



# BCH01/024 Flexible Working Procedure

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## **1. PROCEDURE AIM**

1.1 The term 'flexible working' describes a type of working arrangement which gives some degree of flexibility on how long, where and when employees work. The flexibility can be in terms of working time, working location or the pattern of working.

1.2 People will have different reasons to request flexible working and all applications should be treated individually and considered in line with this procedure. Reasons for wishing to have a more flexible pattern of work could include childcare commitments, caring commitments for relatives, time off for training, to meet religious requirements, sporting pursuits etc.

1.3 The right to request flexible working is not an automatic right to work flexibly. There may be circumstances when the force will be unable to accommodate the request but each request will be considered and will only be refused on the basis of a clear business reason. Both employee and line manager should be prepared to be flexible in order to find a mutually beneficial solution for the individual and the organisation, which may include one or more parties making a compromise.

1.4 This procedure has been developed to provide:

- information regarding the common varieties of flexible working options ([see Appendix 1](#));
- instruction on how an individual can apply to undertake some form of flexible working; and
- guidance on the role of management both on receiving an application for alternative working arrangements and after a flexible working arrangement has been put into effect.

1.5 All applications for alternative working arrangements must compliment and not conflict with the provision of an effective and efficient policing service.

## **2. APPLICABILITY**

### **2.1 Inclusions**

2.1.1 All police officers and police staff with 26 weeks' continuous service (at date of application) have the right to request flexible working under the terms of the Employment Rights Act 1996 and Children and Families Act 2014.

#### **2.1.2 Flexible Working for Student Officers**

2.1.3 For the benefit of both the individual and the organisation, the preferred position would be for student officers to have completed their initial training and achieved “independent patrol status” prior to making a request for flexible working.

2.1.4 However student officers may apply to work flexibly, within the following parameters:

- Initial training must be completed on a full time basis, and there must be the flexibility to undertake full time courses of training during the probationary period.
- Student officers must work a minimum of 24 hours a week during the remainder of their probation period.
- The probationary period will be a minimum of two years and may be extended on a pro-rata basis to match any reduction in average hours per week, and therefore could affect the timing at which “independent patrol status” is granted. (If officers progress through their initial training on a part-time basis, Police Regulations allow for the extension of their probationary period).
- If any police officer anticipates applying for a flexible working arrangement prior to the completion of the initial training period, they should discuss this on appointment/at the earliest stage possible, to enable early consideration of the request, and allow tailored training if appropriate. As with all flexible workers, rosters should be discussed and agreed using the flexible working application form.

## 2.2 Exclusions

2.2.1 Police staff with less than 26 weeks continuous service, agency temps and volunteers.

## 3. PROCEDURE DETAIL

### 3.1 General Principles

3.1.1 The Flexible Working flowchart in [Appendix 2](#) summarises this procedure.

3.1.2 To streamline the procedure set out below, standard computer forms have been developed and should be completed online.

3.1.3 It is accepted that on occasions, line managers may agree local arrangements for minor changes to start and finish times which will not need to go through the formal flexible working application process. However, individuals who have a set shift pattern/rota and who wish to make a variation to that must apply through the Flexible Working Procedure however minor the change.

3.1.4 At times of operational need, police officers and staff may be requested to remain on duty after normal duty hours have been completed. Officers working flexible or reduced hours are still serving police officers and can be required to stay on after their agreed hours if there is a need.

3.1.5 Similarly exigencies of duty may require the force to vary shifts on a temporary basis sometimes at short notice (i.e. less than 28 days). Any such short notice changes would be achieved in the first instance through the use of volunteers but officers and staff on flexible working arrangements should be aware that their rest days can be cancelled if there is a requirement to adjust their shift. Police staff can also be asked to change and police officers can be required to change their “free” days. (A “free day” is an unpaid non-working day that forms part of a part-time working arrangement). It is recognised that short notice changes could have a considerable impact on those with flexible working arrangements, particularly those with caring commitments, and therefore such requests to change will be discussed with staff at the earliest opportunity to enable them to highlight any serious concerns or make alternative arrangements.

3.1.6 All new flexible working arrangements should be subject to a trial period in order to assess the impact and success of the arrangement from both an individual and team/department perspective. The trial period will normally be three months but in some circumstances a longer or shorter trial period will be more suitable – e.g. for longer shift patterns or term time working.

## **3.2 Flexible Working Application Procedure**

### ***Employees’ responsibilities - Making the application***

3.2.1 Police staff are entitled to submit one application for flexible working in a 12 month period but it is accepted that there may be circumstances when a further application has to be made (for example, following a change programme). Police officers’ requests for flexible working are governed by Police Regulations and as such there is no limit to the number of times a year a police officer can request alternative working arrangements. However, officers are required to think carefully before submitting a request to work flexibly to ensure that the change requested meets their needs for the foreseeable future. Prolific requests to work different hours may not always be operationally feasible.

3.2.2 Prior to submitting their application it is suggested that employees have an informal discussion with their line manager to discuss their proposals. The line manager will understand the business area and will be able to provide advice as to potential suitable options for flexible working. The employee may have more than one option that they wish to consider.

3.2.3 Applications for a flexible working arrangement should be made the [FW01 Flexible Working Application Form](#). This is available as a computer form and should be completed online. This is a two part form where employees complete the first part and the line manager/senior team complete the second part.

