

CLEVELAND FIRE AUTHORITY EXECUTIVE COMMITTEE



7 JULY 2017 - 10:30 AM

TRAINING & ADMINISTRATION HUB, ENDEAVOUR HOUSE,
QUEENS MEADOW BUSINESS PARK, HARTLEPOOL, TS25 5TH

MEMBERS OF THE EXECUTIVE COMMITTEE -

HARTLEPOOL : Councillor - Rob Cook
MIDDLESBROUGH : Councillors - Jan Brunton, Tom Mawston
REDCAR & CLEVELAND : Councillor - Ray Goddard, Mary Ovens
STOCKTON ON TEES : Councillors - Jean O'Donnell, William Woodhead MBE

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF MEMBERS INTEREST
3. TO CONFIRM THE MINUTES OF THE EXECUTIVE COMMITTEE MEETING ON 12 MAY 2017
4. TO RECEIVE THE REPORT OF THE CHIEF FIRE OFFICER
 - 4.1 Flexible Working Policy & Procedure
5. ANY OTHER BUSINESS WHICH, IN THE OPINION OF THE CHAIR, SHOULD BE CONSIDERED AS A MATTER OF URGENCY
6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006
Members are requested to pass the following resolution:-
"That Under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
7. TO CONFIRM THE CONFIDENTIAL MINUTES OF THE EXECUTIVE COMMITTEE ON 12 MAY 2017
8. TO RECEIVE THE CONFIDENTIAL REPORT OF THE CHIEF FIRE OFFICER
 - 8.1 Grenfell Tower Block Fire Update
 - 8.2 Firefighter Pay Claim
9. ANY OTHER CONFIDENTIAL BUSINESS WHICH, IN THE OPINION OF THE CHAIR, SHOULD BE CONSIDERED AS A MATTER OF URGENCY

OFFICIAL

CLEVELAND FIRE AUTHORITY

MINUTES OF EXECUTIVE COMMITTEE MEETING

12 MAY 2017



PRESENT: **CHAIR**
Councillor Jan Brunton – Middlesbrough Council
HARTLEPOOL BOROUGH COUNCIL
Councillor Rob Cook (substitute)
MIDDLESBROUGH COUNCIL
Councillor Tom Mawston
STOCKTON ON TEES BOROUGH COUNCIL
Councillors Jean O'Donnell, Mick Stoker, William Woodhead MBE
AUTHORISED OFFICERS
Chief Fire Officer, Director of Corporate Services, Legal Adviser &
Monitoring Officer, Deputy Treasurer

APOLOGIES: Councillor Marjorie James – Hartlepool Borough Council
Councillor Mary Ovens – Redcar & Cleveland Borough Council

In accordance with Standing Order No. 35 Councillor Rob Cook substituted for Councillor Marjorie James.

124. DECLARATION OF MEMBERS INTERESTS

It was noted no Declarations of Interests were submitted to the meeting.

125. MINUTES

RESOLVED - that the Minutes of the Executive Committee on 10 March 2017 and the Executive (Appointments) Committee on 21 April 2017 be confirmed.

126. REPORTS OF THE CHIEF FIRE OFFICER

126.1 Fire Inspection Regime Update

The Chief Fire Officer gave a presentation to Members outlining the Home Office Fire Inspectorate. This covered:

- Ministerial Vision
- Inspection of Fire Services
- Current considerations
- Current HMIC options
- HO-agreed Set of Principles
- Current Thinking – Police PEEL
- Police Effectiveness
- Is Effectiveness Transferable to Fire
- Is Efficiency Transferable
- Is Leadership Transferable
- Next Steps / Timeline

126.1 Fire Inspection Regime Update continued

The CFO noted that from a resource perspective, the Authority had lost 30% of its operational staff and 20% of its support workforce due to 44% cuts in funding. He said that the Authority knew the areas where it needed to put the extra work in leading up to inspection and would expend its limited resources accordingly.

Councillor Stoker asked if this would have an impact on the Authority delivering a Co-responder service. The CFO said the wider implication would be whether Fire and Rescue Authorities will continue delivering the Emergency Medical Response (EMR) if the FBU fails to negotiate a pay increase for firefighters delivering the service. In addition, the cost to Fire Authorities for delivering this non-statutory function is something that will need to be considered by Members if the Authority does not get commissioned to deliver the service. The CFO said that the challenge will come when the Authority is asked why it is doing something that is not statutory.

Councillor Mawston asked if Members would be given ample opportunity to consider these issues individually. The CFO confirmed that the Director of Corporate Services was currently leading a fundamental review of the Community Integrated Risk Management Plan and as part of that process the Authority would be involved in setting that direction.

Councillor O'Donnell asked whether flooding would become a statutory duty. The CFO confirmed that he supports the position that flooding should be a statutory duty and informed Members that central government grants to cover the provision of flooding services had ceased.

RESOLVED - That the presentation outlining the Fire Inspection Regime be noted.

127. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION ORDER) 2006

RESOLVED "That under Section 100(A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business, on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs 1 & 3 of Part 1 Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely information relating to an individual and information relating to the financial or business affairs of any particular person (including the authority holding that information).

