

# FLEXIBLE AND HYBRID WORKING POLICY

*Supporting our*



Implementation date:

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# 1. Introduction

This policy supports our Smart Working Strategy, which sets out key principles for future working arrangements, including the ongoing use of hybrid working arrangements for appropriate roles. We recognise that many of our roles do not need employees to work from the office or other work location every day, but that people can work effectively from a suitable home location. We do however value face-to-face interaction and believe that this is important for collaborative and supporting working relationships and this will therefore remain a feature of working patterns. We are clear that with flexibility comes responsibility and that the needs of the service and our customers must be at the heart of our working arrangements.

We are proud that Hyndburn Borough Council has a history of embracing a wide range of flexible working practices and this supports our Equality and Diversity Strategy. We believe flexibility helps us to:

- be more inclusive and able to adapt to individual circumstances;
- assist employees in achieving a balance between their work and home life
- have an diverse, engaged, motivated, healthy and efficient workforce;
- recruit and retain talented employees;
- break down cultural barriers that stop people reaching their full potential;
- encourage people back into employment;
- match working patterns with peak periods for the service;
- tackle the gender pay gap and demonstrate that working flexibly need not hinder career progression;
- positively impact on the environment, for instance by reducing rush hour congestion; and
- focus on achievement and work performance, not “presenteeism”; and
- has the potential to improve the service we can offer to our customers.

## 1.1 Scope

The policy applies to all employees and will be used to support our equalities objectives. Some ways of flexible or remote working (especially on a longer-term or regular basis) will not be possible for everybody, for example:

- where there are sound business reasons for employees to work at certain times;
- where tasks or aspects of management responsibility cannot be carried out at home; or
- where someone needs to access certain equipment or resources that are not available away from the workplace.

However, managers will consider all requests fairly and ensure that there is no unjustified discrimination on the grounds of any protected characteristics. Any disputes arising from the application of this policy will be dealt with under the Grievance Procedure, unless a separate procedure is in place (such as for dealing with statutory flexible working requests).

Our separate Working Parents Policy outlines maternity, paternity, adoption and parental provisions, such as leave and pay entitlement.

## **2. Part-time Working Options**

### **2.1 Voluntary Reduced Working Hours**

This involves working less than full-time (37) hours. For example:

- reducing the number of days worked, for example to a four day week;
- reducing daily hours;
- reducing hours for specific parts of the year; and
- working term-time only, or working different hours during term-time and school holidays, with pay spread equally over the year.

### **2.2 Effect on Terms and Conditions**

Employees on reduced hours will have the same terms and conditions as full-time employees, except:

- pay, annual leave, special leave, bank holiday and similar entitlements will be calculated on a pro-rata basis, unless specifically agreed otherwise;
- future pension benefits are reduced accordingly – please seek further advice from payroll
- enhanced overtime payments are only paid once an employee has worked 37 hours;
- job descriptions will be reviewed where relevant to ensure the workload and targets reflect the hours to be worked.

Employees may request the flexible working options detailed in this policy, using the form in [Appendix 1](#), including those who qualify for the legal right to request because of childcare or caring responsibilities. The legal right is to request a permanent change to the contract of employment. However, there may be times when managers can agree this for a temporary period, subject to a review (usually annually).

Reducing hours may sometimes be part of a request to take [flexible retirement](#). It can apply to employees in the Local Government Pension Scheme aged 55 or over, with the Council's consent. More information is available in the Pensions Discretions Policy Statement and from the Payroll and Pensions Manager.

### **2.3 Job-Sharing**

This involves two people voluntarily agreeing to share the duties and responsibilities of one post. Pay and other conditions of service are divided between the job sharers, pro rata to the hours they work.

A request to job share may be made:

- by an existing employee without a job share partner. If the employee's post is suitable for job sharing, the manager will try to recruit a suitable job share partner through the normal recruitment and selection procedure. Job advertisements should include the wording,

“This is a job share opportunity” and state the working hours. Only when a suitable partner is appointed will the existing employee be able to begin job sharing;

- by two existing employees who wishing to share one of their posts. The post and skills and experience of the two employees must be suitable for the proposed job share.

An agreed arrangement may split the total duties and responsibilities or these may be split between the job sharers. The job description for the whole job should remain unchanged both job sharers must be capable and willing to carry out the whole range of duties attached to the post.

The manager will need to agree when and from where each job sharer will work. This may include an overlap to handover work etc.

### 2.3.1 Conditions of Service

- a) Each job share partner will have an individual contract of employment and statement of particulars.
- b) The hours to be worked individually will be stated within each contract.
- c) Pay will be pro rata for the number of hours worked.
- d) Job share partners may be paid at different spinal column points within agreed salary scales according to their individual qualifications, skills, experience or length of service.
- e) The combined total hours worked by the job sharers will not be more than the established hours of the post being shared.
- f) Annual leave and bank holiday entitlements will apply pro rata to the hours worked, depending on each individual's contractual entitlement. Service Administrators will provide each individual with details of their entitlement
- g) Each job sharer is entitled to the full benefit of the Authority's recruitment and retention package, as applicable to their grade.
- h) If a post occupied by two sharers has the benefit of a casual user car allowance, each job sharer will be reimbursed for business mileage incurred at the nationally agreed rates.
- i) If the post attracts an essential user car allowance, each job sharer will only benefit from essential user rates (including lump sum element) if they **individually** satisfy the agreed criteria. It would therefore be possible, but unlikely, for one job sharer to receive an essential user allowance and the other a casual user allowance as they must each separately meet the agreed criteria.
- j) Sick pay allowances will be as laid down by the appropriate national agreement.
- k) Job sharers may be authorised to work additional hours for which they will receive an additional payment (at basic rate of pay up to the standard working week) or time off in

lieu. There will however, be no obligation on job sharers to work any hours in excess of their contracted hours.

