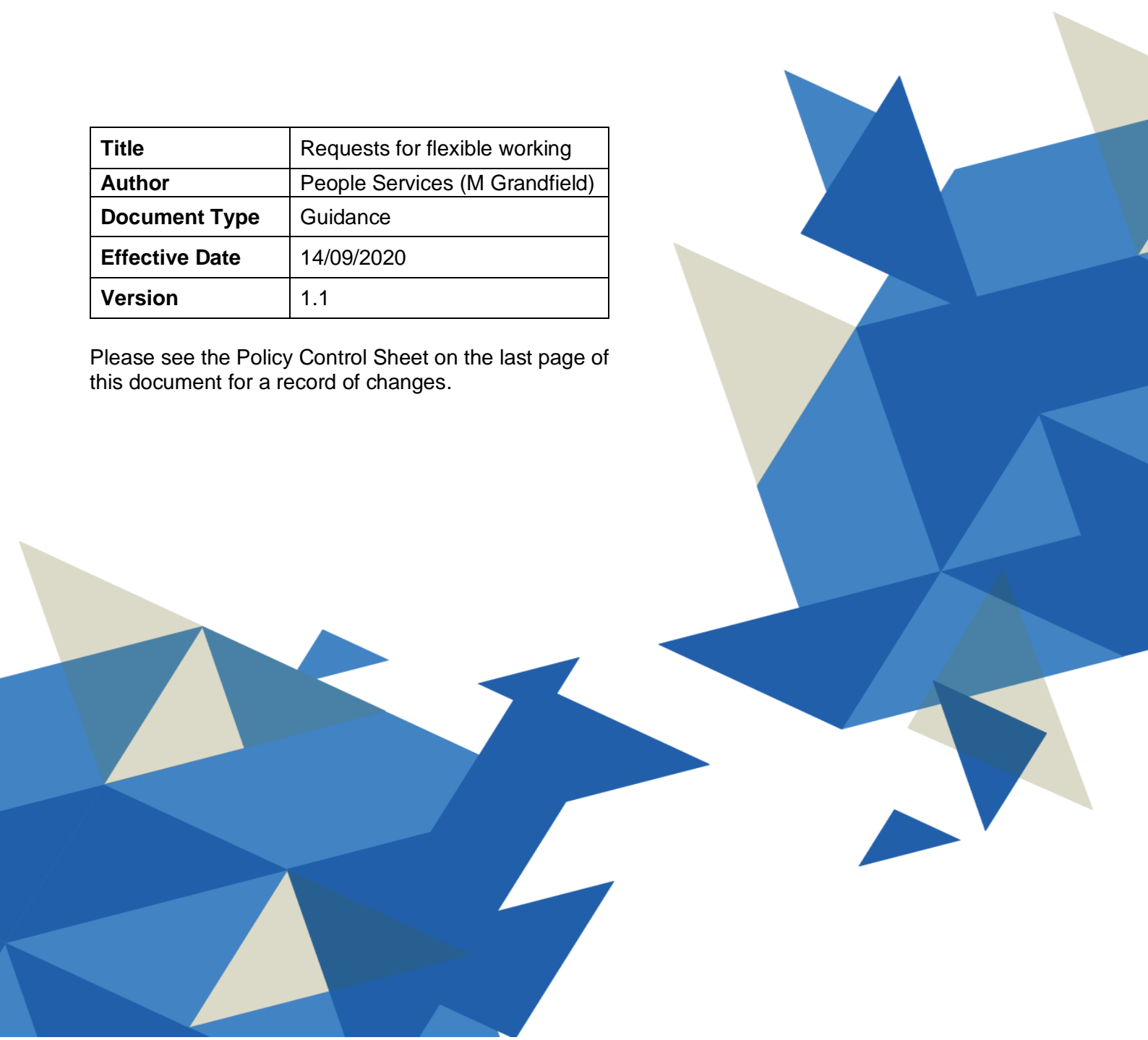


# Requests for flexible working (Guidance)

<b>Title</b>	Requests for flexible working
<b>Author</b>	People Services (M Grandfield)
<b>Document Type</b>	Guidance
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<b>Version</b>	1.1

Please see the Policy Control Sheet on the last page of this document for a record of changes.



# Requests for flexible working – guidance

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## Purpose of this document

As a result of the response to the Covid-19 pandemic, many of our employees have needed to work more flexibly or from home. As we move through the Safe Exit Framework, and home working no longer remains the default operating model, we still want to encourage flexible and home working, both for the benefit of employees, and to ensure a safe working environment for all.

