

**North Yorkshire Fire & Rescue Service  
Flexible Working Policy**

**1.0 Introduction**

- 1.1 North Yorkshire Fire and Rescue Service (NYFRS) is committed to flexible working and assisting employees to maintain an effective balance between their work and home life. It is important that Managers take a positive approach towards a request for flexible working.
- 1.2 All employees with over 26 weeks continuous service with NYFRS have the right make a request to work flexibly.
- 1.3 NYFRS will consider any application that fits the criteria of this policy and deal with it in a reasonable manner, but retains the right to refuse any request if it will result in a provable detriment to the ability of the Service to perform its duties and fulfill its obligations. Employees therefore have the right to request, but not to have, flexible working.
- 1.4 The whole process, including any appeal, must be concluded within 3 months of the original application being made. It is of legal importance that the 3 month timescales is adhered to and only on agreement can this time frame be amended.

**2.0 Eligibility**

- 2.1 To be eligible to request flexible working employees must:
  - Have worked for NYFRS continuously for no less than 26 weeks.
  - Be an employee of NYFRS who has entered into or works under a Contract of Employment (i.e. not an agency employee).
  - Have not made a request for flexible working in the previous (rolling) 12 months.

**3.0 What is Flexible Working?**

- 3.1 Flexible working can mean a change in the total number of hours worked, a change in the times an employee is at work or a change in work location.
- 3.2 Examples of flexible working may include:
  - Annualised hours - working time organised over the year as opposed to the week.
  - Compressed hours - employees working their total number of agreed hours over a shorter period.
  - Flexitime – employees have a choice of when they work outside an agreed set of core hours. Refer to the Flexitime and Attendance System Policy.
  - Home working.
  - Job sharing.
  - Staggered hours – starting and finishing at different times.

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- Term time working – unpaid time off during school holidays.
- V-Time (Voluntary Time) – employees voluntarily reduce their hours but return to full time hours at the end of an agreed period. The employer guarantees full time work at the end of this period, usually within 6-12 months.
- Part Time Working – there is no set pattern to part time working.
- Banked holidays – employees ‘bank’ Public holidays and take these at a later specified date within a specified period.
- Shift Swapping – employees devise a local agreement on advertising shifts that they want to swap (ensuring this is in line with Working Time Regulations).
- Unique working patterns – totally individualised working pattern involving a combination of options.

#### **4.0 Employee Considerations**

4.1 Employees should consider the following before applying for flexible working:

- What working arrangements will best suit their needs (for example to help care for a dependant, improve their work life balance etc)?
- What are the financial implications of any potential drop in salary?
- Will there be any effects on NYFRS and/or on working arrangements and relationships at the work location?

4.2 Flexible working requests should only be made where there is a clear proposal for the employee/employer benefits of the requested changes.

#### **5.0 Procedure**

- 5.1 The onus of requesting flexible working lies entirely with the employee. It is up to them to make a considered application in writing to their Line Manager requesting an alteration in their working pattern using the attached form. For station based operational personnel (Watch Manager and below), the line manager for requests will be the Station Manager.
- 5.2 Consideration will be given to the request by the line manager, with assistance from Personnel where necessary, and referral to the Function Head/Area Manager where required. The line manager should inform the employee of the outcome in writing.

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- 5.3 Employees can only make one application per 12 month period, unless the changes are agreed on a trial basis where employees may be able to request a further change. Another application cannot, therefore, be made until 12 months after the final decision on the previous application.
- 5.4 Appendix A outlines the Flexible Working Request Process and timescale. All requests (including appeals made by the employee relating to the outcome of the request), must be considered and decided on within 3 months of receipt of the flexible working request, unless this period is extended with agreement of the employee. Managers and employees must therefore plan meetings to ensure the process can be concluded within the 3 month time limit.
- 5.5 Either side can extend the 3 month period as long as the agreement is in writing, is dated, specifies why the extension is needed, specifies the date it will end, and is signed by the employee and their Line Manager. It is in the interests of both parties to be as flexible as possible with the 3 month time limit.
- 5.6 Employees must also be aware that any change will be deemed permanent unless a trial period or a temporary change is agreed. At the end of any trial period, and should both parties be satisfied that the arrangement is working, the new working pattern will become a permanent arrangement. An employee, on acceptance of their new working pattern, has no right to insist upon its reversal to the previous working pattern.
- 5.7 In some circumstances a permanent change to an employee's contract may not be the best solution (for example, where an employee is caring for a dependant with a short term illness), in which case the employee may request a time limited change, after which they would revert back to their original work pattern.

