Association of Police Authorities

Home Office

Flexible Working in the Police Service

Foreword

Flexible working in the Police Service

Flexible working opens up opportunities to people who may in the past, have been prevented from entering certain types of work because of other commitments and activities in their lives. With the introduction of greater emphasis on offering flexible working arrangements, many more individuals have the opportunity to access work and increase their own life chances and social mobility. It also opens up the potential for the wider police family to tap into a previously excluded wealth of expertise.

Valuing and engaging in the flexible working arrangements not only creates additional opportunities for individuals to balance their home and working life more easily, but it also has a positive impact on reducing adverse affects, such as limited employment options and by increasing those openings, increases overall well being. Moreover working flexibility can be highly motivating for individuals and that motivation, usually manifests in increased productivity.

However, there are still pockets of negative thinking about flexible working which need to be tackled. We collectively must strive to remove the stigma and misconceptions which are often associated with flexible and part time working by ensuring that everyone is equally valued for their productivity from the outset, irrespective of the hours worked. The notion that individuals who work flexibly do not give 100% commitment is highly inaccurate. Evidence demonstrates that increased flexibility in the workplace engenders greater commitment from individuals.

I congratulate all the representatives from The Women in Policing Steering Group, ACPO, PHRU Equality and Diversity Team, British Association for Women in Policing (BAWP), the Superintendents Association, the Association of Police Authorities (APA), the Police Federation, and Unison for their tireless commitment in putting the benefits of flexible working together in one document to assist others in driving it forward and making it happen.

Tony McNulty
Minister of State

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Best practice principles

Best Practice

Introduction

1. Over the last 20 years the availability of reduced hours and flexible working in the British economy has expanded considerably. Many organisations have moved from the traditional 9 – 5 Monday – Friday opening hours to provide round the clock services. The retail sector, bars, restaurants and call centres are all open 24/7 and this trend is set to continue. Organisations are offering a range of flexible working patterns to operate flexible opening hours. For many workers the hours can match their need to balance their home and work demands.

2. The Police Service has always provided a 24/7 emergency response, but has done so in a traditional way with a reliance on a rotating shift pattern to provide the same number of response officers available at all times. However, the demand for policing is variable throughout the day, the week, and the year. To meet this variable demand the provision of policing also needs to be variable. Increasing the flexibility of deployment of police officers and police staff is important both for effective policing and for the health and work/life balance of officers and staff.

3. In 2004 the Home Office published a study of Police Resource Management and Rostering Arrangements alongside the white paper Beating Crime Building Communities (HOC 68/2004). The study, which was undertaken by Accenture, looked at rostering and deployment in response teams in seven police forces backed up by a national survey of all forces. The findings suggest that there are real benefits to be had from better management of shift patterns. A variable shift arrangement built around accurate demand profiling can provide almost 70% more officers on duty at peak times than a shift pattern with a flat supply. On the basis of the sample, it is possible that if all forces moved to an assessment based on local profiling over 2,000 more officers could be on duty at peak times. Such arrangements have the potential to make it easier for forces to manage court attendance, case handling and overtime.

The Benefits of Flexible Working

4. The Report also showed that better management of shift arrangements can reduce fatigue and increase officer's health, energy and efficiency. More effective resource management within a framework of flexible working options will produce a better work/life balance for individuals, enhancing both recruitment and retention.

5. Overall the benefits for the Police Service of flexible working include:

   - retention of valuable officers and staff;
   - wide diversity of recruits attracted to the Service;
   - reduced recruitment and training costs;
   - flexible working to meet operational demands;
   - reduced sickness absence; and
   - improve morale and commitment.

Background

6. The Police Service needs to be an employer of choice if it is to recruit and retain the best people. Britain is changing and the police service must change to meet the needs of the diverse communities it serves and the needs of the diverse staff it employs.

7. In Britain today:[1]

   - There are 7 million families with dependent children – 5.2 million families headed by couples; 1.6 million headed by a lone mother and 180,000 headed by a lone father

[1] Source EOC

- There are 4.6 million people from ethnic minorities. Part time employment is less common for ethnic minority women than white woman, but proportionately more ethnic minority men than white men work part time.
- There are an estimated 11 million disabled people. 70% of disabled women and 79% of disabled men are in work.
- By 2026 10% of the population will be over 75 and many will have caring needs. Two thirds of women carers and less than three quarters of men carers are in employment
- 45% of all workers – 12.3 million people – work some form of flexible hours. The most common form of flexible hours working is part time, used by 42% of women workers and 9% of men.
- A woman is eight times more likely to work part time if she has two children than if she has one.

8. In the Police Service of England and Wales:[2]

- The average age of police officer recruits is 27
- Women make up 35% of recruits
- Women are having their children later in life, often in their 30s
- A full police pension is accrued over 35 years
- Police officers in Federated ranks can work until they are 60, Superintendents and above can work until they are 65.
- 3% of all police officers are part time – and 97% of them are women.
- 22% of all police staff are part time – and 86% of them are women

[2] Sources Centrex Police SEARCH Technical Reports; Home Office; EOC

9. The workforce is changing. Britain has an ageing population and there will be more men and women in the Police Service over 50 in the next few years. The menopause will bring particular issues for older women officers and staff, but there will also be issues of longer recovery periods for those working nights. More and more people want or need flexible working arrangements in order to meet the changing demands in their domestic lives. It can be particularly valuable for parents of young children and people who are carers, but flexible working can benefit a wide range of people who may simply prefer a better work/life balance. One type of shift pattern will not suit every person and, with the changing needs of policing, it no longer meets the operational demands on police forces.

10. This does not mean that Forces are required to provide officers or staff with particular working arrangements. First and foremost flexible working provides Forces with a range of options designed to deliver a comprehensive demand-led service to the public. In many instances the needs of the Force and the needs of officers will fit together.

> "I have been a special constable for almost two years and would love to be a regular officer, but the shift patterns on both day and night are 7-7 for response shifts. As I understand it, you have to do two years as a response officer before you can work with the Community Beat Officers, who work a different shift pattern, that pattern is more suited to single mums.
>
> Because of this, I am looking to move and work for a force that is more in tune with the needs of single mums".

11. There should be a presumption that flexible working is possible in all ranks, roles and posts unless there are compelling operational reasons why it cannot be. There should be no limit on the numbers or types of flexible working arrangements on a section, division or in a Force. Flexible working should fit round policing needs rather than establishment numbers.

Policy Commitment

12. Police authorities have an important role to play in ensuring that flexible working is delivered effectively by their chief officer. As part of this role, police authorities will want to ensure that:

- the chief officer is fully committed to the benefits of flexible working;
- the chief officer's policy is reviewed in light of this guidance;
- regular employment monitoring data is made available to the authority to assist in the implementation and scrutiny of force policy and in order to monitor the take up of flexible working options, ensuring equal opportunities exist for police staff as well as police officers in the provision of flexible working;
- staff associations and staff support groups are regularly consulted on the experience of their members and their chief officers flexible working policies and practices; and
- the authority considers its own internal flexible employment practices and policies against this guidance ensuring that it is a beacon of good practice.

13. Chief Officers should ensure that their commitment to flexible working is communicated to their Force. The following email was circulated in July 2006 by North Wales Police, signed by the Chief Constable, and the Branch Secretaries of the Superintendents Association, Police Federation and Unison

Flexible and part-time working

North Wales Police is deliberately seeking to create a more diverse workforce. One major impact of this policy, arising in particular from the very welcome increase in the number of female recruits, is an increased demand for part-time and flexible working hours' arrangements. If we are to continue to be one of the very best police forces in the UK then we will have to

change our personnel practices to accommodate this clear desire for more family friendliness to ensure that everyone has the opportunity to remain in the force for a full career if they so wish, whatever their domestic arrangements and needs. We will do so

Any member of North Wales Police can already apply for part-time working and flexible working hours – in some cases (e.g. if you have young children, or you are disabled, or are a sole carer for someone else) you may have a statutory right to be considered. However recent experience has shown that this is not enough – we need to go further than the law requires, and offer more choice and more flexibility, because it's the right thing to do if we want to retain valuable people.

