



Flexible Workstyle Options Policy

Corporate Services Human Resources Division

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Appendix 1 Summary of Flexible Work Patterns

1. Introduction

- 1.1 Historically, CultureNL has made significant progress in the development and implementation of a number of policies, procedures and practices to support flexible working that go beyond the minimum legal requirements with regard to consideration of requests from eligible employees to have flexible work patterns. More recently, with advances in Information Technology, CultureNL has been investigating the possibility of introducing new flexible ways of working that can be used to assist CultureNL on its journey to becoming more efficient and customer focused.
- 1.2 These new ways of working have been shown in many other organisations to increase productivity and reduce accommodation costs. This may assist in generating the savings which CultureNL is required to make over the coming years.
- 1.3 This policy brings together a range of previous flexible working policies under one umbrella policy. This policy should be read in conjunction with CultureNL's Flexible Workstyle Options Policy Guidance Note. This umbrella policy replaces the following policies/schemes:
- Flexible Working Hours Scheme – otherwise known as flexi-time (replaced by the Flexible Working Hours Operating Principles contained in Appendix 3 of the associated guidance note).
 - Flexible Working Policy – incorporates the legal right to request flexible working by employees who meet the eligibility criteria (the request and consideration procedure for flexible working is contained in Section 7 of this policy and in Section 2 of the associated guidance note).
 - Job Sharing Policy (replaced by the Job Sharing Operating Principles. Details are contained in Appendix 5 of the associated guidance note).
- 1.4 It is important to make a clear distinction between flexible workstyle options and flexible work patterns. The former are predominantly at management's discretion to introduce and define how the majority of a person's work tasks will be performed (and will be subject to agreement with the employee). The latter are predominantly at the employee's discretion to request, and management's legal obligation to consider.

2 Aims

- 2.1 The main aims of this policy are:
- To provide clear guidance to employees on CultureNL's flexible workstyle options and the procedures to be followed.
 - To facilitate improved service delivery through a move towards more flexible ways of working.
 - To continue to comply with our legislative duties that allow for employees to request flexible working (dependent upon specific criteria being met).
 - To help employees to more easily balance life pressures with their work responsibilities.
 - To assist with the recruitment and retention of employees.
 - To reduce CultureNL's property costs when space is freed up through the introduction of flexible workstyles, and continually review the property portfolio.
 - To assist with CultureNL's carbon management programme.

3. Legislation

3.1 This policy takes into account and incorporates those principles detailed in the following legislation:

- Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 and 2009
- Work and Families Act 2006
- Employment Act 2002
- Employment Rights Act 1996


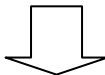
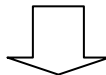
4. Scope

4.1 This policy applies to all CultureNL employees, but there are distinct conditions affecting each flexible workstyle options(s) and flexible work pattern(s), with specific eligibility criteria which may preclude certain employees from being eligible for specific working arrangements (detailed in paragraphs 5.2 and Appendix 1).

5 Flexible Workstyle Options -Management Initiated Proposals

5.1 The flexible workstyle options define how the majority of a person's tasks will be performed and will normally be initiated by management. There are six different workstyles (as outlined below) currently available for CultureNL employees and these fall under the following headings:

- CultureNL Premises,
- Mobile, and
- Home.

| CultureNL Premises | Mobile | Home |
|---|---|---|
|  |  |  |
| A. Permanent working at CultureNL premises | D. Permanent Mobile working (CultureNL premises as base) | F. Permanent working at home (no CultureNL premises base) |
| B. Permanent working at CultureNL premises with homeworking as required C. Permanent working at CultureNL premises with mobile working as required | E. Permanent Mobile working (Home base) | |

5.2 Not all jobs will be suitable for each workstyle. The question of which employees are suitable for each style is largely determined by the duties related to their specific job. Where an employee spends 100% of the time in a fixed location within CultureNL premises, it will probably be the case that they will only be suitable for working within

CultureNL premises. There needs to be a clear business need for employees to work in each particular workstyle option. These flexible workstyle options will normally be initiated by management, (and will be subject to agreement with the employee) where management are of the view that the proposed change to the workstyle is an appropriate way to deliver the service.