3.2.4 The application must explain the rationale for the flexible working pattern, outlining how it will meet both the organisational and the individual need whilst maintaining the balance between the two.

3.2.5 Prior to completing the form the applicant should:

- Read through this procedure carefully and seek advice if appropriate (this may be from a Federation/Unison representative, line manager, Human Resources or Equality and Diversity representative);
- Consider the flexible working options available and take responsibility for finding out about the effect that the proposal would have on pay/pension/holiday entitlement etc. Police staff should be aware that if their application is approved, the variation in terms is a permanent one and, unless the application seeks the variation for a specified time period only, the employee has no automatic right to change back to their previous pattern of work;
- Consider the effect the proposed change might have on their team and service levels, and how this might be dealt with. This does not mean that they will know every factor that may influence management decisions – it simply means that employees should show they have considered the factors that they are aware of;
- Consider their proposed working hours and pattern carefully and aim to show in the application that it will not adversely affect the service provision and may in fact enhance it (i.e. by providing cover at peak times);
- Look through the “Impact Assessment Form” that the line manager will complete, as this will give guidance on the considerations the line manager will be making in assessing whether the proposal will work in their part of the organisation;
- Seek to ensure that any proposed shifts are in line with their current shift pattern. When considering their request, employees should begin with the corporate shift pattern for the role and highlight any times which they would not wish to work. This should be detailed on the shift grid within the application form. Failure to complete all the fields may mean that important information is missing and the application cannot be considered. The applicant should also ensure the proposed working pattern complies with Force Agreements and Working Time Regulations (advice is given on the application form);
- Consider the date that they would like the new working pattern to start and give sufficient time to discuss and plan with their manager(s), particularly if returning from maternity leave. Under current legislation police staff are required to give 8 weeks’ notice of their return from maternity leave and, whilst it is preferred that police officers do the same, under Police Regulations they are only required to give 21 days’ notice. It can take a number of weeks for a decision to be finalised and it is therefore advised that an application is submitted 3 months in advance of the proposed start date where possible.

3.2.6 Following completion, the completed application should be sent by e-mail to the first line manager.

3.2.7 An employee can withdraw their request to work flexibly at any point in the application process. This notification to withdraw should be given in writing. An application will also be considered to be withdrawn if:

- The applicant fails, more than once without reasonable cause, to attend a meeting to discuss the application or an appeal meeting, or
- The applicant unreasonably refuses to provide information required by the force to assess whether to agree to the request (e.g. health and safety information relating to a home working application)

3.2.8 Any withdrawal of application will be confirmed in writing by the force.

### **3.3 Line Manager's responsibilities - Considering the request**

3.3.1 All requests to work flexibly must be given consideration so managers should familiarise themselves with the procedure and deal with applications promptly to ensure that they comply with the timescales outlined in 3.3.2 below.

3.3.2 To comply with the ACAS Code of Practice, all requests, including any appeals, must be considered and decided upon within a period of three months from the date of application.

3.3.3 There may be occasions where more time is needed to consider an application and if, for any reason, the 3 month deadline cannot be met then a manager may seek agreement from an employee to extend the time limit. Any agreement to extend the time limit must:

- Be recorded in writing;
- Specify the date on which the extension is to end;
- Be signed and dated;
- Be sent to the applicant.

3.3.4 Where forthcoming change may have an effect, the timescales for some flexible working applications may be subject to extension. Timescales relevant to each project will be agreed with UNISON and Federation.

3.3.5 The application will be considered to be made on the date that it is received by the line manager and the manager's first action should be to acknowledge receipt.

3.3.6 In some cases a flexible working application can be agreed without further reference to the applicant. Where this is not the case, for example where there are problems in accommodating the desired work pattern outlined in the application, the line manager should arrange to discuss the application with the employee at a mutually convenient time, ideally within 28 days of receipt to ensure that the 3 month timescale is met. Where applications are complex or the manager is unfamiliar with the procedure, advice should be sought from HR teams at the earliest opportunity and prior to any discussion.

3.3.7 For roles involving shift work, it is recommended that managers seek advice from their RMU prior to any discussion with the individual as they will be able to provide expert advice relating to shift patterns, Force Agreements and Working Time Regulations.

3.3.8 Line managers will consider the request in light of the individual's, team and organisational needs and make a recommendation as to whether the proposal will work in their part of the organisation. It should be noted that under the statutory regulations, a request can only be refused on the following grounds:

- Additional costs will impose a burden;
- Agreeing to the request will have a detrimental effect on the organisation's ability to meet customer demand;
- The organisation is unable to re-organise work among existing staff;
- The organisation is unable to recruit additional staff to fulfil a resultant shortfall in resources;
- Agreeing to the request will have a detrimental impact on the quality or performance of the organisation;
- There is insufficient work during the periods the employee proposes to work;
- Planned structural changes;
- Any other grounds specified by the Secretary of State in regulations.

3.3.9 Prior to refusing a request, it is recommended that refusals are discussed with Human Resources before being communicated to the individual.

3.3.10 Any meeting to discuss the request should be a constructive way of exploring options and seeking resolutions which meet the needs of both parties. Whilst there is no statutory right for an employee to be accompanied in this meeting, attendance of a colleague or a Unison/Federation representative should be accommodated where possible.