128. CONFIDENTIAL MINUTES

RESOLVED - that the Confidential Minutes of the Executive (Appointments) Committee held on 21 April 2017 and the Executive (Disciplinary Hearing) Committee held on 28 April 2017 be confirmed.

129. TO RECEIVE THE CONFIDENTIAL JOINT REPORT OF THE CHIEF FIRE OFFICER AND TREASURER

129.1 Asset Management Plan – Fleet Capital Spend 2017/18

The CFO informed Members of the outcomes of the procurement exercise for two fire appliances set out in the Authority's Asset Management Plan.

**COUNCILLOR JAN BRUNTON
CHAIR**

FLEXIBLE WORKING POLICY

REPORT OF THE CHIEF FIRE OFFICER



For Approval

1. PURPOSE OF REPORT

- 1.1 To seek approval for the Authority's Flexible Working Policy attached as Appendix A.

2. RECOMMENDATIONS

- 2.1 To approve the Authority's Flexible Working Policy attached as Appendix A.

3. BACKGROUND

- 3.1 The right to request flexible working was extended to all employees (subject to length of service) with effect from 30 June 2014, under the Children and Families Act. Prior to this date the right was restricted to employees with children under the age of 17 (or disabled children under the age of 18) and those who have responsibilities as a carer.
- 3.2 The Employment Rights Act 1996 (section 80F – 80I), Employment Act 2002 and Flexible Working Regulations 2014 dispense with the statutory procedure for consideration of flexible working requests, replacing it with a duty on employers to deal with requests in a 'reasonable' manner.
- 3.3 Due to the legal entitlement now afforded to all employees the Brigade is not able to restrict an individual, or group of staff, from making a statutory request for flexible working. Instead, each application must be reviewed and considered on its individual circumstances. However, each application will be reviewed against the legitimate business needs and it is permissible to reject an application for genuine business reasons.

4. FLEXIBLE WORKING POLICY

- 4.1 On reviewing the Authority's existing arrangements in relation to flexible working, which are contained within its Family Friendly Policy, it is proposed that in light of the new legislation, a more comprehensive and discrete flexible working policy is required going forward. This demonstrates the Authority's commitment to equality and diversity and its mission to be an inclusive fire and rescue service.

- 4.2 The proposed new Flexible Working Policy is attached as Appendix A. Unison and the Fire Brigades' Union have been consulted on the policy and no issues have come to light.

IAN HAYTON
CHIEF FIRE OFFICER

KAREN WINTER
DIRECTOR OF CORPORATE SERVICES



Protecting local
communities

**Flexible Working
Policy and Procedure No. P10**



July 2017

OFFICIAL

People Area	Flexible Working Policy and Procedure
Policy Process	Detail
Authored by:	Karen Winter, Directorate of Corporate Services
ELT Approved:	30th May 2017
FBU Consultation:	30th May 2017 to 19th June 2017
Unison Consultation:	30th May 2017 to 19th June 2017
CFA Approved via Executive Committee Under Scheme of Delegation:	Scheduled for 7th July 2017
Policy Register Review Date:	July 2020
Implementing Officer:	Nicola Moore, Head of Human Resources

1. Policy

Policy Statement

- 1.1 Cleveland Fire Authority strives to be an equal opportunities employer and is committed to ensuring that its workforce has an appropriate framework to afford flexibility to service delivery, through the adoption of appropriate flexible working arrangements for individuals.
- 1.2 The Authority recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, it endeavours to support its employees to achieve a better balance between work and other priorities; such as caring responsibilities, leisure activities, further learning and other interests.
- 1.3 This Flexible Working Policy and Procedure, which is compliant with the statutory scheme set out in sections 80F to 80I of the Employment Rights Act 1996 (as amended), relates to statutory requests for flexible working for staff employed by Cleveland Fire Brigade.
- 1.4 Whilst the legislation enables employees to request flexible working and the Authority is committed to accommodating flexible working arrangements (provided that the needs and objectives of both the organisation and the employee can be met), there is no automatic right or entitlement to work flexibly and there may be occasions when it is not possible to grant a request because of the requirements of the Brigade. All statutory requests will be managed in accordance with legislation and on an individual basis.
- 1.5 This Flexible Working Policy and Procedure relates to the statutory entitlement to request a **permanent change to existing terms and conditions of employment concerning working arrangements** as detailed in paragraph 1.15.

Policy Aim

- 1.6 The aim of this policy and procedure is to ensure that the Authority has a consistent, transparent and legal framework to manage statutory requests for flexible working and, by doing so, to enable staff to work in a way that is mutually beneficial for the Authority and its employees.
- 1.7 This policy and procedure will explain the statutory entitlement and eligibility criteria in relation to flexible working and will provide information about the different types of flexible working which may be available to employees.
- 1.8 This policy and procedure will ensure that no employee will be disadvantaged by conditions or requirements which cannot be justified by the requirements of the job.

Policy Objectives

- 1.9 In order to support the achievement of its aims the Authority will:
 - ensure equality of opportunity for all employees;
 - support the retention and motivation of existing staff;
 - attract a diverse pool of candidates;
 - reduce stress, sickness absence and other unplanned leave;
 - manage all statutory requests for flexible working in accordance with the procedure set out within this document;
 - provide appropriate training, development and support to those involved in the application of this policy and procedure;
 - collate and report management information to the Brigade's Executive Leadership Team (ELT) relating to flexible working requests and arrangements;
 - meet its legal obligations and manage requests in accordance with the ACAS Code of Practice.

