

FLEXIBLE WORKING (POLICE OFFICERS) POLICY

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NORFOLK
CONSTABULARY



SUFFOLK
CONSTABULARY

FLEXIBLE WORKING (POLICE OFFICERS)

Owning Department: People Directorate

Department SPOC: HR Policy Manager

Risk Rating: Medium Low

Legal Sign Off: 05/09/2023

JNCC: Sept 2023

Published Date: 06/09/2023 (v1.3)

Review Date: 04/03/2027

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Legal Basis

Legislation specific to the subject of this policy document:

- Police Regulations 2003 (as amended)

Other relevant legislation which you must check this document against (required by law)

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- [General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)

Other documentation which you must check this document against:

- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)
- College of Policing – Flexible Working Guidance

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1 Statement of Policy

- 1.1 Norfolk and Suffolk Constabularies' approach to flexible working is to give officers as much agility with their working arrangements as possible, whilst still meeting organisational needs. Requests for flexible working will be accommodated unless there is a genuine operational reason why they cannot be. The policy sets out the procedure for making a flexible working request.
- 1.2 Norfolk and Suffolk Constabularies (together 'the Constabularies') are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. We may change them at any time following consultation with the Police Federation. Our policies may also be periodically updated to reflect changes in legislation and Police Regulations.
- 1.3 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards and continues to meet our needs.
- 1.4 All our policies promote equality, eliminate unlawful discrimination and actively promote good relations regardless of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure the fair application of this policy and all staff are responsible for supporting colleagues and ensuring its success.
- 1.5 The Director of People has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the HR Managers, HR Delivery.

2 Key principles that guide our flexible working practices

- 2.1 Flexible working is a variation to an officer's agreed terms as to the number of hours worked, the days and times of work, or place of work.
- 2.2 More and more officers want or need flexible working arrangements in order to meet the changing demands and priorities in their lives, support health and well-being, and achieve a good work-life balance. Flexible working will help to support this. It is also recognised that social changes have shaped the future of work, and promoting and supporting flexible working will help the Constabularies to continue to attract and keep the best talent.
- 2.3 Flexible working will always be accommodated for officers unless there is a genuine operational reason which means it would have a detrimental impact on the Constabularies. All requests will be considered reasonably, fairly and sympathetically.

3 The benefits of flexible working

- 3.1 The benefits to the Constabularies of flexible working include:
 - retention of valuable officers and their skills and experience;

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- wider diversity of recruits attracted and retained;
- reduced recruitment and training costs;
- can help meet peaks and troughs in operational demands;
- reduced overtime and improved attendance;
- improved morale and commitment.

3.2 Managers must ensure that the benefits of flexible working are made known across their teams and all officers must be supportive of all those who work flexibly.

4 The right to request flexible working

4.1 Although there is not right to work a flexible work pattern, there is a right for all officers to request to work flexibly. Requests for flexible working can be for any reason, such as caring responsibilities for children or other dependants; as a reasonable adjustment to accommodate a disability or health condition; preparing for retirement; for well-being and a better work-life balance; or personal preference. Requests are not limited to those relating to a protected characteristic.

4.2 You do not need to give your reason for making a flexible working request. However, this does not mean the reason is irrelevant, since you may have added protection under the Equality Act if your request relates to a protected characteristic; and it may also be helpful when having discussions about any possible options with your manager.

4.3 Police Regulations place no restrictions on applying to work flexibly. There is no restriction on the number of requests you can make in a year, there is no minimum number of hours you are required to work in a week, and there is no requirement to drop from full-time hours to have flexible working. A flexible working request can also include working your full hours on a bespoke pattern.

4.4 Since officers are recruited to the role of police officer, not to a particular post, it is your individual time commitment that is reduced or changed when you have a flexible working agreement, and not that of your post.

4.5 Whilst you can be required to work in any post, you cannot be required to work fewer hours, or to increase your agreed hours, without your agreement. However, as with full-time officers, part-time officers can be required to stay on after their agreed hours and may have rest days or free days cancelled where there is an exigency of duty.

4.6 If you have a flexible working request granted to work on a part-time basis, including as part of a job-share, you can request to return to work on a full-time basis at any time. All requests to return to full-time will be granted, but the timing of the return may vary as follows:

- within one month of receipt of the request where there is a suitable vacancy, or

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- after three months of receipt of the request or from an earlier date if reasonably practicable.

4.7 A request can also be made to increase hours, short of returning full time, at any time, however this is subject to management agreement and will require a new flexible working application to be completed.

