

# DRAFT

## DCJ Flexible Work Procedure

---

### Table of Contents

Table of Contents .....	1
1. Purpose .....	2
2. Definitions .....	2
3. Scope .....	2
4. Planning for flexibility .....	3
4.1 Developing a Team Flexible Work Plan.....	3
5. Requesting flexible work arrangements after the team plan has been established.....	7
6. Ad hoc flexible working requests .....	7
7. Approval processes .....	8
7.1 Approval for flexible work arrangements .....	8
8. Record Keeping.....	8
9. Review Process .....	9
10. Related legislation/regulation and other documents.....	10
11. Document information.....	11
12. Support and advice.....	11
13. Version and review details.....	11
14. Annexure A – key considerations for remote working.....	12

## 1. Purpose

The purpose of this procedure is to provide guidance to the Department of Communities and Justice (DCJ) managers and employees on implementing the DCJ Flexible Work Policy. Using the Team Flexible Work Plan, available in the DCJ Flexible Work Toolkit, managers and their teams can explore the different types of flexibility available to their team to:

- best support them in achieving their objectives,
- establish a plan on how they will implement flexible working, and
- establish hybrid and remote work agreements for employees seeking this type of arrangement.

Flexible work is about rethinking the *where, when, and how work can be done and by who*, in a way that benefits service delivery outcomes. For flexibility to be sustainable, an equilibrium is required between the needs of employees, our teams and DCJ.

The DCJ Flexible Working Procedure should be read in conjunction with the Flexible Working Policy (the Policy). This procedure supports the requirements of the [C2024-03 NSW Government Sector Workplace Presence](#) circular.

## 2. Definitions

Key terms and their definitions can be found in the Policy.

## 3. Scope

This procedure applies to all DCJ and Corrective Services NSW (CSNSW) 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 role and the working arrangements their team has in place.

Industrial provisions, such as those covered under the Flexible Working Hours Agreements and industrial instruments, e.g., flex time or leave, are not covered by this procedure.

Workplace adjustments may include components of flexible work, such as working principally from home to meet the inherent requirements of the role. Flexible work arrangements that form part of a workplace adjustment are out of scope and do not require an agreement under the Flexible Work Policy. An employee's workplace adjustment is supported by the [DCJ Workplace Adjustment Policy and Procedure](#).

## 4. Planning for flexibility

Effective flexible working arrangements balance the needs of the business within the context of the team, and individual employees. A team-based approach enables this balance to be realised. It best supports business requirements and the key role that flexibility plays in enabling employee value proposition. This contributes to high quality candidates, staff retention and reduces the impacts of high levels of turnover.

Teams must regularly discuss how work is planned and completed, reviewing their business outcomes, processes and workflows and promoting a positive culture that supports flexible working. This means:

- Teams are to consider ways to work flexibly that will benefit continued performance and wellbeing for individuals, teams, customers, and the organisation.
- Different options are considered for where, when, and how work is done and who does the work.

### 4.1 Developing a Flexible Work Plan

This procedure provides the steps that should be undertaken to develop, formalise, monitor and review team and individual flexible working arrangements:



Resources have been developed to support each step outlined in detail below and are available in the accompanying DCJ Flexible Work Toolkit (the Toolkit). We recommend you review this Procedure with the Toolkit open for reference.

