



Flexible Working Policy (Surrey and Sussex) (816/2020)

Abstract

This policy and procedure set out the approach by Surrey Police and Sussex Police to flexible working requests from police officers and police staff. Any queries regarding this policy should be directed to Shared Business Services in the first instance.

Policy

1. Introduction

1.1 Flexible Working is any type of working arrangement that gives some degree of flexibility on how long, where and when any police officer or police staff (applicant) works.

Police officer flexible working requests are governed by the Police Regulations and Determinations 2003, and police staff requests are governed by the Children and Families Act 2014. Working Time Regulations 1998 (amended 1997) apply to both.

2. Scope

2.1 This policy and supporting procedures set out the agreed approach to flexible working, including:

- Force expectations
- The agreed Procedure (application process) to be followed when considering requests
- Links to additional supporting material, such as, flowcharts, checklists and considerations which should inform decision making.

3. Policy Statement

3.1 Both Surrey Police and Sussex Police recognise that flexible working practices offer benefits both for the individual and the organisation and, wherever possible requests for flexible working will be supported as we understand the importance of helping individuals to balance their work and home life. Each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual or team performance. An application can be refused if there are good business or operational reasons for doing so. There is no percentage of time set by the force of how much time must be worked alongside a rota. Each request should be considered with reference to the business and operational needs of the team / department.

3.2 We expect line managers to give appropriate consideration to all requests for flexible working and decisions to usually be made within 3 months of the request (or longer if agreed with the applicant). Line managers must also ensure accurate records are kept of decision making and outcomes which should consider organisational values, professional

judgement (on the context and circumstances of each situation) and 'policing principles'. Decisions and subsequent action taken should be proportionate, legitimate and ethical as informed by the National Decision Making Model (NDM) and all associated documentation must be fully and accurately completed.

3.3 The use of tape recording by an electronic device (e.g. mobile phone etc.) will not be permitted during any informal or formal workplace meetings between an individual and their manager(s). However, if an individual requests this as a requirement for a reasonable adjustment in the context of disability, as defined by the Equality Act 2010, this may be considered.

Procedure

1. Introduction

1.1 Flexible working can incorporate a number of possible changes to working arrangements, on a short or long term basis, including but not limited to:

- Job Sharing
- Part Time Working
- Compressed Hours
- Working at alternative locations
- Change in start and finish times
- Flexible start and finish times

1.2 Flexible working requests may be made for any number of reasons. If extra support is needed when considering flexible working, guidance can be sought from Flexible Working Advocates. If flexible working is being requested to support the management of a medical condition, then information about reasonable adjustments can be found in both the Performance and Attendance policy and procedure and/or via support networks. If flexible working is being considered for caring or parenting reasons, again support networks including parenting single point of contacts (SPOCs) may be helpful whether for the individual or line manager.

1.3 Definitions

Throughout this policy the terms 'individual' will refer to both police officers and police staff (who have 26 weeks continuous service with Surrey Police or Sussex police at the time of their application unless being considered as a reasonable adjustment (under the Equality Act 2010 when service eligibility does not apply). For more information, please refer to the Surrey and Sussex Disability Toolkit. Please note if you do not have an initial full time or defined training requirement, then you are able to request flexible working from day 1 of your employment.

1.4 Part-time working is defined as being less than 36 hours (Surrey) and 37 hours (Sussex) per week for police staff and less than 40 hours per week for police officers.

2. Timescales

2.1 All requests, including any appeals, should be considered and determined three months from first receipt of the request, unless it is agreed to extend this period between the individual and line manager.

3. Eligibility to Apply for Flexible Working

3.1 In order to be eligible to make a formal request for flexible working, an individual has to be as defined at paragraph 1.2 above.

3.2 Student Police Officers

There is no minimum number of hours which a part time officer can work (although there are likely to be significant considerations and impacts related to requests from student officers particularly if a pattern of less than 24hrs is requested. Each request will be considered on a case by case basis full consideration will be given to practicalities and realities of how it could be accommodated during the initial training (35 weeks') and for any further classroom-based training.

Where a student officer works part-time hours, Police Regulations make provision for the extension of the probation period where needed, to allow for the requirements to be met. Cases will be reviewed on an individual basis.

3.3 Police Officers

Police officers are required to perform the role of police officer as required and as directed. This does not change if they alter their hours.

Police officers working under a flexible working agreement can still be required to stay on after their agreed hours if there is an operational need.

They may also be subject to the cancellation of rest days and free days, in the same way as an officer not working under a flexible working agreement.

Part-time Constables and Sergeants are not entitled to enhanced pay for overtime working unless they have worked the equivalent of full-time hours (40 hours) in a particular week and on the day in question.

