



## **ALCESTER TOWN COUNCIL** **FLEXIBLE WORKING POLICY**

### **What is flexible working?**

Every staff member at Alcester Town Council (the 'Council') has a contract of employment which 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; 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 the Council will use to respond to requests by staff to vary hours, pattern or place of work.

### **Scope**

All staff members have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly from the first day of their employment, regardless of whether they work full or part-time or have a temporary contract of employment. This right does not apply to agency staff.

### **Policy**

The Council's 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, the staff member is requested to provide the following information in writing and submit this to the Town Clerk. In the case of the Town Clerk, the request should be submitted to the Mayor:

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

Staff members can make two statutory requests in any 12-month period. Staff are asked to let the Town Clerk know if they are making the request because they consider the change could be a reasonable adjustment to support them with a disability as defined under section 6(1) of The Disability Discrimination Act 2010.

### **Responding to a request**

Once the Town Clerk receives the staff member's written request, they will arrange a meeting with them as soon as possible, unless they are able to agree immediately to the request. It may be that they need to ask the staff member to supply further details before the meeting. If there is likely to be a delay in discussing the staff member's request, they will be informed by the Town Clerk. The staff member may be accompanied at the meeting by a work colleague.

Having the right to request a change to working arrangements does not necessarily mean that a staff member's request will be accepted. The request will be fully discussed at the meeting. The Town Clerk will carefully consider the request looking at the benefits of the requested changes on working conditions for both the staff member as an employee and the Council, and will weigh these up against any adverse impact of implementing the changes.

Having considered the changes the staff member is requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, the Town Clerk will make a recommendation to the Staffing Committee who will formally consider the request.

The Town Clerk will then write to the staff member with the decision of the Staffing Committee. 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, the Council will set out what changes will be made to the staff member's 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 the Council turns down a staff member's request, it will be because of one, or a combination of the following reasons, which will be explained to the staff member;

- 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 the staff member is only looking for an informal change for a short period to working hours or conditions, for instance to pursue a short course of study, the Council may consider allowing the staff member to revert back to their 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.

Staff members must be aware that if their request is approved they only have the statutory right to make two requests in any 12-month period, although they may still ask without the statutory right.

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

The Council will do what it can to respond to the 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, the Council may ask to extend the consideration process, provided the staff member agrees to the extension.

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

The Council 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 agrees to a request for flexible working arrangements this does not mean that it 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. The Council may need to take others' contractual terms into account and may ask the staff member if there is any room for adjustment or compromise before coming to a decision.

### **Appealing the decision**

If the Council declines a request and the staff member wishes to appeal, they must do so, in writing, within 10 working days of receiving the letter informing them of the outcome. The

Council will then write to the staff member to arrange a meeting to discuss their appeal. This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of Councillors. The staff member 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.

### **Impact on contract of employment**

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

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

Any changes to a staff member's terms and conditions as a result of a change to their working pattern will be confirmed in the decision letter; however, if a staff member has further queries about how a proposed change in the pattern of work might affect their terms and conditions, they should speak to the Town Clerk or Mayor 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 the Council receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing a request for flexible working from a staff member. 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.

Approved by F & GP Committee – 22<sup>nd</sup> January 2025

Approved by Full Council -

Due for review – January 2027