Step	Activity
<b>Step 1</b>	<b>Starting the conversation about flexibility</b>
	<p>Teams start having conversations about flexible work in team meetings or by setting time aside specifically to discuss flexibility.</p> <ul style="list-style-type: none"> <li>• In preparation, managers and their teams should familiarise themselves with the policy, this procedure, and related documents, and be aware of the relevant Flexible Working Hours Agreement.</li> <li>• The manager must also consider the following before leading flexible work discussions with their team:</li> <li>• Current individual flexible working arrangements. <ul style="list-style-type: none"> <li>○ All existing workplace adjustment arrangements (formal, informal, approved and in draft).</li> </ul> <p>Note: Workplace Adjustments (WPA) are not impacted by this procedure but will need to be factored into the team plan. Managers should speak with employees who have or need a Workplace Adjustment prior to the meeting to discuss if they would like to share anything about their adjustment and what may be helpful for the team to know (sharing of information contained in the WPA is completely voluntary).</p> </li> <li>• The manager sends an email to their team with an overview of the intended meeting to discuss building a Team Flexible Work Plan (see <i>Toolkit Section 2.1, Sample 1 – Pre-team meeting communications</i>). This email should be sent two weeks prior to the meeting.</li> <li>• The manager sends a meeting request (at least one week prior) with an agenda (See <i>Toolkit Section 2.2, Sample 2 - Planning for Flexibility – Team Meeting Agenda</i>.)</li> </ul>
<b>Step 2</b>	<b>Planning for Flexibility - Team Meeting</b>
	<p>The team comes together to explore flexible work options that will work in the context of their team and roles, and to draft a Team Flexible Work Plan to capture individual flexible work arrangements.</p> <p>The Team Flexible Work Plan provides the manager and the team with visibility of all flexible work arrangements and how they interact with one another, and how they impact the overall outcomes for the team.</p> <p><b>Exploring flexible work options</b></p> <ul style="list-style-type: none"> <li>• The manager following the agenda, uses <i>Activities 1 – 4 in Section 3 of the Toolkit</i> to lead a discussion about flexibility with their team. Discuss the following topics:</li> </ul>

	<ul style="list-style-type: none"><li>○ Team roles, outputs, and objectives.</li><li>○ Work processes and flows (peaks and troughs).</li><li>○ Flexible work parameters and guiding principles that will ensure sustainability and success when working flexibly. For example, technology, communication protocols, WHS, team connection and wellbeing.</li><li>○ Explore all flexible work options. Refer to the Policy, Section 6.2 - Types of Flexible Work Available.</li><li>○ Understand the benefits and challenges of each flexible work option for individuals and teams.</li><li>● Clarify how outcomes will be measured and how often to ensure that business outcomes/service delivery will be maintained or improved.<ul style="list-style-type: none"><li>○ Ensure all arrangements are within the parameters of the relevant awards or agreements applicable to the team.</li></ul></li></ul> <p><b>Drafting a Team Flexible Work Plan</b></p> <ul style="list-style-type: none"><li>● Once the team has worked through the activities and discussed the above topics, the team should document the Team Flexible Work Plan (See Section 4 of the Toolkit) with their proposed individual flexible work arrangements. Note that employees with existing arrangements in place must add those arrangements in the Team Flexible Work Plan.</li><li>● Team agrees on a timeline for a review of the Plan (see Step 6 for more information).</li></ul> <p>Note: The Team Flexible Work Plan should not include personal or confidential information e.g., medical or workplace adjustment information.</p>
<p><b>Step 3</b></p>	<p><b>Manager Review</b></p>
	<p>Following the Planning for Flexibility Team Meeting, the manager reviews the draft Team Flexible Work Plan to ensure it aligns with the requirements of the policy and will meet operational requirements, service delivery objectives and the needs of individuals in the team.</p> <ul style="list-style-type: none"><li>● The manager reviews the following:<ul style="list-style-type: none"><li>○ The activity sheets from the planning meeting, and</li><li>○ The draft Team Flexible Work Plan, while</li><li>○ prioritising all team members' Workplace Adjustments (where applicable).</li></ul></li><li>● When reviewing the draft Team Flexible Work Plan, managers should review each of the individual flexible work proposals submitted by their team to determine:<ul style="list-style-type: none"><li>○ Are there clashes with other employees' requests? If so, what can be renegotiated with each employee?</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>○ Do any of the individual employee flexible working arrangement requests require additional approval? (See Section 7 Approval and delegations)</li> <li>○ If the proposal relates to remote working, the manager should consider additional factors listed in Annexure 1 - <i>Key Considerations for Remote Working</i>.</li> </ul> <p>Through this review, the manager identifies opportunities or barriers to implementing proposed individual flexible work arrangements in preparation for individual discussions.</p>
<b>Step 4</b>	<b>Individual flexible work arrangement discussion</b>
	<p><u>Note:</u> Individual discussions are only required with employees who have proposed a new flexible work arrangement or for employees with existing approved flexible work arrangements that require review. This step in the process excludes employees with workplace adjustments. Employees seeking a new adjustment or a review of an existing adjustment must refer to the Workplace Adjustment Policy and Procedure.</p> <ul style="list-style-type: none"> <li>● Following Step 3, the manager meets with each team member individually as required to discuss their proposal.</li> <li>● During this discussion, the manager either confirms support for their proposal or if the arrangement isn't viable, the manager and employee discuss other options that will meet both the team and the individual employee's needs. As part of this process, the manager should be prepared to explain their rationale for their decision by referencing specific service delivery needs or role requirements that present the challenge. The <a href="#">Let's Talk tool</a> provides a framework for discussing this request.</li> <li>● If the request requires special approval (such as a request to work from interstate), the manager must escalate the request noting that Secretary approval is required for interstate work (teams whose work is predominantly interstate will be separately considered).</li> <li>● Employees seeking to regularly work from home, must submit a Hybrid and Remote Work Request Form via ServiceNow for their manager to consider (see Section 7).</li> <li>● Once all required individual discussions have taken place and additional approval requirements have been completed, the manager finalises and approves the Team Flexible Work Plan and shares it with their team (see <i>Section 4.3 in the Toolkit</i> for a sample email).</li> </ul>
<b>Step 5</b>	<b>Rethink, review, rework</b>
	<p>Talk about flexibility at team meetings and leadership forums and monitor, evaluate and adjust the team plan and individual agreements as needed.</p> <ul style="list-style-type: none"> <li>● Managers should review their plan with their team at least annually, to ensure the overall plan is still working.</li> </ul>