Full-time or part-time Inspectors and Chief Inspectors and Superintendents and Chief Superintendents are not entitled to enhanced pay for any hours worked in excess of 40 hours per week. Part time Inspectors and Chief Inspectors and Superintendents and Chief Superintendents can claim for additional hours worked up to 40 hours as outlined in the Part time inspector and Chief Inspector and Superintendent and Chief Superintendent claims for additional hours' flowchart.

An officer giving written notice to return from part-time to full-time working, must be appointed within 2 months if the force has a suitable vacancy, and within four months of the notice being received (Regulation 5 (4) of the Police Regulations 2003). Police officers

initially employed on a part time basis do not have the automatic right to move to full time hours. A Police Federation England leaflet with more information is available.

The right to return to full time working does not include the right to remain in the same post. It may be necessary for the officer to be transferred to another post (of the same rank) within the organisation in order to accommodate the additional hours.

3.4 Police Staff

Once a change to contract has been agreed, and formalised, unless stated to be otherwise, this will be a permanent change to the employee's contract. There is no entitlement under legislation to return to a previous working pattern at a later date.

4. Application Process for Police Officers and Police Staff

4.1 The Flexible Working Flowchart and associated Manager Checklist and Individual's Checklist are provided for use to guide individuals and managers through the flexible working process.

4.2 Individuals should consider that any change in working hours / patterns will have an impact upon on their pay (including any unsocial hours allowances), pension and annual leave entitlement. Advice regarding this can be sought from the Pay and Duties teams. It is also important that individuals consider contingency plans during the application process to avoid stress or anxiety at a later stage, including potential under / overpayments from not changing allowances at the time of any change to working patterns. Guidance for checking the correct unsocial hours allowance for police staff working patterns can be found on the intranet.

4.3 Following any informal discussions with their line manager, the individual should complete an application form ensuring that all the required information is included. Failure to complete all the fields may mean that important information is missing and the application cannot be considered.

It will help if you provide as much information as you can about your desired working pattern to enable consideration of your request to be given. Preferably attach copies of your current and proposed working patterns using the available templates below as, if your request is approved, these will have to be completed before changes can be made:

For Sussex, please access the templates available on the flowchart

For Surrey, please use one of the following forms as applicable to your role:

Contact Centre Duties Shift Pattern form

Flexible Working Duties Shift Pattern form

4.4 The application should be submitted to the individual's first line manager, who will note the date of receipt on the application form as a record of the start of the 3 month period in which all decisions, including appeals, should be made in respect of each request.

4.5 The first line manager will arrange to meet with the individual, to discuss the proposal in detail. It is recommended that the line manager considers using the Impact Assessment Tool to help guide decision making.

In consideration of compliance with the overall 3 month review period for flexible working requests, it is recommended that within 28 calendar days of receiving the application the line manager will arrange a formal meeting at a time and place convenient to those attending to discuss the application using the Formal Meeting Letter.

This meeting will provide the opportunity to explore the proposed working pattern in depth and to discuss how best it might be accommodated. It will also provide an opportunity to consider alternative working patterns should there be difficulty in accommodating the work pattern requested.

4.6 To provide support and advice during any meeting regarding the request Police officers may be accompanied by a police friend (as defined in Regulations). Police staff may be accompanied by a trade union official certified union representative or a colleague who works for either Surrey Police / Sussex Police. If the representative or colleague is unable to attend a scheduled meeting, the meeting will be deferred to a time within five working days of the original date.

4.7 The use of tape recording by an electronic device (e.g. mobile phone etc.) will not be permitted during an informal or formal workplace meetings between an individual and their manager(s). However, if an individual requests this as a requirement for a reasonable adjustment in the context of disability, as defined by the Equality Act 2010 this may be considered.

5. Compliance with Working Time Regulations for Police officers and Police staff

5.1 All flexible working patterns should allow for:

- A minimum of a break of 20 mins (Surrey) 30 mins (Sussex) after 6hrs of working. N.B. For police officers and police staff flexible working agreements should include information about breaks. For police officers breaks are paid but for staff are unpaid so should not be included as the overall number of working hours. For example, a member of police staff contracted to work 16hrs over 2 days (2x8 days) starting at 08.00 with an unpaid meal break of 20mins each day would have start and finish times of 08.00 to 16.20. For an officer working 16hrs over 2 days (2x8hr days), starting at 08.00 and with a 20min break would have start and finish times of 08.00-16.00.

- A minimum of 11hrs rest between shifts

- Sufficient periods of rest i.e. no more than 7 consecutive days of work should be worked in a pattern.

The line manager will review this periodically however, the emphasis will be on the individual to ensure the above is complied with.

6. Line Manager's Assessment of the application

6.1 Each application for flexible working will be assessed and determined on its own merits, taking into account the needs of the individual balanced with the operational requirements of the force.

The line manager will give full and fair consideration to the application as evidenced via the Impact Assessment Tool and/or Managers Checklist.