Policy Category

- 1.10 This policy is categorised as '**Corporate Authority**' within the Key Document Framework.

Policy Context

1.11 This policy and procedure is one of several policies and procedures relating to ways of working within Cleveland Fire Brigade, as detailed below:

- Sickness Absence Management Policy No P2.1 & Sickness Absence Management Procedure No P2.1.1
- Retirement Policy No P15
- Family Friendly Policy No P35
- Annualised Hours for Staff employed under the NJC for Local Authorities Fire and Rescue Services, Scheme of Conditions of Service (Grey Book) and the NJC National Agreement on Pay and Conditions of Service Handbook (Green Book) Policy No 47

1.12 There is a separate policy and procedure for each of the above working arrangements and this policy relates specifically to the **statutory entitlement** to request flexible working arrangements on a permanent basis.

1.13 The system of annualised hours, and the procedure for attendance, is separate from flexible working arrangements (although it falls under the scope of the statutory provisions), details of which are provided in the Annualised Hours for Staff employed under the NJC for Local Authorities Fire and Rescue Services, Scheme of Conditions of Service (Grey Book) and the NJC National Agreement on Pay and Conditions of Service Handbook (Green Book) Policy No 47.

Types of Flexible Working

1.14 **A flexible working request does not relate to the variation of an employee's duties and/or responsibilities;** it is a request for one or more of the following:

- to change the hours the employee is required to work
- to change the times when the employee is required to work
- to change the pattern in which the contracted hours of work are undertaken
- to change where the employee is required to work, restricted to homeworking as an alternative to the normal place of business only

1.15 The law does not specify exactly how an employer should go about facilitating a flexible working request, although there are specific obligations relating to the time period for consideration and the factors involved in rejecting a request. Cleveland Fire Brigade will consider staff for the following flexible working arrangements:

- **part - time working:** working less than full - time hours.
- **job share:** a specific job is split between two people and is applicable to full time jobs only. The whole job is the responsibility of the two job sharers with both individuals carrying out all of the duties of the job, picking up the work where the other left off and providing cover for the other.
- **working from home:** employees undertake all, or a proportion, of their contracted hours from home.
- **compressed hours:** employees work their total number of contracted hours over fewer working days. For example, a five-day week could be compressed into four days or four and a half days, or a ten-day fortnight into nine days.
- **term-time working:** contracted hours are worked to coincide with school terms (i.e. the employee is not required to work during school holidays or identified inset days – normally 5 days per school year).

1.16 Full details of these flexible working arrangements are outlined in the flexible working procedure (section 3 of Appendix 1).

Employees

1.17 This policy and its procedure applies to all employees who are directly employed by Cleveland Fire Brigade.

2. Organising

2.1 **Cleveland Fire Authority (CFA) is responsible for:**

- approving the Authority's Flexible Working Policy

2.2 The Chief Fire Officer (CFO) is responsible for:

- reviewing, agreeing and monitoring flexible working arrangements for employees within Cleveland Fire Brigade
- managing and hearing appeals regarding any decision for a statutory request for flexible working in line with the Authority's Scheme of Delegation

2.3 The Director of Corporate Services (DCS) is responsible for:

- overseeing all aspects of this policy and procedure
- reviewing, considering and determining the outcome of applications for statutory requests for flexible working within the Brigade in line with the Authority's Scheme of Delegation
- liaising with HR in the context of employment law as applicable

2.4 The Director of Technical Services (DTS) and Director of Community Protection (DCP) are responsible for:

- making a recommendation to the DCS with regards to operational/business requirements in the context of workforce planning and service needs relating to their Directorates
- monitoring arrangements within their areas of jurisdiction in relation to flexible working

2.5 The Head of Human Resources (HHR) is responsible for:

- implementing this policy and procedure
- providing training and development to those involved in the application of this policy and procedure
- ensuring that the policy and procedure meets and continues to meet the requirements of employment legislation
- advising managers and staff on all flexible working and employment law issues
- effectively communicating this policy and procedure to all staff
- managing, administering and coordinating all flexible working applications
- coordinating feedback to staff for all stages of the flexible working procedure and supporting managers through the process
- maintaining management information relating to applications for flexible working and producing relevant reports to ELT

2.6 All Heads of Section are responsible for:

- ensuring the fair and consistent application of this policy and procedure
- ensuring appropriate meeting(s) with the employee to discuss the flexible working application
- informing HR of employee's intentions to request flexible working
- making recommendations to the relevant Director after taking into consideration the Brigade's operational/business requirements
- undertaking training in the application and management of flexible working
- supporting all staff who are affected by this policy and procedure

2.7 Individuals are responsible for:

- adhering to the requirements of this policy and procedure
- keeping managers informed of their intentions at the earliest opportunity and providing the relevant information and documentation

2.8 Trade Unions are responsible for:

- supporting the implementation of, and adherence to, this policy and procedure

3. Planning and Implementing

3.1 This policy is underpinned and implemented through the Authority's Flexible Working Procedure Appendix 1.

3.2 All new staff will be made aware of this policy and procedure during their induction and all documents will be available on Cleveland Fire Brigade's intranet.

