

# Hawkinge Town Council



## Flexible working policy

Date of review -

Version no.	Purpose / change	Author	Date Adopted	Minute No
1	New issue	C Johnson	8 December 2021	2294

What is flexible working?	2
Scope	2
Policy	2
Making a request	2
Responding to your request	3
Timeframe for dealing with requests	4
Handling requests in a fair way	4
Appealing the decision	4
The effect on your contract of employment	5
Data protection	5

## **What is flexible working**

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to councils, in that such arrangements can help make the most of today's diverse workforce and improve the council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

## **Scope**

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

## **Policy**

Our policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements.

## **Making the request**

To apply for flexible working, please provide the following information in writing, and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chairman of the Council:

- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,
- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g., if you're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

### **Responding to your request**

Once a written request is received, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, The Council will inform you. You may be accompanied at the meeting by a work colleague.

Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. The Council will carefully consider your request looking at the benefits of the requested changes on working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, the Council will write to you with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however the Council may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise 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 to the council

If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, the Council may consider allowing you to revert back to your previous

conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

### **Timeframe for dealing with requests**

The Council will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

### **Handling requests in a fair way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If the Council agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account, and we may ask you if there is any room for adjustment or compromise before coming to a decision.

### **Appealing the decision**

If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. The Council will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague.

### **The effect on your contract of employment**

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. This means that you will not automatically be able to revert to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

Any changes to your terms and conditions because of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might

affect your terms and conditions please speak to the Clerk or Chair of the Council in the first instance.

### **Data protection**

When managing a flexible working request, the Council will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

This is a non-contractual procedure which will be reviewed from time to time.