- Continuous open communication is key. Be open to having a conversations with your team and employees about flexibility especially if something needs adjusting or changing:
  - Discuss successes, business/team/individual outcomes, sustainability, and modifications.
  - Measure the agreed outcomes and change the plan quickly if needed.
  - Check in on each other, support each other to enable better ways of working for the team.
- Team and individual plans should be formally reviewed using this procedure and when individual requests are received outside the planning cycle. The plan should be shared with the team each time it is updated.
- When an employee moves to a new team, the employee will need to discuss their requirements with their new manager and establish a new or revised arrangement following the steps in this procedure.

## 5. Requesting flexible work arrangements after the team plan has been established

Occasions may present when an individual employee may request an individual flexible working arrangement outside of the team's planning cycle for flexibility. For example, a new team member joins or an existing employee has a change of circumstances and is seeking flexibility, particularly for employees working part-time or who have set days of available childcare.

In these instances, the employee should discuss their requirements with their manager.

Once an agreement has been reached between the employee and their manager, the manager should update their Team Flexible Work Plan and where required the employee must submit a Hybrid and Remote Work Request form via ServiceNow for formal approval by their manager (See Section 7).

## 6. Ad hoc flexible working requests

From time to time, an employee may need an ad hoc flexible work arrangement to address a short-term need. Examples could include varying hours of work to enable medical appointment attendance, unplanned school children's drop-offs or pick-ups or transport disruption.

Ad hoc flexible working requests do not require a formal submission via ServiceNow.

However, all ad hoc flexible working requests should be discussed with the line manager.

Employees with an existing agreement in place that have an additional ad hoc request don't need to vary their formal agreement.

## 7. Approval processes

### 7.1 Approval for flexible work arrangements

Below shows the level of approval required for flexible work arrangements. Approvals should be for a defined period and reviewed at regular intervals.