## **6.0 Application**

- 6.1 Employees requesting flexible working must complete and forward the attached form to their Line Manager (minimum level Station Manager for operational staff) in the first instance.
- 6.2 Any incomplete forms will be returned to the employee with omissions indicated. The three month time frame to consider the application will not commence until a correctly completed form is received.
- 6.3 The line manager must send the Personnel Department a copy of the request in order that the appropriate advice and support can be provided.

## **7.0 Meeting**

- 7.1 Unless they feel the request can be easily agreed, the Line Manager should arrange a meeting with the employee to discuss the request and ensure the proposal benefits all parties. The purpose of this meeting is a two-way discussion to explore how the request could be accommodated and any reasons why it may not be acceptable (referring to the Grounds for Refusal outlined below). Alternative flexible working arrangements should be considered, taking account of opportunities for compromise to the original request.
- 7.2 In exceptional circumstances, if a final decision has not been made, further information can be gathered and considered at a follow up meeting. This allows for both parties to discuss the request further and explore how the request could be accommodated and any reasons it may not be acceptable,

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considering alternative arrangements and areas where compromise may be found. At the subsequent meeting (or earlier) the employee may submit an amended flexible working request to their Line Manager, addressing the points discussed previously and any further considerations.

- 7.3 The Line Manager, with the assistance from Personnel, or others as they see fit, can also use the time between receiving the application and meeting(s) to interview others who may be affected by a change in work pattern of a colleague and do any further investigation into the requested new working pattern. It is in the employee's interests to allow this to happen.
- 7.4 The meeting(s) should take place at a mutually convenient and suitable venue. The employee may be accompanied to the meeting(s) by a trade union representative or NYFRS colleague. NYFRS will allow any employee paid time off during working hours to accompany a colleague to act as a companion at any of the above meetings subject to adequate notice.
- 7.5 The final decision for the acceptance or refusal of the flexible working request will lie with the Function Head/Area Manager. The Function Head/Area Manager, with assistance from the Personnel Department, must write to the employee confirming the new work pattern and start date or clearly explain why the application cannot be accepted, stating which of the Grounds for Refusal apply (see below) and explaining why the business reasons apply in the circumstances. This letter will also include guidance on the appeals process.
- 7.6 In the case where the Line Manager who would deal with the request is absent due to leave or sickness, the request can be forwarded to the Line Manager's Manager to consider, although this may not be achievable, dependent on the circumstance and the request. In such circumstances the process can be extended by mutual agreement.
- 7.7 It is of legal importance that the 3 month timescales is adhered to. Any agreed extension must be confirmed in writing by the line manager to the employee as detailed above.

## **8.0 Withdrawal of Request**

- 8.1 Employees are entitled to withdraw their requests for flexible working at any time.
- 8.2 An employee will be regarded as having withdrawn from the process if:
  1. They notify their Line Manager of their withdrawal in writing.
  2. They fail to attend two meetings without explanation or prior rearranging.
  3. They refuse to provide NYFRS with the required information to fully investigate and consider their request.
- 8.4 The Line Manager will write to the employee confirming the withdrawal.