3.3.11 The "Impact Assessment Form" is designed to guide managers through the issues which they need to consider in making their recommendation, and will help them to keep an audit trail of contacts with the applicant/other departments during the whole of the process. This impact assessment form could either be completed together or could be completed by the line manager individually – either way, the information given by managers in this document will be openly available for employees to access.

3.3.12 The proposed working arrangements should comply with Working Time legislation and fit with overall force wide requirements in terms of operational/business demand needs. For roles involving shift work the application form should therefore be routed through RMU for confirmation of this, as required.

3.3.13 Depending on the area or department, once the line managers has made their recommendation the form will then be sent to the Chief Inspector/police staff equivalent for a final decision. They will consider the request in line with overall team/departmental needs and budget information and will consider alternative posts if the request cannot be accommodated in the individual's current role. Consultation should take place as necessary with other levels of management to ensure that the response to the application is robust. If the

applicant is of a higher grade then the level of authorisation will need to be adjusted with final approval being sought from a member of the Senior Management Team.

### **3.4 Communicating the decision**

3.4.1 The line manager must notify Human Resources of the decision, who will then draft a letter to the applicant outlining one of the following options:

- a) accept the request, confirming a start date, the trial period and (for police staff) any changes to terms and conditions; or
- b) confirm a compromise agreed at the meeting; or
- c) reject the request and set out clear business reasons for the rejection together with notification of the appeals process.

3.4.2 Similarly, if a trial period is undertaken and subsequently the working pattern is deemed unsuccessful this must be confirmed in writing clearly outlining the specific business reasons for this and the employee's right of appeal.

3.4.3 If an application is rejected, the line manager should consider that the impact of this on the individual could be significant and where appropriate they should meet with them to explain the rationale for refusal.

3.4.4 Whilst it is hoped that a flexible working arrangement can be agreed that properly balances the employee's needs and those of the organisation, there will be some circumstances where a flexible working request cannot be accommodated in the individual's current role. In these circumstances the organisation will assist the individual to look for alternative posts where the arrangement requested may be better accommodated. In the event that there are no suitable roles then the individual will be expected to maintain their current working arrangements. Failure to do so may be dealt with as a misconduct issue.

### **3.5 Appeals Procedure**

3.5.1 An individual who wishes to appeal against the decision made in respect of their flexible working request must refer to and follow the Appeals Process which is included as [Appendix 3](#).

3.5.2 If the appeal is upheld, the flexible working arrangement will be subject to a trial period with regular reviews in the same way as if it had been originally agreed.

### **3.6 Review Arrangements**

3.6.1 Line managers are required to review flexible working arrangements at the intervals detailed below.

***Reviews during a Trial Period***

3.6.2 A trial period will be arranged in order that both the employee and the organisation can assess the effectiveness of the proposed arrangement. In the case of police staff, this will be prior to formal changes to contract being made. The emphasis should be on ensuring that the flexible working arrangement works well in the department and team as well as for the individual. This trial period will therefore usually last 3 months, but could be longer (as agreed with the line manager) particularly for arrangements such as term time working.

3.6.3 During the trial period reviews should be carried out periodically to assess the arrangement. If there are elements of the trial period which are identified as a concern, it is important that steps are put in place to try to address these concerns during the trial period.

3.6.4 At the end of the trial period the line manager should arrange another meeting with the individual to review the working pattern and discuss whether to make the changes on a permanent basis. A decision must be made as to whether the flexible working arrangement can be confirmed, adapted or declined. If a trial period is not deemed a success, every attempt should be made to negotiate an arrangement which suits both individual and organisational need. However, if, following a trial period a proposed flexible working arrangement is not deemed successful and is therefore declined, the employee will revert back to the arrangement in place prior to the trial period. This would normally be within 28 days and should give sufficient time to put back in place childcare arrangements etc and in effect this will extend the length of the trial period. This must be confirmed in writing.

3.6.5 Police officers should note that Regulation 5 is as follows:

- A person appointed to perform part-time service may not be appointed to serve as a full-time member without his/her consent.
- A person serving as a full-time member of a Police Force may not be appointed to perform part-time service without his consent.

***Reviews at Change of Role***

3.6.6 Any flexible working arrangement is relevant to the specific role/rank for which it was originally agreed. If an employee then changes role/rank and wishes to maintain the arrangement, they would need to approach their new line manager to discuss how the arrangement could possibly work in that part of the organisation.

***Reviews arising from Organisational Need***

3.6.7 Once a flexible working request is agreed (following a successful trial period), it is normally a permanent change to working arrangements (unless otherwise stated). However, there may be occasions when there is a need to review the working patterns of a department, team or an individual. Examples of this may include where there is a re-structure or change in location or team, or where current working patterns no longer support operational or service delivery requirements or are detrimental to policing/service provision. During a change

programme all officers and staff who have existing flexible working arrangements may be required to re-submit a new application which aims to balance both individual needs and those of the business change.

3.6.8 The normal timescales for flexible working applications may be subject to extension during change projects and new timescales will be agreed with UNISON and Federation during the consultation period.