5.3 **CultureNL Premises (Options A, B, C)**

Employees who spend the majority of their time working within an office or CultureNL premises. There is a clear business need for them to be present within CultureNL premises for the majority of the time.

5.4 **Mobile (Options D, E)**

The employee predominantly works remotely or out of the office, or CultureNL establishment. There is a clear business need for them to provide a service by operating in a mobile fashion for the majority of the time.

5.5 **Home (Option F)**

The employee uses their home as a base and carries out their duties in the home. This workstyle generally requires individuals with a limited need to interact with colleagues or members of the public face to face. (Details of the main features of homeworking are outlined in Appendix 1 of this policy and in Appendix 4 of the associated guidance note.)

5.6 Where a Service proposes to introduce a flexible workstyle option as detailed above, the relevant senior manager will present the proposal to the affected employee(s)/relevant Trades Unions in writing, identifying the employee(s) affected, detailing the proposed flexible workstyle option with measurable outcomes, and defining a date when it is proposed that the arrangement be introduced. It will also detail why the proposed flexible workstyle option is compatible with the needs of the Service and the manner in which it is intended to be introduced. It should be noted that management has the flexibility to consider existing and new work patterns that may not necessarily be included in this policy, subject to the exigencies of the service and on the basis that they will improve service delivery and / or reduce the CultureNL's costs.

5.7 Informal meetings/discussions may take place with the affected employee(s)/relevant trades unions to discuss the proposal, any compromise suggested, the specific terms and conditions associated with the proposed arrangement and the manner and date of implementation. These meetings will take place prior to the implementation of the flexible workstyle option. These discussions may become formal as matters are clarified.

5.8 If the proposal or a compromise is agreed with the affected employee(s)/Trades Unions, the senior manager will write to the affected employee(s)/Trades Unions detailing the date when the arrangement will commence, and any other relevant implementation issues (including the definition of specific terms and conditions which apply to the arrangement). Where the employee is not a member of a Trades Union, then discussions will be between the employee and the senior manager.

6 Flexible Work Patterns -Employee Initiated Requests

- 6.1 Employees who meet certain criteria (detailed in Section 7.2 of this policy) can exercise their statutory right to have their flexible working request considered. The requested work pattern (a summary of the definition, eligibility criteria, and main features of each of these work patterns is included in Appendix 1) could be one of a number of work patterns including, but not limited to the patterns detailed in Appendix 1.

7 Request and Consideration Procedure

7.1 Employee Requests in line with the statutory right to request flexible working

- 7.1.1 Employees may apply for one or a combination of the flexible work patterns detailed in Appendix 1. Details of how to make a request are included in Section 2 of the associated guidance note.

7.2 Eligibility – Employee Initiated Requests

- 7.2.1 The right to request flexible working (detailed in paragraph 7.1.1) is a legal right for certain employees who meet the eligibility criteria.

Any permanent or fixed term temporary employee must have:

- *26 weeks continuous service with CultureNL by date of application,*
- *not made another application in their current post, to work flexibly under her/his right during the past 12 months*

- 7.2.2 The statutory right to request flexible working may be granted, subject to service provision being met. Requests will not be granted automatically, but all applicants must be considered seriously, and can only be rejected where there is a recognised business reason. Agreed changes to work patterns will normally become a permanent change to the employee's contract of employment for that post, unless otherwise agreed by mutual consent.

- 7.2.3 An employee, on submitting a request for flexible working, must give at least 12 weeks notice of the proposed start date for a flexible working arrangement. This allows sufficient time for the request to be considered and for management to put in place appropriate arrangements.

- 7.2.4 Only one application for flexible working can be made by an employee each year, commencing from the date the application was made.

- 7.2.5 An employee who is employed by CultureNL on more than one contract of employment can only submit one application per year relating to the one, or the number of post(s) held. This means that one application could specify a request for a change to the working arrangements for each contract of employment held by the employee. The application will, therefore, be considered against the current business requirements for each of the specified posts (irrespective of whether the posts are in the same Service or not).

7.3 General Principles of Flexible Work Patterns / Flexible Workstyle Options

- 7.3.1 The request to work flexibly must comply with certain specific requirements. Full details of this request procedure can be found in the associated guidance note.

