

DRAFT

Flexible Work Policy

Table of Contents

1	Purpose.....	2
2	Definitions.....	2
3	Scope.....	3
4	Policy statement.....	3
5	Responsibilities.....	4
6	Flexible working.....	5
	6.1 How does DCJ define flexible working?.....	5
	6.2 Types of flexible work available.....	6
	6.3 Our flexible work principles.....	8
7	Hybrid work.....	9
	7.1 Requests to principally work from home or another non work-related location.....	10
	7.2 Requests to work interstate and overseas.....	11
	7.3 Requests to work in a regional area.....	11
8	Approval of Flexible Working Arrangements.....	12
9	Review periods.....	12
10	Reviewing a decision.....	12
11	Assistance with this policy.....	12
12	Related legislation/regulation and other documents.....	12
13	Document information.....	13
14	Support and advice.....	13
15	Version and review details.....	13
16	Annexure A – What flexibility enables.....	14

1 Purpose

The Department of Communities and Justice (DCJ) is committed to an approach to flexible working that is dynamic and responsive to the needs of the people we support, the environment, our teams and our people.

This policy sets out our commitment to flexible working.

With service delivery as our guiding principle, we want teams to collaborate and apply flexible work practices contextualised to where and how they work in ways that benefit service delivery and outcomes, balanced with enabling flexibility as a key element of the DCJ employee value proposition.

Flexible working enables us to attract and retain people with the best skills and attributes to develop a workforce whose diversity reflects that of our clients and the people of NSW.

This policy, used alongside the DCJ Flexible Work Procedure, provides guidance to employees and their managers about the application and availability of flexible working arrangements. It is designed to ensure they are equitable, transparent, aligned with our legislative obligations and consistent with [C2024-03 NSW Government Sector Workplace Presence](#).

Our objectives for flexible working are to:

- be an employer of choice for all our people enabling our ability to attract, develop and retain a diverse workforce located throughout NSW;
- enable flexible working as a central part of how our organisation and our employees' work; and
- support and empower all our employees to be able to do their best and bring their whole selves to the workplace.

2 Definitions

Term	Definition
Employee	Means all DCJ and Corrective Services NSW full-time, part-time, temporary and casual employees. Contractors and contingent labour are out of scope. However their ways of working should typically align with the requirements of the services they provide, and the working arrangements their team has in place.
Flexible work	Involves adjusting the way we work to support individuals to achieve balance in both work and life, while meeting the needs of their role, team and DCJ. It includes adjusting when

Term	Definition
	work takes place, how it is arranged, who does the work and where it takes place.
Principally	'Principally' means that the majority of your work time is spent at your approved office, workplace, or related work site/s, with approved exceptions.
Approved workplace, office, or worksite/s	Employees will work principally in one location or move between DCJ offices, workplaces, or related worksite/s - depending on the requirements of their role.

3 Scope

This policy applies to all DCJ and Corrective Services NSW employees. This includes full-time, part-time, temporary and casual employees. Contractors and contingent labour are out of scope; however, their ways of working should typically align with the requirements of the services they provide, and the working arrangements their team has in place.

The Circular makes no changes to workplace adjustments, and DCJ's Workplace Adjustments Policy and Procedure remains in place. DCJ supports workplace adjustments for employees with disability and employees who are main carers. Definitions for eligibility can be found in the [Disability Discrimination Act 1992](#) and the [Carers Recognition Act 2010](#).

Employees with existing or new workplace adjustment requirements should continue to refer to DCJ's Workplace Adjustment Policy and Procedure, and do not need to apply or re-apply under this policy for hybrid work arrangements or working principally elsewhere.

Working under a flex time agreement and/or leave is not covered by this policy.

4 Policy statement

This policy is principles-based noting DCJ's geographical diversity and the diversity of role types and work practices. Flexible working requires purposeful consideration about where, when, and how work can be done and by who, in a way that maintains or improves service delivery outcomes for the people of NSW.

Flexibility is an enabler of employee engagement and the implementation of DCJ's Inclusion Strategy, Aboriginal Employment Strategy, Regional Employment Strategy and Disability Inclusion Action Plan (refer to Annexure A for more information).