3.6.9 In such instances where flexible working arrangements need to be reviewed, any necessary change will be fully discussed with the individual in an attempt to agree a new working arrangement which suits individual and organisational need and it is expected that in the majority of instances an agreement would be reached. In the event that an agreement cannot be reached, but there is a pressing and clearly evidenced organisational need, then the individual will be issued with a letter (in the case of Police Staff a new contract) detailing the hours/shift pattern that they will be expected to work. Failure to comply may be dealt with as a misconduct issue.

3.6.10 **For Hertfordshire only** - Further details of how the organisation will manage a large scale shift change are covered in Appendix B (Changes to Working Hours) within the [Reorganisation and Redundancy Policy](#) (BCH01-002).

#### ***Requests to revert to original working arrangements***

3.6.11 There may be times when an employee wishes to revert back to (or adapt) their original working arrangement. If this is the case, the following guidance applies:

#### ***During a Trial Period***

3.6.12 Within or at the end of a trial period, a police officer or member of staff may choose to revert back to the original working arrangement (within an agreed notice period – but usually 28 days). If an individual wishes to adapt an arrangement they must discuss this with their line manager and if appropriate progress through the normal flexible working procedure (i.e. by completion of the application form and impact assessment for sign off at senior manager level). The adapted arrangement will not count as a second application.

#### ***Once a flexible working request has been confirmed***

3.6.13 Police Officers - Under Police Regulations, a police officer requesting to revert to full time hours should be accommodated wherever reasonably possible within 1 month of the request. In any event, an officer in such circumstances shall return to full time service within 4 months of giving notice. If the return to full time hours cannot be reasonably accommodated within the existing unit, arrangements will be made to discuss a posting to an alternative post. Officers who are recruited part time do not have the same right to move to full time working arrangements.

3.6.14 Police Staff - Once revised terms and conditions have been accepted, the applicant will need to make a formal request to revert back to alternative hours (via the Flexible Working applications procedure). There is no automatic right to return to the original working arrangement.

**3.7 Monitoring**

3.7.1 Corporate monitoring of flexible working arrangements will ensure that trends and patterns may be investigated within departments and divisions.

## **APPENDIX 1: GUIDANCE ON TYPES OF FLEXIBLE WORKING OPTIONS**

The following sections provide an overview of the different types of flexible working arrangements which are available within the three forces. Staff and officers should fully explore the impact that these may have on their pay, annual leave and pension.

### **1. PART TIME WORKING (INCLUDING JOB SPLITTING)**

*Definition:* Part-time (or reduced hours) employees work fewer hours per week than the equivalent full-time employee (i.e. they work less than 40 or 37 hours per week). Job splitting is where a job is divided into two or more parts with each part time job holder taking specific responsibilities which do not generally overlap. This makes it different from job sharing where two employees share the duties of one post.

### **2. VARIABLE SHIFT ARRANGEMENT**

*Definition:* A variable shift pattern applies when a member of staff seeks to work varying hours on a full-time or part-time basis, rather than the set working hours of the shift pattern. This would mean that a new rota that is flexible to both the needs of the organisation/department and the employee is agreed.

### **3. COMPRESSED HOURS**

*Definition:* To work compressed hours means that employees would work their standard weekly hours (e.g. 37 or 40 if full time) over fewer days by extending the working day. An example of this could include: -

- A four day week (or 4 and a half day week)
- A nine day fortnight

Compressed hours can be a means of introducing some flexibility into a job in order to meet both individual needs and the demands of the role/post. It allows employees to extend their service availability beyond the standard day. It can also provide employees more quiet time during the beginning and/or end of the day to get on with specific pieces of work.

### **4. JOB SHARE**

*Definition:* A job share is a working arrangement where two employees of equal grade/rank share the duties of one post. Job sharers share the full responsibilities of one post and undertake a proportionate amount of the duties. Job sharing requires a high level of co-operation and communication between the sharers. This makes

it different from “Job splitting” which is when a job is split into two or more separate part time jobs, requiring very little interaction between the people involved.

## **5. TERM TIME WORKING**

*Definition:* Term time working gives staff the right to unpaid leave during school holidays and enables them to receive a regular salary for 12 months per year (either as a full-time or part-time member of staff). This practice usually involves them working during school term time periods and either not working during school holidays or working reduced hours during these times.

Under Police Regulations, “banking hours” type working arrangements are not permissible for Police Officers due to the regulations surrounding payment/leave systems. However, there are several variations to term time working and as with all other flexible working requests, applications for term time working arrangements will be considered on an individual basis.

## **6. ANNUALISED HOURS**

*Definition:* This is a type of contract where staff are contracted to work a set number of hours in a year rather than in a week. The main aim of an annualised contract is to manage the unpredictable peaks and troughs in demand for services without relying on agency cover or overtime. The hours are calculated on a yearly basis rather than weekly. It is important to set minimum and maximum working hours during a week to ensure that employees remain compliant with Working Time Regulations. A robust system should be in place to record working hours on an ongoing basis.

It should be noted that Police Officers cannot “bank” additional hours worked over a year because of the requirements of Police Regulations – as detailed in 5 above.