Employees who meet the eligibility criteria detailed in paragraph 7.2.1 should specify that they are applying under the statutory regulations.

- 7.3.2 A request for flexible working will receive full consideration, taking account of the needs of the individual and the needs of the Service. It is important to stress that not all requests may be able to be accommodated.
- 7.3.3 Where flexible work patterns are agreed, employees are entitled to the same access to training, career opportunities and other work initiatives as those employees working standard hours. Salary and terms and conditions of employment will be unchanged except where working hours/patterns/work location is varied.
- 7.3.4 Arrangements for flexible workstyles/work patterns are separate and distinct from the provisions contained in CultureNL's Special Leave Policy (which includes details of CultureNL's arrangements for Carer's Leave and Career Breaks).
- 7.3.5 CultureNL has a responsibility to ensure the safety of the working environment, including an obligation to carry out workplace assessments and compliance with the Working Time Directive. Employees will need to allow representatives, or agents of CultureNL reasonable access to their workstation in connection with workplace assessments and other health and safety matters or to repair or service equipment. This is particularly relevant to those employees working at home on a permanent or part time basis. The extent to which this happens will be determined by the employee's new way of working.
- 7.3.6 Any alteration to the home workstation will require re-assessment and therefore the line manager must be advised in advance of any changes.
- 7.3.7 Employees working remotely (e.g. homeworking) or on a mobile basis will have the same responsibilities under the Health and Safety at Work Act as all other employees. Employees must take reasonable care of their own health and safety and that of anyone else who might be affected.
- 7.3.8 Employees working remotely (e.g. homeworking) or on a mobile basis must comply with CultureNL's rules to ensure the security of CultureNL's information and communication technology systems and facilities (ICT). These are contained in CultureNL's Acceptable Use of ICT Policy. The aim of the Acceptable Use of ICT Policy is to provide a safe framework to ensure that both CultureNL and its employees are protected against any unauthorised use, disclosure or modification of ICT. The Acceptable Use of ICT Policy is part of a group of policies and standards which complement CultureNL's Information Security Policy.

7.4 Service Delivery – Flexible Work Pattern / Flexible Workstyle Option

- 7.4.1 The overriding principle of the Flexible Workstyle Options Policy is that the flexible workstyle option and the work pattern must maintain or improve service delivery and be cost effective. As a publicly accountable body, CultureNL must ensure that it continues to deliver its services in an efficient and cost effective way. No changes to existing workstyles and/or work patterns will be authorised if there is evidence that it will be detrimental to service delivery.
- 7.4.2 CultureNL reserves the right to review any approved flexible workstyle option/work pattern at any point after introduction, if it can be shown that the continuation of the arrangement represents a conflict of interest and/or there is evidence that it will be

detrimental to service delivery. If a decision is taken by a Service to discontinue an individual arrangement on these grounds, the Service will notify the employee(s) affected and the relevant trades unions. A meeting will be arranged to discuss the implications of the Service's decision and to seek agreement to change the flexible workstyle option/work pattern. This might involve reverting to the previous arrangement or to an alternative arrangement. If an agreement cannot be reached, the Service will make every attempt to identify alternative employment for the affected employee(s). In any event, the affected employee(s) will be given 12 weeks notice of an intention to terminate the arrangement, unless there are extenuating circumstances that dictate that this should be terminated earlier (e.g. employee working from home and their personal circumstances change and they are no longer able to work at home). In the case of collective agreements, mechanisms to review an approved flexible workstyle option/work pattern at any point after introduction, or to terminate an arrangement, will be defined in the relevant collective agreement.