For flexibility to be sustainable, an equilibrium is required between the needs of employees, the public to whom we provide services to, our stakeholders, teams and the organisation. A principles-based decision-making policy:

- enables a shared understanding of and normalises conversations about flexible work, acknowledging that equal access does not mean everyone has to have the same flexible working arrangements.
- provides the ability to be responsive to both internal and external factors.
- acknowledges the diversity of our workforce, its location and the services we provide.
- acknowledges that presence in the physical workplace plays an essential role to the workplace culture of teams and the NSW Government Sector.

Not all employees need to have a flexible work agreement and this policy clarifies when a formal agreement is required.

5 Responsibilities

Employees are responsible for:

- Understanding the requirements of this policy.
- Making flexibility work and understand that flexibility works both ways, needing to meet individual as well as team and organisational needs.
- Discussing flexible working arrangements with their manager as part of ongoing conversations.
- Understanding that at times the manager may need to have the final say to ensure their team can meet its objectives.
- Ensuring that work is conducted principally in an approved workplace, office, or related work site/s, or as varied by any approved flexible work arrangements.
- Submitting a formal flexible work arrangement request for approval, following discussions with a manager, where an arrangement has been agreed to. Refer to the Flexible Work Procedure (the Procedure).

In addition, line managers are responsible for:

- Actively exploring the flexibility options their teams/individuals may seek, through ongoing conversations with employees about flexible working arrangements.
- Leading outcomes-based flexible work discussions with teams and individuals and ensuring these are documented.
- Making unbiased decisions about exceptional circumstances.
- Supporting the needs of employees with disability and carers via workplace adjustments, which may include a flexible working component.
- Communicating outcomes and expectations clearly.

- Ensuring flexible work arrangements consider the wider needs of the DCJ, teams, other individuals and stakeholders.
- Approving formal flexible work arrangement requests within delegation and ensuring arrangements are reviewed on a regular basis (refer to the Procedure).
- Proactively and regularly reviewing flexible work arrangements across the team.

In addition, Executive leaders are responsible for:

- Championing the implementation of this policy and the procedure, and ensuring it aligns with the relevant Awards, legislation and Work Health and Safety requirements.
- Considering arrangements that require approval by an Executive Director or above, and applying delegations that require approval by the Secretary (refer to the Procedure).

6 Flexible working

6.1 How does DCJ define flexible working?

Flexible working is employees having access to flexibility across all roles enabling them to have successful and engaging careers and work-life balance.

Navigating and balancing the needs of the organisation, the team and the individual will result in better service delivery and outcomes (as shown below).



Adapted from Schroders
2021 Gartner Redesigning Work for the Hybrid World: Government HR Leaders

DCJ provides diverse services across NSW with a range of working environments. Working flexibly will look, and work differently according to the role, the team, the service being delivered and the location.

Each role type in DCJ has flexible work options that can and can't be applied in the context of the role. For example, many DCJ roles cannot use the 'where work can be done' of flexible work as they are site based, whilst others are limited in how they use flexible hours.

Working flexibly is about exploring the options that could work in each environment and for each role. It's about providing equal opportunity to employees and teams to access suitable flexible work options.

6.2 Types of flexible work available

Some of the typical arrangements that may be available in DCJ (dependent upon the operational environment) include, but are not limited to:

Type of flexibility	How	Idea
When work is done	Flexible working hours and scheduling	Allows employees to vary their arrival and/or departure times from day to day. Please refer to your Flexible Working Hours Agreement or other industrial instrument for any requirements.
	Bid rostering	Lines of work/shifts are generated and then bid for by team members/employees (in rostered environments only).
	Flexible rostering	Employees submit requests for the shifts they would like to work and the days they want to be rostered off. The roster is then built taking these requests into consideration, trying to accommodate requests where possible and practical.
How work is done	Agile or Activity Based Work	Recognises that people perform different activities in their day-to-day work and may need to move around the office selecting the work setting that is most appropriate for the day or task at hand (e.g. quiet rooms, collaboration spaces).
	Shift swapping	Allow shift workers to trade shifts with each other, enabling flexibility to meet both work and personal needs, without sacrificing one or the other.
	Split shifts	A type of shift-work schedule where a person's workday is split into two or more parts (such as morning and evening) separated by more than the normal periods of time off (as for lunch).
	Part time	A regular work pattern where you work fewer than full time hours. Note the days worked can be varied by mutual agreement.
	Flexibility in task within a team or collaboration across teams	Assign work based on strengths or share people across teams as needed.
Who does the work	Job share	A full-time role is undertaken by two or more employees who are paid on a part