A request to:	Approved by:	Process
a) <b>Work interstate</b>	Secretary	<ol style="list-style-type: none"> <li>1. A briefing note must be prepared and submitted for Secretary approval.</li> <li>2. Following Secretary approval, the employee must submit a Hybrid and Remote Work Request Form in ServiceNow quoting the Briefing Note Reference.</li> </ol>
b) <b>Work short-term overseas</b>	Deputy Secretary	Refer to the IDS Remote Working from Overseas Guidelines.
c) <b>Work in a regional area when the principal location is a metropolitan or different regional location</b>	Line manager	Requests must be approved by the line manager in writing and documented in the Team Flexible Work Plan.
d) <b>All other flexible work requests (excluding ad hoc requests)</b>	Line manager	All other requests must be approved by the line manager in writing and documented in the Team Flexible Work Plan in line with delegations authority.

When an employee moves to a new team, the employee will need to discuss their requirements with their new manager and submit a new or revised Hybrid and Remote Work Request Form following the steps in this procedure.

## 8. Record Keeping

---



The final approved Team Flexible Work Plan should be stored locally within the business area using the approved record keeping system e.g., TRIM.

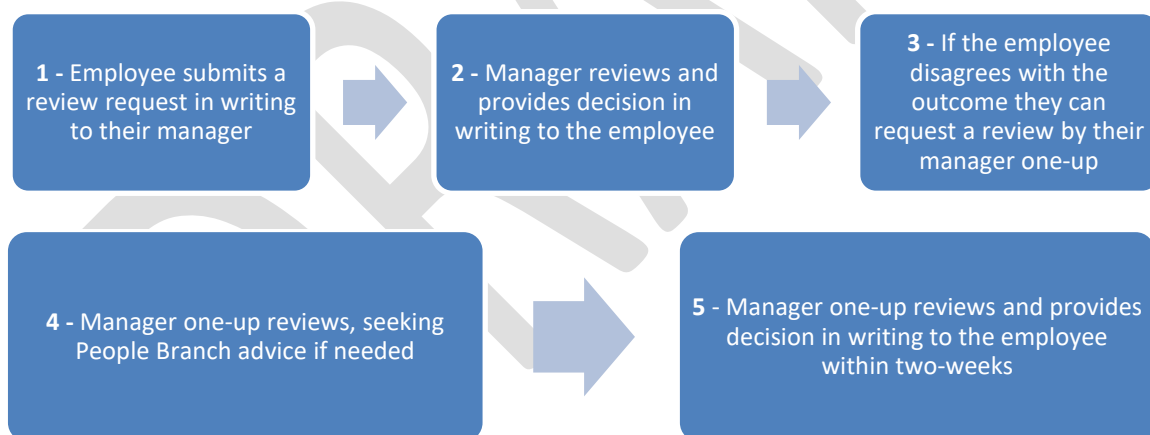
The Hybrid and Remote Work Request form will be automatically stored in ServiceNow upon manager approval. The form will only capture the agreed arrangement and should not contain any personal or medical information. This is to ensure privacy and confidentiality is maintained in accordance with legislation and DCJ policies.

The Hybrid and Remote Work Request form can be shared with senior management of the team to inform workforce planning, where required only.

The Hybrid and Remote Work Request form and approval process in ServiceNow enables the central reporting requirements under the Premier's Circular [C2024-03 NSW Government Sector workplace presence](#).

## 9. Review Process

If the employee has discussed a flexible work arrangement with their manager who cannot support the request, and the employee does not believe that the outcome is reasonable, they are able to have the decision reviewed. The process for review is:



1. The employee must (in the first instance) submit a review request in writing to their manager for discussion. The [Let's Talk tool](#) provides a framework for discussing this request. The request must include the:
  - a) Initial flexible work arrangement request,
  - b) Rationale for seeking a review including the reason for the initial flexible work arrangement request, outlining the employee's circumstances and any other information that may be relevant, such as how the arrangement supports the inherent requirements of their role. Information that is not related to the request should not be included.

