

PROPOSED AMENDMENT TO THE PSC Civil Service Regulations 2015

Ref:	PSC 15-117 PSC CS Regs F140 – F151 (Flexible Working)
Re:	Amendments to the content of the Flexible Working Policy Document within the PSC CS Regs Handbook
Proposal:	To provide clarification to terms used throughout the text

Existing Regulation:

F140 – What is flexible working?

The normal conditioned working week for civil servants is 37 hours (excluding meal breaks), usually spread over 5 days, Monday to Friday. Flexible working involves different patterns of work, ie different hours/different days – further examples of flexible working are detailed within the Flexible Working Policy, which can be found in the Public Services Commission Regulations Handbook 2015.

A request for flexible working would normally be made by a civil servant in order to care for a dependent, however requests for other reasons will be considered when submitted in accordance with the provisions set out below.

Last updated: 21 July 2008 – Amendment Ref. 07-060

F141 – Trial period of flexible working

A trial period of flexible working may be appropriate prior to a formal agreement being reached, this option may give both the civil servant and the line manager the opportunity to see if such an arrangement would be satisfactory.

The line manager could give informal agreement to a trial before a formal flexible working request (see Regulation F140) is made by the civil servant. The formal stage of application would still be available to the civil servant in the future.

If a formal application is made, an extension of time for the line manager to make a decision (see Regulation F146 – Procedure) could be agreed and the trial period could happen before a final agreement takes place. The rest of the formal procedure would still be available to the employee.

F142 – Requesting flexible working

A request for flexible working must be in writing, dated appropriately, stating that it is a request for flexible working, also stating whether a previous request has been made by the civil servant and if so, when. The Flexible Working Application Form at [Annex F8](#) can be used for this purpose and any request will require the following information to be completed:

- current working pattern
- proposed new working pattern
- date the proposed new working pattern to commence
- civil servant's views on the impact on the post/department and how this may be addressed

Once completed the civil servant must submit the application form to the line manager, who will return the acknowledgement slip on the form.

The written application may be returned if all information is not completed and the request for flexible working may not be considered until all required information is completed accordingly. If the civil servant making the request fails or refuses to provide the information, the line manager may treat the request as withdrawn and notify the civil servant in writing (Flexible Working Notice of Withdrawal Form at [Annex F14](#) can be used for this purpose).

Last Updated July 2020 – Amendment ref [15-110](#)

F143 – Right to be accompanied

When meeting with the line manager to discuss the request for flexible working, an officer has the right to be accompanied by a work colleague. The companion may address the meeting or confer with the officer during the meeting, but cannot answer questions on the officer's behalf.

F144 – Withdrawing a request for flexible working

A civil servant may withdraw a request for flexible working, verbally or in writing, at any time before the line manager notifies him/her of the decision. The line manager will confirm that the request has been withdrawn in writing (Flexible Working Notice of Withdrawal Form at [Annex F14](#) can be used for this purpose).

F145 – Period of flexible working

Unless a temporary period has been agreed, the new pattern of working will be a permanent change – there will be no automatic right to revert to former hours.

F146 – Procedure for management to follow

a) On receipt of an accurately completed application for flexible working (see form at [Annex F8](#)), the line manager will acknowledge receipt of the request (can use return the acknowledgement slip on the form at [Annex F8](#)) and then must:

- If the request is agreed, confirm agreement to the request in writing within 28 days of receipt (being date sent if emailed/faxed or, if posted, the date it would normally have been delivered), stating details of new working pattern as set out in the request and the date on which the change is to take effect or
- If unable to agree, arrange a meeting with the civil servant making the request, within 28 days of the request being made, to discuss the matter further and consider how the request may be accommodated (i.e. alternate proposal for hours), or perhaps agree a trial period. The 28 day time period for this meeting may be extended with agreement of the civil servant, and this agreement is to be confirmed in writing to the civil servant (Flexible Working Extension of Time Limit Form at [Annex F13](#) can be used for this purpose).

b) The civil servant is entitled to be accompanied by a work colleague at a meeting with the line manager to consider the request for flexible working. If the companion is unable to attend the meeting, the civil servant can request that the meeting be re-scheduled within 7 days of the original time, at a time convenient to both parties and the companion. If this cannot be achieved, the civil servant should consider asking another colleague to attend the meeting.