Type of flexibility	How	Idea
		time basis for the hours they work. (See: job share resources)
	Job and work re-design	The process of rearranging tasks and responsibilities to better align roles with internal and external changes.
Where work is done	Working in a hybrid model	Working remotely and from the workplace.
	Working remotely/ telecommuting	Working from home or another location.

6.3 Our flexible work principles

The following principles have been developed to provide a decision-making framework for teams to explore and implement the various flexible work options, in line with this policy.

Principle	Description
Focus on Service Delivery/Client/Operational Responsibilities	<ul style="list-style-type: none"> Consider how flexible work can benefit service delivery. Ensure that options are considered in line with Awards, relevant legislation and operational requirements. Use flexibility to embody the best outcome for service delivery, individuals and teams.
Responsibility and Trust	<ul style="list-style-type: none"> All employees take responsibility for making flexibility work and understand that flexibility works both ways. Accept flexibility as the norm and not a special provision or reward earned or denied based on performance. Understand what's required to build and maintain trust for managers and the team.
Regularly Rethink, Review, Rework	<ul style="list-style-type: none"> Regularly challenge the assumptions of how work is done and rethink work design and business models to improve service delivery. Acknowledge that we have the capacity to manage change and to change the way we work. Trial and review different ways of working and assess the impact on outcomes.
Focus on Flexible Teamwork	<ul style="list-style-type: none"> Explore flexibility for every role acknowledging that it will look/be different in each context.

Principle	Description
	<ul style="list-style-type: none"> • Understand that ensuring the same access to flexible work does not equal the same type of flexibility. • Own how you work as a team and consider flexibility in the context of the team, your outcomes and the needs of individuals. • Understand that at times the manager may need to have the final say after exploring the options.
Lead Flexible Thinking	<ul style="list-style-type: none"> • Ensure flexibility is open to everyone within the context of the operational environment and operational needs. • Actively support and enable flexibility at every level of leadership. • Trust that most people want to do their job well and to a high standard. • Support mutually beneficial arrangements, with give and take.
Emphasise Belonging and Wellbeing	<ul style="list-style-type: none"> • Prioritise belonging: the same access to flexible work does not equal the same arrangement. • Communicate and collaborate purposefully with team members, clients and stakeholders. • Take responsibility for your safety and wellbeing and support others to do the same. • Celebrate success.

Business areas, individuals and teams will need to consider the pros and cons of flexible work options, and impacts on service delivery, when deciding what will work for each team.

7 Hybrid work

Employees are to work principally in an approved workplace, office, or related work site/s. The goal in every workplace is to achieve an even spread of attendance across the working week, and fully utilise the available accommodation.

Hybrid work provides flexibility for employees to work between their approved workplace, office or worksite/s and an alternate remote location that has been approved under this policy.

All DCJ roles benefit from participation in teams in some form. Done intentionally, this participation supports employee wellbeing, improved connection and collaboration. It drives a sense of belonging, helps to foster a sense of teamwork, and connections across teams.

The NSW Government Sector Workplace Presence Circular 2024 (the Circular) does not strictly prescribe patterns of attendance.

7.1 Requests to principally work from home or another non work-related location

At DCJ, we understand that supporting someone's workforce participation and our obligations to meet our workforce strategies can mean changing where they complete their work. This means supporting arrangements that help someone to meet the inherent requirements of their role, while ensuring there's an equilibrium between organisational, team and individual needs.

The Circular makes no changes to workplace adjustments, which are a legal requirement under legislation listed in Section 12 of this document. DCJ's Workplace Adjustments Policy and Procedure remains in place, acknowledging that in some cases, these may include the need to work principally from home to perform the inherent requirements of the role. Employees with workplace adjustments do not need to re-apply under this policy.