## **7. HOME OR REMOTE WORKING**

*Definition:* Occasional or regular working from home or alternative work locations for short periods of time, as agreed by the individual and the line manager

Home/Remote working raises a range of issues that need careful consideration. Therefore, separate guidance for all three forces is available in the following procedures:

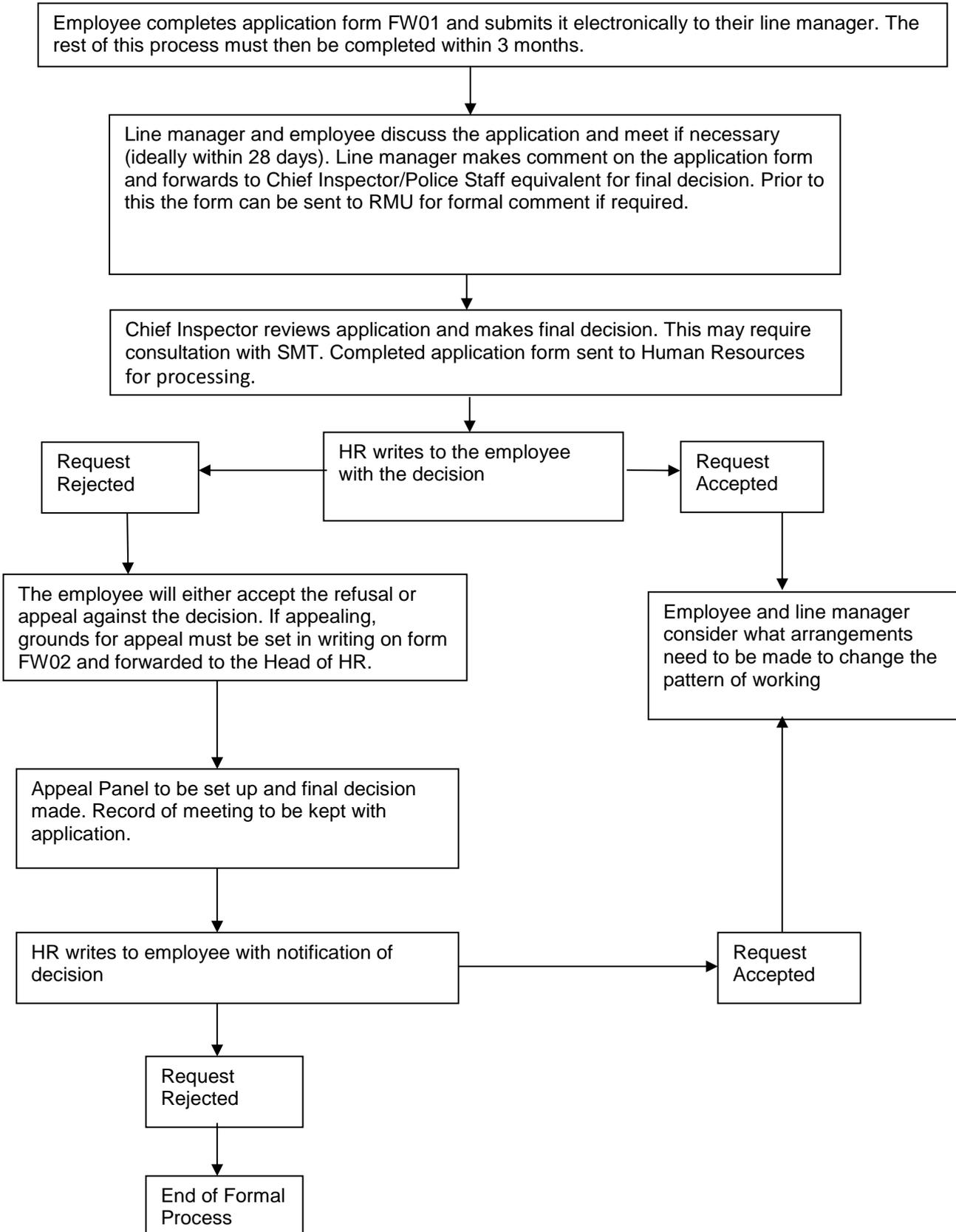
Bedfordshire [H045 Working At Home Policy](#)

Cambridgeshire [Home Working Procedure](#)

Hertfordshire Constabulary Guidance on Home and Remote Working

**APPENDIX 2:  
FLEXIBLE WORKING PROCESS MAP**

**Note: The authorisation process in boxes two and three will need to be adjusted if the applicant is of a higher grade with final approval being sought by SMT.**



### **APPENDIX 3: BCH APPEALS PROCEDURE FOR FLEXIBLE WORKING**

It should be noted that statutory timescales dictate that flexible working requests, including any appeals, must be considered and decided upon within a period of **three months** from date of application unless agreement is reached with the individual to extend this.

#### **Right of Appeal**

An individual has the right to have the original decision and any resultant action reviewed. The appeal meeting will only address the specific point(s) of appeal. Whilst not an exhaustive list, the appeal would normally be on one or more of the following:

- new evidence fundamental to the issue;
- a fundamental procedural error;
- reasonableness of the decision/outcome, to include inconsistency in comparison to other cases

#### **Exercising the Right of Appeal**

In exercising their right to appeal, the person submitting the appeal must clearly state in writing on what grounds they are appealing and provide a brief outline of the basis of this appeal. This will be the specific area(s) that will be explored at the appeal meeting. These written grounds for appeal should be submitted on [FW02 Flexible Working Appeal Form](#) to the head of HR within 7 calendar days of receiving written confirmation of the original decision.