With immediate effect, therefore, force policy is that all requests for part-time and flexible working will be agreed (details tailored by negotiation to meet individual circumstances) if you fall into any of the following categories:

- If you are returning from maternity leave
- If you have children under 6 years old
- If you are the main carer of a dependent relative of any age
- If you are disabled

People who do not fall into one of these specific categories may still apply, with a presumption that all reasonable requests will be agreed.

Part-time working will of course carry a pro-rata salary, and all arrangements will have to be operationally viable (this will not prevent any reasonable proposals being adopted; creative suggestions are particularly welcome). Any arrangements made can be temporary or permanent, without set time limit, and will be monitored in the normal fashion through PDR. Further detailed advice and guidance is available from your own HR Advisor, or from PSG.

Flexible Working Options

14. The following are examples of alternative working arrangements that have benefited officers, staff and Forces in England and Wales. They are not exclusive. Forces are encouraged to negotiate arrangements that work for them and for their officers and staff. Sometimes there may need to be a creative approach in order to meet Force and individuals' needs.

Part time/Job Sharing

15. Part time work is an arrangement whereby an officer or member of staff agrees a role on fewer than their normal hours of work. In some cases two or more officers or staff members may share the duties of the full time post. This is known as job sharing, although each job-sharer has an individual part time agreement or contract. It is particularly useful to implement job sharing in roles where there is a requirement for 24-hour cover or in circumstances where the role would benefit from longer than normal full-time hours per week.

As part of workforce planning, Forces should identify their policing needs in relation to the policing demands of their area or department.

To comply with best practice staff and officers working reduced hours should not be expected to undertake workloads above their allocated hours i.e. full time for police officers = 40 hours and reduced hours should be calculated as a proportion of 40 hours. Forces should identify need and decide whether another officer or member of staff is required on reduced hours to fill the gap. It may be that a combination of workers on reduced hours is more or less than 1 full time post, but this should reflect Service needs. Any workforce gaps should be filled as quickly as possible.

NB Correct accounting methods should reflect the hours of the people in post not a headcount – so 2 officers working 50% hours = 1 full time equivalent;

Example: A department is staffed with 6 full time officers who provide 240 policing hours. If two officers reduce their hours by 50% the total hours then provided by the 6 officers is reduced to 200 hours. If the policing demand on the department has not reduced and the same level of service is expected then an additional officer working full time or 2 or more working reduced hours will need to be appointed to provide the required 240 policing hours.

NB If, having increased the number of officers in the department, one of the officers working part time requests a return to full time working their return may be to an alternative role if it can not be accommodated within the department.

16. Police officers and staff may be recruited as part time workers. Police officers who were recruited as full time officers and who have reduced their hours have the right under Police Regulations and Determinations to return to full time work within 3 months of making a request to do so. This facility is not available to police staff who are contracted employees.

17. Job share partners should be sought through the normal selection procedures. If one job-share partner leaves, it is good practice to give the remaining partner(s) the opportunity of increasing their hours. If another partner cannot be found, and the Force can show that the post must be filled on a full time basis, an officer may be moved to another part time role. This facility is not available to police staff who are contracted employees.

18. Part time police officers can still be required to stay on after their agreed hours to meet pressing policing demands in the same way as full time officers. Part time officers do not get enhanced overtime pay until they have worked over 40 hours (i.e. full time hours) in one week and over 8 hours on that day. There is no restriction on how few hours per week an officer can work.

Fixed Shifts

19. Rather than working rotating shifts (early, late, and nights), an officer or member of staff may elect to work the same shifts. This may be permanent rosters of the same duty, with a rotating rest day pattern (where the day off each week is different), or permanent rosters of the same shift where the rest days stay the same (e.g. every Monday and Tuesday off). It should not be assumed that all officers will automatically seek to work days. Although some will, many officers will derive home life benefits from working late shifts, nights or at weekends. Fixed shift working can be particularly useful for those with fixed childcare commitments. Officers or staff who share parenting may be able to co-ordinate their childcare arrangements and older people could get physical and/or mental health benefits from staying on one shift pattern

A woman response officer who is a single parent works permanent nights in our Unit. She comes home from work and takes her child to school in the morning; then sleeps during the day whilst her child is at school. She picks her child up and they spend some quality time together before the child goes to her grandparent's to sleep. She has no childcare costs.

20. Forces could find it particularly useful to implement fixed shift working when managing an area with known policing demands.

Parental Leave

21. Officers and staff who have a child under 5 or a child with a disability under 18 are entitled to take unpaid parental leave to care for the child. Officers and staff are entitled to 13 weeks in total in respect of any individual child. They are entitled to 18 weeks in the event that any child is disabled. If the Force employs both parents, each will be entitled to parental leave.

"I have a woman officer who works 4 days a week in term time and then in school holidays this drops to 2 days a week. She takes the time as unpaid parental leave. It provides the unit with resilience when it's needed and assists the officer with childcare arrangements/costs in school holidays".

22. However, there are differences between the entitlement to parental leave for officers under Police Regulations and staff under employment law. Police officers can take parental leave in days and there is no maximum period of parental leave that can be taken in a year. Police staff can take parental leave in blocks of weeks to a maximum of 4 weeks in any one year.

Term-time Working/Annualised Hours

23. Police officers cannot "bank" additional hours worked over a year because of the requirements of Police Regulations. With agreement, officers can use parental leave to coincide with the periods of annual leave in order to facilitate term-time working. This arrangement may be particularly suitable for policing areas where the demand for officers is seasonal. Police staff, who do not come under the requirements of Police Regulations, can bank leave and annualise their hours, taking blocks of leave and equalising their monthly pay.

A male officer required term time working because of his family commitments. He worked as the officer manager/risk assessor in the Domestic Abuse Team supported by a University student who worked academic holiday time only, in an administrative capacity. It 'knitted in' fairly well. He has just moved roles to that of 'case builder' within our Criminal Justice Unit on the same hours.

Variable Shift Arrangements/Compressed Hours

24. Variable Shift Arrangements (VSA) where shifts are worked that are longer or shorter than the normal 8 hours over a defined period. For example, the 40-hour working week can be compressed into a period of

less than 5 days and the additional time accrued provides additional time off for officers. This can benefit those who would benefit from additional days at home.

Home working

25. Officers and staff may be able to work from home on an occasional basis, for example for writing reports; or on a semi-permanent basis, for example where the role performed involves a degree of autonomy.

An Overview of the Law

26. Although there are significant benefits to the Police Service in adopting a pro-active approach to the provision of flexible working arrangements, in some circumstances individuals may have a legal claim for flexible working.

27. Police officers are "Officers of the Crown" under the law, not "employees". This means that employment legislation does not automatically cover police officers in the same way that it covers police staff. Police officers work under Police Regulations and Determinations 2003 (as amended).

    NB. Refer to appendix A for a list of relevant pieces of legislation which could also be referred to, in an Employment Tribunal case relating to flexible working

Flexible Working Regulations

28. The right to request flexible working under the Flexible Working Regulations 2002 (as amended) applies only to police staff. Police staff who are parents of children aged under 6 or of disabled children aged under 18 or have caring responsibilities for an adult over 18, have the right to apply to work flexibly once a year, and their Force has a duty to consider their request seriously. A request may only be refused for sound business reasons.

29. A Force can refuse a request for flexible working under the statutory regulations only on grounds set out in Regulation 80G (b) of the Flexible Working Regulations, namely:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality or performance
- insufficiency of work during periods the employee proposes to work
- planned structural changes
- other grounds as may be set out in regulations. (At the present time there are no other grounds).

30. There is no legal challenge to the refusal of a request for flexible working, other than the employer's failure to follow the set procedure. However a refusal may constitute unlawful discrimination.