3.3 Existing staff will be informed of this policy and procedure as per the accepted Policy Framework Procedure.

3.4 Where necessary, training for those managers involved in the execution of the procedure will be provided by the Head of Human Resources.

4. Resource Implications

- 4.1 There is a clear financial resource implication currently associated with this policy in terms of recruitment activity arising from flexible working arrangements e.g. the backfilling of posts when arrangements such as job share and part-time hours are put in place.
- 4.2 There are also people resources required to coordinate the procedure; managerial reviews of working arrangements, document administration, liaison with individuals and training and communication. Most of this work is regarded as core work of the Human Resource Team.

5. Equality Impact Assessment

- 5.1 This policy has been assessed in accordance with the Brigade's Equality Impact Assessment Procedure.
- 5.2 The findings of the EIA conclude that the introduction of the Flexible Working Policy and Procedure does not have a detrimental impact on any group of staff, including those with one or more protected characteristics. Conversely, the introduction of the Flexible Working Policy and Procedure is considered to provide additional benefits to staff, in the way of flexible working arrangements, and will therefore have a favourable impact in the context of protected characteristics.

6. Monitoring

- 6.1 The Risk and Performance Team will ensure the central monitoring of this policy and associated procedure and ensure that it is added to the Authority's register of policies and strategies, and reviewed in line with timelines specified.

7. Audit

- 7.1 This policy will be audited in accordance with the procedure detailed within the Authority's Policy Framework.

8. Review

- 8.1 The DCS will undertake a review of this policy in 2020 to ensure it is taking account of any new or emerging political, social, technological, legislative, environmental, competitive, citizen or reputational factors.

Flexible Working Procedure

1 Introduction

- 1.1 This procedure underpins and implements Cleveland Fire Authority's Flexible Working Policy. It sets out the general principles associated with, and the arrangements for, flexible working in Cleveland Fire Brigade, in accordance with the statutory entitlement.

2. Employment Law and Best Practice

- 2.1 Consideration will be given to all aspects of employment law to ensure that the Authority is compliant throughout any element of the application of this policy and procedure.

Employment Rights Act 1996 (section 80F – 80I), Employment Act 2002 and The Flexible Working Regulations 2014 (S1 2014/1398)

- 2.2 The above regulations relate to the statutory right for an employee to make an application for a permanent change to their terms and conditions if the variation relates to working hours, start and/or finish times, location of work (restricted to home as opposed to stations) or any other reasonable factor. The Flexible Working Regulations 2014 (S1 2014/1398) apply to a flexible working application made on or after 30 June 2014.

Data Protection Act 1998

- 2.3 The Authority's records relating to flexible working will be kept confidential and in accordance with the Data Protection Act 1998. Any documentation related to a request for flexible working will be placed on the individual's personal record file and retained for the duration of employment.

Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (PTW)

- 2.3 The PTW state that employers cannot treat part-time workers less favourably than their full-time equivalents and cannot subject them to any disadvantage (or detriment) because of their part-time status, unless objectively justified.

2.4

The Equality Act 2010

2.5 The Equality Act 2010 legally protects people from discrimination in the workplace. It is unlawful to discriminate against people because of any or all of the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex and sexual orientation).

2.6 The Authority will ensure that direct or indirect discrimination does not occur when applying the procedure for requests for flexible working. Direct discrimination is treating someone with a protected characteristic less favourably than others, whilst indirect discrimination involves the application of rules and/or arrangements in place that apply to everyone, but may put someone with a protected characteristic at an unfair advantage.

2.7 There may be occasions when there is a Genuine Occupational Qualification (GOQ) i.e. a genuine requirement for a condition to be met that applies to a specific section of the workforce related to a job role, which may impact on flexible working.

2.8 Under the Disability provisions of the Equality Act the Authority may have to make reasonable adjustments to accommodate an employee who has a disability. HR and Occupational Health, in partnership with departments, will work with managers and individuals to ensure that this happens. Reasonable adjustments will be made outside of the scope of statutory flexible working requests.

Public Sector Equality Duty

2.9 The Authority is obliged under the Public Sector Equality Duty to provide and publish relevant equality information which will make public bodies transparent about decision-making processes, and accountable to its service users. The HR Team will monitor all flexible working requests and arrangements to ensure the Authority meets its duty

3. Types of Flexible Working

- 3.1 As highlighted in the Flexible Working Policy, the following types of flexible working will be considered for all staff in Cleveland Fire Brigade.

Part-Time Working

- 3.2 Part-Time Working is an arrangement whereby employees are contracted to work less than the standard, basic, full-time hours. This option allows employees to reduce their working hours for a variety of reasons.
- 3.3 When an existing employee indicates that they wish to reduce their hours in their present post, and this is agreed through an application for flexible working, an advert will be published for the remaining hours of the role and recruitment activity undertaken in accordance with the Recruitment, Selection and Promotion Policy and Procedure (P19).
- 3.4 If the Authority has exhausted recruitment activity and is unable to fill the remaining hours of the post the role will revert to full-time hours if the nature of the role requires such arrangements, and the request will be rejected. A decision regarding the flexible working request may therefore be deferred until the outcome of the recruitment activity is confirmed.
- 3.5 Any reduction in hours relating to reasonable adjustments associated with the Equality Act 2010 will be managed outside of the Flexible Working Policy and Procedure.