Flexible and home working has proved to be a successful and positive experience for many, not just in the Government of Jersey but across organisations, worldwide, with benefits for both employers and employees. We don't want to just jump back to old working practices and therefore encourage managers and employees to consider what has worked well for them and their service and how they want to work differently in the future. We anticipate requests from employees to continue to work from home or/and to work more flexible hours and it is important that we consider these in line with business needs.

This guidance has been produced to help employees through the application process and to enable line managers to process those requests in a fair and equitable way.

## 1 What you need to know

1.1

We already have a flexible working policy, which you can read on [MyStates](#).

- Our policy, and
- The Law

You should also be aware that Part 3A of the Employment (Jersey) Law 2003, regarding flexible working, provides an entitlement to apply for a change to your terms and conditions in respect of:

- a) The hours you're required to work
- b) The times that you're required to work, or
- c) The place where you're required to work.

Line managers receiving request for flexible working must treat them in accordance with the Law and consider them against key factors to ensure a fair decision.

## 2 Making an application

2.1

You should apply for flexible working in writing to your line manager and include details of the change you'd like and the start date of the change. It may also be helpful to include the reasons why you're requesting a change.

2.2

Your line manager will consider your request and let you know if it's been approved.

## 3. Key factors in considering a request

3.1

Your manager must process your application for flexible working in line with the timescales set out in the flowchart in section 7.

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- 3.2 When considering your request, your line manager should:
- a) be mindful of the reasons behind the request
  - b) be open minded and flexible about whether the request can be accommodated
  - c) consider carefully the benefits the request will bring to achieving a better work life balance. We recognise that many of our employees have busy lives outside of work and are juggling various responsibilities alongside their employment
  - d) consider any impact on business and operational needs
  - e) consider any impact on other team members
  - f) ensure applications from any team members are treated with equity and fairness
  - g) take into account the opportunities for flexible working that Covid-19 has presented, particularly in the case of homeworking and build on that wherever possible.

3.3 Line managers should discuss any concerns they have about an application with their People Services Business Partner before making a decision.

### 4. Agreeing a request – follow up actions

4.1 If your line manager approves your request for flexible working, they must confirm this in writing, including the start date of the agreed change, within the timescales set out in the flowchart in section 7.

#### 4.2 Working from home – follow up actions

If the approved request relates to regularly working from home, your line manager must consider and action the following before confirming approval of your request in writing. This is because the outcome of these follow-up actions, might delay the start date:

- ensure a display screen equipment (DSE) assessment is undertaken from your home environment
- consider whether you need additional equipment.

#### 4.3 Display Screen Equipment (DSE) considerations

If your application is a request to work regularly from home, your line manager must also consider the proper use of display screen equipment. This means that you'll need to complete an online Healthy Working DSE Assessment and it's essential that one is carried out.

If you have been working from home, you may have already carried out an assessment. However, your line manager

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must ensure that you complete one annually, or if there are any changes to your work station, or the equipment that you use at home.

Your department Health and Safety representative can provide you with access to the online assessment. This provides online training and an assessment and will take approximately 45 minutes to complete.

### 4.4 **Equipment considerations**

To determine if you need any equipment, you must share the results of your DSE assessment with your line manager. If you do, and your application for home working is a permanent one, your manager will need to consider whether any equipment is needed to ensure you can work safely from home. Your health and safety representative can provide further advice.

4.5 Your line manager will need to complete a Home Worker Risk Assessment.

## 5. **Refusing a request**

5.1 Your request for flexible working can be refused, but only on business and operational grounds, including where agreement would:

- a) create a burden of additional costs
- b) impact our ability to meet customer demand
- c) have a detrimental impact on a service
- d) have a detrimental impact on any planned staffing changes
- e) not be feasible due to being unable to re-organise work amongst existing staff, or recruit additional staff.

These grounds are listed in the Employment (Jersey) Law 2003, Article 15B(5).

If your application is refused, this will be put in writing, including the reasons for the refusal.