31. There are strict time limits for consideration of an application. The Force may agree the new arrangements without a meeting with the employee, if so they need to notify the employee within 28 days. If a meeting is required it should be held within 28 days of the application being made. The Force must notify the employee of the decision within 14 days of the meeting. The employee has 14 days to appeal against the decision. The appeal meeting should be held within 14 days, and then notification of the final decision should be made within another 14 days.

32. Police officers' requests for flexible working are governed by Police Regulations and Determinations 2003. The procedure is much less restrictive. There is no limit on the number of times a year a police officer can request alternative working arrangements, nor is the facility restricted

to officers with dependents or children under 6 or caring responsibilities for an adult over 18. Most importantly, the Force is not restricted to considering the officer's request to alter their working hours in their current role, but can also consider it in the light of the wider policing needs across the Force.

33. **Best practice would be to treat applications for flexible working from both police staff and police officers under the same rules.** This would mean having an unrestricted application process considered within the statutory time scale. A suggested procedure is included in the Guide for Officers.

Discrimination

34. Police officers and police staff are covered by the UK's discrimination legislation against less favourable treatment on grounds of sex, race, disability, sexual orientation, religion/belief or age. Although unlawful discrimination may occur under any of these grounds, the most usual causes for complaint taken to Employment Tribunal have been where the refusal of flexible working has been regarded as less favourable treatment on the grounds of a person's sex, disability or religious belief.

Sex Discrimination

35. The Sex Discrimination Act 1975 (as amended) requires Forces to treat officers and staff without direct or indirect discrimination on the grounds of sex or marriage. Direct sex discrimination occurs if an officer or staff member was treated less favourably on the ground of their sex. Direct discrimination cannot be justified. Indirect sex discrimination occurs if the Force imposes an apparently neutral provision, condition or practice as a condition of employment, that would put persons of one sex at a particular disadvantage compared to persons of the other sex, unless the Force can show that the provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

A Police force discriminated against a woman part time officer by insisting she was on call 1 weekend in every 8, despite her child care commitments and the on-call commitments of her husband – a police firearms officer.

36. Indirect sex discrimination could arise if, for example, a woman with childcare responsibilities was unreasonably refused the opportunity to work reduced hours. A man refused reduced hours working in circumstances similar to those in which a woman was or would have been offered part time working could have a potential claim of direct sex discrimination.

37. From April 2007 Police Forces have a statutory duty to promote gender equality. This means that all Force policies, including their working hour's policies, will need to be assessed for their gender impact.

Disability Discrimination

38. The Disability Discrimination Act 1995 (as amended) applies to officers or staff with a long term physical or mental impairment that has a substantial, adverse impact on their ability to carry out normal day to day activities. The Act requires Forces to make reasonable adjustments where working arrangements or physical features place a disabled worker or job applicant at a substantial disadvantage to persons who are not disabled. The Force must show that any failure to make reasonable adjustments is justifiable.

39. From December 2006 Police Forces have a statutory duty to promote disability equality. This means that all Force policies, including their working hour's policies, will need to be assessed for their impact on disabled people.

Providing fixed late shifts for an officer who has arthritis in his hands, the effects of which are worse in the mornings, may be a reasonable adjustment.

Religion or Belief Discrimination.

40. The Employment Equality (Religion or Belief) Regulations 2003 apply to officers and staff. The Act requires Forces to consider the implications of a person's religion or belief when allocating working hours.

A care home discriminated against a practicing Christian woman by imposing a new work rota which prevented her from attending her Church's only Sunday service at 5pm. Two other workers at the home were Muslim, and were able to work on Sundays, which would have allowed the woman to practice her faith.

Health and Safety at Work

41. The Health and Safety at Work Act 1974 (as amended) requires Forces to provide a working environment that has due regard to the health, safety and welfare of its officers and staff. Risk assessments must be conducted on all roles, and should include an assessment of the hours and the pattern worked.

42. In particular circumstances, such as when a person becomes disabled or when a woman is pregnant or a new mother, an individual risk assessment needs to be completed. There may be an identified need to provide additional rest periods or alternative working hours. Similarly, a worker returning to work after a period of extended sickness, or who is returning on recuperative or restricted duties may need an alteration to his or her usual working hours.

Working Time Regulations

43. The Working Time Regulations 1998 provide a minimum level of rights for officers in respect of their working hours. They limit the working hours of officers and staff to no more than an average of 48 a week, calculated over a 17 week period. Workers are entitled to a rest period of 11 uninterrupted hours in each 24 hour period, and to a minimum of 24 uninterrupted hours of rest each week. Every worker is entitled to 4 weeks' paid annual leave. Night workers (defined as someone who works

at least 3 hours between 11pm and 6am) should not work more than an average 8 hours in a 24-hour period.

44. The Working Time Regulations cannot be used to reduce existing provisions contained in Police Regulations and Determinations which are more favourable than those in the Working Time Regulations. An officer is entitled to take advantage of whichever right is, in any particular respect, the more favourable.

45. People with a young child (under 6 years old) or a disabled child (up to 18 years old) can apply under current legislation to work flexibly. From April 2007 this will also apply to anyone who has a care responsibility for an adult.

Failure to consider flexible working can result in a breach of legislation, which if upheld can result in financial penalties, negative publicity, de-motivated workforce and low moral.

Rationale

46. Flexible working makes good business sense as it benefits employers and employees.

47. Flexibility in the workplace can take many different forms, which collectively meet a raft of business needs.

48. Increased flexibility generally results in a more diverse, fitter, healthier, happier and committed workforce.

49. Flexible working promotes equality for people in the workplace, because it recognises that workplaces are not gender specific and that women and single parents are normal players the workforce. Additionally, the increased working age of the workforce (which is expected to rise in coming years) will bring with it a new set of diversity challenges.

50. Change in the makeup of the workforce has resulted in a range of (unique) needs by individuals with:

- Childcare
- Care of elderly and disabled parents and relatives
- Disabled family members
- Own disability needs
- Growing domestic needs in the home
- Increased travel time (to and from work)
- Age needs

51. Flexible working can play a huge part in reducing modern stress levels, as it allows individuals some freedom in

    - how they work,
    - the way they work
    - the times they work
    - where they work
    - how the working day dovetails with other things in life

52. Flexible working gives individuals more time to plan and work which can help reduce fatigue and the added worry levels associated with time juggling, especially where commitment is sought by both the employer and employee and also the family.

53. Flexibility helps promote health and well being because people have control over things and can work and plan better, leading to reduced accident, injury and sickness levels.

54. Flexibility is key to the success of the home, work-life balance agenda.

55. Flexible working promotes high levels of trust between the worker and the business and usually results in betterment all round and less resentment.

56. Flexible working is a management tool that assists delivery, and is born out in the odd occasions of crises –Organisations who promote flexible working consider that most individuals pull all the stops out to ensure delivery, because they are committed.

57. Flexible working is a cost effective way of meeting business trends and ad-hoc fluctuations in business delivery, while reducing the wage bill in respect of overtime payments and sickness pay.

Different types of flexible working

The following apply to police Staff & police authority staff only	
Annual Hours	Set annual number of hours worked in any one year
Compressed or elongated hours	Shorter week of longer days and useful for childcare dependent relative needs joint caring responsibilities to reduce travel times for additional activities outside work
Regularised flexi	Extended daily hours with regular days off useful for disabled people and people who have regular treatment, activities, and therapy and hospital appointments
Staggered hours	Normal hours with a number of starting and ending times
Zero hours	Working arranged as required from a bank of staff on standby
Flexi time	flexible hours with fixed core times

Overview of flexible working benefits:

In addition both police officers and police staff can work the following:	
Job Sharing	One full time job divided between 2 or more workers
Part time working	Fewer hours than for the standard working week
Career breaks	Unpaid additional breaks
TOIL	Time Off In Lieu

Guidance for managers

Guidance for managers

Policy

1. Flexible working allows managers and supervisors at all levels in the Police Service to respond quickly, appropriately and cost effectively to the variable demands of policing. There should be a presumption that requests for flexible working will be accommodated, unless there are overwhelming business or operational needs.

