

Flexible Working Policy and Procedure

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Alternative Formats

This documentation can be made available in alternative formats such as large print, Braille, disk, audio tape or in an ethnic-minority language upon request. Requests for alternative formats can be made to the Probation Board using the following contact information:

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POLICY

1 Rationale

The Probation Board for Northern Ireland (PBNI) recognises its obligation to deal with matters where an employee requests to work on a flexible basis to address work-life balance issues.

The statutory right to request flexible working is available to all employees with 26 weeks continuous service and for any reason. An employee is any person under a current contract of employment with PBNI, including fixed term contracts.

This statutory right is a 'right to request' and not a right to be granted flexible working. The PBNI has developed the Flexible Working Policy and Procedure to establish a clear course of action which will ensure the fair and consistent treatment of employees in the consideration of requests to work flexibly.

The Flexible Working policy and the supporting procedure meets the requirements of all relevant employment legislation (Employment Rights NI Order 1996, Work and Families Act 2006, Flexible Working Regulations (NI) 2015) and enables the Probation Board for Northern Ireland (PBNI) to meet its commitment to promoting equality and diversity among employees.

In determining applications for Flexible Working, PBNI also recognise protections that exist for employees under anti-discrimination legislation and may be considered in any flexible working application. Flexible working may be considered a reasonable adjustment for a disabled employee, with less than the required six months service set out in the Employment Rights (NI) Order.

The Procedure deals with and outlines the details of different working patterns which make up flexible working arrangements.

As indicated above this policy does not provide an automatic right to work flexibly. PBNI will consider the ability to provide an effective service, and this will be the basis for the final decision. Not all flexible working patterns or options will be suitable for all departments/teams, and it may be difficult to accommodate the requests of several employees in the same area.

2 Aim

To promote fairness in application of the flexible working procedures and to ensure these are consistently applied.

To ensure compliance with legislative requirements for employees who have the right to apply to work flexibly and have their application considered by PBNI.

To accommodate where possible requests from employees to balance their role within PBNI with other commitments or interests and to retain and benefit from the skills and experience of the staff it has trained and developed.

3 Objective

To provide a framework of guidance which allows PBNI to deal with flexible working requests and consider the rights and obligations of those involved.

4 Responsibilities

4.1 Employees should:

- Discuss their interest in flexible working arrangements with their line manager at the earliest opportunity.
- Submit a written request under the Flexible Working Policy, including all relevant information, giving at least three months' notice of the date they wish their flexible working arrangement to start.
- Respond promptly and positively to requests for further information and regarding arrangements for meetings.

4.2 Line managers should:

- Line managers are the decision makers in any flexible working request. They should ensure that they read this policy and procedure to understand its application and always ensure that they liaise with HR in relation to any request for Flexible Working as this is a variation to contract, normally, and will likely have an impact on the long- term operations of a team, recruitment or PBNI's overall establishment.
- Respond constructively to informal discussions with employees about flexible working.

- Give due consideration to formal requests for flexible working arrangements, taking a positive approach to enabling requests where possible considering the needs of the service.
- Consult with their own line manager on the application before making a decision on whether to approve the application.
- Line Managers should consider that backfill may not be available depending on the pattern of work requested.
- Follow the procedure when dealing with requests for flexible working, ensuring that timescales are met.
- Liaise with their HR People Partner/Advisor when considering flexible working applications to ensure consistency of approach.
- Ensure that PBNi's Equal Opportunities principles are applied in matters relating to flexible working.
- Monitor how effectively the flexible working arrangements are operating during any trial period and notifying HR of the outcome of any review.

4.3 Senior Line Managers (SLT) should:

- Senior Managers are managers at Band 13 or above.
- Establish and maintain a culture that is supportive of a positive work-life balance and enabling in its approach to flexible working.
- Ensure that line managers follow and adhere to the procedure when dealing with requests for flexible working.
- Ensure line managers give due consideration to formal requests for flexible working arrangements, taking account the needs of the service.
- Ensure that all possible options available across their area of responsibility are explored.
- Ensure that PBNi's Equal Opportunities Policy are applied in matters relating to flexible working.