6.2 Agreement of flexible working

If successful, the individual will be sent the Flexible Working Acceptance Form setting out the new working arrangements. For police staff the explanation will confirm the permanent change to their contract of employment and the date this variation commences and, for Surrey police staff, confirm if there are any changes to unsocial hours payments as a result of the change; the People Services Assistant Business Partner should be contacted if assistance is needed to determine if the pattern should attract any unsocial hours payments and if so, the level of payment. The individual will be asked to sign and return a copy of this notification which will be held on their electronic personnel file.

It is important that the flexible working arrangement is discussed 3 months from the commencement date so that there is an opportunity to highlight any practical difficulties for the individual, the department or the Force as a whole. If during these discussions it becomes necessary to consider changing the flexible working agreement in order to respond to any issues identified then the review guidance detailed at 8.1 should be followed.

All flexible working arrangements should be discussed at 3 months. For police staff this is a formal trial period giving the opportunity to test whether a working pattern request is workable in practice (which can be extended with the agreement of both parties). For police staff the arrangement becomes contractual at the end of the 3 month period unless issues have been raised and discussed and it is evidenced in writing that the working pattern is not workable in practice in accordance with one of the possible reasons for refusal as outlined below.

6.3 Refusal of an Application

The request for flexible working must meet the service needs of the unit/role, as well as the preferences of the individual. For police staff, an application to work flexibly may be refused for one or more of the following grounds:

- The burden of additional costs
- Agreeing to the request will have a detrimental effect on the Forces' ability to deliver customer service
- The Force is unable to reorganise work amongst existing staff
- The Force is unable to recruit additional staff
- Agreeing to the request will have a detrimental impact on the quality or performance of the Force
- There is insufficient work during the periods the applicant proposes to work
- Planned structural changes.

6.4 For police officers grounds for refusal of an application are not limited to the above grounds and may include any other grounds specified by the Secretary of State in Regulations.

6.5 Before formalising any rejection it is recommended that the line manager seeks advice from People Services.

6.6 Where an application is refused, the reasons for refusal will be clearly stated in writing to the individual on the Flexible Working Refusal Decision Form. This notification advises the individual of their right to appeal.

7. Appeals

7.1 If the individual does not agree with the decision made by the line manager, they have the right to appeal against that decision.

7.2 If they do decide to appeal, they must submit their written appeal on the Flexible Working Appeal Form, to their line manager clearly stating the grounds for appeal. This must be clearly dated and submitted within 14 days of the date that they received notification that their application has been refused. The line manager will forward the appeal to an independent manager (which could be the 2nd line manager if they have not already had involvement in the decision making of the initial request).

7.3 The original application, the initial decision and the grounds of the appeal will then be reviewed by the independent manager. In the event that further information is required, the individual will be invited to an appeal meeting to discuss their reasons for appeal in more detail Formal Appeal Meeting letter.

7.4 The individual will receive written notification of the appeal outcome as soon as possible, usually within 10 working days of the date that the appeal was received.

7.5 An appeal may be rejected for any one or more of the grounds stated in the 'Refusal of application' section. If the appeal is rejected, this will be the end of the appeals process. There is no further right of appeal under this Flexible Working Policy.

7.6 The individual will receive an outcome notification in relation to their appeal. If the appeal is upheld the Outcome of Appeal Form, will state the working arrangements and for police staff an explanation of the changes to their contract of employment as detailed at 6.2.

8. Monitoring and Review

8.1 All paperwork relating to a flexible working request including application, notes extensions, note of the meetings, must be sent to Sussex Shared Business Services (SBS) - HR Operations or Surrey Shared Business Services (SBS) – HR Desk for retention on an individual's electronic personnel file

8.2 All flexible working arrangements are reviewable to ensure that they are still meeting the requirements of both the individual and Surrey Police / Sussex Police using the Managers Review Checklist. Line managers are responsible to ensure these reviews are completed and recorded by sending a record to People Services (Share Business services

– HR Operations (for Sussex) or HR Desk (for Surrey). If concerns with an existing flexible working pattern are identified advice should be sought from the People Services Assistant Business Partner.

8.3 It may be necessary for a review to take place when operational or other circumstances dictate, such as following an organisational or structure change; or where an increase or decrease in staffing levels are required. In such situations it is likely that a new flexible working request will need to be submitted.

8.4 Existing flexible working agreements do not automatically transfer from one role to another. If individuals are promoted, or transfer to a new role, they must discuss flexible working fully with their new line manager and submit a new flexible working request.

9. Employment Data

9.1 Surrey Police and Sussex Police collect and process personal data relating to police officers and police staff to manage the employment relationship. It is important that applicants understand that data is collected and used in order to meet the Force's data protection obligations. Further details can be located on the force intranet by searching for Privacy notice.

Team: People Services Department Rewards and Recognition