

## Working with choice – flexible working options policy

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Owner: **Assistant Director, People Services**

Responsible work team: **Policy, Pay and Reward**

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## 1 Introduction

- 1.1 This policy sets out the Brigade's arrangements for flexible working and applies to all employees.. The opportunity for staff to work flexibly forms part of the Brigade's ongoing commitment toward improving the wellbeing of all of its employees. There is a recognition that flexibility in respect of the hours that an individual works, how these hours are organised over a working week/period, and where the work is conducted, all contribute to a better work life balance, enhanced employee engagement, increased workforce diversity/inclusion and equality of opportunity, which are all characteristics of modern day working practice.
- 1.2 This policy should be applied in line with the Brigade's values:
  - Service – We put the public first.
  - Courage – We step up to the challenge.
  - Learning – We listen so that we can improve.
  - Teamwork – We work together and include everyone.
  - Equity – We treat everyone fairly according to their needs.
  - Integrity – We act with honesty.
- 1.3 Advances in technology, societal and business change have demonstrated how it has been possible to work differently, reflected in that some of the Brigade's workforce are able to alternate their workplace between Brigade premises and their homes.
- 1.4 All employees who meet the eligibility criteria have a statutory right under the Employment Rights Act 1996, as amended by the Children and Families Act 2014, to apply for a change to their terms and conditions of employment if it relates to working hours, working times, and work location (between home and the employer's workplace).
- 1.5 In respect of home working only, you may decide that you wish to remain on your existing terms and conditions and not request a change of contract in order to maintain a level of flexibility in how you are able to manage your work life balance.
- 1.6 There are eligibility criteria associated with any flexible working application, particularly for operational and Control staff due to the need for the Brigade to provide a 24 hour service. Section 2 below details these criteria. It should be noted that there is no requirement to submit a formal application for home working for the majority of FRS staff, non-fire station based operational staff and staff on light duties.
- 1.7 Subject to such criteria, each request for flexible working will be considered on its own merits and may be granted subject to section/departmental/organisational needs. Within departments there may be limits to the numbers of staff allowed to vary their working arrangements at any one time.
- 1.8 For operational staff, the resilience of the Brigade is paramount. The maintenance of competency through engagement with the Development and Maintenance of Operational Professionalism (DaMOP) will therefore be taken into account when evaluating requests for flexible working that are received from operational and Control staff.
- 1.9 Where an application for flexible working is received in respect of which paragraph 2.4 applies, and it may be declined, the line manager will firstly consult with you (the applicant) before confirming in writing that (a) your request cannot be agreed, specifying the reason(s) set out at paragraph 7.1 below, and (b) your application will not be progressed further under this policy.

- 1.10 Where a request for flexible working is agreed, there is no automatic right for you to retain the arrangement if you voluntarily move to a different post/posting. In this situation, if you wish to continue with your flexible working arrangement, you will be entitled to make a request for a similar working arrangement in your new post/posting.
- 1.11 If you have a flexible working arrangement and are transferred by the Brigade to a different post/posting, you will be entitled to continue with your flexible working arrangement.
- 1.12 The Brigade reserves the right, in exceptional circumstances, to alter flexible working arrangements. This is not intended to continue beyond the period that gives rise to the change and may be at the direction of a director or the Commissioner. This may be on account of Governmental advice, or some other substantial reason. The Brigade will endeavour to do so with consultation, but exceptional circumstances may limit the opportunity to consult.