## **9.0 What are Grounds for Refusal?**

- 9.1 Whilst every effort will be taken by NYFRS to agree a working pattern that is acceptable to all parties this may not always be possible. Each case will be looked at on its own merits and requests to work flexibly will be considered objectively. The Service will only refuse such requests if there are business reasons for doing so. These business reasons are set out in legislation and

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are:

- **The burden of any additional costs is unacceptable to the Service.**  
In considering this, the Service will reflect on the proposal's less obvious savings such as a reduction in overheads from homeworking and better coverage of service or increased outputs.
- **An inability to reorganise work among existing staff.**  
The Service will consider the cost of recruiting additional staff against the cost of losing the existing member of staff making the request.
- **Inability to recruit additional staff.**
- **The Service considers the change will have a detrimental impact on quality.**  
The Service will look carefully at the skills and potential of other employees when considering this reason.
- **The Service considers the change would have a detrimental effect on its ability to meet customer demand.**  
When considering the impact on the Service of a flexible working arrangement, the Service may trial an arrangement for a fixed period to see if it is sustainable over the longer term.
- **Detrimental impact on performance.**  
Performance can mean: of the individual, the team or the whole Service.
- **There is insufficient work during the periods the employee proposes to work.**
- **Planned structural changes.**  
For example, where the Service intends to reorganise or change the service and considers the flexible working changes may not fit with these plans.

## **10.0 Appeal**

- 10.1 Any employee not happy with the decision can appeal. This appeal must be submitted in writing to the Personnel and Development Manager within 7 days of the notification being received, (but this should still be within 3 months of the initial application being made, unless there has been an agreed extension). The written appeal must set out the grounds for appeal, be signed and dated. There are no constraints on the grounds on which an employee can appeal.
- 10.2 An appeal meeting will be held between the employee, their representative, a member of the Personnel Department and the Function Head/Area Manager to discuss the request again and the original reasoning for refusing the request. Having reconsidered the request, the Function Head/Area Manager or Personnel will write to the employee. This letter will either set out the new working pattern as agreed at the appeal meeting, or will provide a full explanation as to why the grounds for refusal apply and in relation to the employee's grounds for raising the appeal. It is of legal importance that the 3 month timescales is adhered to.

## **11.0 The Effect of Agreed Changes**

Please note this is the website version of this document. If you are a member of NYFRS staff please use the intranet version. Date of upload 11/02/2015

