



Medway Council

Draft **Our Ways of Working Policy**

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1.0 Introduction

1.1 Flexible working is generally understood to concern where, when, and how people work. There are different ways of working which may suit different roles and individual circumstances, such as:

- Voluntary hybrid working
- Permanent home working
- Remote/Agile working
- Compressed hours
- A nine-day fortnight
- Annualised hours
- Flexi Time
- Term Time Working

Definitions of the above can be found at [Appendix A](#).

1.2 The benefits of 'our ways of working' for employees could include:

- reduced travel expenses and commute time
- a better work/life balance
- greater flexibility for caring responsibilities
- greater flexibility over working time

1.3 The benefits to the council of 'our ways of working' could include:

- positive impact on recruitment and retention
- improved staff engagement and motivation
- actively supports equal opportunities
- supporting the green agenda by reducing the environmental impact of buildings

2.0 Scope

2.1 This policy sets out the council's ways of working including hybrid working. This applies to all employees of the council but is not applicable to school-based staff.

2.2 The needs of the service will be the first consideration when assessing any change to ways of working. Whilst the council supports flexibility, it is understood that services and roles within the council vary, so some ways of working may not be suitable for a particular role/service.

2.3 Where new ways of working are put in place these will be reviewed regularly in line with service requirements to make sure that these are working both for the service and the individual.

3.0 Equality Statement

3.1 Medway Council is committed to providing equal opportunities and access to all. This policy embraces the spirit of managing a diverse workforce and those managing requests in line with this policy and guidance must ensure that no employee is discriminated against either directly or indirectly, harassed or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment or any prohibited ground.

4.0 Flexible Working

4.1 Flexible working arrangements can be considered based on the below:

- A flexible working request from an individual ([right to apply](#) via Employment Act 2002).
- A service assessing the need for roles to move to a flexible working approach.

4.2 There are two main ways that flexible working can be implemented, prescriptive – which is a fixed permanent arrangement, and flexible - which is voluntary and more versatile as it can be managed based on the needs of both individual and the service.

4.3 A prescriptive arrangement is fixed, detailing the days/hours that individuals are expected to be available, when they would be expected in the office, work from home, or other locations and would result in a contractual change confirming the fixed arrangement.

This arrangement could be put in place either by a service, for example to ensure that there is cover in the office where required, or individually as a [flexible working request](#), for example to ensure that they can manage caring responsibilities.

4.4 A flexible arrangement would not require a new contract, this is a voluntary arrangement where, depending on service need, individuals agree to work in a different way, for example a [hybrid working](#) approach.

4.5 Service areas must discuss with their [HR Consultant or HR Business Partner](#) before looking to proceed with any review.

4.6 Any review will also be carried out in accordance with the [Council's Organisational Change Policy](#).

4.7 Further information on these arrangements can be found in the guidance document 'Our Ways of Working: Change Process'.

4.8 The council may terminate a flexible working contract in consultation with the employee, for example where a change in the role requirements means this can no longer be supported.

5.0 Individual Right to Apply for Flexible Working

- 5.1 Individuals have a right to request flexible working in law. To be eligible to submit a flexible working request, employees must have worked for the council continuously for 26 weeks at the date the application is made (continuous service from other employers is excluded).
- 5.2 However, those who do not meet the 26-week criteria above can still submit a request from day one of working for the council to make a permanent contractual change, this may be considered but is not subject to the same legal duties as above.
- 5.3 Employees can make an individual request to change:
- the hours they work
 - the days when they are required to work
 - work location e.g., working from home on a regular or permanent basis.
- 5.4 The council, as the employer, then has a legal duty to consider and respond to this request. Managers should meet the individual within 21 days of receipt of the request and confirm the decision in writing within 21 days of the meeting taking place.
- 5.3 The new way of working will be subject to a minimum trial period of four weeks to evaluate how this is working for the employee and the service.
- At the end of the trial period the manager will confirm whether this has been successful, unsuccessful or if an extension is needed.
- 5.4 A decision must be made within three months of the application, or agreement reached between the manager and the individual to extend the statutory time limit of three months for a decision to be made.
- 5.5 A [temporary variation letter](#) will be required for the trial period stating the start and end date and any changes that have been agreed.
- 5.6 Further information about making an individual request for flexible working can be found via 'Our Ways of Working: requesting a permanent change'.

6.0 Right to Apply: Permanent Home Working

- 6.1 A permanent arrangement to work at home must meet service needs as well as those of the individual. Homeworking must be agreed between management and the individual in each case and be subject to overall agreement by the Assistant Director.
- 6.2 Any application to homework will be considered against the criteria found in the guidance document '[Our Ways of Working: requesting a permanent change](#)' and if approved will be on a trial basis for an appropriate time.

6.3 All arrangements will be based on the agreement that employees working from home will be required to attend meetings and other office-based events as and when required (upon receipt of reasonable notice) and will be responsible for any associated costs, for example travel/accommodation.