- l) Where Flexi-time is in operation, managers and job sharers will agree how this will apply before the job share arrangement begins.
- m) All other conditions of service e.g. access to training and promotion, maternity, probation, disciplinary, grievance and notice will apply to job sharers as they would to full-time employees.

### 2.3.2 Leaving the job

If one job sharer leaves, the remaining job sharer will be offered their hours. If they do not accept, the remaining share of the job will be advertised. If there are no suitable candidates, the existing partner will again be offered the chance to increase to full time working. If no other solution can be found, then redeployment may be considered as an alternative.

## **2.4 Seasonal Hours**

- 2.4.1 This is a system where an employee's working hours are added up over a set period of time: this could be a year. Employees work a number of hours each week or for a fixed number of weeks to fit in with the seasonal peaks and troughs of that service area. The total hours for a full-time employee would be (37 hours per week x 52.143) over the year.
- 2.4.2 Pay is calculated by averaging out the annual salary over 12 monthly payments. Amendments will have to be made for employees starting employment or leaving employment to enable accurate payments to employees for the actual time worked.
- 2.4.3 When drawing up a seasonal working agreement consideration of the specific service needs should be taken into account to produce patterns of working that promote service efficiency.
- 2.4.4 Seasonal working should only be undertaken after full consultation with those affected and their representatives, and following guidance and advice from Human Resources.

### 3. Home / hybrid working

- 3.1 Hybrid working means that an individual will undertake some or all of their duties away from their normal place of work, usually at their own home. Hybrid working may be undertaken on an ad-hoc, temporary or regular basis. Not all jobs can be done remotely and some people find that homeworking suits them less than others. The type of hybrid working arrangement and suitability of it generally will depend on a number of factors, including:
- the type of work the Council requires;
  - the need for office cover;
  - the impact on colleagues and customers;
  - what management or supervisory responsibilities an individual holds;
  - their ability to complete their duties away from the workplace;
  - having a suitable and safe space available at home or another suitable agreed working environment;
  - being able to satisfy health and safety requirements and complete a satisfactory workstation assessment;
  - the ability to keep data secure and have private conversations when required;
  - whether the individual is able to work productively at home; and
  - any positive or negative impacts on mental health from working remotely.
- 3.2 Employees may request a hybrid working arrangement or the Council may determine that a role(s) can be performed away from the workplace and request that a hybrid working arrangement is put in place. To make a new application for hybrid working, employees should complete [Appendix 1](#) and discuss this with their Line Manager.
- 3.3 If employees wish to claim tax relief for homeworking, they can find out more at this link: <https://www.gov.uk/tax-relief-for-employees/working-at-home>
- 3.4 The advantages of hybrid working can include:
- allowing work to be done in a quiet environment away from interruption, thereby increasing productivity and quality of work;
  - reducing the environmental impact of travel and thereby supporting the Council's plans on climate change;
  - giving additional flexibility around working times to accommodate adverse weather affecting travel, or personal needs, which may include health problems or caring responsibilities;
  - supporting safe working with social distancing, such as infection control related to Covid-19; and
  - offsetting travelling time and costs against any additional costs associated with homeworking.

### 3.5 Key principles

Our Smart Working Strategy sets out some key principles. The points below are intended to supplement this.

- 3.5.1 For contractual purposes, the main place of work will remain as a Hyndburn Borough Council base. Hybrid working is an informal and voluntary arrangement that may be changed from time to time depending on business needs and subject to the ongoing agreement of the manager.
- 3.5.2 While there may be exceptions, and recognising that remote working has always been a feature of some roles, the minimum proportion of the working week based from the workplace should be no less than 40 - 60% (2 or 3 days for a full-time employee). For some roles it will be a greater proportion.
- 3.5.3 Mutual trust and empowerment are necessary for hybrid working to be successful. Managers need to set clear work objectives and targets. Employees must be self-motivated, able to work on their own initiative and with less supervision than might be normal in an office environment. Managers should agree and monitor work outputs on a regular basis.
- 3.5.4 If an employee wishes to work somewhere other than their home when not office-based, they must ensure that the location is suitable, so that it:
  - meets [health and safety requirements](#) and is agreed with their line manager;
  - will not compromise confidentiality or data security;
  - allows for any calls to be taken in private; and
  - protects the reputation of the Council.
- 3.5.5 All hybrid working arrangements are subject to ongoing monitoring and review and may be modified for reasons including a change in the needs of the service, problems with contactability, a change in the requirements of an employee's role, or performance or conduct concerns.
- 3.5.6 Employees should be available to attend the workplace for meetings, to undertake training, to deputise for absent colleagues or other operational reasons. Managers can therefore expect people to come into the workplace on a day where they were initially planning to work remotely: in most cases they will be able to give the employee reasonable notice, although this may not always be possible. Employees may also be required to attend the workplace where an IT or other problem prevents them from working effectively from a remote working location: this could be at short notice and until such time as the issue has been resolved. Experience to date has shown that, with flexibility and goodwill on both sides, this should not create problems.

