



## **FLEXIBLE WORKING POLICY**

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### **1 INTRODUCTION**

- 1.1 The Council believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best talent. It also appreciates that the UK workforce is becoming increasingly diverse and includes a high percentage of parents and individuals with caring responsibilities, as well as those whose interests and aspirations impact on their time.
- 1.2 The Council recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities. In addition, the Council recognises that staffing levels must remain in line with the demands of the business at all times.
- 1.3 This policy aims to set out the ways in which flexible working can increase staff motivation, build better relationships between the Council and its employees, increase the rate of retention of staff, reduce absence, attract new talent, promote work-life balance and reduce employee stress. In doing so, this will improve the Council's efficiency, productivity and competitiveness.

### **2 THE BUSINESS NEED**

- 2.1 Although the Council is committed to providing the widest possible range of working patterns for its workforce, both management and employees need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the business.
- 2.2 When a request of flexible working is received, the Council will need to take into account a number of criteria including (but not limited to) the following:
  - the cost of the proposed arrangement
  - the effect of the proposed arrangement on other staff
  - the level of supervision that the post-holder requires
  - the structure of the department and staff resources
  - other issues specific to the individual's department

- an analysis of the tasks specific to the role, including their frequency and duration
- an analysis of the workload of the role

### **3 ELIGIBILITY**

- 3.1 An employee can make a request for flexible working from their first day in a job.
- 3.2 Employees in all areas and levels of the Council will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, disability, marital status, pregnancy or maternity, or gender reassignment.

### **4 SCOPE OF A REQUEST**

- 4.1 The Council recognises that eligible employees can make a request for one of, or a combination of, the following:
- job sharing
  - part time working
  - annualised hours
  - compressed hours
  - flexitime
  - term time working
  - swapping hours
  - working from home
  - flexible shift working
- 4.2 Any agreement to a request for flexible working will take effect as a permanent variation to the employee's terms and conditions, unless it is mutually agreed that this will be a temporary variation.

### **5 APPLYING FOR FLEXIBLE WORKING**

- 5.1 The application must:
- be made in writing and state that it is an application for flexible working under the statutory right to make a request
  - state whether a previous application for flexible working has been made under this procedure and, if so, when
  - specify the change applied for and the proposed date for the change to become effective
  - explain the effect the employee thinks the change will have on the Community Council and their colleagues and explain how any effect should be handled
  - be signed and dated

5.2 The application must also state whether the variation requested is made in pursuance of a reasonable adjustment under the disability discrimination provisions of the Equality Act 2010.

## **6 LIMITS FOR MAKING A REQUEST**

6.1 There are limits on the number of statutory requests that an employee can make:

- a maximum of two requests during any 12 month period
- only have one 'live' request with the same employer at a time

6.2 A request will stay live until any of the following happen:

- the Council makes a decision
- the employee withdraws their request
- the employee and the Council agree an outcome
- it's been two months since the date of the employee's request

6.3 A request will stay live during:

- any appeal
- any extension to the two month decision period, if the employee and employer agreed to extend it

The employee and the Council can extend the two month time limit if they both agree to it. If an extension is agreed, the Council will confirm in writing either by letter or email.

## **7 CONSIDERING A REQUEST**

7.1 If the Council, as an employer, receives a statutory flexible working request, they must:

- accept the request unless there's a genuine business reason not to
- consult the employee before making a decision – unless it is accepted in full
- make a final decision, including any appeal within two months
- handle the request fairly and reasonably

## **8 PROCEDURE FOR HANDLING AN APPLICATION**

8.1 A discussion regarding the application will be held between the employee and their line manager within 28 days of the application, unless the line manager notifies the employee in writing of their agreement to the variation. The time and place of the discussion will be convenient to both the line manager and the employee.

- 8.2 Once a decision has been reached, the employee will be informed within 14 days of the discussion. Where the decision is to agree to the application, the notice will specify the contract variation agreed to and state the date the variation will take effect.
- 8.3 Where the decision is to refuse the application, the notice will state which of the specified grounds for refusal are considered to apply and contain an explanation of why this ground applies.
- 8.4 An employee may appeal against the decision to refuse the application within 14 days of the decision. The notice of appeal must be in writing, setting out the grounds for appeal and sent to the senior manager.
- 8.5 The senior manager will discuss the appeal with the employee within 14 days after receipt of the appeal, unless the senior manager notifies the employee in writing of the decision to overturn the original decision and specifies the variation which is now agreed and the date on which it will take effect. If an appeal meeting is held, the time and place must be convenient to both the senior manager and the employee.
- 8.6 Within 14 days of the date of the appeal discussion, the senior manager will give the employee written notice of the appeal decision. Where the senior manager upholds the appeal, the notice will specify the contract variation agreed to and state the date on which it is to take effect.
- 8.7 Where the decision is to dismiss the appeal, the notice will state the grounds for the decision and contain an explanation as to why those grounds apply. The notice will also state that there is no further right of appeal.
- 8.8 An application for flexible working will be concluded within 3 months of the date of the application, unless an extension of time is mutually agreed.

## **9 REFUSAL OF AN APPLICATION**

- 9.1 The employee will be informed of the refusal of their application in writing.
- 9.2 The application may be refused on one or more of the following statutory grounds:
- a burden of additional cost on the Council
  - a detrimental effect on the Council's ability to meet customer demand
  - an inability to re-organise work among existing staff
  - an inability to recruit additional staff
  - a detrimental effect on quality
  - a detrimental effect on performance

- insufficient levels of work during the periods of proposed work
- a planned structural change

## **10 WITHDRAWAL OF APPLICATION BY EMPLOYEE**

- 10.1 The employee can withdraw their application at any stage before agreement. The employee should write to their line manager stating they wish to withdraw their application.
- 10.2 Where the employee fails to attend a meeting or appeal meeting on more than one occasion or they refuse to provide reasonable information to allow their application to progress, without reasonable excuse, the Council will treat the application as withdrawn.
- 10.3 The Council will confirm the withdrawal of the application to the employee in writing.

## **11 NON-STATUTORY REQUESTS FOR FLEXIBLE WORKING**

- 11.1 Ineligible employees may make an informal request for flexible working. This should be made, in writing, to their line manager with information of their proposed pattern of working, the date they propose this to take effect, whether this variation is temporary or permanent, and how any negative effects of the proposed working pattern can be managed.
- 11.2 This request will be considered in line with the Council's operational and staffing needs.