## **2 Eligibility**

- 2.1 If you have a flexible working arrangement, and voluntarily move to another post, you need to request to continue working your previously agreed arrangement (see paragraph 1.10 above).
- 2.2 If paragraphs 2.1 and 2.3 do not apply, you will be eligible to make a request for flexible working provided you have not made two requests to work flexibly during the previous 12 months. Applications from new employees in operational or control roles will not normally be approved if the application is made within the first 6 months to enable training and development to be completed:
  - Normally, Control staff who have not successfully completed their initial training course and initial watch based development, will be ineligible to work flexibly before 26 weeks service.
  - Normally, operational staff who have not successfully completed their Phase 1 training will be ineligible to work flexibly before 26 weeks service.
- 2.3 A second requests to work flexibly may not be initiated while another request is 'live'. 'Live', can be:
  - It is being considered;
  - it is pending agreement;
  - it has not been withdrawn by the applicant, or;
  - it is beyond the 2 month period allowed for consideration of the application.
- 2.4 Due to the Brigade's need to provide a 24 hour service, certain types of flexible working arrangement will not be available to some operational staff and Control staff on the shift duty system. The full list of flexible working arrangements which are not available to specific staff groups are set out in paragraphs 3.2, 3.10, 3.13, and 3.16. In addition, paragraph 3.8 contains the only part-time flexible working arrangements which are available to station-based operational staff - other part-time arrangements are therefore not available to this group of staff. Where an employee makes a request for a type of flexible working that is not available to them, the request shall be dealt with in accordance with the process set out at paragraph 1.9 above.

## **3 Examples of flexible working**

- 3.1 The following examples of flexible working are not exhaustive but are expected to be the main types of flexible working arrangement which will be applicable to Brigade staff, subject to paragraphs 3.2, 3.8, 3.10, 3.13 and 3.16 below.

## **Job sharing**

- 3.2 The option of job-sharing is not available to station-based operational staff and flexi-duty staff. Station-based operational staff and flexi-duty staff who wish to reduce their working hours are therefore advised to make an application for part-time working rather than job share.
- 3.3 Where applicable, job share arrangements provide for full-time roles to be normally divided equally i.e. a 50/50 split between two employees, however, other combinations can be considered where appropriate, subject to section/departmental/organisational needs, and the needs of the individual.
- 3.4 In the event of a job share partner leaving the section/department's service, the remaining job share partner will continue to retain security of employment. Steps can be taken, subject to departmental/section needs, for the vacant half of the post to be filled in accordance with normal recruitment procedure.

## **Part-time working**

- 3.5 Working fewer hours can be important for employees to achieve a better work life balance, in particular, for parents, carers, people with disabilities and those wishing to pursue further education. Under the working with choice policy, you will be able to request to reduce the number of hours worked during the week without the requirement for a job share partner.
- 3.6 It should be noted that with part-time working, the issue of taking appropriate breaks needs to be considered by both employees and managers. To this end, under the Working Time Regulations (WTR) all employees working more than six hours per day are entitled to take a minimum 20 minute break. No arrangements should be agreed which breach this Regulation, staff and managers should be realistic about this and the timing of breaks.
- 3.7 While employees working up to six hours per day will not be required, under the WTR, to have a break built in to the working day, managers and employees are advised to consider any particular circumstances, including any medical conditions that may relate to the person (e.g. diabetes, high blood pressure etc.) or the job itself (e.g. a physically repetitive job or one with a lot of VDU work) that would make a long period without a break an unsafe system of working. In these circumstances, a break after working 3–4 hours is recommended, and it should be noted that (for FRS staff) the break will be unpaid.
- 3.8 Station-based operational staff will be able to apply for one of the following part-time working options set out below:
  - 2 days
  - 2 days and 1 night
  - 3 days
  - 3 days and 1 night
  - 4 days

Requests received from station-based operational staff for part-time working hours which are outside of the options listed above will be dealt with in accordance with the process set out at paragraph 1.9 above.

- 3.9 Control staff will be able to apply for one of the following part time working options set out below:
  - 1 day, 1 short shift, 1 night, 9 rota days within Control;
  - 1 day, rota, 1 night, rota, rota, rota, rota within CORE; or,
  - a reduction of hours if working in a Control support team.

Requests for part time working in these teams will be dependent on the ability to maintain effective ongoing cover, and if declined will be against one of the business reasons cited in paragraph 7.1 below.

3.10 Where part-time working is agreed for station-based operational staff, or Control staff, you may be required to attend work outside of the agreed shift pattern in order to attend training courses.

### **Compressed hours**

3.11 The option of compressed hours working is not available to operational staff, and control staff on the shift duty system. Requests received from operational staff, and control staff on the shift duty system, for compressed hours will be dealt with in accordance with the process set out at paragraph 1.9 above.