4.4 Human Resources (HR) should:

- Provide guidance and advice to employees and management regarding the Flexible Working Policy and Procedure considering legislative requirements.
- Attend the meeting with the employee and line manager within procedural timescales, take notes and advise on points of process.
- Provide formal notification to employees and payroll of changes to contractual arrangements (where applicable).
- Consider all known alternatives within the organisation if a Flexible Working

- request is unable to be facilitated locally.
- Provide formal notification to employees in relation to the Appeals Process.
- Monitor and review the working of the Policy including monitoring for Equal Opportunities impact.

5 Monitoring and Evaluation

The effectiveness of this Policy will be kept under regular review, and any amendments will be agreed with trade unions.

6 Review

This Policy will be reviewed four years from date of approval. Interim reviews may also be prompted by feedback, and/or identified changes in practice.

7 Linkages

This policy links to the following:

- Contract of Employment / Main Terms and Conditions
- Data Protection Policy
- Disability (Workplace Adjustment) Passport
- Equal Opportunities Policy
- Flexible Retirement Policy
- Hybrid Working Policy and Procedure
- Records Policy
- Recruitment Policy and Procedure
- Special Leave Guidance
- Voluntary Transfer Policy and Procedure

PROCEDURE

8 Eligibility

To be eligible to make a flexible working request a person must:

- Be an employee;
- Have been employed continuously for at least 26 weeks at the date the application is made;
- Not have made another application in the previous twelve months (with the exception of term-time or compressed hours which must be applied for annually).

Note: There may be exceptional circumstances where requests will be considered from employees who do not meet these requirements. For example, an employee with a disability who does not meet the eligibility criteria in bullet 2 and 3 above, may request a flexible working arrangement, as a reasonable adjustment, which must be considered in light of PBNl's obligations under the Disability Discrimination Act 1995. In such circumstances the request form should still be completed, and any agreed arrangements should be formally recorded, preferably on the Disability (Workplace Adjustment) Passport.

Eligible employees will be able to request:

- A change to the hours they work.
- A change to the times when they are required to work.

The various flexible working arrangements are set out in Section 9 below.

9 Flexible Working Arrangements

Flexible working arrangements that will be considered within this PBNl procedure are:

- Reduced Hours
- Job share
- Compressed hours
- Term-time working
- Change of hours
- Flexible Retirement (see separate Flexible Retirement Policy and Procedure)

It is important to note that any change made to a working pattern may impact on certain terms and conditions of employment, annual leave entitlement, public holiday entitlement, pension etc. The impact will vary depending upon the type of flexible working pattern.

Where the flexible working pattern results in differing daily hours, leave entitlement will be recalculated.

9.1 Reduced Hours

Part-time/reduced hours may be a result of:

- An employee requesting a reduction in their working week or working year (see term- time working).
- Two employees asking to share one full-time job (see job-share).
- Establishing that a post does not require full-time hours.
- Requesting Flexible Retirement on reduced hours.

Key Points:

- If backfill is required, recruitment to the remaining hours might provide an extra resource in terms of availability, flexibility, and range of skills. If, however, backfill is not deemed possible or proves difficult it might be necessary to postpone or reject the implementation of reduced hours.
- It may allow managers to use resources more flexibly or in different ways.
- Cover must be available at relevant times, duties delegated appropriately, and workload distributed in accordance with the hours each employee works. Before agreeing to a change of hours line managers should ensure that workload can be accommodated in line with working hours.
- Where there are several employees working reduced hours in the team the impact on service delivery and planning of rotas, holidays etc should be considered.
- Arrangements must be put in place to ensure that service levels are maintained, and the burden of continuity does not always fall to full-time staff.

9.2 Job Share

Job share is an arrangement where two employees share all aspects of a job between them. Pay and benefits are also shared on a pro-rata basis.

Key Points:

- Such arrangements may add to the experience and expertise available within the organisation.
- Job-share works best when it is possible to build in some overlap period so that a hand- over can take place. Managers must consider how that can be arranged and good communications ensured.

- Additional training, equipment and fixed costs may be required, and managers must consider these when assessing the practicality of agreeing to the request.
- Where one job-share partner leaves, managers may ask the remaining partner to cover both parts of the job-share. If, following advertisement, recruitment to the remaining part of the post proves impossible, managers may replace the arrangement with a full-time post and alternative employment will be sought for the remaining job-share partner.

9.3 Compressed Working Hours

Compressed working hours allow employees to work their full-time hours over fewer working days.