5 Flexible working options

5.1 Flexible working provides a range of options that support delivery of policing services. In many instances the needs of the Constabularies and the requirements of officers will fit together.

5.2 A request could be, for example, fewer average working hours, a shorter working week, different patterns of hours, or to work from home all or part of the time.

5.3 You can apply and work outside of the operational shift patterns, subject to the exigencies of duty. The Constabularies are not required to agree to whatever shift arrangement you want, but must be able to provide you with a sound operational reason for any refusal.

5.4 Any request for flexible working can be made for an indefinite (i.e. permanent), or a defined temporary period.

5.5 If you require some form of flexibility for a very short period (weeks rather than months), it may be more appropriate to agree with your line manager to deal with the request informally. The basis of that arrangement will then be an informal agreement with your line manager.

5.6 If you are a parent, you may also like to consider parental leave. Parental leave could be combined with flexible working, or taken as an alternative, for example electing to take every Wednesday late shift off over the next 12 months. Parental leave can be taken in days as well as whole weeks. Please see the parental leave section in the Leave and Time Off Policy for further information and eligibility criteria.

5.7 As well as hours of work, a flexible working request can also be made to request a change in where you work, between your home and the set post location. We have a separate Hybrid and Homeworking Policy which sets out our approach to hybrid and home working. If you do not currently have hybrid or home working but would like to request it, you should make a request under the Flexible Working Policy. Please note, that because of the nature of policing, many officer roles will not be suited to working from home.

6 Making a flexible working request

Informal discussion

6.1 You are encouraged to speak to your line manager informally about flexible working before making a formal request. This can provide an opportunity to

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discuss potential options and what might work and aid the process in terms of timescales.

- 6.2 Managers must understand the demand profile for their team/department and be able to provide guidance to officers on the way in which flexible working applications could be best accommodated, in view of known demand and nature of the work.
- 6.3 If you are going on maternity leave, adoption leave, or shared parental leave and are considering flexible working for when you return, you may like to speak to your line manager before you start your leave. You could also request a Keeping in Touch (KIT) day to come into work to complete your application and/or meet with your line manager. Line managers must be mindful of the added difficulty in completing a flexible working application whilst away from work, and should assist the officer as much as possible with their application.

Formal request

- 6.4 All formal requests must be made by completing an on-line flexible working application form accessed via the intranet. Your line manager will receive an email once your form has been submitted, asking them to formally consider your request.
- 6.5 When completing the form, you will be asked to state:
- the changes that you are seeking, for example to the number of hours you work, the days/times you work, or where you work;
 - the date on which you would like the changes to come into effect; please bear in mind that it may take up to two months to make a decision on your application (this timeframe may be extended if necessary subject to your agreement).
- 6.6 In addition, you may choose to provide information about what effect, if any, you think the requested change will have on your team, department or organisation as a whole and how this effect could be dealt with. You may also choose to give your reason(s) for the request (if you are comfortable doing so, as mentioned at paragraphs 4.1- 4.2 above), to include any benefits to the Constabularies that the change could have and to specify any benefits to colleagues (eg if someone would like a job share). This will help us to give your request proper consideration and, if we are unable to accommodate the request in full, we may be able to identify an alternative way of assisting you.

7 Timescales

- 7.1 All requests will be considered and decided upon with within two months from the date we receive your fully completed application. If more time than this is needed to consider your application and provide you with a decision, for example if we need to explore alternative options with you, we may ask you to agree to an extension.

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- 7.2 Once you submit a formal flexible working application it will be given prompt consideration, but we recommend you submit your application well in advance of when you wish the new arrangements to start.

8 Considering your request

- 8.1 Your application will be considered by your line manager or another manager with authority to consider your request. Your Head of Department will be required to give overall approval.
- 8.2 Your line manager will carefully consider your proposed arrangements, weighing up the potential benefits to both you and the organisation, and any adverse impact of implementing the changes. In so doing they will fully consider your needs, the needs of your post and of policing, any limitations or other considerations, and may consult with other managers within your department or command, the Resource Management Unit, Work Force Planning, and HR.
- 8.3 Line managers must also consider whether an officer's request relates to a protected characteristic as defined by the Equality Act 2010. If a number of competing applications are received simultaneously in one department or command, priority will be given to those applications supported by the equality legislation; such as to work around caring responsibilities (since more carers are women than men), reasons related to a health condition which amounts to a disability, or religious observance. Refusal of such a request may potentially give rise to a claim of discrimination. Managers should seek advice from their HR Advisor in these circumstances
- 8.4 Every flexible working application will be considered on a case-by-case basis, taking into account the individual circumstances of the officer and operational demands at the time. There will be no restrictions placed on the number of applications that can be considered or granted by the Constabularies because of the number of officers that may already be working flexibly in a team, department, or elsewhere in the Constabularies.
- 8.5 Agreeing to one request will not set a precedent or create the right for another officer to be granted a similar change. Each case will be considered on its individual merits. All requests will be considered fairly and fully and without discrimination.
- 8.6 An officer's sickness absence record and PDR will only be taken into account if it is relevant to the application. An officer's attendance and performance may indeed improve if they are able to work flexibly.

