



POLICY AND PROCEDURE FOR THE RIGHT TO REQUEST FLEXIBLE WORKING

PURPOSE AND SCOPE

Every staff member has a contract of employment that sets out their 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; non-standard working hours including compressed hours; and remote/home working.

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.

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 we aim to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident 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 Chair of the Staffing Committee:

- 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;
- a statement saying if and when you've made a previous application.

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; two requests in a 12 month period).

You may make up to two flexible working requests in any 12-month period. You can also make a non-statutory request for flexible working if you don't have the statutory right. The Council is not required to follow this policy when considering any non-statutory requests.

RESPONDING TO YOUR REQUEST

Once we receive your written request, unless we agree immediately to your request, we will arrange a discussion to consult with you with you as soon as possible. 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 or reaching a decision with 2-months of its receipt, we will inform you to seek an agreed extension of time to deal with the request. 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. We 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, we will write to you with the decision. The decision will be either:

- to accept the request and confirm 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 and whether they are temporary or permanent or,
- to reject the request setting out the reasons and how they apply to the application and the appeal process, and to offer an alternative or,
- to reject the request, setting out the reasons, how these apply to the application and the appeal process.

If we turn down your request, it will be because of one, or a combination of the following reasons, and we will outline the reason/s and 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, we 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.

TIMEFRAME FOR DEALING WITH REQUESTS

We 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 two months of first receiving a request. including any appeal. If the request cannot be dealt with within two 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 we 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

Although there is no legal right of appeal to a Flexible Working request decision, The Council accepts best practice employment procedures as set out in the ACAS Code of Practice on Flexible Working.

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. We 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 an appeals panel of Councillors. You may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the Council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

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 back to the previous working pattern unless a trial period was agreed and you are still within your trial period, the change was agreed on a temporary basis, or unless otherwise agreed. So, for example, if your new permanent 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 as a result 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 Staffing Committee in the case of the Clerk, in the first instance.

DATA PROTECTION

When managing a flexible working request, we 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.