Other examples can include, but are not limited to:

- where we have engaged Aboriginal employees to work on Country as part of our commitment to our Aboriginal Employment Strategy.
- where we have engaged employees knowing they live and work regionally, and made arrangements for access to remote work sites, including work from home arrangements. These arrangements may have been captured in their Letter of Offer or a subsequent arrangement.
- where employees may:
 - have difficulty securing childcare quickly and/or may need flexibility to support their foster child while they adjust to their setting.
 - be managing their work time with their responsibilities as a parent.
 - need support to move back into principally working in an approved workplace after a period of leave.
- the health and wellbeing of an employee to support them in balancing their professional and personal life.

DCJ supports exceptional arrangements while childcare is being arranged or being settled.

Working remotely when providing primary care for a child is not typically supported on an ongoing basis. Parental and Carer's leave is available. There may be times it is possible to structure a working day around primary care responsibilities on an ad hoc basis depending on the requirements of the role. This can be done with a manager's consent.

These examples are not prescriptive or automatic and may not be long term. Every circumstance should be considered on the basis of finding an equilibrium between organisational, team and individual needs.

Requests to regularly work from home or another non work-related location require line manager approval. Refer to the Procedure for the process. For interstate and overseas work requests see Section 7.2.

7.2 Requests to work interstate and overseas

While there are specialist services required in some interstate locations (e.g., in child protection), NSW Government Sector employees should live within NSW to support our communities.

This does not apply to people living in state border towns for example, Albury/Wodonga, Queanbeyan/Canberra and Tweed Heads/Coolangatta.

Interstate travel required for work or approved career development does not require approval under this policy.

Requests to work for longer periods regularly from other States/Territories or overseas may be accommodated for defined periods in exceptional, compassionate circumstances. Where there is a significant time zone difference, an accompanying plan to manage interactions and productivity is required (refer to Annexure A in the Procedure).

Arrangements that involve work outside of NSW require approval by the Secretary (DCJ) or Commissioner (CSNSW). Refer to the Procedure for the process.

Arrangements to work overseas will generally not be supported, although a short period for exceptional circumstances will require the approval of the Deputy Secretary (DCJ) or Deputy Commissioner (CSNSW). All overseas arrangements proposed must comply with [Remote Working from Overseas Guidelines](#).

7.3 Requests to work in a regional area

DCJ is committed to supporting regional employment opportunities.

Many employees working regionally already regularly attend a DCJ workplace, including local office hubs. Office and hub availability can change and must be factored into any arrangement.

If the employee was hired with approval to undertake the role regionally, and/or the role is location agnostic¹, and no office location is available nearby, then the employee may need to work principally from home. The frequency of travel and costs associated with travelling to the team based central location will depend on the arrangements made with the employee at commencement in the role, the stakeholders and the team context.

¹ Location agnostic means that a role was deemed appropriate to be undertaken from any location within NSW.

If the employee seeks to move regionally within NSW, discussions are necessary to determine how work can be done. Arrangements to attend the central team location to connect with stakeholders and colleagues will typically be at the employee's expense. These expenses can be varied by an approved mutual agreement depending on the individual's circumstances.

8 Approval of Flexible Working Arrangements

All requests for flexible working arrangements require approval by the line manager following conversations with individual employees.

Interstate working requests require approval by the Secretary (DCJ) or Commissioner (CSNSW) and overseas working requests require approval by the Deputy Secretary (DCJ) or Deputy Commissioner (CSNSW).

Hybrid and remote working arrangements must then be recorded in ServiceNow (refer to the Procedure).

9 Review periods

Approved flexible working arrangements are to be reviewed periodically and adapted to ensure they are working well, promote working principally in the workplace, address any issues that may arise, and support employee wellbeing.

Ongoing arrangements must be reviewed annually while temporary arrangements must be reviewed at least one month prior to the end date.

Refer to the procedure for detailed information about the review process.

10 Reviewing a decision

If the employee requesting the flexible working arrangements does not believe that the outcome is reasonable, they are able to seek a review of the decision. Refer to the Procedure for the review process.