2. Police staff are employed under a contract of employment to perform a particular job. They are subject to all employment laws. Any change to their hours will be a permanent change to their contract. Police Officers are "Officers of the Crown". They do not have a contract of employment. They are employed under Police Regulations and Determinations 2003 (as amended) to perform the role of police officer as required and as directed. This does not change if they alter their hours.

3. Furthermore, police officers who work reduced hours who were recruited as full time officers (40 hours a week) may return to full time working within 3 months. Officers do not have an automatic right to return to full time in the job they hold on a reduced hour's basis, but to a full time post identified by the Force in the usual way. Officers who joined on a part time basis do not have the same automatic right to change to full time working. Their request to undertake full time duties should be considered by the Force in the usual way. Police staff have no right to return to full time work.

Conditions of Service

4. Police officers and staff working reduced hours receive pro-rata pay, allowances, pension and leave. They should have access to promotion, training, appraisals and opportunities for overtime in the same way as full time officers. Applications for posts should not be restricted. Part time officers and those on flexible working arrangements should be interviewed in the same way as full time officers without reference to their working hours and the best candidate appointed. Consideration of hours should come after appointment.

"From experience I would say the main thing we as an organisation have to do is make sure everyone knows about the policies and what they are entitled to. We do this in several ways – within initial training, force intranet, general orders, force magazine, women's network, support groups etc".

Flexible Working Regulations

5. The right to request flexible working under the Flexible Working Regulations 2002 (as amended) applies only to police staff. Police staff who are parents of children aged under 6 or of disabled children aged under 18 or have caring responsibilities for an adult over 18, have the right to apply to work flexibly once a year, and their Force has a duty to consider their request seriously. A request may only be refused for sound business reasons.

6. Police officers' requests for flexible working are governed by Police Regulations and Determinations 2003. The procedure is much less restrictive than that which applies to employees. There is no limit on the number of times a year a police officer can request alternative working arrangements, nor is the facility restricted to officers with dependents or children under 6 or caring responsibilities for an adult over 18. Most importantly, the Force is not restricted to considering the officer's request to alter their working hours in their current role, but can also consider it in the light of the wider policing needs across the Force.

7. Best practice would be to treat applications for flexible working from both police staff and police officers under the same rules. This would mean having an unrestricted application process considered within the statutory time framework. This Guide sets out information on dealing with applications for flexible working in circumstances where a Force is operating a best practice policy that applies to officers and staff in this way.

Considerations

8. Each application for flexible working should be considered on its own merits. Flexible working should not be awarded as a prize for good behaviour. A person's sickness absence or appraisal review should only be taken into account when it is relevant to the application. Staff and officers who have a lot of short term absence may have improved attendance or performance if they reduce their hours.

9. The applicant's request for flexible working should be considered in the light of operational requirements and their personal needs. The applicant may not be aware of all the possible options, so managers should take the opportunity to establish the applicant's minimum requirements e.g. available childcare; partner's shift patterns etc.

"I am a Child Abuse officer and liable to be called out to deal with emergencies. My partner is a PC working shifts. If I am needed when he is working nights, the Force allow him to come home to look after our 4 year old. We couldn't get childcare at night at short notice, so this allows us both to do the job we enjoy".

10. Under the Flexible Working Regulations there are strict time limits for consideration of an application. The Force may agree the new arrangements without a meeting with the applicant, if so they need to notify the person within 28 days. If a meeting is required it should be held within 28 days of the application being made. The Force must notify the applicant of the decision within 14 days of the meeting. The applicant then has 14 days to appeal against the decision. The appeal meeting should be held within 14 days, and then notification of the final decision should be made within another 14 days.

11. Under the Flexible Working Regulations there is no facility to make a legal challenge against the refusal of a request for flexible working, other than to challenge the Force's failure to follow the set procedure. In any event, the statutory procedure applies only to police staff and police officers have no claim at all under the provisions. However, a refusal of flexible working could give rise to a separate legal challenge of discrimination.

Number of Applications

12. Police staff are limited to just one application for flexible working a year under the Flexible Working Regulations. However police officers have no such restriction. It would be best practice to extend this facility to police staff. Each application must be considered sensitively and sympathetically against the needs of the particular role and the overall policing demands of the Force. Any refusal to allow a reduction or alteration to an applicant's hours must be objectively justified against the policing needs of the role and, if necessary, the decision should be capable of appeal through the Force Fairness at Work procedure.

Number of Hours

13. There should be no minimum number of hours that an applicant must work each week. However, the Force has an overriding responsibility to provide an effective and efficient police service to the public and all applications for alternative working arrangements must compliment and not conflict with the provision of that service.

14. Any reduction in working hours will have an impact on an applicant's pay and pension. It is important that the impact of reducing their hours is fully explained to applicants and they understand the implications as well as the benefits of reducing their hours.

Number of Officers or Staff

15. A refusal of a request for flexible working because of a "quota" on the number of officers or staff who work part time in the Force, or in particular areas of the Force or in particular ranks could constitute unlawful discrimination. Each application for reduced or alternative working should be considered on its own merits and balanced against the policing requirements of the Force.

16. Policing demands change on a daily, weekly, monthly and annual basis. It is important that these demands are taken into account when considering an application for alternative working or reduced hours.

"We have a Section that works full time made up of 3 x 10 hour shifts, 7pm – 5am, in the City Centre on Thursday, Friday and Saturday nights – the busy times. The remaining 10 hours per week are worked flexibly as and when required during the week to meet bail, file and court requirements. We were over-subscribed with applications".

17. A Force needs to identify the requirement for policing hours in each job, unit or policing area. A rigid adherence to "establishment figures" in an area can work against the provision of alternative working patterns. Where the demands are increasing or excessive, it may be appropriate to reconsider the policing requirements in the area and provide for additional full or part time officers to provide effective policing in the area.

18. Flexible working makes sound operational and business sense:

- Two or more job sharers can cover more than one full time post
- An additional part time worker can relieve the workload of others
- A person working additional hours over their agreed hours does not accrue enhanced payment until they have worked full time hours in a period
- It can improve attendance and retain officers and staff who may otherwise have to leave work

19. An application for reduced or alternative working may not be agreed if the application does not fit with the requirements of the policing area or the demands of the Force. If the demands of the role are such that it cannot be done other than full time or on a rigid shift pattern, or if a job share partner cannot be found, the Manager or Supervisor should discuss the matter fully with the Applicant and consider alternative posts in the Force where their requested shift pattern can be accommodated. This may involve the consideration of the application at Force level.

"I had an unusual request for a member of support staff in my Department to reduce her hours and start early. She needed to be at home each afternoon. After discussion we agreed that she didn't have to reduce her hours but that she could start at 4am, leaving at lunchtime. The building is staffed 24 hours a day so she is not alone in the building. Much of her work can be done when offices are shut, so this fits us both perfectly".

20. The Flexible Working Regulations set out a number of reasons that an employer could refuse an application for flexible working. These reasons apply only to police staff applications', however, they give some guidance as to the considerations that Managers and Supervisors should apply to all applications for flexible working, namely:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality or performance
- insufficiency of work during periods the employee proposes to work
- planned structural changes

"As a BCU personnel manager, I am trying to ensure that when the request is submitted I am automatically included in the meeting between the line manager and the employee. This means that I can provide support and advice and ensure consistency in decision making across the BCU".

Managing part time officers

21. Supervisors responsible for officers and staff working flexible or reduced hours should ensure that the culture in their area supports those people and their working arrangements. They should not expect full time workers

to deliver more work to accommodate the work left by those working reduced hours or for people working reduced hours to deliver the same work as a full time person.

"I was asked by a woman response PC if she could work days for a 6 month period because she had a crisis at home. I agreed to her working the day shift that followed her shift so that she remained in touch with them. She undertook all the follow-up work her shift had not been able to complete – statements, crime enquiries, bail appointments etc. She was so popular with the shift that they wanted the role to be a permanent fixture".