## Communication and Contactability

- 3.5.7 Good, regular communication is essential. There should be agreed contact arrangements, including methods, contact numbers (and who they will be shared with) and timing of contacts. If customers need to contact employees, then those employees should have a work mobile phone with them during working hours as a condition of hybrid working. Employees at all levels should be reachable during working time, or respond to voicemail messages etc. if not available to take a call, and able to react to reasonable requests and emergencies if required.
- 3.5.8 The need for good communications applies to 1-1 and team communications. Group chat systems such as Microsoft Teams help teams to stay in touch about formal work matters as well as informal, more social discussions.
- 3.5.9 There is a mutual obligation between the employee and employer to maintain appropriate contact. Managers should check in regularly on the hybrid worker's wellbeing and help deal with any issues or problems associated with work.
- 3.5.10 Employees should take note of corporate communications and act upon them if necessary. Employees should take all reasonable steps to keep themselves up to date and informed in relation to their role and to Council business as appropriate.
- 3.5.11 Employees should follow the Communications Policy and ensure that their conduct is appropriate, including on informal systems such as text messaging services.
- 3.5.12 If an employee becomes ill when working remotely, they should still follow the sickness and accident reporting procedures.
- 3.5.13 Employees should ensure that Council equipment in their possession is looked after as appropriate and due care and responsibility is taken. This includes telling ICT if any damage occurs and ensuring any equipment is clean before passing it to the ICT team. Work laptops and PCs will be covered by the Council's insurance. If anyone is unsure as to what equipment is insured, they should speak to their line manager in the first instance.
- 3.5.14 Employees and their manager must agree what will happen if any required technology fails while they are working remotely.
- 3.5.15 We expect employees to be productive whilst hybrid working and to work their contracted working hours. A general working pattern should be agreed.
- 3.5.16 Hybrid workers will participate in the annual Performance Development Review (PDR) process.
- 3.5.17 We may be able to support staff to working from outside the UK in emergency or other exceptional situations. However, due to the potential complex legal and tax implications, we are unable to support long term arrangements or requests for permanent relocations outside the UK.



3.5.18 All other HR Policies and Procedures will also apply to hybrid workers.

### Working Hours

3.5.19 Staff working in a hybrid way should work their contracted weekly hours each week, although can continue to access flexi-time credit / debit facilities if the needs of the service allow for this. Any build-up of flexi to facilitate additional days off work should only be with the agreement of a line manager, as the flow of work and staff cover will need to be managed across the team.

3.5.20 Staff with remote access to the Kelio system should record their hours using this. Staff who do not have Kelio access should note their working start, finish and break times and send this to their manager by email on a weekly basis.

3.5.21 It is important when working away from the workplace that managers and colleagues know when and how they can be contacted each other and that working times suit business needs. Everyone completing keeping their electronic calendar up to date should help achieve this. All employees working in a hybrid way must allow their manager (and other relevant colleagues such as team members) access to their electronic calendar.

3.5.22 Employees with caring or other personal responsibilities may be able to work flexibly to support these and work their contracted hours, in a way that is also compatible with business needs. They should discuss and agree this with their manager.

3.5.23 Journeys to and from the office or other workplace will be in the employee's own time, (i.e. while clocked out) just as a normal commute would be for those working in the workplace each day. Business travel between sites will be in work's time as normal. Employees who need to travel to another base in connection with business may claim mileage for the journey from home to the place they need to visit **or** from their normal work base to the place they need to visit, **whichever is the shorter**.

### 3.6 Health and Safety Considerations

3.6.1 The Council's Health and Safety policies are designed to ensure the Council meets its [obligations](#). Whether an employee is working in the workplace or from a remote working location, they have a duty to ensure, so far as is reasonably practicable, that they work in a safe manner and that they follow all health and safety instructions issued by the Council.

3.6.2 In particular, hybrid workers should carry out a DSE risk assessment, using the standard form, in consultation with their departmental risk assessor and manager. The form is available on the [Health and Safety One Stop Shop](#) or from managers or HR. Employees should complete DSE training available on the Hyve or any other training or documentation that the Council requires. Employees can order a keyboard and mouse from ICT to help work more ergonomically with their laptop.

3.6.3 Employees are responsible for reporting accidents, incidents, hazards and dangerous occurrences at home, just as they are in their normal workplace.