3.12 Where applicable, compressed hours working enables an employee to continue to work the full-time standard hours as determined by their contract of employment, but over a shorter working week. For example, an FRS employee contracted to a 35 hour week normally worked over five days could request to work these hours over a four day period. In this example, an employee will be required to work 8 hours and 45 minutes per day over a four day period with a requirement to work an additional 37 minutes per day for staff participating in the option absence scheme.

3.13 Each request for compressed hours working needs to be considered and assessed in terms of both the compressing of hours requested and the associated health and safety implications for the member of staff, given the longer working day and the possible impact on wellbeing.

### **Term time working**

3.14 The option of term time working will not be available to station-based operational staff, flexi-duty staff, and control staff on the shift duty system. Requests received from station-based operational staff, flexi-duty staff, and control staff on the shift duty system for term-time working will be dealt with in accordance with the process set out at paragraph 1.9 above.

3.15 Where applicable, term time working is a combination of part time working and compressed hours working and may be suited to employees with children of school age. In this working pattern, you will be contracted to work during the school term with no requirement to attend for duty during the school holidays.

3.16 This variation may not meet the needs of all services whose workloads do not decrease during school holidays.

### **Home working**

3.17 The option of home working will not be available to station-based operational staff (firefighter to station officer inclusive), and control staff on the shift duty system.

3.18 Operational staff that are non-fire station based and have a role that could potentially accommodate an element of home working should talk to their line manager(s) about this flexible working option. Staff on light duties can also talk to their manager about a flexible working option.

3.19 If it is considered that these staff are able to discharge their role requirements whilst home working, particularly in relation to operational/flexible duty system commitments, agreement can be given for this to take place providing permission has been given by the line manager.

3.20 Operational officers from the rank of station commander and above are required to be in London when they are on a 24 hour duty period. Outside of these shifts there is the ability, on occasion, and as agreed by the individual's line manager, to be status 7 category 1 or 2. This consideration

needs to be factored into the decision making process of managers when agreeing a home working option for these staff.

- 3.21 The Brigade acknowledges that for most FRS staff home working forms part of their working week and as such there is no requirement for any formal application to be made to take up this mode of working, although home risk assessments may be required, unlike for other types of flexible working options detailed in this policy that require an application to be made.
- 3.22 Home working for staff brings significant added value, as does engaging, and being with, colleagues in a professional workspace, so all staff should endeavour to not overly rely on a home working status to the detriment of time spent in a Brigade work location, except in the very exceptional circumstances that will invariably be linked to and/or include a reasonable adjustment. Heads of service/line managers have a responsibility to ensure that an equitable balance is found in this regard using the guidance outlined in paragraphs 3.22, 3.23 and 3.24 below.
- 3.23 Some FRS roles also require that you work from and/or be located at a secure Brigade location because of the nature of your main duties and responsibilities, such as:
  - (a) you have a front/client/customer facing role and would be unable to discharge some, or all, of your role requirements without being in a Brigade work location,
  - (b) you have key work tasks to perform that cannot or would be difficult to be undertaken remotely, but would be able to be completed in a Brigade work location,
  - (c) you have a training and development requirement for your role that cannot be completed without being in a Brigade work location.
- 3.24 The management of staff workplace attendance and home working on any given day/week is the responsibility of heads of service/line managers. Heads of service/line managers are to ensure that on any given day a team's/department's desk allocation\* at Union Street (US) is not exceeded and is in accord with the hybrid workspace that provides different spaces for working. A rota system of attendance should be used that accounts for the conditions outlined in paragraph 3.18, 3.19, 3.20, 3.21 and 3.22 above, as well as your circumstances relating to wellbeing matters:
  - (a) you do not have a home environment that is conducive to home working and/or
  - (b) your health can be/is affected by periods of home working.

\*Desk allocations for teams/departments is fixed and cannot be altered. Any increase in staff numbers are to be accommodated within existing allocations.