22. 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. Care should be taken to ensure that those working reduced hours are not the only officers required to work additional hours, but exigencies of duty may require that their rest days or free days are cancelled in the same way that full time officers are required to adjust their leave or shifts

23. Flexible working should not be restricted to particular shift patterns or policing areas. Although it is important that every worker has a nominated supervisor, that supervisor need not be on duty at all times with the part time worker. Appraisals and other line management activities can be programmed into the available working time.

24. If one officer or member of staff leaves a job share arrangement the Force should make every effort to fill the remaining vacant hours. It may be an appropriate opportunity to review the needs of the Force. The current job sharer(s) who may appreciate the opportunity to change their hours. However, if there are objective justifiable reasons that require that the role or post is filled on a full time basis and it is not possible to fill the vacancy by advertising it in the usual fashion, it may be necessary to fill the post with a full time person and seek another reduced hours vacancy elsewhere in the Force for the remaining job share partner. In the case of police officers they may be moved to another role on a reduced hour's basis; in the case of police staff they may be offered alternative work in the Force, but if this is not available their contract may have to be terminated.

Part time supervisors

25. Senior officers should be considered for reduced or alternative hours working, but particular care needs to be given to applications from those officers and staff who have line management responsibilities. As with all applications, applications from supervisors should be considered on their own merits, in the light of the needs of their staff and the overall policing needs of the Force. Some officers may not need continuous supervision or, if they do, they could be allocated to different supervising officers. It should be remembered that full time officers do not always provide continuous supervision of staff.

Trialling an application

26. In some cases it might be appropriate to try out the new working arrangements for a few months on a trial basis. It will help both Applicant and Supervisor to see if their arrangement can work, rather than either person assuming that it will or won't. In any event, it is important to build a review into all working arrangement to make sure that it is working. Hours worked over the agreed hours are not currently pensionable, so regular additional hours might need to be renegotiated into the agreement; similarly, if the Force can identify areas of work that are not being undertaken, or excessive additional hours are being worked, then the agreement may need to be renegotiated.

How to Manage Requests for Flexible Working

1. Establish the needs of the role
   - Have you identified the busy and less busy hours in the day, week, and year?
   - Do you need the same numbers of people on each shift?
   - Have you ever advertised part time opportunities?
   - When do the public or other partners need people to be available?

2. Establish the applicant's needs
   - Hold a meeting with the applicant to explore concerns and solution
   - What are their absolute restrictions?
   - Does the Applicant have restrictions caused by others; e.g. childcare?
   - Can a combined solution be found if the partner also works for the Force?

3. Consider the request
   - Could it work?
   - Consider the impact of the request on other people in the area/unit.
   - How will the new arrangements be supervised and evaluated?
   - Would reduced hours improve the applicant's performance?

4. Consider other solutions
   - Consider what other working patterns might be more suitable
   - Could the remaining hours be a solution for someone else?
   - In the case of police officers, could the requested pattern work elsewhere in the Force?
   - Seek to achieve compromise and avoid making on-the-spot decisions

5. Before making a final decision
   - Ensure that that the consequences of accepting the proposal (e.g. on pay, pension or conditions of service) are explained.
   - Seek professional advice from HR specialists to ensure consistency across the Force.
   - Be sure that any refusal is supported by justifiable, objective reasons.
   - Make sure that any agreement is in writing and is unambiguous

If undecided, try it for 6 months and see . . .

6. After an agreement is reached
   - For police staff the new arrangement is a permanent change to their contract, but police officers may end the arrangement if it does not meet their needs.
   - Advise other team members of the change in working hours and be able to address any problems that may arise from the change.

7. Monitor and Review (and if necessary, renegotiate)
   - Hold regular reviews to ensure that the schedule is working well and has met the needs and expectations of you and the Applicant
   - Ensure that officers and staff working flexible hours are informed and involved. Let them know when training and policing opportunities arise.

Guidance for Police Officers

Guidance for Police Officers

1. Flexible working means any type of working arrangement that varies from the standard arrangement. It includes part-time working, fixed shift working, or working from a different location.

2. Police officers of any rank may make a request to work flexibly. Many of those who work flexibly do so to accommodate childcare or other caring commitments. Requests for flexible working may however be made for any reason.

> "We have a cadre of Superintendents who take responsibility for all critical incidents, PACE reviews, firearms incidents etc. They work with a staff officer and a driver, but without any other operational responsibilities. Not only do they enjoy a better work/life balance because they have reasonably guaranteed hours, the BCU commanders not being required to be on call can sleep at night and have more available for BCU commitments".

3. Police officers are able to request a change in their working pattern at any time. There is no limit to the number of times a police officer may request flexible working.

4. Work-life balance is about people having a say over when, where and how they work so that they have a rewarding life inside and outside paid work. There is no 'one size fits all' pattern of work-life balance practices. It is important that Forces are able to offer a flexible 'menu' of working patterns so that officers and staff can come up with something that suits their individual circumstances and that fits in with the policing needs of the Force.

5. The force should not restrict consideration of the officer's request to the officer's current role only. In the event that the request cannot be agreed in the officer's current role, the force should consider whether the request can be agreed in another role which is suitable for the officer.

6. Exigencies of duty may require police officers to be directed to work beyond their rostered duties, and this applies to police officers with flexible working arrangements in the same way as other officers.

Terms and Conditions – the impact of flexible working

The Flexible Working Regulations 2002 do not apply to police officers

Hours

7. There is no minimum number of hours which a part-time officer must work.

8. Part-time officers' hours are subject to annual review. However, the force cannot change a part-time police officer's hours (or require the officer to revert to full time working) without the agreement of the officer. Similarly, a full-time police officer cannot be required to change to part-time hours without their agreement.

9. A part-time officer who joined the force as a full time officer has the right to return to full time hours within a maximum three month period. However, they may be asked to change posts in order to do so. Those who joined part-time do not have the same entitlement to revert to full-time hours, but an application to do so should be considered by the force.

Pay and Allowances

10. Part-time officers are paid hourly such that their total pay equates pro-rata to the full-time equivalent. This applies to all ranks. Part-time officers including inspectors and superintendents are entitled to be paid at plain rate for each hour spent on duty.

11. Most allowances are paid pro rata to the full time entitlement. Some allowances relate to expenses which are not reduced for part-time officers (such as dog handler's allowances) and these are paid in full.

12. Housing payments for part-time officers are paid pro-rata.

Details of Remuneration

13. The Police Federation publish a leaflet explaining the remuneration implications for officers should they decide to reduce their hours of duty from 40 hours per week and this is available from your local Federation Office.

Rest days and free days

14. Like full-time officers, part-time police officers are entitled to two rest days per week. Rest days should be distinguished from free days in the roster. Free days are days which under the individual part-time arrangement are non-working days.

Annual leave

15. The number of days' annual leave entitlement for part-time officers is the same as full-time officers but pay for each day's leave is pro-rata.

Public Holidays

16. All police officers are entitled to paid leave on public holidays. For part time officers the pay for leave on public holidays will be pro rata to their reduction from 40 hours.

Overtime

17. Constables and sergeants are entitled to enhanced pay for overtime, free day, rest day and public holiday working in some circumstances.

18. Part-time constables and sergeants are not entitled to enhanced pay for overtime working unless they have worked the equivalent of full-time hours in a particular week and on the day in question.

19. Rest day working for constables and sergeants is paid at the same rest day rates as full time officers. Free day working for constables and sergeants is paid at rest day rates, unless the duty in question could only have been performed by that officer, such as attending court. In that case pay is not enhanced or paid at overtime rates unless the officer has worked the equivalent of full-time hours in that particular week and on the day in question.

Pensions

20. Part-time officers are entitled to the same access to benefits under the Police Pension Scheme as full time officers, but the benefit received will be pro-rata.

21. Contributions are currently calculated by reference to agreed hours only. The Police Negotiating Board has recently agreed that hours worked over the agreed hours up to 40 hours per week will, where paid at an unenhanced rate, be pensionable. The arrangements to administer this change are currently under consideration and any change will be retrospective to July 2000.