2. The line manager must review and provide their decision in writing to the employee, with specific reference to how the arrangement does or does not meet the service delivery need and/or the inherent requirements of the role.
3. If the employee and their line manager are unable to come to an agreement, the employee can request that their manager one-up reviews their request and their line manager's decision.

Note: the employee should not bring any additional information that has not been included in the discussions with their line manager, except in exceptional circumstances.

4. The manager one-up will review all the available documentation and consult further with relevant parties and seek further advice from the People branch if required, to determine if the employee's request can be supported.
5. The manager one-up will provide their decision in relation to the request for the flexible work arrangement to both the employee and their line manager within two weeks of receipt of the review request. Any delays must be communicated to both the employee and their line manager. The outcome advice must reference specific service delivery requirements/inherent requirements of the role and how they would be met/not met.

Employees can access support through DCJ's [Employee Assistance Program](#) and/or DCJ's [Peer Support Program](#).

## 10. Related legislation/regulation and other documents

- Flexible Work Policy
- Flexible Work Toolkit
- [Anti-Discrimination Act 1977 \(NSW\)](#)
- [Carers \(Recognition\) Act 2010](#)
- [DCJ Aboriginal Employment Strategy](#)
- [DCJ Disability Inclusion Plan](#)
- [DCJ Gender Equality Action Plan \(under development\)](#)
- [DCJ Inclusion Strategy](#)
- [DCJ Multicultural Plan](#)
- [DCJ Regional Employment Strategy](#)
- [Disability Inclusion Act 2014 \(NSW\)](#)
- [Let's Talk resources](#)
- Relevant Flexible Working Hours Agreements and Awards
- [Workplace Adjustment Policy](#)

## 11. Document information

Document name	DCJ Flexible Work Procedure
Document reference	TRIM reference number where the document is saved
Replaces	This procedure 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, Workforce Strategy, Inclusion and Systems, People Branch
Approval	Who approved the policy and when (date approved)

## 12. Support and advice

Who can people go to if they need more advice?

Business unit	Contact
Strategic Initiatives, Workforce Strategy, Inclusion and Systems, People Branch (Corporate Services)	<a href="mailto:strategicinitatives@dcj.nsw.gov.au">strategicinitatives@dcj.nsw.gov.au</a>
People Branch	<a href="#">People Business Partner</a>

## 13. Version and review details

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

## 14. Annexure A – key considerations for remote working

When reviewing flexible working arrangement requests to work from remote locations (other than an approved workplace, office, or worksite/s), line managers should consider a number of factors, such as those outlined in the table below. These considerations should be discussed between the manager and employee.

Category	Considerations	Comments (see notes also)
<b>Organisational and role considerations</b>	<ul style="list-style-type: none"> <li>What are the outcomes and responsibilities of this role?</li> </ul>	
	<ul style="list-style-type: none"> <li>How would the responsibilities be undertaken remotely?</li> </ul>	
	<ul style="list-style-type: none"> <li>Does this role/work require a location, equipment or people that is/are only available at the designated team location?</li> </ul>	
	<ul style="list-style-type: none"> <li>What elements of this role are best completed face to face? How else, if needed, could these elements be completed?</li> </ul>	
	<ul style="list-style-type: none"> <li>If the person will be working from home, do they have sufficient internet access for the work they need to do? Will isolation be an issue for them?</li> </ul>	
	<ul style="list-style-type: none"> <li>Will the person need access to a regional office and how will this be managed?</li> </ul>	
	<ul style="list-style-type: none"> <li>What is the expectation re travel to team hub? Why and what are the activities that require the employee to be at the team hub?</li> </ul>	
	<ul style="list-style-type: none"> <li>How will this be managed?</li> </ul>	
	<ul style="list-style-type: none"> <li>Does this role have community responsibilities that will be impacted by working regionally or remotely?</li> </ul>	
<b>Team and organisational impact</b>	<ul style="list-style-type: none"> <li>How will operational requirements of the work unit and delivery of business outcomes be maintained?</li> </ul>	