- 3.6.4 Where work using VDU screens is prolonged, employees must take regular short natural breaks and that they change their posture as often as practicable.
- 3.6.5 Employees working remotely must ensure they take adequate rest breaks as required by the Working Time Regulations 1998 and must not work more than 6 hours continuously without a 20 minute break.
- 3.6.6 Any additional hours, if worked, must be not exceed limits within the Working Time Regulations.
- 3.6.7 Further risk assessments should be carried out from time to time to ensure that there are no new hazards. Employees who move house must also undertake a new risk assessment.
- 3.6.8 Employees working remotely must take reasonable care of their own health and safety and that of other people who may be affected by their acts and omissions in their own home. Alongside the Council's responsibilities as an employer, a hybrid worker's duties in this regard are significant because the working environment is not under the employer's control.
- 3.6.9 Employees who are working alone or visiting private premises, must ensure that they comply with the Service/Department's lone working arrangements.
- 3.6.10 Some people may find that there are aspects of hybrid working which are a source of stress or which impact on their ability to work safely and productively. This could for example include a lack of contact with colleagues, other distractions in their home or other environment, or not having a suitable workspace. They should discuss this with their line managers and where necessary, will be supported to return to the workplace.
- 3.6.11 The Council has a completely confidential Employee Assistance Programme should anyone need support for personal or work issues. Our Friendly Faces team can also help by listening and signposting. HR can also advise.
- 3.6.12 Employees working from home are covered by the council's insurance scheme for employers' liability whilst undertaking council business. Employees must check if their home insurers need to be informed.
- 3.6.13 Employees must not arrange meetings with or divulge their home address or personal telephone number to customers or officers from other organisations. Meetings with other employees should take place at council offices or other suitable/appropriate premises and not in the employee's home, unless they have express permission from their manager.
- 3.6.14 If employees have any concerns about their health, safety or wellbeing, they should discuss them with their manager at the earliest opportunity, or should contact the HR Team or the Corporate Health and Safety Officer

### 3.7 ICT and Data Protection

#### 3.7.1 Remote working brings additional data security risks, such as:

- increased vulnerability to online scams and phishing attempts;
- more opportunities for virus attacks on the Council network;
- greater potential for loss of, or damage to, Council data (which in turn can disrupt our ability to deliver services, cause loss or harm to our customers and damage the reputation of the Council).

#### 3.7.2 All staff should follow the ICT Policy on Remote Working for any home or remote working together with the GDPR – HR Statement ([available on the Hyntranet](#)) and any additional guidance which the Council's Data Protection Officer issues.

#### 3.7.3 The Council will provide the necessary equipment and access to ICT to carry out the role in a homeworking environment. Managers should determine what is required for each individual in the team who is working in a hybrid way.

#### 3.7.4 E-mail Access

- Use the Outlook Web Access from any device – <https://outlook.office365.com>
- Access your e-mails via your authority-provided smartphone, iPad, laptop or base unit. Please log a ticket with the ServiceDesk if your e-mail account has not been synchronised with your authority-provided device.

#### 3.7.5 If you need to work with confidential data or access the network remotely / Use of Council devices

- You must use an encrypted, authority-provided laptop that has been updated by ICT Services to access the network remotely.
- There should be no reason to remove data from the network however, if removing data from the network, you must use an encrypted memory stick to protect the data in transit. Please contact ICT Services for advice in the first instance.
- Remote access can only be activated by a member of ICT Services so please bear in mind the possible non-availability of ICT officers.
- Ensure you apply software updates promptly as this reduces the risk of hacking.
- Ensure you save your work onto the Council network, rather than onto a remote device or your own equipment.
- Ensure you close and lock the device when you have finished working, as this can prevent the accidental loss of data (such as if your device is then accessed by young children or anyone else in your household).
- Shut down the laptop at the end of your working day. Keeping the laptop in standby mode will ultimately slow down the logging in process over time and will not allow for essential updates to be applied to the device.
- Do not use the Council device for personal use, as this increases the risk of data being lost or corrupted and of unauthorised access. Virus sent via your personal e-mail account may be downloaded onto the council device and, in turn, onto the network.

### 3.7.6 General advice

- Use strong passwords and keep passwords secure – please do not affix labels with the passwords to the devices themselves. This applies to laptops, encrypted memory sticks or any other devices.
- Follow any data protection procedures specific to your service area and ensure you are familiar with the Council's general data protection guidance.
- Only print out confidential or personal information when absolutely necessary. Ensure it is kept in a safe place and when you no longer need it, either shred it at home or bring it in to work to be disposed of securely there.
- Minimise the risk of loss or theft by keeping devices and files in a safe place (for example, do not store them overnight in your car).
- As you would at work, be alert to possible scam or phishing emails and always check before clicking on unexpected or suspicious emails / links.

### 3.8 Manager's checklist

The checklist below will help managers ensure that hybrid working is effective.

<b>Working Arrangements</b>	Planned working pattern agreed with Manager Time recording systems available Electronic diary up to date and accessible by manager / relevant colleagues Office rota system in place
<b>Work Plans</b>	Objectives set/agreed Monitoring and feedback arrangements in place
<b>Communication</b>	Agreed with Manager Communicated to colleagues/staff
<b>Health &amp; Safety Workstation</b> (see <a href="#">Appendix 3</a> - self assessment form)	Risk Assessment carried out Location confirmed as suitable Personal Safety Equipment provided
<b>Computer Equipment</b>	Refer to S3.7 and the GDPR – HR Statement
<b>Confidentiality</b>	
<b>Review arrangements</b>	In place

## 4. Flexi-time Scheme

The flexi-time scheme can provide greater flexibility both for employees and for the provision of Council services. Flexible working hours replace fixed times of arrival and departure and allow a certain amount of choice in times of starting and finishing work. It is not the intention of the scheme that credit time should be built up and taken off as leave on a regular basis.

The flexi-scheme applies (unless there are reasons for exclusion) to employees working from home – see [above](#).

The scheme will apply to all employees of the Council except Executive Directors. However, staff may be excluded for operational reasons. Employees who are excluded can ask to have their case reviewed if there is a change in their work situation.

Some officers may only be able to have a limited amount of flexibility in their working hours because of the needs of the service. For example, work may only be available during certain hours or they may work on a public counter.