Key Points:

- Invariably compressed hours result in longer working days and those considering such an arrangement must ensure that a 45-minute break is taken.
- Consideration must be given to any potential impact on service delivery in a reduced weekly arrangement that may arise out of, for example, requesting to work 37 hours in a four-day week, thus reducing availability one day a week.
- When considering requests for compressed hours, consideration must be given to how an employee can be accommodated at their normal work location(s) if office opening hours are limited; and the need to build in travel time to and from a work location.
- Consideration should also be given to the current working patterns of the team and if it is a manager role, who will provide cover in the absence of a manager.

Compressed Hours working will not be approved on a permanent basis and will be approved for one year only.

Employees must submit a further application, should they wish for their compressed hours working pattern to continue for a further 12-month period. This application must be made three months in advance. The normal approval process will be followed. There is no guarantee that it will be approved for a further period.

9.4 Term-Time Working

Term Time arrangements are where an agreed block of up to six weeks unpaid leave is taken during July and August each year which may be extended, if possible, using up to three weeks' normal annual leave entitlement over that period. Annual leave must be agreed by the line manager, taking into account other leave requests.

Key Points:

- As the employee will not be at work during the months of July and August, the impact on service delivery during this peak holiday period should be considered, as well as ensuring that the burden of continuity does not always fall to full-time staff.
- Salary will be adjusted to provide 12 reduced monthly payments to spread the loss of the three/six weeks salary throughout the year.
- Annual and statutory leave entitlement is reduced to take account of the three/six weeks' unpaid leave.
- NILGOSC will continue to calculate any pension benefits based on a full year's pay, but reckonable service will reduce by three/six weeks.
- Term-time working is based on a financial year from 1 April to 31 March. Applications for term-time working arrangements should be submitted no later than the 31 December each year, to allow sufficient time for the application to be considered in line with the timescales as laid out in Section 4 of this procedure.
- Term-time working applications will be approved for one year only; therefore, staff who wish to avail of term time working for more than one year, must reapply each year. Terms and conditions of employment will be revised on an annual basis from 1 April to 31 March.
- Should an employee leave PBNi before they have taken the agreed period of absence, pay and benefits will be recalculated to ensure no detriment.
- Staff may apply for any of the other flexible working arrangements alongside term-time working, for example, a reduction in hours.

Term-Time working will not be approved on a permanent basis and will be approved for one year only.

10 Change to Working Hours/days

An employee can request to change their working time, for example to permanently start earlier in the day than the standard office hours of 9am to 5pm. A part time employee may request a change of working days.

Key Points:

- The impact on the team and the service delivery must be considered when considering any variation from the normal operating hours on a permanent basis.
- Consideration can be given to how Flexitime or TOIL can be used to allow for temporary arrangements to be put in place.

11 Flexible Retirement

An employee can request to change their working time, on the basis that they wish to flexibly retire. In such circumstances, the request for flexible retirement will be considered on a case-by-case basis. However, the arrangements for accommodating the request can be considered in the same light as requesting reduced hours, as set out above.

12 Learning and Development

Employees with flexible working arrangements will be provided with the same opportunities for training as other staff. It may not always be possible to organise courses during normal working hours and in such circumstances, the employee should show flexibility, as far as possible, where this requires attendance on days that they would not usually work. Where this is required, the employee will be entitled to time off in lieu.

13 Rest Breaks

Those considering any flexible working arrangement must ensure that rest breaks are included in the calculation of working hours.

14 TOIL / Flexi

Staff working flexible hours will have their TOIL / Flexi entitlement calculated on a pro-rata basis in respect of allowed credit /debit. The accrual of TOIL / Flexi will be closely monitored to ensure that work can be completed within the agreed working pattern. Persistent or significant accrual and/or utilising of TOIL/Flexi may result in a review of the flexible working arrangement.

15 Increased Hours

Employees who work part-time may request to increase their hours when their personal circumstances change. Managers are under no obligation to agree to this contractual change, but subject to budgetary considerations it may provide an opportunity to make beneficial changes to the service or staffing arrangements.

Employees who wish to recommence their original contracted hours can request this after 12 months of working on the agreed contracted hours basis. There is ***no automatic right to resume***, and such an application would be reviewed considering operational and budget requirements.

16 Application for Flexible Working following Maternity Leave / Shared Parental Leave

An employee can apply for a flexible working arrangement to follow on immediately from a period of maternity leave or shared parental leave. The application should be submitted as soon as practicable but at least three months prior to the end of maternity leave.