6.4 Employees working from home are required to comply fully with all other council policies at all times.

7.0 Right to Apply: Considering a permanent request

7.1 The council is committed to supporting employees to work in different ways. Embracing flexibility to craft roles where work is integrated with individual caring and/or family responsibilities is key to enabling employees to remain in employment with us if their circumstances change. This is also inclusive of those who want to have more time and flexibility to spend on personal activities outside of work.

7.2 Not all requests may be accommodated due to the suitability of the role for different ways of working. However, managers and employees are encouraged to work together to find new and innovative ways of working which supports the employee's needs whilst continuing to deliver an excellent service which fulfils the accountabilities and responsibilities of roles.

7.3 The criteria below must be used when determining all requests for flexible working and any requests that are refused must be supported by an explanation for the decision.

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Inability to reorganise work amongst existing staff.
- Inability to recruit additional staff.
- Insufficiency of work during the periods the employee proposes to work; and/or
- Planned structural changes.

7.4 If a permanent application is approved, written confirmation will be provided to the employee and a new contract will be issued for the employee to sign and return. A hybrid working approach is deemed a flexible arrangement and a new contract will not be issued on that basis alone.

7.5 If an application for flexible working is declined, the manager will meet with the employee to explain the decision and reasons will be issued in writing to the employee within 21 days of the meeting.

8.0 Right to Apply: Appeal

- 8.1 An employee can appeal against a decision to decline a flexible working request, this should be made in writing (email acceptable) detailing any further information to their manager within 14 days of the decision.
- 8.2 Should the manager agree to accept the proposal, they must notify the employee of the variation and the date it is to start within 14 days after receiving the notice of appeal.
- 8.3 If the initial appeal is declined, the manager should discuss the matter with their HR representative and arrange an appeal meeting between the Service or Senior manager, HR representative and the employee within 14 days after receiving the employees notice of appeal. The employee may be accompanied by a trade union representative or work colleague at the meeting.
- 8.4 The employee must be notified in writing of the decision of the appeal within 14 days of the meeting being held.

9.0 Core time

- 9.1 Core hours are the hours when, due to the needs of the service, employees shall normally be required to be at work. These may vary by directorate, service, or team.
- 9.2 These core hours of the service must be communicated clearly, and adhered to, unless the working pattern is different.

10.0 Security

- 10.1 Employees must ensure that council information and equipment is kept securely. Private and confidential material must not be saved on personal storage such as laptops, memory sticks or cloud drives. Managers must be satisfied that reasonable precautions are taken to maintain confidentiality of data. Employees must adhere to the council's wider [ICT related policies](#) covering information security.

11.0 Equipment

- 11.1 Any ICT equipment required to carry out the duties of the role at home will be assessed and provided to individuals where essential to carry out the role e.g. laptop. Where an individual is working from home permanently this assessment may extend to providing additional equipment such as printers. All ICT equipment will need to be purchased by the business area.
- 11.2 A DSE assessment must be carried for individuals working from home whether this is a permanent or flexible arrangement. Where there is a requirement for physical equipment such as office chairs/desks these should be assessed in line with Health and Safety requirements and processes.

12.0 Allowances

- 12.1 Flexible working is a mutually beneficial agreement. Whilst working from home, whether in a hybrid or permanent capacity, no allowances will be paid by the council for additional costs such as broadband, heating, and electric.
- 12.2 Employees may be able to claim tax relief via HMRC, for guidance please visit [GOV.UK](https://www.gov.uk)

11.0 Insurance

- 11.1 Working from home on a regular basis may impact or invalidate an employee's home contents insurance policy. Employees are required to check their policy prior to changing working arrangements and if required ensure that alterations are made to their policy to facilitate their working request. Any additional costs to home insurance will be at the employee's expense.
- 11.2 Items of equipment belonging to the council can be covered by the council's insurance arrangements, i.e., equipment securely stored in the individual employee's home carries insurance cover, but this cover is not available whilst such equipment is in transit in the employee's car. All reasonable care should be taken in these circumstances.

12.0 Employer's Liability

- 12.1 Employees working at or from home are covered by the [Council's Employer's Liability Policy](#).
- 12.2 In the event of accident or injury at home it may be difficult to show negligence on the part of the council because an officer working at home would be responsible for their own working environment. Any accidents must be reported immediately to [Health and Safety](#).

13.0 Public Liability

- 13.1 Although covered by the Council's Employer's Liability Policy employees working at or from home are advised to ensure their home contents policy has public liability cover for at least one million pounds. This is a standard clause in most home insurance policies. If an employee does not have this cover, then the line manager should seek appropriate advice from the Insurance Section.

14.0 Mortgages and Tenancy Agreements

- 14.1 Employees working at or from home on a regular basis may be required to inform anyone with an interest in the property, for example Building Society, Bank, Landlord of their intentions.