### 4.1 Principles

- a) Flexi-time will operate over a **four-week cycle** of 148 hours. The system of “Settlement Periods” means that employees do not necessarily have to work exactly that many hours each week, so long as sufficient hours are worked within the settlement period.
- b) A standard working day is 7 hours 24 minutes (3 hours 42 minutes for a half day).
- c) Employees must work a **minimum of 3 hours in one day**.
- d) There is **no core time**.
- e) A break can be taken at any time during the day. If more than 6 hours are worked a minimum break of at least 20 minutes must be taken. This is required under the [Working Time Regulations](#).
- f) When taking a break an employee must ensure that the needs of the service are covered and their manager is aware of the length of time they are likely to be away from the workplace. An employee must always ensure they clock out when taking a break (including breaks for smoking and personal errands).
- g) The bandwidth is the earliest time of starting and the latest time of finishing.  
  
The bandwidth is 7.30am to 6.30pm unless specifically agreed otherwise.
- h) During these flexible periods employees will be able to choose when to arrive and depart, taking into account:

- The maintenance of the service. It will not always be possible for employees to choose the hours to be worked because a satisfactory service must be given to the public and other customers during **defined hours**.
- The control and supervision of the working arrangements is the responsibility of each Manager who must ensure that the normal output of work is maintained and everyone contributes fairly.
- Time worked outside the band width will not be credited and will normally only be considered as overtime or TOIL where prior authorisation has been obtained.
- i) A maximum of **2 days (14 hours, 48 minutes) credit or 1 day (7 hour, 24 minutes) debit** may be carried over into the next settlement period. This will be pro rata for part-time staff. Any extension of this limit will only be to allow for emergencies or medical appointments which are likely to prevent sickness absence and the additional debit time will need to be made up within an agreed timescale.
- j) Personal use of the internet at work, while clocked off, will continue to be allowed **only** between 12 noon and 2pm.
- k) Employees may, with their manager's agreement, subject to the requirements of the service and providing they have enough hours in credit, take **two days Flexi leave** in a settlement period, **up to a maximum of 15 days in a leave year**. Part / half-days will not count towards the maximum.

## 4.2 Management

- a) Service Managers are responsible for the administration of the scheme within their own area.
- b) They are also responsible for ensuring that there is adequate cover by staff during the standard working day, particularly for public counters. Staff may be required to undertake various responsibilities on a rota basis and Managers have the right to require staff to attend at specified times within the day, if reasonable and necessary to maintain the needs of the service.
- c) All time should be recorded on the Kelio system, with any adjustments noted authorised in the appropriate manner.
- d) Where public access counters exist, there must be adequate cover at all times when the public has access. This cover may be ensured by the introduction of the rota systems, on the following lines:
  - all appropriate employees, including supervisory employees, in the section to which the counter employees belong will be included in the rota;
  - the employees should draft a suitable rota for agreement with their manager;
  - no employee should be subject to rota demands for more than three weeks in four, except where the number of employees available is so small that this is unavoidable; and

- separate rotas will be drawn up for morning, lunch (where appropriate) and evening cover.

### **4.3 Medical Appointments**

All appointments can be made at any time of the day with agreement from the employee's Manager, using the employee's flexi time.

The activities listed below can take place whilst "clocked on".

- ante-natal appointments;
- accompanying someone who is pregnant to up to 2 antenatal scans, for up to 2 hours per scan, if the employee:
  - is the biological parent of the child or the pregnant person's spouse or partner; and
  - expects to have responsibility for the child's upbringing;
- cancer screening (including cervical smears, mole checks etc.);
- medical appointments for an ongoing medical appointment relating to a disability (see 3.3.1); and
- Occupational Health service appointments including counselling.

4.3.1 The Equality Act 2010 says that a person has a disability if they have a physical or mental impairment, and this impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This could include, for example, problems with mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or move everyday objects, speech, hearing or eyesight, memory or ability to learn and understand, ability to concentrate, or where a person's perception of risk or physical danger is impaired. This is not an exhaustive list, but it provides a guide.

4.3.2 Where an employee attends an appointment listed above, their flexi credit will be made up to their standard day.

### **4.4 Sickness and other Absence**

- For flexi-scheme calculations, sickness absence will be credited as a standard working day (7 hours 24 minutes for a full-time employee). For part-time employees, this will be variable depending on their working pattern.
- There may be other reasons where credit will be given to "make-up" an employee's hours to a "standard day".
- Employees should use these times when submitting adjustments, to complete their flexi-time calculations when one of the following permitted reasons applies:
  - having to leave work early or start late due to personal sickness (employees must attend work for a minimum of 2 hours either in the morning session or afternoon session for this leave not to be recorded as sickness absence);
  - absence from work due to attendance on a course (includes half-day, and day/evening courses); or

- for authorised Union meetings, employees may leave work early and be credited to the end of the working day.

#### **4.5 Additional hours / Time off in Lieu (TOIL)**

- a) Paid overtime will not be allowed during the bandwidth, unless it is agreed there are exceptional circumstances, in which case the employee should clock off before starting overtime.
- b) Officers who work additional hours may be authorised to take time off in lieu, with the approval of their Service Manager.