7.5 Temporary Periods / Pilots

- 7.5.1 Management may determine that the change in flexible workstyle option/work pattern be introduced on a temporary basis (pilot) for a limited, defined period of time. This would be done to demonstrate in practice that service delivery is maintained, that it meets the employee's needs and is fair to work colleagues. The relevant senior manager will meet with the affected employee(s) to discuss the proposals.
- 7.5.2 The relevant senior manager will write to the affected employee(s) within 14 calendar days from the meeting, confirming the flexible workstyle option/ work pattern and the commencement date. As a guide, temporary periods/pilots will run for a period of six or nine months, but not normally exceeding six months, and are at the manager's discretion. If there are any terms and conditions of service changes, these will need to be agreed with the affected employee(s) prior to the commencement of the temporary period/pilot.
- 7.5.3 The relevant senior manager will review and assess the success of the flexible workstyle option/ work pattern at the end of the pilot and should give careful consideration to the results gained from the evaluation of the pilot. The temporary period/pilot will then be extended, ended or accepted on a permanent basis.
- 7.5.4 Where there is agreement between the relevant senior manager and the affected employee(s), a temporary period/pilot can be extended for a fixed period or on a rolling basis. This may occur where more time is needed to evaluate all the influencing factors (i.e. where there are proposed changes to the organisational structure and ways of working; where there is higher staff turnover and flexibility needs to be continually adjusted etc.). The relevant senior manager will confirm the decision in writing within 14 calendar days following the end of the pilot review.
- 7.5.5 If there is evidence to demonstrate that the change to the flexible workstyle option/work pattern is not feasible, then the temporary period/pilot will cease. The relevant senior manager will confirm the decision in writing to the affected employee(s) with 14 calendar days following the end of the temporary period/pilot review (this will include the reasons why the temporary period/pilot has been unsuccessful). The relevant Human Resources Section will also be notified of this decision.
- 7.5.6 Where there is evidence to demonstrate that the temporary period/pilot has been successful and the changes can be accepted on a permanent basis, then the request

and consideration procedure set out in Section 2 of the associated guidance note should be followed.

8. Right of Appeal – Flexible Work Pattern (Employee Initiated Request)

- 8.1 Where an employee's request for flexible working is refused and they believe their application has not been properly considered, there is the right to appeal within 14 calendar days after receiving notice of the decision. The procedure to be followed in submitting an appeal is set out in Section 4 of the associated guidance note.

9. Monitoring Arrangements

- 9.1 There are various monitoring arrangements in place for the different ranges of flexible workstyles to ensure that the flexible working patterns (and / or environment) do not lead to excessive hours and to monitor their impact on the business. Human Resources will retain an overview of the applications, arrangements and the impact of the Flexible Workstyle Options Policy on an ongoing basis. However, it is the responsibility of each Service Manager to record and monitor flexible working applications and arrangements within their Service.

10. Review of Policy

- 10.1 The Flexible Workstyle Options Policy will be reviewed regularly by Human Resources to ensure it complies with any new / revised legal duties and responsibilities on employers and that it is fit for purpose to meet changing circumstances.

Appendix 1 -Summary of Flexible Work Patterns

| Flexible Work Patterns | Definition | Eligibility Criteria | Features |
|--|---|--|--|
| 1. Annualised hours | Work is organised on the basis of the number of hours to be worked over a year rather than a week. This is best suited to areas where there are recognised peaks and troughs in work. | Not all employees can reconcile annualised hours working with the exigencies of CultureNL or the requirements of their post. | The working pattern may vary and the employee receives an annualised pay over the year, irrespective of the actual number of hours worked in any given period. Committed hours are hours when an employee is contractually obliged to work. |
| 2. Compressed Hours | The employee's total number of hours are worked over a shorter period e.g. weekly hours worked over 4 days instead of 5, or 9 days instead of 10 days per fortnight. | This has the potential to apply to all CultureNL employees. | Band width for the flexible working hours scheme continues to remain from 08.00 until 18.00 daily, Monday-Friday and flexi hours cannot be accrued outwith these times. Flexi-time may be permitted to vary start and finish times outside the core hours. |
| 3. Coreless flexi – linked to flexible working hours | Coreless flexi removes the requirement on employees to work during the core business hours of 10.00 – 12.00 and 14.00 – 16.00. This is subject to the service provision being met. Band width for flexible working hours continues to remain from 8.00 until 18.00 daily and flexi hours cannot be accrued outwith these times. | Employees must have accrued sufficient flexi-time before any request for coreless flexi-time is made and be at work for a minimum period of four consecutive hours per day. Not all employees can reconcile flexi-time working hours with the exigencies of the Service or the requirements of their post. | Employees must request coreless flexi in advance of taking it. Employees must accrue the hours prior to requesting coreless flexi. |
| 4. Flexi-time working (Flexible Working Hours) | Allows employees to vary their start and finish times and accrue hours. | Not all employees can reconcile flexi-time working hours with the exigencies of the service or the requirements of their post. | Standards of efficiency of service provision must be maintained. CultureNL reserves the right to implement flexible working hours where such an arrangement does not have a negative impact on the effectiveness of the service. Where such an arrangement later proves to impact negatively on the service provisions, CultureNL has the right to withdraw this facility. Flexi-leave may only be taken with prior management approval and subject to the exigencies of the service. Earliest start and latest finish will normally be 8.00-18.00 Monday to |