Job Share

- 3.6 Job sharing is separate to part-time working and is the sharing of one full-time post by two people with comparable skills and experience. The responsibilities and duties of the post may be divided on an hourly, daily or weekly basis. Both sharers must, however, be capable of undertaking all of the duties entailed in the post, although sharers may have complementary skills and experience to contribute to the post.

- 3.7 In accordance with the intrinsic function of the job role all staff are required to maintain their competence for that role. Any job share arrangements must consider, and comply with, this requirement.
- 3.8 The salary and other employee benefits, such as annual leave, are shared between the two post holders on a pro-rata basis.
- 3.9 Unless exceptional cases are agreed all posts will be advertised as available to job share.
- 3.10 The following factors will be considered when an application or proposal for job share is made:
- nature of the work and the physical arrangements
 - hours of work to apply to each sharer. These should take the hours required to carry out the work into consideration.
 - working arrangements to apply (see 3.11 below)
 - allocation of responsibilities. Job sharing implies that the full duties and responsibilities will be shared without specific aspects being handled by one or the other job sharer. It is recognised that individuals may bring specific skills to the job that will justify some differentiation in the responsibilities of each role. This should not negate the general principle that job sharers are jointly responsible for undertaking all aspects of the job role.
 - timing of the arrangement.
- 3.11 The Heads of Departments, in conjunction with the Head of Human Resources, must agree detailed working arrangements with the job sharers. The following arrangements are examples of job sharing:
- Split day: one sharer works morning every day and the other works afternoon.
 - Split week: one sharer works the first half of the week and the other works the second half of the week.
 - Alternate days

- 3.12 Other arrangements may be requested as per the circumstances of the particular role or the individuals concerned.
- 3.13 When an existing employee indicates that they wish to share their present post, and this is agreed through an application for flexible working, an advert will be published for the other part of the role.
- 3.14 Job applications submitted on a job share basis are assessed in relation to the person specification in the same manner as full-time applications. Job share applications who meet the person specification must be shortlisted for interview. Both applicants in a joint application must meet the requirements of the person specification.
- 3.15 If a job share applicant is successful the relevant Head of Department should meet both job sharers to clarify detailed working arrangements which will be incorporated into the offer of employment. If it is not possible to reach an agreement the post should be referred to the next suitable candidate or re-advertised.
- 3.16 If both job sharers leave the post it can revert back to a full-time position.
- 3.17 If one job sharer leaves the post the additional hours should be offered to the other job sharer in the first instance. If this is not accepted by the other job sharer the vacant hours of the post should be advertised in the usual way. If it is not possible to recruit to the remaining hours the post will revert back to full-time hours.
- 3.18 If part of the post is vacant between a job sharer leaving and their replacement commencing the role the remaining job sharer may agree to undertake all or some of the additional duties on a temporary basis.
- 3.19 Contracts of employment will stipulate for job share arrangements that the employee must revert to a full-time role if the sharer leaves and a replacement cannot be found.

Term-time Working

- 3.20 Term-time work is an arrangement whereby employees are contracted to work hours that coincide with school terms. The number and pattern of weeks that are not worked can vary in line with the specific local arrangements for school holidays. The number and pattern of hours worked remain fixed, as appropriate to the post.
- 3.21 Term-time arrangements may be applied to both full-time and part-time staff.
- 3.22 Due to the nature of term-time working the following factors must be considered and addressed with regards to an application for flexible working:
- Organisation of training for employees who are absent for a large proportion of the academic year;
 - If, and how, the employee will be kept informed of workplace developments during school holidays; and
 - How the responsibilities of the job can be maintained during school holidays, particularly when line management responsibility is applicable.
- 3.23 Employees working term-time arrangements are entitled to the same level of annual leave as those on standard contracts. To determine the entitlement to annual leave HR Services will undertake a calculation based on the number of weeks worked and the number of days available if the employee worked full-time.
- 3.24 Under a term-time contract annual leave will be taken during the periods when the employee is not attending work i.e. the school holidays and will be provided as paid annual leave.
- 3.25 As most bank holidays fall outside of school term-term, payment in respect of paid leave during bank holidays will be rolled-up into the monthly salary. When a bank holiday falls during a week when the employee should have been at work, and the employee does not attend work (green book staff) the day must be taken as unpaid leave or hours made up at a later date.

- 3.26 If a term-time contract comes to an end the outstanding balance of weeks will be calculated for the purpose of reconciling annual leave and pay.

Compressed Hours

- 3.27 Working a compressed hours arrangement means that an employee continues to work their full-time hours over fewer days.
- 3.28 Once a working arrangement for compressed hours has been agreed it will be a permanent contractual change.
- 3.29 It will not be necessary to undertake recruitment as the full-time hours will remain, albeit over a shorter working period.

Working from Home

- 3.30 Working from home is an arrangement whereby employees carry out work that would have previously been carried out in the normal workplace. This option allows employees to carry out their duties from their home for a variety of reasons.
- 3.31 The employee will be expected to demonstrate appropriate levels of output when working from their home environment.
- 3.32 A health and safety risk assessment will be conducted to ensure safe working practice from home.
- 3.33 Any abuse of the working arrangement will lead to disciplinary action and may result in the removal of the home-working entitlement.