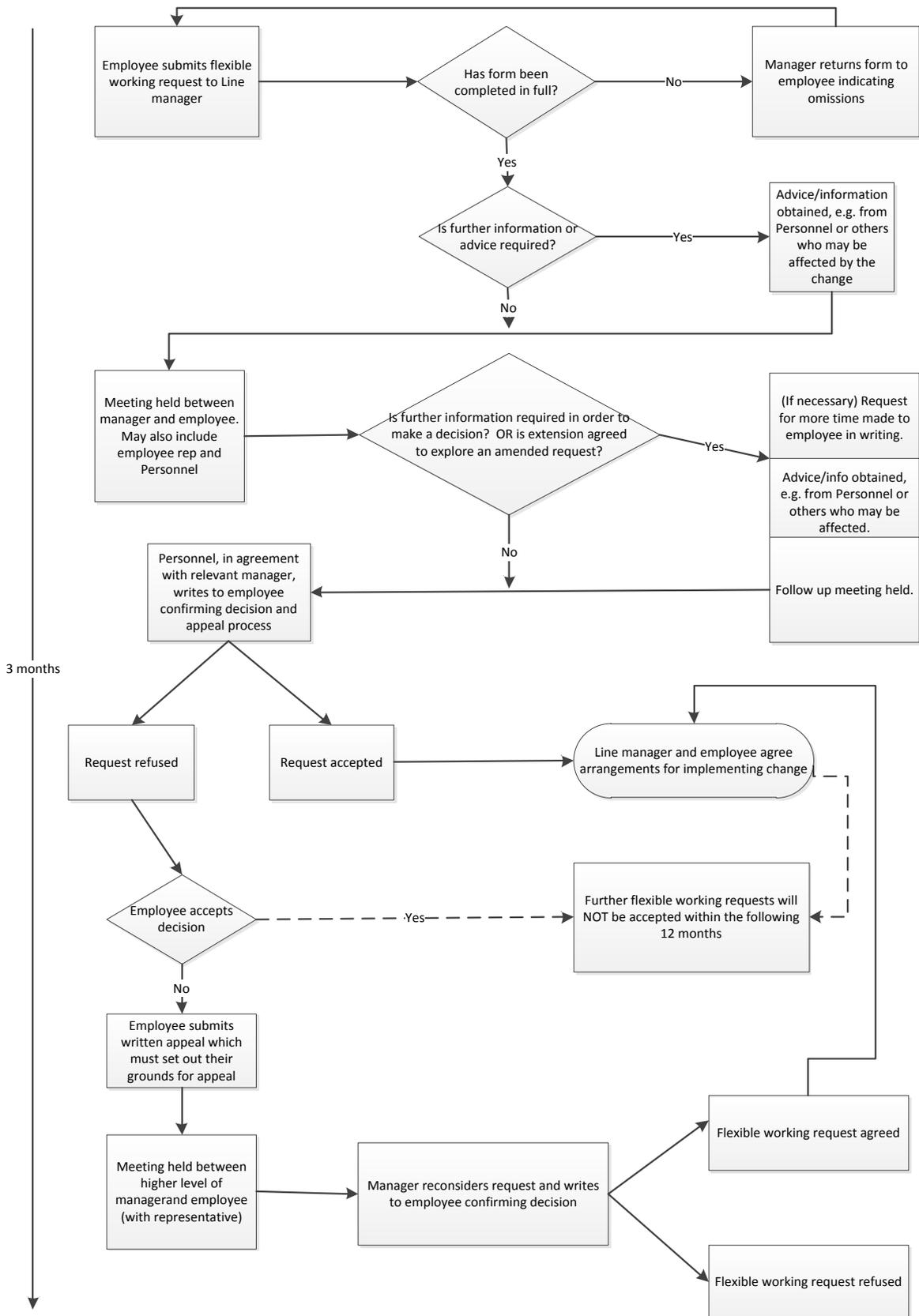
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Where changes to an employee's working pattern are agreed as a result of the employee submitting a request for flexible working, these will be regarded as permanent changes to the terms of the employee's contract, unless the Service and employee expressly agree otherwise.

**Appendix A**

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## Flexible Working Request Process and Timescales



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**REQUEST FOR FLEXIBLE WORKING**

<b>Name of individual:</b>		
<b>Station/Department:</b>		
<b>Name of Line Manager:</b>		
<p><b>To be eligible to make a request for flexible working, you must have 26 weeks' continuous service with NYFRS. If you are uncertain whether or not you are eligible to make a request, please contact the Personnel Department. You can make only one request in every 12-month period.</b></p>		
<b>Start date with the Service:</b>		
<b>Date form submitted:</b>		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?	Date:	
Are you a disabled person whose request for flexible working is related to your disability?	Yes	No
<p><b>Please set out the pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be or, if you wish to work at home at certain times, please state which hours you would like to work at home.</b></p>		
I would like the above change(s) to my working pattern to take effect on:	Date:	

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<b>Please state the effects that you think the changes you are requesting will have on the Service's ability to run its business and on your station/department, your colleagues etc.</b>	
<b>Please state how you think any such effect might be dealt with.</b>	
<p><b>Applications for flexible working should be submitted to your Line Manager.</b> Your Line Manager will contact you to arrange a meeting, which will take place within 28 days of the application being submitted, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.</p> <p><b>Line Managers:</b> once an application has been received contact should be made with the Personnel Department to ensure all the relevant issues are considered.</p>	

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<b>Signed:</b>		<b>Date:</b>	
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**Please return this application form to your line manager and forward a copy to the Personnel Department.**