

Great Aycliffe Town Council



FLEXIBLE WORKING POLICY

Author of Policy:	HR	
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FLEXIBLE WORKING POLICY

1 Introduction

- 1.1 The Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and endeavours to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, further learning and other interests. Flexible working arrangements may be approved by the Council, provided that the needs and objectives of both the Council and the employee can be met. An employee who thinks they may benefit from flexible working is encouraged to contact their line manager to arrange an informal discussion to talk about the options.
- 1.2 This policy aims to encourage staff to consider flexible working arrangements and it replaces all previous versions.
- 1.3 Eligible employees can request to:
- change the number of hours they are required to work;
 - change the times they are required to work;
- 1.4 This covers working patterns such as annualised hours, compressed hours, flexitime, job-sharing, self-rostering, shift working, term-time working and part-time or reduced hours.
- 1.5 The Council, as employer, has a duty to consider all requests seriously; refusal can only be for clear business reasons.
- 1.6 If a change is agreed, it will be a **permanent** variation of contract and there will be no right for the employee to revert back to the former arrangement.

2 Who can apply?

- 2.1 The right applies to all Council employees who meet the following criteria:
- have 26 weeks' continuous service at the date of application;
 - have not made another application to work flexibly under this policy during the last 12 months.
- 2.2 Only service with the Town Council will count for continuous service purposes.

3 How often can an application be made?

- 3.1 One application every 12 months can be made under the right to request flexible working where the employee fulfils the above criteria.
- 3.2 Each year runs from the date when the application was made.

- 3.3 If a request is rejected following the Appeals procedure, a further request cannot be made for 12 months.

4 Rights and Responsibilities

4.1 Employee's Rights

- To apply to work flexibly.
- To have their application considered properly in accordance with the policy and refused only where there is a clear business ground for doing so.
- Where an application is refused, to have a written explanation.
- To appeal against their employer's decision to refuse an application.
- To take a complaint to an employment tribunal in certain circumstances.
- To be protected from detriment or dismissal for making an application under this policy.

4.2 Employee's Responsibilities

- To provide a carefully thought-out application.
- To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all the necessary information.
- To ensure the application is made at least one month before they want it to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, be prepared to be flexible themselves in order to reach an agreement with their employer.

4.3 Employer's Rights

- To reject an application when the desired working pattern cannot reasonably be accommodated within the needs of the service.
- To seek the employee's agreement to extend timescales when this is appropriate.
- To consider an application withdrawn in certain circumstances.

4.4 Employer's Responsibilities

- To consider requests properly in accordance with the procedure.
- To ensure they adhere to the time limits contained within the procedure.
- To provide the employee with appropriate support and information during the course of the application.
- To decline a request only where there is a recognised business ground and to explain to the employee in writing why it applies.
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing.
- To ensure that they do not subject an employee to detriment or dismissal for making an application under the policy.

5 Making the Application

- 5.1 The employee must apply in writing (which includes e-mail). The employee is required to state the following:
- that this is an application under the legal right to request flexible working;
 - whether a previous application has been made and if so when;
 - set out the change applied for, e.g. a new working pattern, and the date they wish it to become effective;
 - explain the effect that they envisage the change will have on their employer, including how it might be accommodated;
 - be signed and dated.
- 5.2 If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.
- 5.3 If an application does not contain all of the required information the line manager will explain to the employee what additional or amended information they need to provide.
- 5.4 An application will be taken as having been made on the day that it is received.
- 5.5 Where an application is made by e-mail, receipt is taken as being on the day it was transmitted.
- 5.6 Where an application is sent by post, it is taken as being received on the day it would have been delivered in the ordinary course of the post.
- 5.7 The above principles apply to the employee and the Council throughout all stages of the process.
- 5.8 The request should be handed to the Line Manager/Town Clerk for consideration in accordance within section 4.

6 Considering the Application – The Process

- 6.1 *The Initial Request* - Within 28 days of an application being received the Line Manager should consider the application. If there are any issues that need to be discussed a meeting should be held with the employee.
- 6.2 *Right to be Accompanied* – Employees have the right to be accompanied by either a Trade Union Representative or a work colleague. This right does not extend to family/friends and professional persons such as solicitors and barristers. If the Trade Union Representative or work colleague is unavailable at the time proposed for the meeting then the meeting can be postponed provided the delay is reasonable and is rearranged to a convenient time for both parties.

The employee's representative has the right to address the meeting and confer with the employee during the meeting; however, they will not be permitted to answer questions on the employee's behalf.

- 6.3 A Council-based Trade Union Representative or work colleague is entitled to reasonable paid time off for the purposes of accompanying the employee.
- 6.4 Employees and their Trade Union Representative or work colleague are protected from being discriminated against.
- 6.5 *Reply to employee* - The employee must be informed of the Manager's decision within 14 days of the meeting being held.
- 6.6 A request may be rejected on grounds including (but not limited to) the following:
- the costs associated with the proposed arrangement;
 - the effect of the proposed arrangement on other staff;
 - inability to reorganise work among existing staff;
 - inability to recruit additional staff;
 - detrimental impact on quality of the Service;
 - detrimental impact on performance;
 - the need for, and effect on, supervision;
 - the existing structure of the department;
 - the availability of staff resources;
 - details of the tasks specific to the role;
 - the workload of the role;
 - whether it is a request for a reasonable adjustment related to a disability;
 - health and safety issues;
 - insufficiency of work during the periods the employee proposes to work;
 - planned structural changes (this can only be justified if the changes are imminent or within the approval system).

7 Withdrawal of Application

- 7.1 If the employee verbally withdraws their application they must confirm this in writing. If a request is withdrawn a further request cannot be made for 12 months from the date their written withdrawal was made.
- 7.2 Where the employee fails to meet their responsibilities the Council may also treat an application as withdrawn. This will apply when an employee fails more than once to attend a meeting without reasonable cause or unreasonably refuses to provide the Line Manager with information required to assess whether the contract variation can be agreed to.

- 7.3 In both these circumstances, the Line Manager must issue written confirmation to the employee stating that the application has been withdrawn

8 Right of Appeal

- 8.1 The employee has the right to appeal the decision if their request is refused or is only agreed in part.
- 8.2 The employee may lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal will be heard within 14 days. The employee will then be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both parties.

9 Trialling new working arrangements

- 9.1 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the Council a trial period may be agreed. If a trial period is arranged the Council will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.