4 Flexible Working and Contractual Changes

- 4.1 Any changes to terms and conditions of employment as a result of a statutory request for flexible working being approved will be **permanent** in nature. There

may be occasions where a change is required on an informal basis for a short period of time. For example, an employee may need to adjust their working hours to care for a terminally ill relative. Where a flexible working request is made to accommodate a short-term requirement consideration will be given, in exceptional circumstances, to allowing the employee to revert back to their original terms and conditions after an agreed period of time. If an application is approved and the short-term arrangements are put in place the employee does not have a statutory right to make a further application for flexible working for a period of 12 months (from the date of the variation).

- 4.2 Given the permanency of the changes to terms and conditions of employment **it is important that, prior to applying for flexible working, employees should seek information regarding the impact of flexible working on salary, pension and other benefits.**

5 Flexible Working Requests Eligibility

- 5.1 To have the statutory right to make a request for flexible working an employee must meet the following criteria:
- be an employee of Cleveland Fire and Rescue Service; and
 - have at least 26 weeks' continuous service with Cleveland Fire and Rescue Service at the date on which the application is made; and
 - not have made an application within the previous 12 months (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments).

6 Applying for Flexible Working

- 6.1 Employees can apply for flexible working at any time and should, in the first instance, discuss this with their line manager and/or a HR representative.
- 6.2 In order to facilitate any changes in work pattern it is advisable to provide as much notice as possible. However, any application for flexible working must be

received at least two calendar months prior to the date that the employee would like the change to be implemented.

6.3 All applications, regardless of the nature of the flexible working arrangement, must be submitted using the Authority's application form attached as Appendix 3 and must include the following information:

- the date the request is being made
- confirmation that the request is a statutory request
- confirmation that a request has not been made within the last 12 months (if a request has been made previously, information regarding the request, and the date of the request, must be included);
- specification of the flexible working arrangement being requested
- the impact that the change would have on the section/department/station, and how this could be mitigated
- details of how the proposed changes could be accommodated
- the date the employee would like the new arrangements to commence

6.4 If the application is a request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

6.5 Completed applications should be submitted electronically to the relevant Head of Section and copied to the HR team. The HR team will ensure the application is fully complete and if it is; register and acknowledge its receipt.

6.6 An incomplete application will be returned to the employee by HR who will amend and resubmit the form (using a revised date if completed after the date of the original application). The date of application is the date when the HR team have received a fully completed application. **Within 28 days** of receipt of the application the HR team will invite the employee to a Flexible Working Discussion Meeting with the Head of Service and a HR representative. The individual may be **accompanied** at the meeting by a workplace colleague or a trade union representative.

- 6.7 The purpose of the meeting is to discuss the employee's request, find out more about the proposed working arrangements and discuss how it could be of benefit to both the employee and organisation. The meeting is to clarify the details of the application, not to make a decision.
- 6.8 **Within 7 days** of the Flexible Working Discussion Meeting the Head of Service will discuss the application with the relevant Director who will submit it to the Director of Corporate Services, with a recommendation to approve or reject the application, or to introduce a trial period.
- 6.9 **Within 7 days** of receipt of the application the Director of Corporate Services will inform the employee of the outcome of her decision which will be followed up in writing. The decision will be to either:
- Approve the request; or
 - Offer a trial period to support the decision making process; or
 - Reject the request
- 6.10 All requests will be dealt with in a reasonable manner and an outcome reached within **3 months** of the application date (including any appeals). The timescale may be extended by agreement between the Director of Corporate Services and the employee, which will be confirmed in writing.
- 6.11 **Approval of a Flexible Working Request**
- 6.12 In circumstances when the requested working arrangements are confirmed as being mutually agreeable for the individual and the Authority, and are sustainable, the application will be approved.
- 6.13 The applicant will receive confirmation of the approval, in writing, within three months of submission of the request, or will be invited to discuss the request at a mutually convenient time (normally within 28 days).
- 6.14 Any changes to terms and conditions will be managed through HR and communicated to relevant parties in a timely and appropriate manner. When a

request for flexible working is approved, the employee will be provided with a legally binding new contract of employment in which the permanent change(s) are confirmed, all other terms and conditions will remain unchanged.

6.15 It is the responsibility of HR to notify payroll of any long-term changes to the circumstances of individuals. It is the responsibility of individuals to maintain their Kronos records for periods of short-term absences.

6.16 **Implementation of a Trial Period**

6.17 If it is considered appropriate for there to be a trial period for the proposed working arrangement the relevant Head of Department should first discuss this with a HR representative and include it as part of the recommendation to the Director of Corporate Services.

6.18 The Director of Corporate Services may decide to provide an employee with a trial period in response to their request for flexible working. A trial period will be established for the purpose of assessing the impact of the proposed working pattern. A decision will not be taken until the trial period has been completed. The maximum time period of 3 months in which to make a decision will be extended to accommodate the trial period as required.