Within 7 calendar days of receiving the appeal letter, the head of HR will:

- acknowledge receipt of the appeal;
- advise who will deal with the appeal (Appeal Manager and HR support to the appeal);
- advise the management representative for the appeal process (the person who made the original decision) that an appeal has been submitted and the basis of this appeal.

#### **Appeal Manager**

The manager who will hear the appeal should be at least one level of seniority above the management representative and will have had no previous involvement in the matter. They should, however, have a clear understanding of the particular part of the organisation.

#### **HR Support/Contact**

Appropriate support will be provided by HR in order that the appeal is addressed in good time, documents are received by all parties etc.

### **Statement of appeal**

A full statement of appeal (including a full set of documents to be presented at the meeting) must be provided to HR within 14 calendar days of submission of the initial appeal. This will detail the reason(s) for the appeal, duly noting the grounds on which the initial appeal has been made.

New evidence within the submission should be identified to HR in order to determine whether further investigation, information and/or clarification is required, which in turn may require a suspension of the process to allow this to be undertaken.

HR will ensure that a copy is provided to the employee without delay.

### **Management Statement**

This statement will be provided by the management representative and should include both a summary of the case and appropriate comment on the points and evidence of appeal. This must be submitted to HR within 7 calendar days of receipt of the employee statement along with a full set of documents to be presented at the meeting.

HR will both ensure that a copy is provided to the employee without delay.

### **Additional evidence**

If, following full disclosure, either side determines that it wishes to produce additional documentation, this must be provided to both HR and the other party without delay. Where necessary, the date of the meeting may have to be amended to ensure that the recipient party has received the additional information 5 calendar days before the appeal meeting.

### **Arrangement of Appeal Meeting**

An appeal meeting will be held without unreasonable delay but noting the timetable for production and distribution of statements etc. HR will arrange the appeal meeting, to include notifying all parties in writing of the date, time and location of the meeting and who will be in attendance. Where the individual is to be accompanied by a trade union representative, a recognised staff association or internal support group, the meeting should be arranged in conjunction with that representative.

Parties should be given at least 14 calendar days' notice of the appeal meeting.

### **Distribution of Documents**

Copies of statements and documents submitted by both parties will be distributed to the Appeal Manager and the HR adviser to the appeal meeting by HR at least 7 calendar days in advance of the appeal meeting.

### **Witnesses**

It would not usually be necessary to recall witnesses to the appeal meeting unless they need to be questioned on aspects that relate to the specific point(s) of appeal.

### **Companion**

If they wish, the individual may be accompanied by a trade union representative, a recognised staff association, internal support group or a workplace colleague. The individual is responsible for making these arrangements. This person will be referred to as their companion. If the companion cannot attend on the proposed date the meeting may be deferred and re-arranged for an alternative date, normally within 7 calendar days of the original meeting date. The companion will be allowed to address the meeting to put and sum up the individual's case, respond on behalf of the individual to any views expressed and confer with the individual during the meeting. The companion will not, however, have the right to answer questions on the individual's behalf, address the meeting if the individual does not wish it or prevent the individual from explaining their case.

### **HR Role at the Meeting**

An objective HR specialist who will not have been involved in the case to date will act as the HR adviser to the appeal meeting. As well as advising on the application of procedure etc, the HR adviser can ask questions in order to determine points of clarity on substance or procedural issues in order that a fully considered decision is made.

### **Meeting Purpose**

Unless the grounds of appeal warrant it, the appeal meeting will not be a re-hearing of the original meeting. It will address only the specific point(s) of appeal and, dependent upon the stated basis of the appeal, consider the following questions:

- Does any new evidence alter the facts of the case and the fairness or appropriateness of the action?
- Did the manager act reasonably in the circumstances?
- Was procedure followed?
- If there was a breach of procedure, was this breach sufficiently significant to call into question the fairness of the action?

- Was the decision made consistent with that made in comparison to other cases?

### **Procedure at the Appeal Meeting**

The purpose of the Appeal Meeting will be to explore the issues which the individual has cited within their appeal. The Appeal Manager will conduct the meeting as a fact finding process ensuring good order and natural justice; decide any dispute about procedure; consider the grounds of appeal; and reconsider the original decision. Where any new evidence has been introduced, he/she should ensure the individual has the opportunity to comment on it.

The following procedure will be observed:

Introduction:

The Appeal Manager will introduce all parties and explain the purpose of the meeting, the process to be adopted and the powers the Appeal Manager has.

Presentation of individual's case:

- The individual, or companion, will present the case for appeal. This will cover only the areas where appeal is permitted and which were stated as the basis of appeal. If witnesses are necessary, they will present their evidence and answer questions posed by the individual or companion.
- The management representative will have the opportunity to ask questions of any witness, the individual and companion (where they present the case for appeal) in order to clarify any issue/new evidence.
- The individual, or companion, may ask supplementary questions to each witness on any matter that has been raised during the questions put by the management representative.
- The Appeal Manager and/or HR adviser may question each witness and the individual or their companion as appropriate in order to clarify any issue/new evidence.
- The individual or companion will have the opportunity to clarify any point of the case of appeal. No new evidence can be introduced.

Presentation of management case:

- The management representative will present appropriate evidence related to the issues on which the individual has appealed. If witnesses are necessary, they will present their evidence and answer questions posed by the management representative.
- The individual or companion will have the opportunity to ask questions of any witnesses and the management representative in order to clarify any issues/new evidence.