c) There is a duty for the line manager to consider a request for flexible working which has been properly made, and to establish whether the request can be accommodated within the needs of the business (such consideration may include health and safety risk assessments relating to a request for home working). Having considered the request and options available, the line manager may wish to discuss the situation with their own HR Adviser from the Office of Human Resources before making a decision.

d) Once a decision is made, the line manager will notify the civil servant of that decision in writing, within 14 days of the meeting, the Flexible Working Application Acceptance Form at [Annex F9](#) or Flexible Working Application Rejection at [Annex F10](#) can be used for this purpose. Copies of the signed and completed form must be sent to:

- the Office of Human Resources

If the request for a change of working pattern is approved, a further letter of confirmation will be issued thereafter from the Office of Human Resources if there is a change in contracted hours. If the request for a change of working pattern is refused, the line manager will advise the civil servant of their right to appeal.

The timeframes included in the procedure are recommended although requests must be dealt with in a reasonable manner and a civil servant notified of the outcome within a standard period of 3 months, (which can be extended by agreement), and includes any appeal.

Last Updated July 2020 – Amendment ref [15-111](#)

F147 – Notification of decision

The line manager will inform the civil servant of the decision relating to the request for flexible working either:

- Within 28 days of receipt of the request if agreed, or
- Within 14 days of any meeting held to discuss the matter following receipt of request

If the line manager needs more time to come to a decision, agreement should be sought from the civil servant making the request to extend the period, and this agreement confirmed in writing (Flexible Working Extension of Time Limit Form at [Annex F13](#) can be used for this purpose).

F148 – Refusal of a request for flexible working

The use of flexible working in the Civil Service is encouraged as such arrangements can prove beneficial to both management and staff, however there may be occasion when a request cannot be granted. A request from a civil servant for flexible working, submitted in the appropriate manner, will be given serious consideration and only be refused where this a clear and justified business reason for doing so. A refusal to a request for flexible working must be confirmed in writing, stating the specific business ground and an explanation, including key facts, about why the business ground applies.

The only grounds on which a civil servant's request for flexible working can be

refused are on one or more of the following:

- the burden of additional costs
- its detrimental effect on the business' ability to meet customer demand
- inability to re-organise the civil servant's work among existing staff
- inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- insufficiency of work during the periods the civil servant proposes to work
- planned structural changes

A civil servant who has been refused a request for flexible working has a right to appeal against this decision (Regulation F149 – Right of appeal).

F149 – Right of appeal

If a civil servant is dissatisfied with the line manager's decision to refuse their request for flexible working, he/she can appeal the decision, requiring the decision to be reconsidered by an authority higher than that which took the decision, usually the next senior manager.

F150 – Appeal procedure

An appeal must be made in writing to the line manager who made the decision, **within 14 days** of the date the civil servant received written notification of the decision. The written appeal must be dated accordingly and set out the grounds for the appeal (Flexible Working Appeal Form at [Annex F11](#) can be used for this purpose).

The line manager will arrange for a senior manager to hear the appeal. The senior manager must arrange an appeal meeting to take place within 14 days of receiving the notice of appeal. If the senior manager needs more time to arrange an appeal meeting, agreement should be sought from the civil servant making the appeal to extend the period and this agreement confirmed in writing (Flexible Working Extension of Time Limit Form at [Annex F13](#) can be used for this purpose).

When considering the appeal and options available, the line manager may wish to discuss the situation with their HR Adviser from the Office of Human Resources before making a decision.

The senior manager will inform the civil servant of the outcome of the appeal, in writing, within 14 days of the date of the meeting (Flexible Working Appeal Reply Form at [Annex F12](#) can be used for this purpose). If the senior manager needs more time to come to a decision, agreement should be sought from the civil servant making the appeal to extend the period, and this agreement confirmed in writing (Flexible Working Extension of Time Limit Form at [Annex F13](#) can be used for this purpose).

If a civil servant remains dissatisfied with the way his/her request for flexible working has been dealt with, further action may be progressed either through an informal discussion or via the organisation's Grievance Procedure (Regulations B25-B31 – Grievances)

F151 – Appeal meeting

The civil servant is entitled to be accompanied by a work colleague at the appeal meeting. If the companion is unable to attend the meeting, the civil servant can request that the meeting be re-scheduled within 7 days of the original time, at a time convenient to both parties and the companion. If this cannot be achieved, the civil servant should consider asking another colleague to attend the meeting.