- 3.25 Heads of service/line managers can amend and/or review a home working option for you where there is an identified team/departmental need and/or there are identified development/performance matters that could potentially be better supported by a change in how you manage/balance your working week in terms of face to face engagement with colleagues/line manager to achieve a resolution to the matters arising. In such circumstances it is the responsibility of the head of service/line manager to meet with you and clearly outline why such a change might be necessitated and how long any amendment/review to a home working option could last and what impacts, if any, are likely to result.
- 3.26 Staff and managers should read and use the Guide to Homeworking and Risk Assessment Checklist in respect of the considerations and actions to be taken to facilitate safe home working.
- 3.27 Managers and you should recognise that by the very nature of a flexible working policy the days you attend a Brigade work location will not necessarily be fixed, so one weeks working pattern of

home working versus attendance at a Brigade location may invariably be different depending on business/personal need and the desk allocation available.

- 3.28 You should use their Outlook calendars (with permissions set to open view to all) so that the detail of their whereabouts on any given day and/or the location/timing of meetings being attended can be viewed by line managers/colleagues.
- 3.29 The director of people can terminate and/or amend any aspect(s) of the working from home option at any time in order to align with business needs. Any staff likely to be impacted by such actions will be given a minimum of one months notice of any change to be made.

### **Working abroad**

- 3.30 Where you wish to work for the Brigade and base yourself outside of the UK for a period of time, special permission must be sought from their head of service who will consult with the assistant director of people services about the decision to be made. This will afford time to evaluate the request and the possible legal and/or logistical implications of any proposed arrangements.

### **Impact on salary and leave entitlements**

- 3.31 Salary and leave entitlements will be prorated as necessary for staff working the following flexible working patterns: job sharing, part-time working, term time working. Leave entitlements will be prorated/compressed as necessary by HR Services for staff working compressed hours. Managers should monitor prorated leave to ensure that leave entitlements have been adjusted, and that the correct leave is taken.

## **4 Application procedure for flexible working (excluding home working)**

- 4.1 The eligible employee ("the Applicant") will be required to submit a written application to their line manager for all requests related to flexible working **other than home working**. For operational and FRS employees, their line manager will be no lower than group commander or FRS F grade. For Control staff, their line manager will be a senior control commander.
- 4.2 You will be able to make two applications per year (unless paragraph 1.9 or 2.3 applies), and a successful application will, unless otherwise agreed (see paragraph 5.3), mean a permanent change to your terms and conditions of employment.
- 4.3 The flexible working application form (not home working) for a flexible working arrangement is available on Hotwire>Policies>Templates and Resources >People&Employment>Working arrangements.
- 4.4 Given the information required to be included by you on the application form, it is important that you give careful consideration as to which option would best suit your needs. **You will also need to take into account the impact a change in working hours will have on your salary, leave and pension entitlements.** You are advised to seek the appropriate advice from HR Services, Payroll Services and the Local Pensions Partnership, prior to making a formal flexible working application which involves a change in working hours.
- 4.5 In addition to the information which you are required to include on the application form, it may assist the line manager in determining the flexible working application if you include the reasons for making the request. In particular, where you believe the Brigade's Equity policy may be relevant. Examples include where the request concerns caring or family commitments, religious or cultural requirements, or adjustments because of a disability.