6.19 Notification will be given in writing, by the HR Team, and will include the following:

- A statement that there is agreement to extend the statutory time limits under the flexible working procedure, to accommodate a trial period
- The start and end dates of the trial period, with an understanding that this period may be terminated early or extended if required
- The changes that the trial period will accommodate and confirmation that this change is of a temporary nature
- A statement to confirm that the employee may be required to revert to their existing terms and conditions on completion of the trial period if the application for flexible working is rejected.

- 6.20 The employee will sign to confirm their acceptance of the above information and submit to the HR Team for recording on their personnel file.
- 6.21 The trial period should have regular reviews (fortnightly as a recommendation) to assess the impact of the changes and identify any concerns regarding the arrangements.
- 6.22 The Head of Department must notify the Director of Corporate Services and the HR Representative of the findings of the trial period no later than 2 weeks before the end of the trial period to enable a decision on the application to be made.
- 6.23 The trial period may be terminated with immediate effect if the arrangements are considered to be detrimental to service provision, or due to any other reasonable factor.
- 6.24 **Rejection of a Flexible Working Request**
- 6.25 Whilst every effort will be made to accommodate flexible working arrangements there will be instances where this is not possible. A request for flexible working may be rejected on the following grounds, which fall into one of the categories in section 80G (1)(b) or any regulations made by the Secretary of State:
- the financial implications for the proposed change are not proportionate and will have a detrimental impact on the business
 - it is not possible to reorganise work amongst other team members.
 - It is not possible to recruit a replacement to cover the hours created by a reduction from full-time to part-time hours
 - it will affect the quality of services and/or the performance of the business
 - there is insufficient work during the periods the employee proposes to work
 - there are planned structural changes
 - the changes will not enable the service to meet customer demands
- 6.26 A request may be rejected without the need for trial period.

- 6.27 Notification of the decision to reject a request will be provided in writing, with an explanation for the reason of the decision.
- 6.28 If an employee chooses to appeal against the decision this must be done so in writing and within 14 days from the date of notification of the decision. An appeal meeting will be arranged within 21 days with Chief Fire Officer (or Director, other than the Director of Corporate Services, if required due to availability), Head of HR and employee (and their nominated person to accompany them if applicable).
- 6.29 The CFO, or Director (if applicable), will consider the request and within 7 days will either agree to the request or uphold the previous decision to reject the request.
- 6.30 **Appeals**
- 6.31 When an individual is dissatisfied with the outcome of the flexible working application an appeal may be submitted. Whilst the right to appeal is not a statutory right, the Authority believes that providing employees with the opportunity to challenge the decision ensures a fair and reasonable process.
- 6.32 An appeal must be made in writing and must state the grounds for making the appeal. An appeal must be submitted within the statutory time-limit of three months from the date on which the application was submitted. Time limits for this process may be extended in special circumstances and at the discretion of the Director of Corporate Services.
- 6.33 Appeals will be escalated to the Chief Fire Officer, whose decision will be final. The applicant will be informed in writing of the final decision within 14 days of the appeal hearing. The right to be accompanied to any meeting relating to an appeal will apply.
- 6.34 The applicant may appeal to an employment tribunal if he/she feels the Authority
- Has failed to follow the procedure correctly; and/or

- The decision to reject the application has been based upon incorrect facts.

Further enquiries should be made to the HR Team at Brigade Headquarters.

6.35 The outcome of the appeal will be final and there will be no further right of appeal.

6.36 **Handling Multiple Requests**

6.37 There may be occasions when more than one request for flexible working is made. Such requests will be considered in the order in which they are received. If the first request is approved it will have an impact on the service and should be taken into account when considering subsequent requests.

6.38 When more than one request is received each one will be considered in the order in which they were made and on their own merits in accordance with section A6. A waiting list of unsuccessful applicants will be maintained by the HR Team and when circumstances change employees will be informed accordingly.

6.39 If a request is unsuccessful due to a high number of employees already working flexibly a consultation exercise may be undertaken to enable employees with existing flexible working arrangements to consider their position. Such consideration is voluntary and will not be enforced.

6.40 **Withdrawal Process**

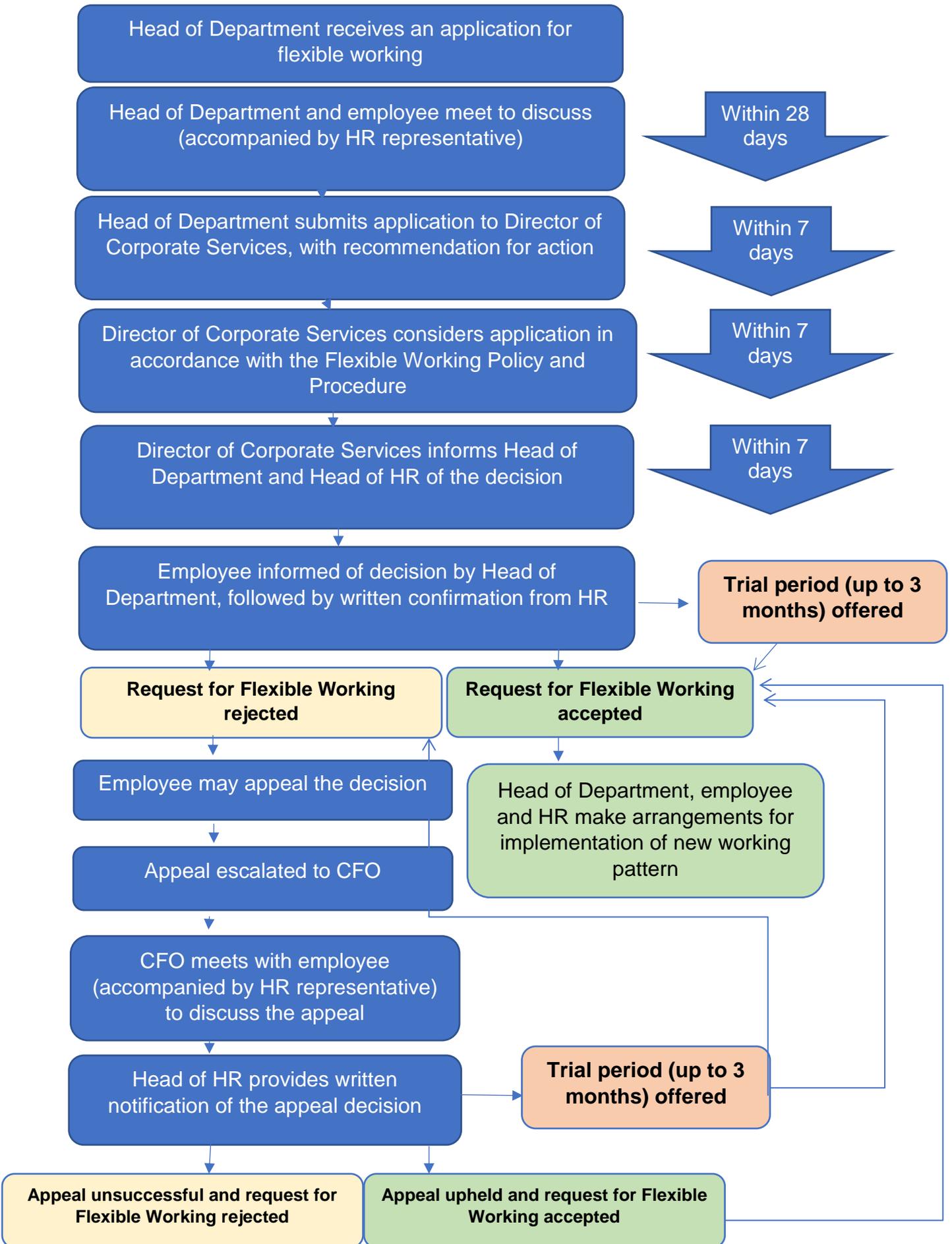
6.41 Employees are entitled to withdraw an application for flexible working by doing so in writing to the relevant Head of Department and the HR Team.

6.42 An application will be classified as withdrawn if the employee fails to attend two meetings to discuss an application, or appeal, without reasonable justification e.g. sickness absence. Employees will be notified in writing if the application is deemed to be withdrawn.

- 6.43 HR will confirm the withdrawal by writing to the employee.
- 6.44 Even if an application is withdrawn it is still classified as a statutory request and an employee will not be able to make a new request for a further 12 months (from the date of the original application).
- 6.45 **Training**
- 6.46 All staff involved in the management of flexible working processes and procedures must have completed relevant training. The HHR will ensure that appropriate training is offered to managers and HR/Learning and Development staff on a regular basis.
- 6.47 The Authority will give due regard to the Working Time Regulations 1998 concerning working time, rest breaks and annual leave in the context of requests for flexible working.
- 6.48 **Payment of Overtime**
- 6.49 Payments for working in excess of those contractually agreed, whilst working to a flexible working arrangement will only attract overtime rates when all working hours exceed the standard full-time hours for the appropriate group of staff and only by prior agreement.

Application for Flexible Working Procedure

APPENDIX 2





Protecting local communities

Application for Flexible Working

This form should be completed by employees who wish to make an application to work flexibly. Please read the Flexible Working Policy and Procedure before completing this form.

To: Human Resources Department / Head of Department

From: **Brigade No:**

Stn/Depart: **Post:**

Copy To: Line Manager

Date of Application:

Please provide as much information as you can about your desired working pattern. It is important that you complete all the questions, as otherwise your application may not be valid. When completing the form think about what impact your change in working pattern will have on the work you do and on your colleagues.

1) I am making a statutory request for flexible working as follows:

2) I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm that I meet the eligible criteria as follows:

- I have worked continuously as a Cleveland Fire Brigade employee for the last 26 weeks
- I have not made a request to work flexibly under this right in the last 12 months.

(Delete as appropriate)

3) Describe your current working pattern (days/hours/times worked)

4) Describe the working pattern you would like to work in the future (days/hours/times worked)

5) I would like this working pattern to commence from: Date

6) Impact of Proposed Working Pattern:

The change will affect my colleagues/department as follows:

The effect of the change can be dealt with as follows:

Signed:.....Date:.....

Name:

(block capitals)

Head of Department

Approval recommended YES/NO

Additional Comments:

You will receive a decision in writing within 28 days of submission of this request or will be invited to discuss this request at a mutually convenient time, normally within 28 days.

Director of Corporate Services

Approved YES/NO

Comments:

Signed:.....Date:.....

Copy returned to applicant via Head of Department

Date:.....

OFFICIAL