	<ul style="list-style-type: none"> <li>• What impact would having a person working remotely have on the team in terms of outputs, service delivery and interactions? How will this be mitigated?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will key workforce management activities such as performance and development be successfully managed remotely?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will customer/client expectations and needs (i.e., any face to face or interactive requirements) be performed remotely?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will arrangements for the remote employee be communicated to the team?</li> </ul>	
<b>Employee experience and wellbeing</b>	<ul style="list-style-type: none"> <li>• How will the employee and team manage and build team connections?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will the employee participate in individual/team development opportunities?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will the manager and the team support wellbeing and WHS, promote engagement and manage development opportunities for the remote employee?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will working remotely affect the employee's wellbeing and WHS? Please consider both positive (closer to family) and possible negative (isolation from team) aspects).</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will the negative aspects be managed?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will the manager and the team ensure that the employee stays connected with team-mates and colleagues within the organisation?</li> </ul>	
	<ul style="list-style-type: none"> <li>• How will access to a local office space be organised if required?</li> </ul>	

	<ul style="list-style-type: none"> <li>Does the employee have any specific needs that should be considered? (e.g., do they have a disability)</li> </ul>	
	<ul style="list-style-type: none"> <li>What are the risks related to travelling to and from the team hub for the employee based on:                             <ul style="list-style-type: none"> <li>how far they are travelling?</li> <li>how are they travelling?</li> <li>the time of day they are travelling (e.g., driving at twilight on regional roads is riskier)</li> <li>individual circumstances</li> </ul> </li> </ul>	<p>Note: These will differ depending on the distance between where the employee lives and the team hub and travel times, the requirement to be in the team hub and the individual circumstances of the employee (e.g., do they have a disability or caring responsibilities that will be impacted by travel).</p>
<p><b>Role outcomes and management</b></p>	<ul style="list-style-type: none"> <li>How will the manager and employee agree and communicate progress on, work outcomes and performance expectations?</li> </ul>	
	<ul style="list-style-type: none"> <li>How will feedback be delivered and how will performance be managed, if required?</li> </ul>	<p>Note: Unsatisfactory performance should be managed as per the <a href="#">Unsatisfactory Performance Policy</a></p>
	<ul style="list-style-type: none"> <li>How will development activities be organised and managed?</li> </ul>	
<p><b>Cost benefit analysis</b></p>	<ul style="list-style-type: none"> <li>What are the approximate travel and accommodation costs for the employee to attend the team hub?</li> </ul>	
	<ul style="list-style-type: none"> <li>Will the costs be owned by the person or the organisation or by both?</li> </ul>	<p>Note: If the employee was hired with approval to undertake the role regionally or this was subsequently approved, and/or the role is location agnostic, and no office location is available nearby, then the employee may need to work primarily from home in exceptional circumstances. DCJ will typically cover the cost of travel to the central team location, unless there is an agreed mutual agreement that the employee will cover travel costs. The level of travel required to the team based central location will depend on the</p>

		<p>role, the stakeholders and the team context.</p> <p>If the employee seeks to move regionally within NSW after employment, discussions are necessary as to how the work can be done this way and any arrangements needed to attend the central team location periodically to connect with stakeholders and colleagues, typically at the individual's expense. These expenses can be varied by mutual agreement.</p>
	<ul style="list-style-type: none"><li>• What are the benefits of the person working regionally or remotely to the:</li><li>• Organisation</li><li>• Team</li><li>• Individual</li></ul>	<p>For example – recruiting an Aboriginal person to work regionally or remotely.</p> <ul style="list-style-type: none"><li>a) Increase the number of Aboriginal people working in the organisation.</li><li>b) Increase the diversity and perspective of the team, particularly with respect to service delivery and improving outcomes for Aboriginal people supported by DCJ.</li><li>c) Better wellbeing for the person and their community as they don't need to leave their traditional lands to gain employment</li></ul>