## **5 Formal request: Meeting/Consultation**

- 5.1 The line manager will consider the application and, if they may be unable to determine the request based on the information provided, they wish to discuss the application further with you, or are considering declining the request a consultation meeting must be arranged. Where paragraph 2.4 applies, the request will be determined without a meeting. Where a meeting is arranged, you have the right to be accompanied at this meeting by a workplace colleague, or a Trade Union representative ("the Companion"). The Companion will be entitled to speak during the meeting and confer with you, but they may not answer questions on behalf of you. The timing and location of the meeting should, where practicable, be agreed with you and/or the Companion. You should be given at least seven days notice of the date of the meeting, unless a shorter notice period has been agreed you.
- 5.2 At the meeting, the process will be explained to you. You and/or the Companion will be invited to outline your request and provide any supporting documentation, should this be appropriate. This meeting will also provide an opportunity for the parties to explore any alternative arrangements beyond the specifics contained in the application, and the manager may suggest a compromise arrangement to you if the manager is unable to accommodate the arrangement that has been proposed by you. Any compromise arrangement must be agreed with you. If you do not agree to the proposed compromise arrangement, the request may be declined if one or more of the business reasons at paragraph 7.1 apply.
- 5.3 For any requested flexible working arrangement, the line manager will consider whether it is appropriate to make the arrangement subject to any conditions, for example (a) an initial trial period, after which the arrangement may be terminated by the manager; and/or (b) a regular periodic review, after which the arrangement may be terminated by the manager. Any proposed conditions will be discussed with you at the formal meeting and any proposed conditions must be agreed with you. If you do not agree to the proposed conditions, the request may be declined if one or more of the business reasons at paragraph 7.1 apply.
- 5.4 If you and/or the Companion cannot attend the scheduled meeting, you should inform the line manager in advance, as soon as possible. If you fail to attend through circumstances outside your control, and unforeseeable at the time the meeting was arranged (e.g. illness), the line manager should arrange another meeting. The Companion may attend on behalf of you if you are unable to attend. If the Companion cannot attend on a proposed date, you can suggest another date, provided that it is reasonable, and is not more than seven days after the date originally proposed by the line manager. This seven-day time limit may be extended by mutual agreement.
- 5.5 If you fail to attend both the meeting and a re-arranged meeting, without good cause, the request will be treated as having been withdrawn and the line manager will confirm this in writing to you. Where the application has been deemed to be withdrawn due to non-attendance, you will be entitled to make another formal request for flexible working, but it will count as your second within the 12 months limit, providing it falls within that time frame.

## **6 Formal request: Decision**

- 6.1 Your line manager will communicate in writing their decision to you within 28 days of receiving the application. This time scale will be extended automatically if the line manager is absent from work due to leave or illness, or you delay the process.
- 6.2 Your line manager can, if necessary, within the 28 day period, seek the advice of the People Services on any particular aspect of the application prior to making a formal response to you within the stipulated time scale.

- 6.3 Where a line manager considers declining a request, they may first discuss the reasons with People Services or more widely if appropriate, but should conduct a consultation meeting with you before deciding.
- 6.4 If the application is approved, or alternative arrangements are agreed, then unless otherwise agreed (for example there may be an agreed trial period and/or an agreed review period, see paragraph 5.3), the variation in working hours will be a permanent change to your terms and conditions of employment and will apply to the post/posting that you are occupying at the time of your flexible working application. If the application is to be rejected, the line manager will explain the business reasons for turning down the application in writing. The 8 business reasons for which the request may be rejected are set out at paragraph 7.1 below.
- 6.5 **Whether the request has been granted or not, the application form must be sent to HR Services (via the HR Helpdesk) for monitoring purposes.** Where a variation in working hours has been agreed, a notice of variation in contract will be sent to you. You are required to sign the variation document and return it to HR Services.

## **7 Business reasons for rejecting a request**

- 7.1 If a request for flexible working is rejected, it must, in accordance with legislation, be for one or more of the following 8 business reasons:
  - The burden of additional costs.
  - A detrimental impact on ability to meet customer demand.
  - An inability to re-organise work among existing staff.
  - An inability to recruit additional staff.
  - A detrimental impact on performance.
  - A detrimental impact on quality.
  - Insufficient work for the periods the employee proposes to work.
  - A planned structural change to the organisation.
- 7.2 The above are the factors managers will need to consider in assessing your with that of section/department and ultimately organisational goals and objectives.
- 7.3 If a flexible working arrangement is terminated following a trial period, or an agreed periodic review, the line manager will confirm this in writing to you. Where the manager is considering terminating the flexible working arrangement in these circumstances, they should first consult with the People Services.

## **8 Monitoring and review of station-based operational staff on flexible working contracts**

- 8.1 In the first year of a flexible working contract for station-based operational staff, review meetings with you will be carried out at least biannually by the appropriate station commander, and be signed off by the group commander, although they may consult with the DAC. This frequency can be increased as deemed necessary by the station commander. A record of this meeting should be completed using the record of review template available on Hotwire>Policies>Templates and Resources >People&Employment>Working arrangements including any action plans and sent to People Services.
- 8.2 To ensure training requirements are met, station commanders/group commanders should request biannual reports (or as required) from their Area Team detailing: -
  - The number of personnel within their area and borough on flexible working patterns (excluding home working).