Proposed Regulation

F140 – What is flexible working?

The normal conditioned working week for civil servants is 37 hours (excluding meal breaks), usually spread over 5 days, Monday to Friday. Flexible working involves different patterns of work, ie different hours/different days/different location – further examples of flexible working are detailed within the Flexible Working Policy, which can be found in the Public Services Commission Regulations Handbook 2015.

A request for flexible working ~~would normally be made by a civil servant in order to care for a dependent, however requests for other reasons~~ will be considered when submitted in accordance with the provisions set out below.

Last updated: ~~21 July 2008~~August 2020 – Amendment Ref. ~~07-06015-117~~

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The line manager could give informal agreement to a trial before a formal flexible working request (see Regulation F140) is made by the civil servant. The formal stage of application would still be available to the civil servant in the future.

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- current working pattern
- proposed new working pattern e.g. change to working hours, times required to work or to work from home or the employer's place of business
- date the proposed new working pattern to commence
- civil servant's views on the impact on the post/department and how this may be addressed

Once completed the civil servant must submit the application form to the line

manager, who will return the acknowledgement slip on the form.

The written application may be returned if all information is not completed and the request for flexible working may not be considered until all required information is completed accordingly. If the civil servant making the request fails or refuses to provide the information, the line manager may treat the request as withdrawn and notify the civil servant in writing (Flexible Working Notice of Withdrawal Form at [Annex F14](#) can be used for this purpose).

Last Updated ~~July~~ August 2020 – Amendment ref ~~15-11015-117~~

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Last updated August 2020 – Amendment ref 15-117

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- If the request is agreed, confirm agreement to the request in writing within 28 days of receipt (being date sent if emailed/faxed or, if posted, the date it would normally have been delivered), stating details of new working pattern as set out in the request and the date on which the change is to take effect or
- If unable to agree, arrange a meeting with the civil servant making the request, within 28 days of the request being made, to discuss the matter further and consider how the request may be accommodated (i.e. alternate proposal for hours), or perhaps agree a trial period. The 28 day time period for this meeting may be extended with agreement of the civil servant, and this agreement is to be confirmed in writing to the civil servant (Flexible Working Extension of Time Limit Form at [Annex F13](#) can be used for this purpose).

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unable to attend the meeting, the civil servant can request that the meeting be re-scheduled within 7 days of the original time, at a time convenient to both parties and the companion. If this cannot be achieved, the civil servant should consider asking another colleague to attend the meeting.

c) There is a duty for the line manager to consider a request for flexible working which has been properly made, and to establish whether the request can be accommodated within the needs of the business (such consideration may include health and safety risk assessments relating to a request for home working). Having considered the request and options available, the line manager may wish to discuss the situation with their own HR Adviser from the Office of Human Resources before making a decision.

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The timeframes included in the procedure are recommended although requests must be dealt with in a reasonable manner and a civil servant notified of the outcome within a standard period of 3 months, (which can be extended by agreement), and includes any appeal.

Last Updated [July-August](#) 2020 – Amendment ref [15-1115-117](#)

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ground and an explanation, including key facts, about why the business ground applies.

The only grounds on which a civil servant's request for flexible working can be refused are on one or more of the following:

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Agreed and authorised by:

Signed on behalf of
Prospect

M. C. Havel

Date: 9/10/2020

Signed on behalf of Unite
the Union

D. Hassan

Date: 15-10-2020

Signed on behalf of the
Commission

[Signature]

Date: 1/10/2020

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For Office of Human Resources Use Only

Instruction for implementation:

Passed to..... *Bryan Douglas*

By..... *Ruth Huggins*

Date..... *15/10/2020*

An IOM Government All Staff Notice prior to implementation is*/is not* required (*please delete as appropriate)

Signed *[Signature]*
Head of Industrial Relations and Policy Section

Date CS Regs updated:

Website *[Signature]*

Date..... *15-10-20*

Previous PSC Memorandum of Agreement amendment reference (if any) :	
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<u>Notes/Special Instructions:</u> Communication to Pay Sections required
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