- The management representative may ask supplementary questions to each witness on any matters that have been raised during the questions put by the individual or companion.
- The Appeal Manager and/or HR adviser may question each witness and the management representative in order to clarify any issue/new evidence.

Summing up:

Once the relevant issues have been thoroughly explored, the individual or their companion and the management representative will have the opportunity to sum up if they wish. The individual will have the right to speak last. In summing up, neither party may introduce any new matter.

The Appeal Manager will call an adjournment to consider the decision.

### **Appeal Outcome**

The Appeal Manager will consider the evidence and seek to make a decision on the appeal, taking into account the questions within the section on Meeting Purpose above.

The Appeal Manager will deliberate in private along with the HR adviser, recalling parties only to clarify points of uncertainty on evidence already given. If recall is necessary, both parties shall return notwithstanding only one is concerned with the point in question.

The decision on the outcome of the appeal will be taken as soon as is reasonably practicable after the meeting. The Appeal Manager may either dismiss or allow the appeal and, in the latter case, may impose an appropriate alternative resolution. In making the decision, the manager should ensure that what they are determining is within their authority. Where a manager is in doubt, he/she should seek advice from HR.

### **Advising of the Appeal Outcome**

The Appeal Manager will inform the individual of the results of the appeal and the reasons for the decision as soon as possible, duly confirming this in writing within 7 calendar days. The decision of the Appeal Manager is final and there is no further right of internal appeal.

## **4. TRAINING AND ACCREDITATION REQUIREMENTS**

4.1 Coaching and/or training courses are available to equip managers with the knowledge and skills to use this procedure. There are no accreditation requirements.

## **5. ASSOCIATED DOCUMENTATION**

### **5.1 Legislation/ National Guidance**

- Children and Families Act 2014
- ACAS Code of Practice for Handling Requests to Work Flexibly in a Reasonable Manner 2014
- Employment Rights Act 1996
- Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002
- Police Regulations and Determinations 2003 (amended)
- Equality Act 2010
- Part Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Health & Safety At Work Act 1998
- Working Time Regulations 1998

### **5.2 Strategy/ Plan**

### **5.3 Policies**

- Tri-Force Health & Safety Policy – Beds, Cambs, Herts
- Hertfordshire Remote Working Security Policy

### **5.4 Procedures**

- Maternity Procedure – Beds,Cambs, Herts
- [BCH01/006 Attendance Management Procedure](#)
- [BCH01/002 Reorganisation & Redundancy Procedure](#)
- Bedfordshire [H045 Working At Home Policy](#)
- Cambridgeshire [Home Working Procedure](#)
- Hertfordshire Guidance on Home and Remote Working

### **5.5 Forms (National/ Local)**

- [FW01 Flexible Working Application Form](#)
- [FW02 Flexible Working Appeal Form](#)

## **6. WHO TO CONTACT ABOUT THIS PROCEDURE**

For advice or guidance on the application of this procedure contact the appropriate HR representative.

## **7. EQUALITY IMPACT ASSESSMENT (EIA)**

### **EQUALITY IMPACT ASSESSMENT**

Name of Sponsor	Pauline Lawrence, Chair of HR Advisory Group
Name of Author	Christina Allen
Description of proposal being analysed	Tri Force Flexible Working Procedure for Police Officers and Police Staff covering legal obligations and process
Date EIA started	February 2014
Date EIA finished	May 2014
This Equality Impact Assessment is being undertaken as a result of: <ul style="list-style-type: none"><li>• A new or updated policy or procedure.</li></ul> <b>Note</b> – For ease of use of this document , we will refer to all of the above as “proposal”	

**STEP 1 – Relevance**

The general duty is set out in section 149 of the Equality Act 2010. In summary, those subject to the Equality Duty must have **DUE REGARD** to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Authors have a statutory requirement to have **DUE REGARD** to the relevant protected characteristics shown below, whilst taking a common sense approach

- age
- disability
- gender reassignment
- marriage & civil partnership\*
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

\*marriage and civil partnership – the analysis applies only to the elimination of unlawful discrimination, harassment and victimisation.

Section 23 of the Equality Act 2006 allows the Equality and Human Rights Commission (EHRC) to enter into a formal agreement with an organisation if it believes the organisation has committed an unlawful act.

Under section 31 of the Equality Act 2006, the EHRC can carry out a formal assessment to establish to what extent, or the manner, in which a public authority has complied with the duty.

Additional guidance can be found by accessing the EHRC website:  
<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

Does this proposal have a direct impact on people who:	a) are any part of the Police workforce (including volunteers)?	Yes, all Police Officers and Police Staff who are employed under the direction and control of the Chief Constables of Bedfordshire, Cambridgeshire and Hertfordshire Police Forces. Volunteers and agency staff are not covered by this procedure.
	b) reside in any part of England and Wales	NO
If <b>NO</b> to both questions	<i>Explain why and give rational</i>	
		No Further Action and Return to Sponsor for Authorisation
If <b>Yes</b> to either question	Continue through to Step 2	

**STEP 2 – Consultation / Engagement**

You should engage with those people who have an interest in how you carry out your work generally, or in a particular proposal. This may include former, current and potential service users, staff, staff equality groups, trade unions, equality organisations and the wider community. In deciding who to engage, you should consider the nature of the proposal and the groups who are most likely to be affected by it.