- The number of training hours recorded for each individual.

8.3 Station commanders/group commanders should review the information provided to ensure that every employee on a flexible working pattern has completed the required essential training to maintain operational competency, as per Policy number 427 - the development and maintenance of operational professionalism (DaMOP).

## **9 Appeals procedure**

9.1 If you remain dissatisfied, you may appeal in writing to the line manager within 14 days of the decision being notified to you. There is no right of appeal where paragraphs 2.2 or 2.4 applies.

9.2 The appeal will be to the DAC/assistant director and the appeal hearing will be convened within 14 days of receipt of the written appeal. This time scale will be extended automatically if the DAC/assistant director is absent from work due to leave or illness.

9.3 You have a right to bring along a Companion to the hearing. The Companion can address the hearing or confer with the Applicant. The Companion cannot answer questions on behalf of you during the hearing.

9.4 If you are unable to attend the hearing, you should request an adjournment as soon as possible after being notified of the hearing date or consider an alternative Companion if it is the Companion who is unable to attend.

9.5 If you fail to attend both the appeal hearing and the re-arranged appeal hearing without good cause, the request will be treated as having been withdrawn and the DAC/assistant director will confirm this in writing to you. Where the application has been deemed to be withdrawn, you will only be entitled to make one further formal request for flexible working within 12 months of the original application.

9.6 The decision of the DAC/assistant director will be communicated in writing to you within 14 days of the appeal hearing unless otherwise agreed and the decision will be final.

## **10 Re-applying**

10.1 If you have been unsuccessful in your application for flexible working then you will be eligible to make one further formal request for flexible working within 12 months of the date of the initial application, unless paragraph 1.9 or 2.3 applies.

10.2 If you withdraw a formal request for flexible working, or if your application is deemed to be withdrawn, (see paragraph 5.5 above), you will be eligible to make one further formal request within 12 months of the date of your initial application unless paragraph 2.3 applies.

## **11 Time-scales**

11.1 There is no scope to extend the time scales referred to in this policy, except where stated in the policy, unless it is by agreement of the parties.

11.2 When arranging and/or re-arranging meetings, managers must bear in mind that a final decision on the request, including the outcome of any appeal stage, must be given to you within two months of the request being received, unless you have agreed to extend this period.

## **12 Records**

12.1 Please send records by email to [RecordsServices@london-fire.gov.uk](mailto:RecordsServices@london-fire.gov.uk). Records will be kept on your electronic personal record file (e-PRF) and retained in accordance with Policy number 788 -

Electronic personal record files (e-PRF). Personal data shall be processed in accordance with Policy number 351 – Data protection and privacy policy.

## **13 Help and support**

- 13.1 Please contact the HR Helpdesk on extension 89100 option 3 and by email to [IT.HR@london-fire.gov.uk](mailto:IT.HR@london-fire.gov.uk).
- 13.2 This policy may also be available on request in other alternative accessible formats as set out in Policy number 290 – Guidance note on translation and interpretation. Please contact Communications on extension 30753 and by email to [communications.team@london-fire.gov.uk](mailto:communications.team@london-fire.gov.uk) to discuss your needs and options.
- 13.3 The Brigade invites your engagement so that it can learn so if you have a suggestion that can improve this policy then please submit your idea via the Staff Suggestion Scheme on Hotwire as set out in [Policy number 887 – Staff suggestion scheme](#). Any changes do need to go through the agreed engagement, consultation, negotiation or governance requirements

## Document history

### Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	11/06/2024	SDIA	L - 02/06/23	HSWIA	09/06/23	RA	N/A
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### Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Page 9, Para 8.2	People Services changed to Area Team.	20/02/2025
Throughout	Reviewed and updated against 2025 Grey Book 7 <sup>th</sup> edition.	15/05/2025
Page 7, para 4.5 Page 12	Equity replacing Togetherness. EIA date updated.	18/07/2025
Page 4, para 3.9	New paragraph added for Control part time working options.	26/01/2026

### Subject list

You can find this policy under the following subjects.

Flexible working	Life balance
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### Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification