



Adopted April 2018

Review Date: April 2020

Flexible Working Policy

Ottery St Mary Town Council

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. This statement sets out the framework in which variable working will be managed within the Council.

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.

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 (the organisation has a detailed policy);

Term time only working; or

Occasional working from home.

How to apply

Anyone considering flexible working must first discuss with the Town Clerk the reasons for the request to change their working pattern. In the event of the Town Clerk considering flexible working she/he must discuss with the Chair and Vice Chair of The Human Resource Management Committee (`the Committee`) the reasons for the request to change their working pattern.

A formal application must be made in writing to the Town Clerk/Chair and Vice-Chair of the Committee. 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.

All applications will be considered fully. The Town Clerk (Chair and Vice Chair of the

Committee in the event of the Town Clerk considering flexible working) will meet with the employee to discuss the application as soon as possible. The employee has the right to be accompanied by a companion who may be a work colleague or trade union representative.

The companion has the right to address the meeting. They may also ask questions and present the employee's case. However they have no right to answer questions on the employee's behalf.

Who makes the decision?

The Committee will consider all applications (including applications from the Town Clerk) and consult with the Town Clerk (in respect of applications from employees other than the Town Clerk) as required. The Council will notify employees of the decision as soon as possible. If an application is approved, the working arrangement may be implemented on a trial basis for an initial period of 6 months if necessary. If an application is refused, the individual 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.

Right of Appeal

An employee has the right of appeal against the Council's decision. A meeting should take place to discuss a refusal to grant a request. It is important that this is dealt with in a timely manner as the law requires the consideration process to be completed within three months of first receiving the request, including any appeal.

Review

The Town Clerk and the Committee will undertake a review after 6 months regarding employees other than the Town Clerk. With regards to the Town Clerk the review will be carried out by the Chair and Vice-Chair of the Committee. 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 (or Chair and Vice Chair of the Committee in respect of the Town Clerk) will confirm in writing whether or not the working pattern may continue. If it may not continue, a minimum of two months' 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 the Committee in respect of the Clerk, and by the Committee and the Town Clerk in respect of other employees, to ensure that the needs of the Council continue to be met.