Meeting to discuss your application

- 8.7 Unless your application is very straightforward and can be agreed straight away, your line manager will arrange a meeting with you to discuss the changes you have requested.
- 8.8 The meeting should take place as soon as possible and always within 28 days of your application. You are entitled to be accompanied at the meeting by a

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Federation representative (if you are a member), or a colleague. An HR Advisor may also attend to provide support to you and your line manager.

- 8.9 If your partner works at one of the same Constabularies, whether an officer or member of police staff, and they are also submitting a flexible working request, if you let your line managers know this, you can request a joint meeting where both applications can be considered simultaneously.
- 8.10 The aim of the meeting is to understand more about your proposed arrangements, in order that these can be balanced against the operational/business requirements of your role.
- 8.11 You and your line manager should be prepared to compromise if necessary and be creative about other possible solutions if necessary, in order to achieve a mutually beneficial arrangement for you and the organisation. Your line manager may request a further meeting with you to discuss your application and they may put forward alternative arrangements for you to consider.
- 8.12 Since officers can be required to work in any post in the Constabulary, if a flexible working request cannot be accommodated in their existing post, their application will be considered with respect to other available roles in the Constabulary. If this situation arises, managers should seek assistance from their HR Advisor and Workforce Planning to confirm whether other roles may be available.
- 8.13 Where a request can, without further discussion with your line manager, be approved in the terms set out in your application, a meeting may not be necessary. Your line manager will advise you if this is the case and check that you are still happy to go ahead as submitted in your application.

9 Flexible working requests that are granted

- 9.1 If your request is granted, your line manager will notify you of the decision once your Head of Department has approved it. You will receive written confirmation from HR, within seven days of your request being granted, wherever practicable, of the approved changes to your working hours or working pattern, and the applicable start date.
- 9.2 You and your line manager will need to discuss any practical arrangements of how the changes will take effect.

10 Flexible working requests that are rejected

- 10.1 A flexible working request can only be refused for operational or business reasons.
- 10.2 If your request is refused your line manager will notify you and explain the reasons why. The decision will be confirmed in writing to you and you will be notified of your right to appeal.
- 10.3 Line managers must have an evidence based rationale to support the decision to refuse the request, and will need to explain to the officer why the arrangement requested is not possible.

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11 Appealing the decision

- 11.1 If you feel the decision to refuse your request was wrong or unfair, you are encouraged to talk to your line manager informally at first. It can help to explain to them why you feel the decision was wrong or unfair, listen to the reasons for the decision, share any information that may have been missed or wasn't available when the decision was made, and suggest any further compromises you are willing to make.
- 11.2 If you wish to submit a formal appeal, you should do so in writing and should send this to the HR Advisor for your business area within 14 days of receiving the decision not to grant your request. You will need to set out in your appeal why you feel the decision should be looked at again, such as a new supporting argument or new information that might affect the decision.
- 11.3 An appeal meeting will be arranged with you, led by a manager independent of the original decision. You have the right to be accompanied by a Federation representative (if you are a member), or a work colleague. An HR representative may also attend for procedural advice.
- 11.4 Following the appeal meeting you will be notified of the outcome of your appeal and the decision will be confirmed in writing within seven days. Where the appeal is rejected, the reason for refusal will be specified. There is no further right of appeal.

12 Reviewing flexible working

- 12.1 Flexible working arrangements should be reviewed on an annual basis, as part of the PDR process, or where there is a personal or operational requirement to review sooner. If you wish to make changes to your flexible working agreement you are encouraged to discuss this with your line manager before submitting a new request. If the shift pattern for your role changes, then you may be asked to resubmit a flexible working application. The Constabulary cannot change the number of hours you work without your agreement.
- 12.2 For any minor changes to your flexible working, your line manager/Head of Department may be able to authorise this without the requirement to submit a new application. Line managers can seek advice from their HR Advisor or People Transactions Team as necessary. Any agreed such changes must be notified to the People Transactions Team by submitting an online change notification, and the subsequent changes will be confirmed to you in writing.