Flexible Work Policy

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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 (the 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 work takes place, how it is arranged, who does the work and where it takes place.
Principally	In DCJ, 'Principally' means that at least 50% of your work time is spent at your approved office, workplace, or related work site/s, over a period of one month. At least some of that time is to be on a Monday or Friday.

Term	Definition
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.

Remote working is not generally available to frontline staff. This Policy supports the implementation of NSW Premier's Department Circular 2024-03 NSW Government Sector workplace presence in DCJ and CSNSW and it is not intended to introduce or expand remote working availability.

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 as defined in this policy, or as varied by any approved flexible work agreement.
- Contributing to Team Flexible Work Plan planning sessions."
- Submitting a Hybrid and Remote Work Request Form for regular work from home arrangements that exceed 50% of their work time or short-term interstate work requests, following discussions with their line manager, where an arrangement has been approved. Refer to 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 DCJ, teams, other individuals and stakeholders.
- Approving formal flexible work arrangement requests within delegation and ensuring all individual and team arrangements are reviewed on a regular basis (refer to the Procedure).

In addition, Executive leaders are responsible for:

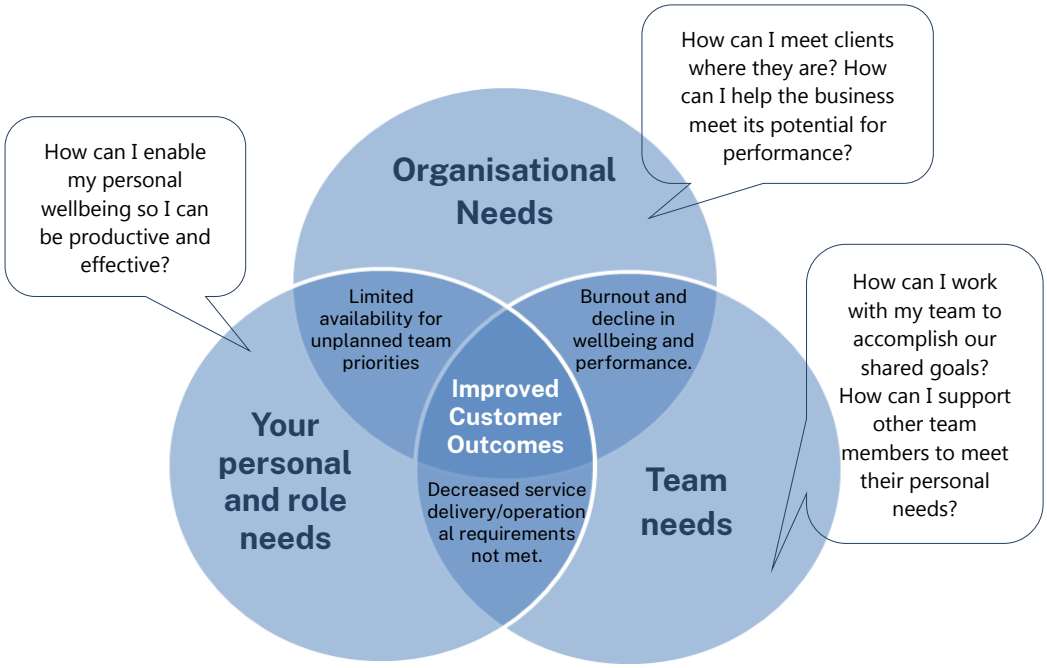
- Familiarising themselves with additional support resources available on the DCJ intranet that provide guidance on working with teams to implement this policy.
- Championing the implementation of this policy and the procedure, and ensuring it aligns with the relevant Awards, legislation and Work Health 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). The diagram also includes the potential risks when this balance isn't achieved.



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.

Type of flexibility	How	Idea
	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 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 and balance individual workloads with internal and external changes or goals.
Where work is done	**Working in a hybrid model**	Working remotely and from an approved 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	• 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.

Principle	Description
Responsibility and Trust	• 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	• 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	• Explore flexibility for every role acknowledging that it will look/be different in each context. • 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 functions, the needs of individuals and service delivery. • Understand that at times the manager may need to have the final say after exploring the options.
Lead Flexible Thinking	• 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	• 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, as defined in this policy, 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, relevant to the nature of the role and service delivery requirements. 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.

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. Where a work from home arrangement is in place as a workplace adjustment, employees 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 in NSW 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 a 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 for more than 50% of an employee's work time, 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 from outside of NSW (except border towns) require consideration and approval by the Secretary (DCJ) or Commissioner (CSNSW). Refer to the Procedure for the process.

A short period of working from overseas may be considered in exceptional circumstances and will require the approval of the Deputy Secretary (DCJ) or Deputy Commissioner (CSNSW). All overseas arrangements proposed must comply with the IDS 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 agnostic[1], 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.

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

Requests for flexible working arrangements require discussions between employees and their line manager in the first instance, to establish an arrangement.

Approval requirements vary depending on the type of request, as referenced in this Policy and the Procedure.

Most flexible working requests require line manager approval as a minimum, including requests for hybrid and remote work.

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

Refer to the Procedure for detailed information on approval processes.

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.

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

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
- Flexible Work Toolkit
- Premier's Department Circular C2024-03 NSW Government Sector Workplace Presence
- 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	D25/877407
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, HR Services, People Branch
Approval	Approved by the Executive Leadership Team (ELT) on the 13th of March 2025.

14 Support and advice

Business unit	Contact
Strategic Initiatives, HR Services, 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	31/03/2025	Developed in response to C2024-3	30/09/2025

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.	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. The policy supports teams and regionally based employees to build team plans to ensure effective communication, connection and focus on outcomes.
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 in NSW 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
Workplace Transformation Initiatives	DCJ will endeavour to provide: • 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.	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.