| | | | |
|--|---|--|---|
| | | | Friday. Maximum Flexi-leave which can be taken is one day per accounting period subject to a maximum of 13 days per year. Accounting period covers four weeks. Maximum credit of 7 hours and maximum debit of 3 hours can be carried over to the next accounting period. |
| Flexible Work Patterns | Definition | Eligibility Criteria | Features |
| 5. Homeworking | The employee works from home on a permanent basis. | Not all posts, employees or types of work are suitable for homeworking. Consideration needs to be given to the suitability and confidentiality of information required to be accessed at home. | A risk assessment will have to be undertaken in line with Health and Safety requirements. The line manager and employee must agree the maximum and minimum hours one week in advance, what work output is expected and how this will be monitored. It is recognised that this will be easier to do for some jobs than for others. Consideration also needs to be given to the training required by homeworkers. This training falls into three main categories; task skills training, operational skills training and personal skills training. The supervision of homeworkers requires specific skills to ensure there is regular contact and the employees are kept involved. Similarly employees will require training to adjust to homeworking to prevent isolation from their colleagues. Allowances to employees to cover overheads at home may be payable. |
| 6. Job Sharing (The job sharing operating principles are included in the Flexible Workstyle Options Policy Guidance note) | Normally two people working on a part-time basis to cover a full-time post. | This has the potential to apply to all CultureNL employees in permanent posts. | At point of application, employee does not need to have an identified job share partner. Annual leave entitlement is split on a pro-rata basis. An employee may hold two job share/part-time posts. Where one partner of the job share arrangement leaves, and where there is a requirement for the other half of the post to be filled, the remaining job- |

| | | | |
|---|---|---|--|
| | | | <p>sharer may be offered the post on a full time basis. Flexi-time is also permitted.</p> <p>Job sharers/part time employees qualify for overtime only after working full time hours.</p> |
| <p>7. Part time working (there are no specific operating principles for part time working as CultureNL's terms and conditions of service apply)</p> | <p>Normally, where an employee's contracted weekly working hours are less than the contracted hours of a full time employee.</p> | <p>This has the potential to apply to all CultureNL employees unless there are extenuating circumstances where this cannot be accommodated due to service provision and business needs.</p> | <p>At point of application, employee does not need to have an identified person to cover the remaining hours (where the post was previously full time, or to cover any reduction in hours).</p> <p>An employee may hold two part time posts. Part time employees qualify for overtime only after working full time hours. Flexi-time may be permitted.</p> |
| <p>8. Shift working (there are no specific operating principles for shift working as CultureNL's terms and conditions of service apply)</p> | <p>Work is organised on the basis of specific shifts to meet work demands – usually outwith the normal 35 hours which are from 08.45-16.45 Monday – Thursday and 08.45-16.15 on a Friday.</p> | <p>Not all employees can reconcile shift working with the exigencies of the service or the requirements of their post.</p> | <p>The employee receives appropriate pay for the relevant shifts worked. Some shifts may involve working unsocial hours which may attract enhanced payments.</p> |
| <p>9. Term time working (there are no specific operating principles for shift working as CultureNL's terms and conditions of service apply)</p> | <p>Allows employees to work their annual hours, or reduced hours, during the school term and be absent during the school holidays.</p> | <p>This has the potential to apply to all CultureNL employees unless there are extenuating circumstances where this cannot be accommodated due to service provision and business needs.</p> | <p>Term time working is more attractive to employees in those Services that provide services primarily during the school term. Salary is paid in equal amounts over the year.</p> |