#### **4.6 Time off for Religious Purposes**

- 4.6.1 Hyndburn Borough Council is committed to equal opportunities and values its diverse workforce. Employees may require time off for religious duties such as religious festivals, time away from work during the day for prayer or they may wish to adjust their working time to accommodate periods of fasting (e.g., reducing the lunch hour to enable an earlier departure from work). Consideration must be made to the Working Time Regulations therefore employees must have a minimum of 20 minutes break in any 6 hour period.
- 4.6.2 The Council's flexi-time scheme and the use of annual leave will usually accommodate the above needs as employees will be able to clock in and out for the time they are not working. Employees who require leave for these purposes should gain permission from their manager by following the normal procedures for requesting leave. Employees who may have specific requirements should discuss these with their manager with as much notice as possible.
- 4.6.3 Managers whose employees request time off for religious purposes should accommodate these requests as much as is practical with minimum disruption to the service.

#### **4.7 Leaving the Council**

When an employee is leaving the Council, the Manager and employee must ensure that there are no credits or debits on the date of termination. Any debits will result in a deduction from the final pay. Credit hours will only be paid in exceptional circumstances with the approval of the Chief Officer.

#### **4.8 Resolving Problems**

- a) If any problems arise from the operation of the scheme they should be referred initially to the employee's Manager. If the problems cannot be resolved at that level the normal grievance procedure will operate.
- b) Disciplinary action will be taken against anyone who abuses the scheme.



- c) It is Gross Misconduct to knowingly clock in or out for another employee or to ask someone else to clock in or out for you. Under the Disciplinary Procedure, Gross Misconduct may lead to immediate dismissal.
- d) Where there is persistent abuse of the scheme, the Council reserves the right to exclude individual employees, sections or departments from flexible working and replace this with set start, lunch and finish times.
- e) Unauthorised absence from work can lead to disciplinary action.

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## **5. Flexible and Extended Annual Leave**

- 5.1 Up to 2 days annual leave per leave year (pro-rata for part-time staff) may be taken in hours to facilitate flexible working. This must be agreed in advance with the line manager concerned.
- 5.2 Flexible working options not specifically covered by this procedure may be considered and agreed on a case by case basis,

### **5.3. Buying / selling Annual Leave**

#### **5.3.1 How it works**

- a) Employees have the opportunity to buy or sell their annual leave at certain times throughout the financial year. This is intended to provide additional flexibility to meet their personal requirements.
- b) An employee may ask to either sell or buy up to **20 days** of their annual leave entitlement in leave year. This will be pro rata for those who work part time and may be calculated in hours dependent on the working pattern. The form to apply to either buy or sell leave is attached as Appendix 2.
- c) Employees who buy leave may spread the costs of repaying this amount over the following 12 month period.
- d) An employee who wishes to sell their annual leave must have had no sickness absence in the previous 6 months, unless this absence was because of disability or maternity-related condition.
- e) Payment is at the typical value of the amount of days required and is paid as a lump sum in the employee's first available salary.

#### **5.3.2 Approval**

- a) The employee's line manager, in consultation with the Service head, must approve requests to buy or sell leave. Approval will be dependent upon both service needs and budget provisions.
- b) The decisions relating to applications under this procedure are governed by service needs and budgetary requirements.

#### **5.3.3 Termination of Employment**

Where an employee leaves the council, their annual leave allowance is calculated on a pro rata basis up until their last week of employment. Any debit or credit in the amount of leave taken will either be paid or recovered automatically from the employee's final pay.

### 5.3.4 Emergency Provisions

Employees may experience personal unforeseen emergency situations which mean they would like to purchase additional leave outside of the accounting period. Service Heads may be able to exceptionally agree such requests. In this situation, deductions from payroll will only be spread during the remaining accounting period.

## 5.4 Extended leave

It is the Authority's policy to consider granting extended unpaid leave to employees wishing to travel abroad to visit friends or family, or for other appropriate reasons, whenever reasonable and practical.

The provisions of the scheme apply to employees who have completed two years' continuous service with Hyndburn Borough Council before the commencement of the period of extended leave. Periods of extended leave, over and above the employee's annual leave entitlement will be granted **without pay**.

Any request for extended leave must receive approval from the Service Head of the Service Area before being taken. Applications should be made to the Service Head at least two months before the leave is due to start, giving the reason for the request.

The application will be considered taking into account the needs of the Section or Service Area and the likely effect of the employee's absence. Where necessary, Human Resources may be consulted before a final decision is made. Only on receipt of approval should the employee commit themselves to travel plans, particularly where payment of a deposit is required.

The Authority will normally consider no more than one period of extended leave every three years.

Decisions on requests for extended leave will normally take into account the following factors:

- the needs of the service;
- the employee's reason for the request;
- the employee's attendance record;
- any failure to return on time from earlier periods of leave;
- earlier requests for extended leave; and
- any other relevant factors.

### 5.4.1 Duration

The duration of extended leave when granted, will normally be at Service Head discretion and will normally include an employee's paid leave entitlement. Service Heads may refer to Human Resources if necessary for guidance. Employees away on extended leave will continue to accrue continuous service. However, for the period of unpaid extended leave the employee will not accrue annual leave entitlement.

***Employees taking unpaid extended leave will be responsible for liaising with the Authority's Payroll Section and Lancashire County Council Pensions Section with regard to the effect of unpaid leave on pension scheme contributions.***

#### **5.4.2 Right to Return**

An employee away on extended leave will be entitled to return to the job they left provided that they return to work on or before the agreed date. Failure to return on the due date after the extended leave will be treated as potential gross misconduct and dealt with accordingly. The employer will investigate the reason for the delay in returning and will decide whether the circumstances justify disciplinary proceedings against the employee. An unsatisfactory outcome may result in dismissal of the employee concerned.