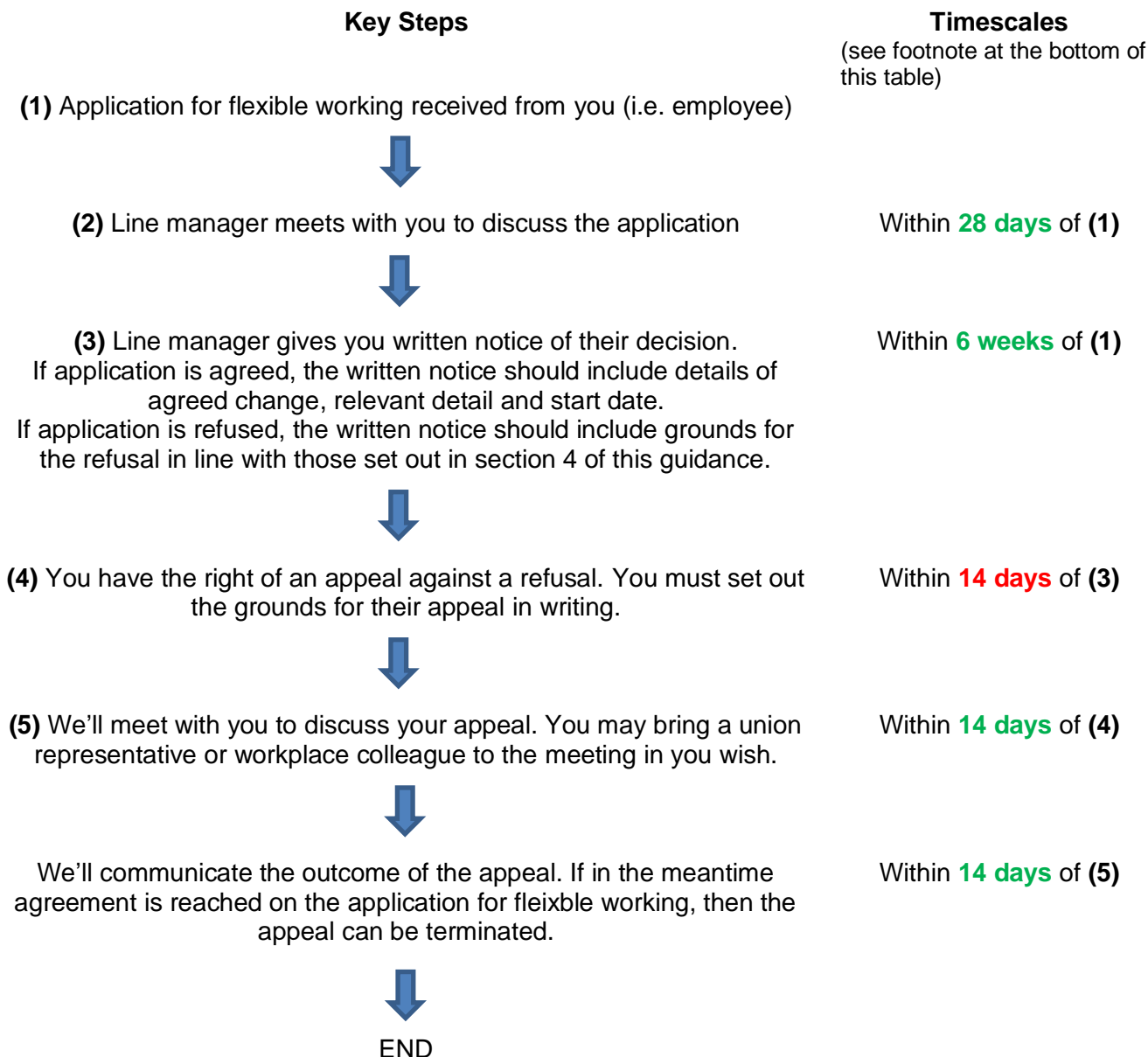
## 6. **Appealing a refusal**

6.1 You're entitled to appeal against a refusal and this is an entitlement in Law also. Appeals should be made in writing to your Director General within 14 days of receiving a refusal. Please see flowchart below for further details.

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- 7 Flowchart** 7.1 A flowchart setting out the key steps and timescales attached to this procedure is set out below.



## Footnote

### **Timescales**

The timescales used in this process are the timescales set down in Part 3A of the Employment (Jersey) Law 2003. Timescales shown in **green**, which favour the employer can be reduced, and to ensure a quick process we would recommend that this is done wherever this is possible. Timescales shown in **red**, i.e the right to appeal, which favour the employees can't and shouldn't be reduced.

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Version	Date Issued	Issued by	Record of Change
1.1	14/9/2020	M Grandfield	1. Drafting error corrected at para 6.1. <i>Five working days</i> amended to read <i>14 days</i> , to ensure consistency with the flowchart at section 7 and compliance with the Employment (Jersey) Law 2003.
1.0	6/8/2020	D Drieu	2. New guidance, first version. Issued to provide guidance to line managers and employees around processing applications for flexible working, including working from home, post CV-19.