

## Individual Executive Decision Notice

<b>Report title</b>	People Services Update: Revisions to Flexible Working Policy following legislative changes	
<b>Decision designation</b>	GREEN	
<b>Cabinet member with lead responsibility</b>	Councillor Paula Brookfield Governance and Equalities	
<b>Wards affected</b>	Not applicable	
<b>Accountable Director</b>	David Pattison, Chief Operating Officer	
<b>Originating service</b>	People Services	
<b>Accountable employee</b>	Sukhvinder Mattu	Head of People Services
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<b>Report to be/has been considered by</b>	Core Services	13 March 2024
	Strategic Executive Board	19 March 2024
	Cabinet Member Briefing	27 March 2024
	Governance	

### Summary

From 06 April 2024 the Employment Relations (Flexible Working) Act 2023 will be in force. This has resulted in amendments to the Flexible Working Policy.

The legislation allows for the right to request flexible working to be a day one right; employees can make two flexible working requests within any 12 month period; employees no longer need to state the impact their request will have on the business; employers must respond to requests within two months and employers must consult with the employee before declining a request.

SEB have agreed to proceed with the revisions to the Flexible Working Policy for approval via IEDN.

Approved at Cabinet Member Briefing for Governance and Equalities on 27 March 2024.

### Recommendation(s) for decision:

That the Cabinet Member for Governance, in consultation with the David Pattison, Chief Operating Officer.

1. Approve the revised Flexible Working Policy for adoption within City of Wolverhampton Council.

## **1.0 Background**

- 1.1 The Flexible Working (Amendment) Regulations 2023 (SI 2023/1328), laid before parliament on 11 December 2023 will apply to applications made on or after 6 April 2024. Under the current law, workers have to have been employed for at least 26 weeks before making a request to work flexibly. These regulations are part of wider changes made in the Employment Relations Act which gained royal assent in July and is expected to come into force on 6 April 2024. The new regulations make flexible working a day one right. Other changes to flexible working (detailed below) are expected to come into force on this date also.
- 1.2 The legislation introduces the statutory right to make a flexible working request to be a day one of employment right, rather than the current requirement to have 26 weeks service.
- 1.3 Employees will be entitled to make two statutory flexible working requests in any 12-month period, rather than the current one application and will no longer need to explain the impact the request will have on the business.
- 1.4 Employers must respond to statutory requests within two months of receiving them rather than current three months and must consult with their employees before refusing a request for flexible working. Our current policy requires a response within 28 days of the request being made.
- 1.5 There will also no longer be any requirement for the employee to explain what effect their request will have on the employer or how the impact may be dealt with.
- 1.6 As a result, the Flexible Working Policy has been reviewed and amended.
- 1.7 On 19 March 2024, SEB approved the revisions and agreed to proceed with approval via IEDN.
- 1.8 This IEDN seeks to make the revised policy live for adoption within the City of Wolverhampton Council.

## **2.0 Progress**

- 2.1 A full review of the policy has not been undertaken due to the changes being legislative and the tight timescales for implementation. However, whilst reviewing the policies and guides to incorporate the legislative changes, People Services have also made amendments where required to formatting and reflect operational changes, such as replacing Human Resources with People Services.

- 2.2 People Services have engaged with the following stakeholders on the revised policies and guides:
- Trade Unions
  - People Services
- 2.3 Any feedback received has been considered and changes made as a result. Trade Unions and SEB have confirmed their approval to proceed to the next stages of the approval process.
- 2.4 People Services did not engage with the wider organisation on the amendments to the policies and guides, as the information contained within it is based on legislation and secondary regulations.
- 2.5 Below details the main amendments to the policy and recommendations SEB agreed. Draft revised policy, and policy amendment record detailing the changes are available in appendix 1-3.
- 2.6 Flexible Working Policy amendments**
- 2.7 The right to request flexible working section has been amended to incorporate the statutory right employees have to request flexible working from day one of employment.
- 2.8 Policy has been amended to remove the requirement for employees to state the impact their request would have on the business. The question has been removed from the Flexible Working application form and the flowchart in appendix 2 of the Policy.
- 2.9 Policy has been revised to include that employees can now make two flexible working request applications within any 12-month period.
- 2.10 The information relating to refusing a request has been amended as managers will now need to meet/consult with the employee when refusing a flexible working request. The Policy now includes that the manager and employee must discuss suitable alternatives before the refusal and the reason for refusal must be confirmed in writing to the employee following the meeting.
- 2.11 Formatting and minor revisions have also been made throughout the Policy, such as changes to titles and services.
- 3.0 Evaluation of alternative options**
- 3.1 The revisions reflect legislative changes ensuring People policies and guides are up to date and legally compliant. Without these changes, errors and delays in the associated People processes could result.
- 4.0 Reasons for decision**

4.1 People Services review policies and procedures on a regular basis to ensure they are innovative, promote best practice, are reflective of our diverse workforce and legally compliant. The revised policies and guides ensures the information available to managers and employees is up to date and reflective of recent operational and legislative changes.

## **5.0 Financial implications**

5.1 There are no financial implications associated with the recommendations in this report.  
[SR/15032024/A]

## **6.0 Legal implications**

6.1 Failure to follow and/or comply with these employment law changes, when in force, could result in legal implications, specifically claims being brought by employees against the Council in the Employment Tribunal.

[TC/21032024/B]

## **7.0 Equalities implications**

7.1 The Council is committed to equality and fairness for all employees and will not discriminate because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.2 Equality Impact Assessment has been completed for the changes. The Council is committed to promoting equality and recognising the diversity of our communities and will work to ensure all parts of our community are treated fairly.

## **8.0 Appendices**

8.1 Appendix 1: Revised Flexible Working Policy.

8.2 Appendix 2: Policy amendment record.