



Okehampton Town Council

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DRAFT Flexible Working Policy

1 Introduction

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. As a good employer, Okehampton Town Council has a positive view of flexible working. This policy sets out the framework in which variable working will be managed within the Council.

2 Eligibility

The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service.

Only one flexible working request can be made within a twelve month period.

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the manager is required to follow a specific procedure to ensure requests are considered objectively.

3 Timescales

Requests will be considered in a timely manner. The entire process, including hearing an appeal will be completed within 3 months of the written request being received.

4 Roles and Responsibilities

Normally, the Town Clerk will consider flexible working requests and make a recommendation to the Personnel Sub-Committee, who will consider the request and set up a separate panel to consider any appeal in accordance with other policies.

If the request is being made by the Town Clerk, this should be referred to the Personnel Sub-Committee, who will consider the request and set up a separate panel to consider any appeal.

5 Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the meeting and appeal stages.

Representatives have the right to address the meeting or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

6 What is Flexible Working?

Flexible working can mean a change to the number of hours worked, the times worked or the place of work.

Some examples of flexible working are:

- Part-time working;
- Job share;
- Flexible working hours;
- Term time only working; or
- Occasional working from home.

7 How to apply

Anyone considering flexible working should first discuss with their manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the Town Clerk. It should set out clearly:

- The desired change in working pattern;
- How it will impact upon the work of the Council;
- How the employee will manage their work to ensure there is no loss in efficiency;
- The impact of the change of the work pattern on the employee's colleagues;
- How any potential problems will be overcome; and
- When the employee wishes to start the new way of working.

8 Meeting to Consider the Request

All applications will be considered fully at a meeting with the Town Clerk (or the Personnel Sub-Committee if in relation to the Town Clerk).

The employee's Line Manager may also be asked to attend to explain the possible impact of any changes on the team.

9 Making the Decision

After the meeting, the Town Clerk will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes and make a recommendation to the Personnel Sub-Committee.

Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting of the Personnel Sub-Committee. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible

working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is only upheld in part.

If an application is refused, the employee will be notified in writing with reasons why the request cannot be accommodated at this time.

The grounds for refusing a request include:

- Additional burden of costs;
- Inability to reorganise work among other staff;
- Inability to recruit additional staff;
- Detrimental impact on quality
- Detrimental effect on customer service;
- Detrimental impact on performance;
- Insufficient work available during the periods the employee proposes to work; or
- The proposal does not fit in with planned structural changes.

Regardless of whether an application is approved or not a further application cannot be made within 12 months.

10 Right of Appeal

An employee has the right of appeal against the Council's decision. An Appeal should be submitted in writing to the Town Clerk who will arrange an appeal meeting. Appeals will be heard by a panel set up by the Personnel Sub-Committee who will notify the employee of the outcome, following the meeting.

11 Review

If a trial period has been agreed, then the Town Clerk and the appropriate Manager will undertake this review. This is to ensure that the change in work pattern is working effectively and that there is no adverse impact on either the work of the Council or the efficient working of the team. If there appears to be a problem, the individual will be consulted before a decision is made to vary the working pattern further or revert to the original working arrangement.

At the end of the review the Town Clerk will confirm in writing whether or not the change in working pattern will be made permanent. If it may not continue, notice will be given that the working pattern cannot be accommodated and will end on a specified date.

All flexible working will be reviewed periodically by management to ensure that the needs of the Council continue to be met.