15.0 Mileage Claims

- 15.1 Mileage will be payable on business journeys. For the purposes of calculating mileage, the office base would be the employee's designated council office base unless they are a permanent home worker. Example scenarios regarding the calculation of mileage can be found in the guidance document '[Our Ways of Working: Requesting a Permanent Change](#)'.
- 15.2 It will be necessary for the manager and the employee to agree the detail of this in each individual case. All arrangements must comply with the [Car Allowance Scheme](#).

16.0 Employee Responsibilities

- 16.1 Employees have a responsibility to take reasonable care of their own health and safety at work. This includes managing their own time in line with the [Working Time Directive](#), taking breaks and not working excessively.
- 16.2 Anyone working from home should keep in regular contact with their manager. They should also tell their manager about:
- any physical or mental health and safety risks
 - any working arrangements that need to change, for example because of caring responsibilities.
- 16.3 It is important that employees and managers communicate regularly and work together to try and find suitable solutions.
- 16.4 When working at home employees are expected to be able to focus on their work. Working from home provides flexibility to attend to caring responsibilities however this time must be accounted for and not have a detrimental impact on an individual's work.

17.0 Managers Responsibilities

- 17.1 It is the responsibility of the line manager to ensure that a proper framework is implemented regarding keeping in touch with employees, effective performance management, communication and understanding of work requirements.
- 17.2 The manager remains responsible for the supervision of the employee even when the employee is working from home
- 17.3 Employers must conduct a risk assessment of their employees' work and workplace, including any work from home. Under the law, a risk assessment must be 'suitable and sufficient' and managers must ensure that this is in place and regularly reviewed for those working at home. For further guidance please visit the [Health and Safety risk assessment intranet pages](#).

18.0 Flexi time: Scope and Eligibility

18.1 Flexi time can be in operation alongside other forms of flexible working. All employees, including part-time employees, are entitled to benefit from this scheme except where:

- the service does not operate a flexi-time scheme or
- managers believe the operation of the scheme will have a seriously adverse effect on service delivery.

18.2 Part-time employees' entitlement to flexi-leave days will be calculated pro-rata, according to the number of hours per week that they work.

18.3 Once a [flexi-time scheme](#) has been agreed between management and employees, it will be properly documented and communicated to all staff. Managers will be responsible for ensuring its operation is in accordance with the agreed arrangements.

18.4 Any scheme agreed must comply with regulations under the [Working Time Directive](#).

18.5 The amount of flexi-leave allowed in an accounting period will never exceed two days. No more than one day may be carried forward from one accounting period to the next.

18.6 In exceptional circumstances the Director may authorise variations to the amount of time which may be carried forward, or flexi time taken, for example where an employee has been prevented from taking their entitlement before the end of the accounting period due to service need.

18.7 No payment will be made in respect of any credit hours.

18.8 Employees must have a break of at least 30 minutes (which is unpaid) no later than six hours from commencing work.

18.9 To provide a consistent level of service throughout opening hours, while allowing for the needs of employees, flexi time working may be varied within the principles of the [Flexi Time Scheme](#) to suit the needs of a particular service.

19.0 Overtime working

Overtime working must be authorised in advance by the Director or Service Manager (except in exceptional circumstances) and a proper record of hours worked maintained. Any paid overtime worked will not count towards flexi time.

Appendix A: Definitions of types of flexible working

- Hybrid Working: describes a flexible working arrangement whereby an employee can undertake their work either in the office and/or partially or mainly from home on a temporary or permanent basis.

Whilst working from home, employees will have the same contractual terms and conditions as they would do normally whilst working in the office. This includes terms and conditions such as core working hours, pay and a requirement to adhere to council policies.

During a hybrid working arrangement some employees may be based at their home and travel to other sites as and when required as part of their duties.

- Permanent home working: The majority of working time is spent at home. Although there are requirements to still be available and come into the office for meetings and training that cannot be delivered online at reasonable notice.
- Compressed hours: Varying your work pattern to fulfil your contractual hours over a shorter number of days.
- Remote Working: Also can be know as agile working, where an employee works where it is suitable based on their work requirements. This may involve working in a mixture of buildings, mainly out in the community and /or with working from home.
- A nine-day fortnight: Subject to service requirements, Directors and managers may formalise the flexible working scheme within their service by agreeing to allow employees to take two pre-agreed flexi-days per accounting period. The employee must accrue sufficient credit time during the accounting period to enable him or her to take these two fixed days and to fulfil their contracted hours.
- Annualised hours: An annual contract where an agreed number of hours must be completed. These can be used in areas which experience seasonal pressures.
- Flexi Time: An arrangement where a debit or credit to an agreed amount can be built up during an accounting period (e.g. a calendar month) and then taken at an agreed later date. Allowing for additional work to be completed which cannot be done within normal contractual hours and employees to claim the time back within the rules of the scheme.
- Term Time Working: Term time working gives employees the opportunity to reduce their hours or take time off during school holidays. Alternatively, work may be offered to e.g. university students during the holiday periods only.