11 Assistance with this policy

Employees and managers can seek advice in relation to this policy:

- on the [intranet](#)
- by speaking with their managers or executives
- contacting their People Business Partner

12 Related legislation/regulation and other documents

- Flexible Work Procedure (under development)
- Flexible Work Toolkit (under development)
- Flexible Work guides and fact sheets (under development)

- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Carers \(Recognition\) Act 2010](#)
- [Disability Discrimination Act 1992 \(Cth\)](#)
- [Disability Inclusion Act 2014 \(NSW\)](#)
- [DCJ Aboriginal Employment Strategy](#)
- [DCJ Disability Inclusion Plan](#)
- [DCJ Inclusion Strategy](#)
- [DCJ Gender Equality Action Plan \(under development\)](#)
- [DCJ Multicultural Plan](#)
- [DCJ Workplace Adjustment Policy and Procedure](#)

13 Document information

Document name	DCJ Flexible Work Policy
Document reference	TRIM reference number where the document is saved
Replaces	The policy replaces the Better Ways of Working Flexible Work Framework
Applies to	This policy applies to all DCJ staff. This includes full-time, part-time, temporary and casual employees. Contractors are out of scope however their ways of working should typically align with the requirements of the role, as well as the working arrangements their team has in place.
Policy administrator	Strategic Initiatives, People Branch
Approval	Who approved the policy and when (date approved)

14 Support and advice

Business unit	Contact
Strategic Initiatives, Workforce Strategy, Inclusion and Systems, People Branch	strategicinitiatives@dcj.nsw.gov.au
People Branch	People Business Partner

15 Version and review details

Version	Effective date	Reason for amendment	Due for review
1	DD/MM/YYYY	Developed in response to C2024-3	DD/MM/YYYY

16 Annexure A – What flexibility enables

Flexible work is an enabler to support the organisation meet targets outlined in key people strategies, plans and initiatives.

Strategy	Overview	Link to Flexible Work
Regional Employment	DCJ will work to remove barriers for people from regional locations so that we can achieve a more inclusive and diverse workforce.	<p>Hybrid and Remote work options and the capabilities of employees and managers to make them work are key to meeting the outcomes of this strategy.</p> <p>The policy supports teams and regionally based employees to build team plans to ensure effective communication, connection and focus on outcomes.</p>
DCJ Inclusion Strategy	DCJ is committed to improving inclusion and employment outcomes for people from diverse backgrounds including women, Aboriginal and Torres Strait Islanders, people with a disability, CALD, LGBTIQ+, people with carers' responsibilities, mature workers and young people so that we can be a more inclusive employer and deliver improved outcomes to our clients.	Many of the people from diverse backgrounds listed in the Inclusion Strategy benefit greatly from being able to work flexibly. Flexible work options such as flexible hours, hybrid and remote work, part time or job share can enable people to engage with and stay in the workforce.
DCJ Aboriginal Employment Strategy	To build the understanding and skills needed, we must improve the workforce participation of Aboriginal and Torres Strait Islander people through attraction and retention strategies and career opportunities, and by improving the overall cultural capability of our entire workforce.	Offering flexible work options such as remote working, flexible hours and part time and job share is a key strategy for the attraction and retention of Aboriginal and Torres Strait Islander people. Working flexibly enables them to either stay on country and/or providing them with the flexibility to participate in and support their family and community.
Disability Inclusion Action Plan	DCJ must be constantly aware of, proactive and responsive to disability matters to ensure that we are inclusive of people with disability in our workplaces as well as in our engagement with the community.	Being able to work flexibly without judgement and stigma is key to people with disability. Having teams and managers fluent in flexible working will enable DCJ to attract and retain people with disability and improve their wellbeing as employees.

Strategy	Overview	Link to Flexible Work
<p>Workplace Transformation Initiatives</p>	<p>DCJ will endeavour to provide:</p> <ul style="list-style-type: none"> • sustainable, purposeful workplaces that keep us safe and productive. • a seamless workplace experience, bringing DCJ together to make it easier to get things done. • resilient and flexible workplaces that can adapt with the needs of our people, partners and our clients. • inclusive workplaces that ensure a dignified experience for all. 	<p>Approaching flexible work as a team will enable the most effective use of modern, agile workplaces. Teams using this approach will become purposeful, resilient and inclusive in how and where they work, communicate and deliver outcomes.</p>

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