It is recognised that there may be exceptional cases where the 3-month timescale cannot be met and, in such circumstances, as much notice as possible should be given from the prospective start date, taking account of the timescales laid out in the procedure.

17 Applications for Transfer or Promotion

Employees applying for alternative positions within PBNi should do so on the basis of the working arrangements advertised and should not assume that it will be possible to maintain any existing flexible working arrangement.

18 Permanent Change to Terms and Conditions of Employment

With the exception of Term Time Working and Compressed Hours working, any application resulting in approval to work under flexible working arrangements will mean a **permanent** change to the employee's own terms and conditions of employment unless otherwise agreed. It is important therefore that before making an application the employee considers:

- which working pattern will help them;
- any financial implications it might have on them where the desired working pattern will involve a drop in salary;
- and any effects it will have on the business of PBNi and how these might be accommodated.

19 Trial Period of Flexible Working

In some cases, line management may approve a flexible working arrangement for a trial period to ascertain if the proposed working pattern can be facilitated on a permanent basis.

This will be conveyed to the employee from the outset and in such circumstances any trial period will be for a maximum of six months (except for Term-Time and Compressed Hours working which will be approved for one year only).

After this period line management will review the situation and decide if the work pattern can be accommodated on a permanent basis or the employee should revert to the original work pattern.

If, after the trial period, line management decide that the flexible working arrangement cannot be accommodated in the employee's current team then a referral can be made to HR to explore other opportunities that may be available.

20 Temporary arrangements

There may be occasions when an employee wishes to apply for a shorter-term temporary arrangement to accommodate specific personal circumstances, for example, in relation to parental or adult caring responsibilities. A short-term arrangement is deemed to be six months or less. This may be considered by the line manager, and employees should apply following this procedure.

After six months the situation will be reviewed by line management, and the employee will either revert to their original work pattern or request a permanent change to their terms and conditions of employment.

21 Process

Employees considering flexible working are encouraged to engage in informal open and transparent discussions with their line manager as early as possible in their deliberations.

When an employee has made a definitive decision to apply for flexible working the application should be submitted as soon as practicable but at least three months from the proposed start date of the flexible working to allow sufficient time for the request to be considered

It is recognised that there may be exceptional cases where the 3-month timescale cannot be met and, in such circumstances, as much notice as possible should be given from the prospective start date taking account of the timescales laid out in the procedure

The line manager may take advice from Human Resources at any point during this process.

a. Making an application

- All applications must be made using the Flexible Working Application form which can be found on the intranet.
- The onus is on the employee to prepare a carefully thought-out application, providing as much detail as possible about the proposed work pattern. Employees should also take time to consider how colleagues will manage if their work pattern is changed and the effect the change in work pattern will have on their own job, including any potential problems and how these may

be overcome.

- Within **28 days** of receiving the request, the line manager and HR representative must meet with the employee. This provides the line manager and the employee with the opportunity to explore the proposed work pattern in depth, and to discuss how best it might be accommodated. **It also provides an opportunity to consider alternative working patterns should there be problems in accommodating the work pattern outlined in the employee's application.** The employee can, if they wish, bring a workplace colleague or trade union representative with them to the meeting. The HR People Partner/Advisor will be in attendance to take notes and advise the line manager on points of process.
- The line manager will then make a recommendation, taking account of any advice provided by HR, and forward to the Band 13 (or above) Manager for consideration and a decision.
- The Band 13 (or above) manager completes the decision form, then sends to HR who will confirm the decision with the employee within **14 days** of the date of the meeting, to either agree to a new work pattern and a start date; or to provide clear business grounds as to why the application cannot be accepted and set out the appeal procedure.
- All time periods may be extended where both the line manager and the employee agree. Any extensions must be recorded in writing by the line manager and copied to the employee.

This may be helpful in situations where a further period would allow consideration of alternative options where it is not possible to meet the initial request or in the case where a referral to Human Resources to consider alternative locations is made.

b. Considering an application

Line management must give serious consideration to all requests, in consultation with HR, although business needs must be considered, there is no obligation to grant the request. Granting approval to work a particular pattern will be dependent on the individual circumstances of each request and considering the conditions which prevail within the employee's team or the organisation at the time of application.

c. Line Manager Considerations

When considering a request for flexible working arrangements all line managers will evaluate the potential impact of the proposal on the team and the employees. If the request is for a reduction in hours, then the line manager must consider the impact of

this and what the likelihood is of these hours being replaced by another means. Where difficulties are foreseen and a refusal is considered then it must be on one of the following grounds:

- Burden of additional costs
- Detrimental effect on ability to provide service
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Note: Before recommending approval of an application, line managers should establish if backfill is available or confirm that backfill is not required.