Training and Promotion

22. Part-time officers should have the same opportunities for promotion, training and appraisals as full-time officers.

23. Some forces offer training courses on a part-time basis, or offer assistance with childcare costs for part-time officers attending full-time courses.

24. Officers on part-time hours or working flexibly are entitled to apply for posts in the same way as full-time officers. If appointed, working hours/arrangements should then be renegotiated in the usual way.

Part-time working

25. Part time working is an arrangement where the officer works fewer hours than full time hours on a permanent basis. Terms and conditions of service for part-time officers, as for full-time officers, are set out in the Police Regulations 2003 and the determinations made under them.

26. By law, part-time workers must receive the same terms and conditions and treatment as full-time workers (on a pro-rata basis where appropriate) unless it is possible for less favourable treatment to be objectively justified.

Job-sharing

27. Job-sharing is a form of part-time working where two or more part-time officers share the duties of a full-time post. It may be an appropriate form of flexible working for posts which genuinely cannot be performed on reduced hours.

28. Overtime entitlement for officers who work on a job-share basis is calculated by reference to each individual's hours and not by considering the two officers' hours combined. Enhanced pay for additional working is therefore only available where one of the job-share officers has worked more than 40 hours per week (and not where their combined hours exceed 40 in that week).

Fixed shift working

29. Fixed shifts can be worked as an alternative to the more traditional rotating shift patterns, which can allow officers the flexibility to co-ordinate, fixed home/caring arrangements.

30. Either full-time or part-time officers can work fixed shifts.

Forces need to establish the policing demands of each particular area or department. Fixed shift patterns can then be developed by allowing officers to self roster within the policing hours identified. This has the benefit to not only providing the officer with the flexibility they require but the force with additional officers at particular times of demand.

Compressed hours/Variable Shift Arrangements (VSAs)

31. Under VSAs or compressed hours arrangements, officers work shorter or longer shifts than the normal eight hours. Working eight ten hour days in a fortnight for example gives officers an additional two rest days per fortnight.

32. There is no fixed time period over which the VSA is worked. This means that additional hours worked may be accrued and taken off when convenient to both the officer and the force.

33. The arrangements for VSAs are set out in the determination to Regulation 22 of the Police Regulations. There are different arrangements for annual leave, which is calculated on an hourly basis for those on VSAs.

Annualised hours/banking hours/flexi-hours

34. These terms are generally used to refer to arrangements where additional hours worked are 'banked' to be taken off at a later time. In some schemes, monthly pay remains the same even if time taken off differs from month to month. Police Regulations do not permit police officers to work on arrangements of this nature, because of the provisions in relation to overtime.

35. However, agreeing an arrangement which allows time to be taken off at different times may be possible in the context of a part-time working arrangement. One common example of this is term-time working.

Term-time working

36. Term-time working is sometimes structured as a banking hour's type arrangement. This arrangement is not permissible for police officers. It would however be possible for police officers to work term-time only by agreeing a part-time working arrangement with a roster concentrating time off to coincide with school holidays. Alternatively, parental or other unpaid leave could be agreed during school holiday periods.

Home working

37. This form of flexible working can be particularly relevant for those with a disability, for example where travel to work is difficult for the officer. Depending on the circumstances of the individual officer's case, an agreement to allow home working could amount to a reasonable adjustment for the purposes of the Disability Discrimination Act. Home working can be agreed either temporarily or permanently and can apply to either the full working week or part of it.

38. Home working can also be appropriate for short-term periods for those on recuperative duties.

39. Arrangements for home working can include the allocation of non-sensitive duties that can be undertaken from home, or provision of equipment such as an encrypted laptop to enable more sensitive work to be done safely from home.

Less favourable treatment

40. If an application is successful and the person is working part-time, they are entitled by law not to be treated less favourably than any full-time colleagues. Less favourable treatment could include harassment or not being allocated overtime or training opportunities.

41. If there is a claim of less favourable treatment of a full-time flexible worker could be indirectly discriminatory on grounds of sex.

42. If there is a claim of less favourable treatment, legal action has to be taken within three months less one day of the treatment complained of to protect the legal position of the force or authority. The complainant should be advised to seek prompt advice from either the Police Federation or Superintendents Association representative.

Advice for Officers making an application for flexible working

1. Prepare your application
   - Discuss potential for flexible working with your manager
   - Get advice from your Police Federation or Superintendents Association representative
   - Read the force's flexible working policy to establish procedure
   - Speak to other officers who work flexibly to find out their experience s in their application

2. Consider your role and your proposed new arrangement
   - What are your key requirements and preferences?
   - Is there any scope for compromise in relation to some aspects of your request?

3. Anticipate the problem areas and consider alternatives in advance
   - Could your role or part of it be restructured to allow changes?
   - Would you be prepared to move roles if your requested pattern can only be accommodated elsewhere in the force?
   - Would you consider a job share?
   - Can a combined solution be considered if your partner also works for the Force?

4. Make a written request
   - Make your request well in advance of when you wish it to start
   - State your current post and hours and your proposed new working arrangement
   - Emphasise the advantages to you and any to the force
   - Consider whether you can address any likely concerns
   - Set out your proposed start date and give a suggested rota

5. Be pro-active
   - Ask for an acknowledgment of your application
   - Diarise and send a written reminder if your manager does not respond promptly

6. Request a meeting to discuss your application

- Your Federation or Superintendents Association representative may attend with you
- Listen to any concerns raised
- Address these if you can, or seek time to consider the issues if you need it
- Consider a trial period if your manager still has concerns

7. If your application is successful
- Ask for the agreement to be confirmed in writing, making sure that you have understood the impact on pay, pension and other conditions of service of the change in your working arrangements
- Make sure everyone who needs to know is aware of the new arrangement
- Monitor the new arrangement and raise any problems which arise as soon as possible
- If necessary, remind your manager when any review dates arise

8. If your application is unsuccessful
- Ask for the refusal to be confirmed in writing with full reasons
- You can appeal to a more senior manager, make sure you comply with any time limits set out in the policy
- If your appeal is unsuccessful you might then be able to make a formal complaint under the Fairness at Work procedure
- Seek further advice from your Police Federation or Superintendents Association representative
- Remember you can always make an amended request

9. Potential legal remedy

Where a force insists that a role is carried out on a full time basis or with particular working hours or arrangements, in some circumstances this could amount to indirect discrimination on grounds of sex, married status, religion or race.

➢ Indirect sex discrimination arises because women are less likely than men to be able to comply with a requirement to work full-time or

particular hours, as more women than men have primary responsibility for childcare. Similarly, a requirement to work particular hours or days could disadvantage a particular religious group. Where a man is refused flexible working in circumstances in which a request by a woman would have been approved, this will amount to direct sex discrimination.

- Many indirect discrimination cases turn on the question of whether the force's reasons for refusing the request are justifiable. This means assessing whether the force has shown that the refusal is a proportionate means of achieving a legitimate operational aim.

- Claims for discrimination must be lodged within three months less one day of the date of the discrimination. In flexible working cases this usually means the date of the refusal. You should seek prompt advice from the Police Federation or Superintendents Association if you believe that you may have a claim.

Guidance for Police Staff & Police Authority Staff

Introduction

1. Flexible working is a legal right for eligible employees to apply to their employer for a more flexible pattern of working. The employer is duty bound to give careful consideration to any such application and to give specific operational reasons if the application is rejected.

"I work part-time as the Business Marketing Manager and was in a full-time post, but after my maternity leave wanted to reduce hours, to work 3 days. In addition, to allow some role development for me, and to cover the costs of allowing an overlap between me, and an additional part-timer, I suggested that the "other-half" be a lower grade, who I would manage but they could work 3 days as well, which is more attractive as part-time hours, and obviously allowed us to catch up with projects etc.

The force happily agreed to this, believing that you got dedicated workers in response for supporting flexible working. We actually ended up recruiting someone who was due to retire within two years (although he has subsequently extended this) – this has worked very well, as the person has immense experience and personal motivation to do the job with little role supervision, and has made us a strong team of two part-timers.

After a 12 months, I wanted to spend even more time with my daughter and requested to reduce my hours to 2 and half days, to achieve a better work life balance. The Force also agreed to support this. This has worked much better for me, although I appreciate that meetings need to take place on my non-working days, and so try to accommodate these where I can. So there is reciprocal flexibility".

2. Since 6 April 2003, carers of children aged under 6 years, or of disabled children/young adults under the age of 18 have had the right to request flexible working. From 6 April 2007, this right extends to the carers of persons over the age of 18 who:

   - is the partner or the civil partner of the employee, or
   - is a relative of the employee, or
   - is neither of these but lives at the same address as the employee.

3. This guidance provides details of the range of flexible working options available and gives clear information to managers and applicants on what those options involve. Each category is explained in simple terms by reference to some police related examples.

4. If you work a flexible pattern it's important to remember that you should not be treated less favourably than your full time colleagues. You are still entitled to training; to work overtime if it's available. You are entitled to paid leave on a Bank Holiday. Reduced hours do not mean reduced commitment to your role or to the Force .The contribution you make to the workplace is no different, you just do it differently!

Making an application

5. As a member of police staff, you are both protected and governed by the legislation that deals with flexible working. This states that you must have 26 weeks continuous service with the employer, and that you can only make one application per year, unless there has been a significant change at home or in the workplace. Your Force policy may have improved on this position, so you should check what is in place locally.

6. When making an application to work flexibly you must remember to specify what effect, if any, the proposed changes will have and how any such changes can be dealt with. It might be useful to discuss your proposal with your manager & colleagues before submitting your formal application.

7. Your application should be made in writing & be dated. There is a standard form produced by the DTI which can be used, however your Force may have its own style of form for flexible working applications, so check what is in place locally. Copies of the DTI form is included in this section of the guidance.

8. Where applicable, you should specify that it is an application for flexible working under the provisions in the Flexible Working Regulations 2002, and state the relationship you have with the child or adult that you care for.

9. The Line Manager should acknowledge receipt of your application in writing.

10. They must arrange to meet with you within 28 days of receipt of your application, unless they agree to the request and have written to you to notify you of their agreement to the requested change.

11. Any meeting to discuss your application should be arranged at a time and place that is convenient to both you and the manager. You are entitled to be accompanied by a colleague or trade union representative at these meetings.

12. If there has been no immediate agreement, the manager must write to you within 14 days of the date of the meeting to notify you of their decision.

13. If they agree to your request, the letter (which should be dated) must specify the agreed changes and the date on which they will take effect. If the changes will result in a change to your pay or allowances you should ensure that your manager notifies the Force payroll department of this.

14. If your manager refuses your request, they must write to you to notify you.

The letter must be dated, and state which of the grounds for refusal apply, and why they apply

15. The grounds for refusal are set out in this section of the guidance. It is important that this is clear, as if it is not you may present a complaint to an employment tribunal.

16. The letter must also set out the appeals procedure.

17. The time scales stipulated here can be varied by mutual agreement between you and the manager. If this happens the manager must record this information in writing and provide you with a copy.

18. If no variation has been agreed and the manager fails to adhere to the time scales, or if they fail to set out the justification for refusal in the correct way, you may complain to an employment tribunal. Any such complaint should be registered within three months. If you are a member of a trade union you should seek advice from them.

Making an appeal

19. If your application has been refused you can appeal .This must be done within 14 days of you being notified.

20. Your appeal should be in writing, be dated, and should set out the grounds for your appeal.

21. Your appeal should be directed to and be dealt with by another more senior manager.

22. The manager should arrange a meeting within 14 days of receipt of the appeal, unless they agree and uphold your request. If this happens they should write to you stating what the variation is and when it takes effect.

23. If your request is refused at the appeal stage, the manager should write to you within 14 days of the meeting, stating the grounds for rejection and how those grounds apply.

24. There is no second appeal stage, unless your Force procedure allows for this.

Checklist for making an application – Police Staff/Police Authority staff

1. Prepare your application
   - Have an initial discussion with your line manager about a request to work flexibly
   - Get advice from your trade union or personnel department
   - Read the force's flexible working policy to establish procedure
   - Speak to other staff who work flexibly to find out their experience in their application

2. Consider your role and your proposed new arrangement
   - What are your key requirements and preferences
   - Consider any impact on pay & allowances, pension, leave etc, on any change to your working arrangements.
   - Remember that you have no automatic right to return to your original hours of work, should you wish to
   - Is there any scope for compromise in relation to some aspects of your request?

3. Anticipate the problem areas and consider alternatives in advance
   - Could your role or part of it be restructured to allow changes?
   - Would you be prepared to relocate if your requested pattern can only be accommodated elsewhere in the force?
   - Would you consider any of the alternative flexible working options e.g. job share or compressed hours
   - Can a combined solution be considered if your partner also works for the force?

4. Make a written request
   - Make your request in advance of when you wish it to start. Your force may use a specific form for this.
   - State your current post and hours and your proposed new working arrangement
   - Emphasis the advantages to you and to the force
   - Consider whether you can address any likely concerns
   - Set out your proposed start date and give a suggested rota

5. Be pro-active
   - You may be accompanied to any meeting by a trade union representative or a colleague
   - Listen to any concerns raised
   - Address these concerns if you can, or seek time to consider them and/or a modified application.
   - Consider a trial period if there are still concerns

5. If your application is successful
   - Your manager should confirm the arrangement in writing
   - Make sure everyone who needs to know is aware of the new arrangement, including your payroll department
   - If any problems arise, discuss them with your manager as soon as possible
   - If necessary, meet with your manager to review the arrangement at key stages.

7. If your application is unsuccessful
   - Your manager must put in writing the reasons for refusal
   - You have a right of appeal to a more senior manager
   - If there are grounds for a legal challenge, you will need to take action within three months less one day of the refusal
   - If you are a member of a trade union you should seek advice from them.
   - If your Force policy allows it, you can make a further amended/modified request.

Grounds for Refusing a Request

8. The grounds, as set out in ERA 2002, S.80G (1) (b), are:

   - Burden of additional costs
   - Detrimental effect on ability to meet customer demand
   - Inability to reorganise work among existing staff
   - Inability to recruit additional staff

- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- Any other ground the Secretary of State may specify by regulations (there are currently no other grounds)

Advice for Police Staff & Police Authority Staff making an application for flexible working

Advice on making a successful application

Factors to consider

1. When applying to work flexibly (i.e. differently form the 'standard' way of working) you should put together a written proposal to present to your manager. It may be useful to discuss this with your manager beforehand.

2. Page 17 outlines the range of flexible working options that are available, for example part time working, job sharing, fixed shifts etc.

3. If you want to work flexibly on return from maternity leave, you should time your application to coincide with your return to work. If you apply too early & the arrangement start predates your actual return to work, you may lose pay/allowances/ benefits/leave.

You may find the following advice helpful:

- Identify the most desirable work option for:
  - your personal needs & preferences
  - Your personal work style, capabilities and responsibilities
  - The requirements of the job
- Questions to consider when writing your flexible working application:
  - How do you propose to work flexibly (set out days, dates, times)
  - What are the organisation's needs?
  - How will your proposal meet the organisation's needs?
  - What are the possible grounds for rejection?
- Identify any difficulties your flexible working schedule may give the organisation, for example

– Are you in a job that requires you to be available at certain times?

– Are you responsible for managing other people? if you are, how would you assess/manage them if you were there less often?

- Develop the measurement criteria – come with ideas on how your manager could keep track of your progress and/or the success of the flexible working arrangement. Ask yourself "What are the obligations of my role?", "What are the success criteria?" and "What has to be achieved by when?"

- To make the application more successful, many representative bodies and trade unions recommend that you try to think of any objections your manager might have to your application before you apply formally. If you think about some of the issues involved, you may be prepared with solutions to any objections your manager may raise

- As police staff are only allowed to make one application in a year

- Present your manager with a written proposal, which should be dated, that details your application. Your manager should arrange to meet with you to formally discuss the application within 28 days of receiving it. This is not necessary if your application is accepted.

- You may be accompanied to any meeting to discuss your application by a colleague or a trade union representative.

- Your manager should notify you in writing of the decision within 14 days.

- If the application is rejected you may appeal. This should be done in writing to a more senior manager within 14 days of the date of refusal. You should set out the reasons why you are appealing, together with any new supporting argument or change in circumstances.

- Your senior manager should arrange to meet with you within 14 days of the receipt of your appeal and inform you of the decision within 14 days of the meeting.

- It is important that you and your manager/s comply with the statutory timelines, unless they are varied by mutual agreement. If your manager fails to adhere to the statutory timelines and you have not agreed that they can do so, you may be able to lodge a claim at the employment tribunal. If you are a member of a trade union you should seek advice from them first.

- Confirm the date of the new arrangements

Application for flexible working – police staff & police authority staff

Before completing the attached DTI form you should read the Force's Flexible Working Policy and consider discussing your flexible working option with your line manager.

You should submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your manager to consider your request if you provide as much information as you can about your desired working pattern. Once you have completed the form, you should immediately forward it to your line manager.

The Right to Request Flexible Working

The Right to Request Flexible Working

Form FW(A): Flexible Working Application Form

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to help eligible employees care for their children or for an adult. Before completing this form, you should first read the Guidance on the right to request flexible working on the DTI's website, and check that you are eligible to make a request.

You should note that under the right it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you 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 sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your employer (you might want to keep a copy for your own records). Your employer will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

Note to the employer

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications seriously. You have 28 days after the day you received this application in which to either agree to the request or arrange a meeting with your employee to discuss their request.

You should confirm receipt of this application using the attached confirmation slip.

Forms accompanying the guidance have been provided for you to respond to this application.

1. Personal Details

Name: Staff or payroll number:

Manager: National Insurance No:

To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

Either

- I have responsibility for the upbringing of either:

[ ] a child under six; or

[ ] a disabled child under 18.

- I am:
  - The mother, father, adopter, guardian, special guardian or foster parent of the child; or
  - Married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian or foster parent.
- I am making this request to help me care for the child.

Or

- I am, or expect to be, caring for an adult.
- I am:
  - The spouse, partner, civil partner or relative of the adult in need of care; or
  - Not the spouse, partner, civil partner or relative of that adult, but live at the same address.
- I am making this request to help me care for the adult in need of care.

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right :

If you are not sure whether you meet any of the criteria, information can be found in the **Eligibility** section of the Guidance.

If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you will have to explore this separately with your employer. Many employers offer flexible working to their staff as best practice.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

Date:

3. Impact of the new working pattern

I think this change in my working pattern will affect my employer and colleagues as follows:

4. Accommodating the new working pattern

I think the effect on my employer and colleagues can be dealt with as follows:

Name: Date:

Pass the application and slip below to your employer

Manager: complete & return this slip to your employee to confirm your receipt of their application

Employer's Confirmation of Receipt (to be completed and returned to employee)

Dear:

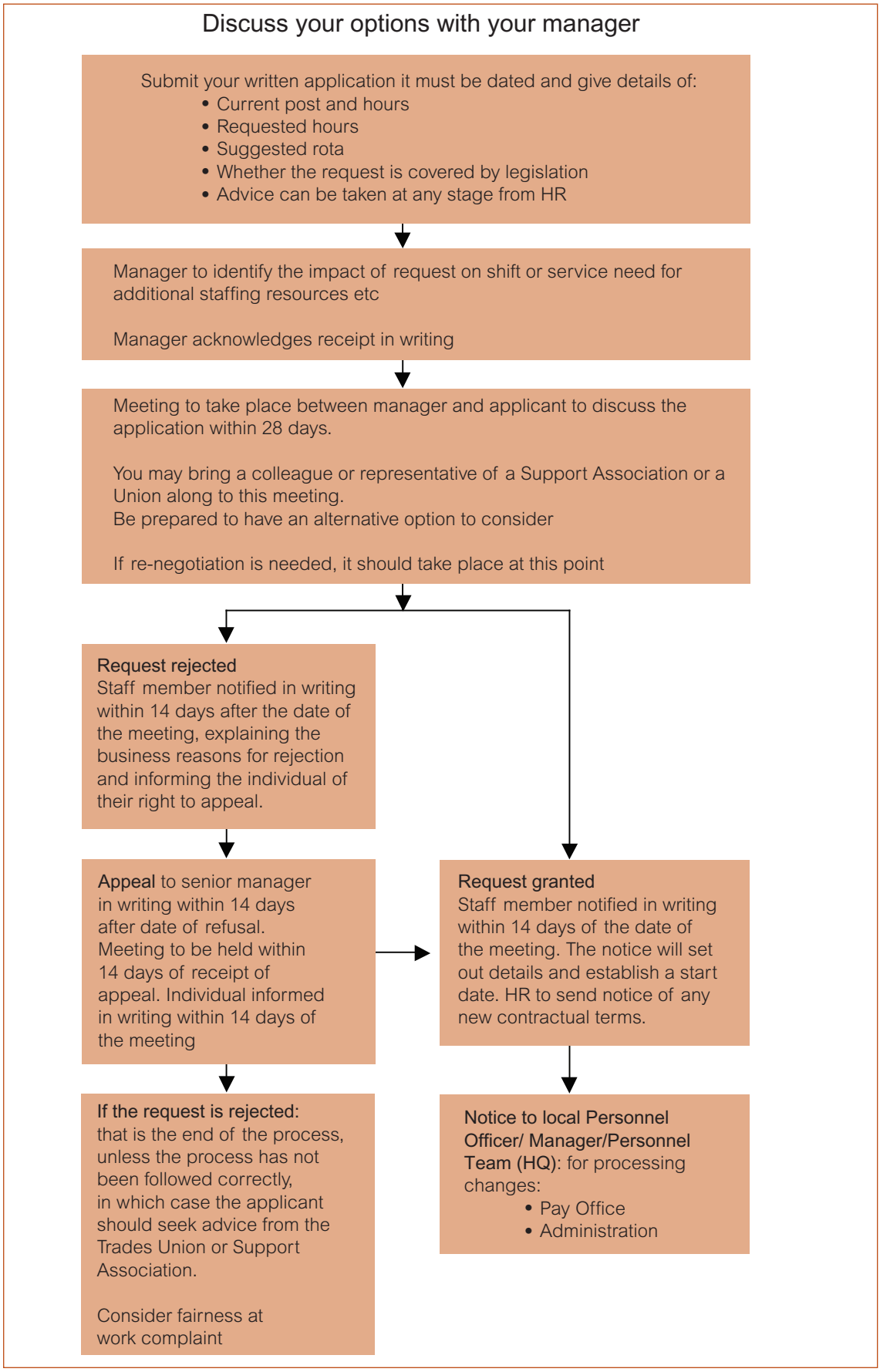
I confirm that I received your request to change your work pattern on:

Date:

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime, you might want to consider whether you would like a colleague to accompany you to the meeting.

From:

Flexible Working Application Process – Staff



Appendix A

Relevant pieces of legislation

Police staff/police authority staff can take action under the following employment statutes:

Employment Rights Act 1996

Employment Relations Act 1999

Flexible Working Regulations 2002 (as amended) **[these do not apply to police officers]**

Fixed Term Employees (Prevention of Less Favourable Treatment) Regs2002

National Minimum Wage Act 1998

Paternity and Adoption Leave Regulations 2002

This list is not exhaustive

In addition police officers and police staff & police authority staff can take action under the following statutes:

Disability Discrimination Act 1995 (as amended)

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Religion and Belief) Regulations 2003

Employment Equality (Age) Regulations 2003

Equal Pay Act 1970

Health and Safety at Work Act 1974

Maternity and Parental Leave Regulations 1999

Part Time Worker (Prevention of Less Favourable Treatment) Regulations 2000

Race Relations Act 1976 (as amended)

Sex Discrimination Act 1975 (as amended)

Working Time Regulations 1998

This list is not exhaustive

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