## **6. Special leave**

- 6.1 Special leave arrangements are designed to assist employees who have to deal with emergency situations.
- 6.2 An emergency is when someone who depends on the employee:
- is ill or involved in an accident or assaulted, and needs their help;
  - needs the employee to arrange their longer term care;
  - needs the employee to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up;
  - goes into labour; or
  - where an employee has an urgent crisis at home, such as a serious fire or burglary.
- 6.3 Dependants can be a spouse, partner, child or parent, or someone living with the employee as part of their family who can be considered as depending on them. Others who rely solely on the employee for help in an emergency may also qualify.
- 6.4 Applications for special leave should be made on the Special Leave Application Form (Appendix 3). Managers will record their decision on the form, including any reasons for refusal, and forward a copy to HR, whether the leave has been agreed or not.
- 6.5 A maximum of 4 days each year are available, with no more than 2 days for any single occasion. Some circumstances will only require part of a day.
- 6.6 Any extensions to the amount of special leave allowed will only be granted in exceptional circumstances. Requests will be considered and decided by the Head of Policy and OD, the Executive Director (Legal and Democratic) or the Chief Executive (or representatives in their absence).
- 6.7 Special leave supplements the statutory right to time off for dependants, which is unpaid and detailed in the Working Parents Policy.
- 6.8 There are separate provisions for bereavement leave.

## **7. Bereavement leave**

- 7.1 Employees will be granted up to 3 days' leave with pay for bereavement of immediate family.
- 7.2 There are statutory provisions for parental bereavement, detailed in our Working Parents Policy.
- 7.3 1 day's leave with pay may be granted, if required for attendance at funerals as a result of the death of other relatives.
- 7.4 Service Heads may approve greater amounts of leave than outlined, having considered the circumstances of the case. Each case will be judged on its merits.
- 7.5 Immediate family is deemed to include spouse, partner, child, parent or sibling.
- 7.6 Employees may find it helpful to contact the Council's Employee Assistance Programme to support them through difficult life events, such as bereavement.

## **8. Statutory Request for Flexible Working Arrangements**

The law gives parents and carers the right to request a variation in their contracts to enable them to work more flexibly. Employers have a duty to consider requests seriously and can only refuse requests where there is a clear business reason.

Changes agreed will be a permanent variation of contract and there will be no rights for the employee to revert to the previous arrangement.

### **8.1 Eligibility**

- a) The right to request flexible working applies to an employee who meets the following criteria:
  - has 26 weeks continuous service with Hyndburn Borough Council at the date the application is made;
  - has or expects to have parental responsibility of a child aged 16 or under or a disabled child under 18 who receives Disability Living Allowance (DLA);
  - is the parent / guardian / special guardian / foster parent / private foster carer or as the holder of a residence order or the spouse, partner or civil partner of one of these and are applying to care for the child; or
  - is a carer who cares, or expects to be caring, for an adult who is a spouse, partner, civil partner or relative; or who although not related to the employee, lives at the same address as them.
- b) Only 26 weeks service with the current employer will count for continuous service purposes, not previous continuous service with another local government body.
- c) Any application must be made at least a fortnight prior to the child's 16<sup>th</sup> birthday, or if the child is disabled (and in receipt of disability living allowance) up to the child turning 18 years old.
- d) The employee must not have made another statutory application within the previous 12 months.
- e) The partner of a child's parent, adopter, guardian or foster parent is defined as a person who lives with the child and the child's parent, adopter, guardian or foster parent in an enduring family relationship.

### **8.2 What changes can be requested**

Employees can apply to change:

- the number of hours they are required to work;
- the times they are required to work; and
- the place they are required to work.

### 8.3 The application process

- a) The employee must apply in writing to their Service Manager (using, if they prefer, the application form in [Appendix 1](#)). This must:
- state that the application is made under the legal right to request flexible working;
  - state whether or not any previous application has been made and if so when;
  - set out the change applied for, e.g., new working pattern, and the date they wish it to become effective from;
  - explain the effect that they envisage the change would have within their service area and how they believe it may be accommodated;
  - explain how they satisfy the requirements relating to the relationship with the child or person to be cared for; and
  - be signed and dated.
- b) If the Service Head or their designated manager agrees with the proposal they must write to the employee confirming the variation has been approved and the date it will take effect. This must be done within 28 days of receiving the application.
- c) If the Service Head or their designated manager does not agree with the proposal a meeting with the employee must be arranged to discuss the request within 28 days of the request being made. This meeting provides an opportunity to discuss the request and consider alternatives as appropriate.
- d) The Service Head must inform the employee of their decision within 14 days of the meeting being held.
- e) If a variation is agreed it must be set out in an agreement and the date effective from must be confirmed.
- f) If a request is refused then the Service Head must inform the employee in writing, explaining the reasons why. The only valid grounds for refusing a request are:
- the burden of additional costs;
  - detrimental effect on the ability to meet customer demand;
  - inability to organise work among existing staff;
  - inability to recruit additional staff;
  - detrimental impact on quality of service;
  - detrimental impact on quality of performance;
  - insufficiency of work during the periods the employee proposes to work; or
  - planned structural changes.