All Flexible Working Requests should be sent to HR. On receiving the flexible working request, HR will record the request, date received and immediately provide the line manager with a copy of the request. The following process will then take place:

- HR will acknowledge the Flexible Working Request and send the line manager a copy of the form.
- The line manager, along with the HR People Partner/Advisor will arrange to meet with the employee within 28 days of receiving the application.
- The line manager will give the request due consideration, considering the comments of the employee and the impact of the request as outlined in Section 19.3 above.
- The line manager will ensure that all possible alternatives have been explored (e.g. would an alternative work pattern better suit business need?).
- The line manager will then make a recommendation, taking account of any advice provided by HR, and forward to the Band 13 (or above) Manager for consideration and a decision.
- The Band 13 (or above) manager completes the decision form, then sends to HR who will confirm the decision with the employee within **14 days** of the date of the meeting. Where there is approval for a request, the new work pattern and a start date must be set out.
- The Band 13 (or above) manager should take account of any opportunities in other parts of the organisation before taking a decision to decline an application.
- The HR People Partner/Advisor will write to the employee confirming the flexible working arrangements.

d. Consultation with the Senior Line Manager

In cases where a line manager is on annual leave or long-term sick absence, (which prevents consideration of the request being made within the 28 days of being submitted), a more senior line manager, normally within the employee's department / directorate, will take on the role of decision maker in respect of the Flexible Working Application, and take steps to meet the timescales set out in this procedure.

22 Referral to Human Resources

The line manager must consult with HR during the consideration of the application.

Account must be taken of the factors noted in Section 19.3 with relevance to their own area, and possible alternative options. If a line manager is unable to approve a request for flexible working, consideration of possible wider organisational solutions must be explored, which could for example be that the employee may wish to consider relocation to another team where the Flexible Working Request can be accommodated.

The line manager must complete the Flexible Working Decision Form setting out the reasons for their decision.

The line manager will meet the employee to advise of their decision, and this will be confirmed in writing by the HR People Partner/Advisor. If the request is not approved, the employee will be informed of their right of appeal.

23 Appeals Process

Band 13 (or above) managers, (who was not involved in the original decision), are the decision makers in Flexible Working Requests appeal processes. They must consult with HR before concluding any Flexible Working Application.

An employee can use the appeals procedure if they can provide evidence that:

- the process used by the PBNi was flawed, or
 - they have been subjected to less favourable treatment and on what specific grounds.
- a) Employees must exercise their right of appeal within 10 working days of being notified of the decision. The employee must complete the Appeal Form and return it to HR who will arrange for a manager at Band 13 (who was not involved in the original decision) or above to hear the appeal. This 10 working days limit may be extended by mutual agreement.

- b) Should the decision have been taken by the Chief Executive an appeal will be heard by a panel member of the Board.
- c) In the case of (b) the appeal should be sent to the Board Secretary.
- d) The appeal meeting will normally take place within 10 working days of the receipt of the appeal request. In exceptional circumstances, the appeal time may be extended by mutual agreement
- e) The employee has the right to be accompanied to the appeal meeting by a work colleague / trade union representative.
- f) The Head of HR and OD or the nominated HR representative will attend the Appeal Meeting and will advise the Appeal Chair on points of process or relevant employment matters.
- g) At the Appeal meeting, the Appeal Chair will present a summary of the issues raised at appeal.
- h) The Appeal Chair will invite the employee or their representative to present their case.
- i) The Appeal Chair should communicate the decision/outcome of the appeal to the employee and reasons in writing within five working days. The outcome of the appeal could be to:
 - Uphold the original decision not to approve the flexible working request.
 - Over-rule the original decision and grant the approval for flexible working.
 - Over-rule the original decision and grant approval of an alternative flexible working arrangement.
- j) The decision following appeal shall be final and there will be no further internal right of appeal.
- k) In the case of an appeal to the Board, the Board Secretary will attend the Appeal Meeting. HR will also attend the meeting to provide advice and guidance on the Flexible Working procedure and legal requirements.

Link to Flexible Working Templates [Record PB1/26/0032731: Flexible-Working-Policy-Procedure Application Form Template 2025](#)