee's behalf.

If an appeal is upheld, the notification must include a description of the new working arrangements agreed and the effective date.

If an appeal is rejected, the notification must set out the grounds for the decision in relation to the employee's grounds for appeal. The employee cannot re-apply for 12 months. The employee will be sent the 'Flexible Working Request Appeal Outcome' form, informing them of the outcome of the appeal.

**For further guidance / information relating to this document,
please contact Human Resources**