### 8.4 Appeals against refusals

- a) The employee has 14 days after being informed of the decision, to appeal against it.



- b) If the Service Head then decides to approve the request they must notify the employee of the variation and confirmation of when the variation is due to start within 14 days.
- c) If the Service Head still does not agree, then the appeal can be referred to a more senior manager than the Service Head. A meeting must then be held 14 days from the appeal being received. If the request is approved then the Senior Manager must confirm the decision in writing within 14 days and also confirm the start date of the variation.
- d) If the request is refused the Senior Manager must set out the grounds for the refusal and explain why these grounds apply.
- e) All meetings arranged must be at a time and place suitable to both parties.
- f) Where an employee has a legal right to be considered to work flexibly and who has been refused a request after exhausting the outlined procedure, they can refer their case to an external body such as an Employment Tribunal where they can demonstrate a process or incorrect fact has been used in the assessment process. Alternatively the Council may choose with the agreement of the employee to involve ACAS.


#### **8.5 The right to be accompanied**

- a) Employees have the right to be accompanied at the initial meeting and at the appeal by a work colleague or Trade Union representative.
- b) The companion will be allowed to address the meeting and can confer with the employee during the hearing but will not be permitted to answer questions on their behalf.
- c) If a chosen companion is unavailable at the time proposed for the meeting then the meeting must be postponed to another time suitable for both parties within 7 days after the day initially proposed.
- d) Employees are protected from suffering a detriment because they exercised their right to be accompanied or sought to accompany an employee.

#### **8.6 Extension of Time Limits**


- a) There may be a number of reasons why the time limits specified are too short and an extension may be required, e.g. more time may be needed to explore an alternative working arrangement. Time limits can also be extended on agreement between both parties. In such cases a written record of the agreement must be made which states which period the extension relates to and the date the extension ends. This must be dated and sent to the employee to prevent any dispute arising as to whether or not the Council has complied with the time limits.
- b) Time limits will be automatically extended when the person who would consider a request is absent due to sick leave or annual leave when the application is received. The 28 day period begins when that employee returns to work or 28 days after the application is made, whichever is the sooner.

## Appendix 1: Request for Flexible Working / Hybrid Working

 <b>HYNDBURN</b> The place to be an excellent council		<b>Request For Flexible Working / Hybrid working</b>	
<b>SECTION A</b> <b>Personal Details</b>			
Name		Pay Number	
Service Area		Post	
Grade		Date of Birth	
<b>SECTION B</b> <b>Changes to Working arrangements</b>			
I would like to request changes to my working arrangements,			
Effective date:			
<b>Please detail proposed changes and / or give any further information in support of your application. Please include suggestions how any impacts on the service could be managed.</b>			
<div style="position: relative;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; background: linear-gradient(to top right, transparent 49%, #ccc 49%, #ccc 51%, transparent 51%); background-size: 100px 100px; pointer-events: none;"></div> </div>			
Are you a parent or carer making a statutory request?			YES / NO
If Yes, please give brief details below.			
Signed		Date	


<b>To be Completed by Service Head</b>			
<b>Approved / Not Approved</b>			
<b>Service Head Comments</b>			
<b>Signed</b>		<b>Date</b>	
<b>Actioned By HR</b>			
<b>HR Officer Name</b>			
<b>Forwarded to payroll for Action</b>	<b>Yes / No</b>	<b>Date</b>	

## Appendix 2: Request to Buy / Sell Leave

 <b>HYNDBURN</b> The place to be an excellent council		Request to Buy / Sell Leave				
<b>SECTION A</b>						
<b>Personal Details</b>						
Name			Pay Number			
Service Area			Post			
Grade			Date of Birth			
If Part Time, please indicate working hours:	Mon	Tues	Wed	Thurs	Fri	Sat
<b>SECTION B</b>						
<b>Details of request</b>						
I would like to BUY / SELL annual leave – delete whichever that does not apply.						
How many days? (Maximum 20 in a leave year) (If selling leave you cannot reduce your leave entitlement to less than 28 days inclusive of Statutory Leave in accordance with the Working Time Directive.)						
How many days do you have left in the current leave year?						
What dates do you wish to take bought leave (if applicable / known)						
Please detail any further information in support of your application.						
I agree that, if I leave the Council's employment, any overpayments will be deducted from my final salary.						
Signed			Date			

<b>To be Completed by Service Head</b>			
<b>Approved / Not Approved</b>			
<b>Service Head Comments</b>			
<b>Signed</b>		<b>Date</b>	
<b>Actioned By Administrator</b>			
<b>Administrator Name</b>			
<b>Forwarded to payroll for Action</b>	<b>Yes / No</b>	<b>Date</b>	

## Appendix 3: Special Leave Application Form

 <b>HYNDBURN</b> The place to be an excellent council		<b>Special Leave</b>	
<b>SECTION A</b> <b>Personal Details</b>			
Name		Service Area	
<b>SECTION B</b> <b>Reasons for Request</b>			
How many days are you requesting?			
N.B. Maximum 4 per year, no more than 2 in a single occasion. Part-days may be requested.			
Dates requested			
Please explain your reasons for requesting special leave			
Signed		Date	
To be Completed by Service Head			
Approved / Not Approved			
Service Head Comments if not approved			
Received by HR			
Signed		Date	