The proposal owner (Sponsor/Author) must be satisfied that consultation / engagement will take place with the relevant business lead and stakeholders.

This **MUST** include engagement with the following relevant groups:

- Equality and Diversity Specialist
- Staff Associations
- Staff Support Groups
- Relevant community groups and members of the public

In addition, consider who else should you consult with internally and externally?

**Who might be affected?**

Does what you are considering further the aims of the general duty, to

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and
- foster good relations between different groups.

Identify the risks and benefits where applicable, according to the different characteristics.

	Positive Impact or Benefits	Negative Impact or Risks
<b>Age</b> ( <i>Consider elderly or young people</i> )	Positive impact for older workers who may desire a flexible retirement plan.	There are no obvious considerations.
<b>Disability Groups</b> ( <i>Consider physical, sensory, cognitive,</i>	There are no obvious considerations. Staff who	Risk that managers treat the need for reduced hours as a

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<i>mental health issues or learning difficulties)</i>	require an adjustment to their hours as a direct result of their disability should seek a reasonable adjustment rather than submitting a flexible working application.	flexible working request when it may be a reasonable adjustment that is needed.
<b>Gender Reassignment</b> <i>(Consider transgender, Transsexual, Intersex)</i>	Short term flexible working could assist a return to work following transition period.	There are no obvious considerations.
<b>Marriage &amp; Civil Partnership</b>	There are no obvious considerations.	There are no obvious considerations.
<b>Pregnancy and Maternity</b>	Positive impact for those with childcare responsibilities on return from maternity leave.	There are no obvious considerations.
<b>Race and Ethnic origin –</b> includes gypsies and travellers. <i>(Consider language and cultural factors)</i>	There are no obvious considerations.	There are no obvious considerations.
<b>Religious / Faith groups or Philosophical belief</b> <i>(Consider practices of worship, religious or cultural observance including non belief)</i>	Positive impact for those who wish to observe religious requirements –e.g. those of Jewish faith observing the Sabbath.	There are no obvious considerations.
<b>Sex</b> <i>(Male, Female)</i>	There are no obvious considerations although statistically and traditionally female staff are more likely to be providing child care and therefore benefit from flexible working.	There are no obvious considerations.
<b>Sexual orientation</b> <i>(Consider known or perceived orientation, lesbian, gay or bisexual)</i>	There are no obvious considerations.	There are no obvious considerations.

	<b>Positive Impact or Benefits</b>	<b>Negative Impact or Risks</b>
Have you considered how this decision might affect work life balance? <i>(Consider caring issues</i>	The policy promotes work life balance.	The policy may raise expectations that flexible working requests are likely to

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<p><i>re: childcare &amp; disability, safeguarding issues, environmental issues, socio economic disadvantage, and low income families.)</i></p>		<p>be agreed when in reality the ability to meet business needs is paramount.</p>
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**STEP 3 – Assessment**

Complete the EIA by analysing the effect of your proposal and detail the outcomes.

What were the main findings from any consultation carried out?

What feedback has been received?

<p>Using the information you have gathered and consultation that you have undertaken answer the following questions. This will help you to understand the effect on equality your proposal might have.</p>	
<p>Has the feedback indicated any problems that need to be addressed?</p>	<p>In Hertfordshire, staff associations have highlighted concerns that the culture of the organisation is preventing flexible working from being accommodated in front line roles. Workshops and surveys have taken place with staff which have identified issues with line manager application of the procedure. Training is therefore being provided and we are looking at software solutions to assist with the accommodation of job share. It is not considered that there are any problems with the procedure itself.</p>
<p>Describe and evidence any part of the proposal which could discriminate</p>	<p>Low risk in all areas of protective characteristics if procedure is applied objectively, reasonably and equitably.</p>
<p>Can the adverse impact identified be justified as being appropriate and necessary? If so, state what the business case is:</p>	<p>None identified.</p>
<p>Where impact and feedback identified, what, if anything can be done?</p>	<p>None identified.</p>
<p>What outcome will be achieved that demonstrates a positive impact on people?</p>	<p>The perception of staff is that the procedure is supportive. Line manager training should ensure that the procedure is understood by managers and applied appropriately and reasonably.</p>

**STEP 4 - Monitoring and Review**

Equality analysis is an ongoing process that does not end once a document has been produced.

What monitoring mechanisms do you have in place to assess the actual impact of your proposal?	Each force maintains records of individuals who have a formally agreed flexible working arrangement and reports can be generated and shared as required. For example, in Hertfordshire a report is produced every six months which details the number of applications agreed and rejected and enables the Force to identify any potential "hotspots" where there could be a risk of discrimination.
<b>Review Date:</b> First review must be no later than one year.	July 2015

**STEP 5 - Sign Off**

Once the Equality Impact Assessment is complete it should be signed off by the Proposal Sponsor. This sign off is confirmation that the analysis is accurate, proportionate and relevant and actions will be delivered as required.	
Approved by Senior Officer / Proposal lead	Having considered the potential or actual effect of this proposal on equality, our assessment demonstrates that the proposal is robust and the evidence of our screening shows no potential for unlawful discrimination. We have taken all appropriate opportunities to advance equality and foster good relations between groups.  Date: 23.10.14 Name: Pauline Lawrence