

Blackwell Parish Council	
Flexible Working Policy	
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Introduction

This policy aims to encourage staff to consider flexible working arrangements. The Blackwell Parish Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the organisation wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The organisation is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

It is the Blackwell Parish Council's policy to encourage open discussion with employees and 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.

What is flexible working?

Every staff member has a contract of employment that sets out the 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 we will use to respond to requests by staff to vary hours, pattern or place of work.

The following flexible working options are considered to be the typical arrangements that employees will request but the organisation recognises that there may be alternatives or a combination of options which are suitable to both the organisation and the employee:

- Annualised hours
- Compressed hours
- Flexitime
- Home-working
- Job-sharing
- Overtime
- Part-time working
- Term-time working

Types of flexible working:

Annualised hours where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates).

Compressed hours is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a 5-day week is compressed into four days, or a 10-day fortnight into 9 days.

Flexitime allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours during the accounting period of **[four weeks/a month]**. Their hours of attendance will be recorded and added up at the end of each accounting period. An employee can carry over an excess of up to **[X]** hours or a deficit of up to **[X]** hours from one accounting period to another. A deficit of hours should be made up in the following accounting period. Excess hours may be used to either reduce attendance outside of core hours or, take additional leave (flexi-leave), subject to a maximum of **[X]** full days in any accounting period. Additional leave should be requested and agreed with the employee's line manager in the same way as annual leave.

Home-working is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The organisation can consider home-working being an occasional agreed day, a mix of home and office based work each week or a full time arrangement.

Job-sharing is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements.

Overtime is when hours are worked in addition to the usual full time hours. Overtime can be agreed where the organisation would benefit from an employee working more hours. This is voluntary and an employee can refuse overtime if they wish.

Part-time working covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The organisation believes that all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements.

Term-time working is where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments (although arrangements may be permitted where an employee is only paid for the time worked and receive no pay during the holidays apart from their entitlement to annual leave).

The needs of the organisation

The organisation is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed the organisation will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other staff
- 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

Eligibility

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working.

Submitting a flexible working request

An eligible employee is entitled to submit one flexible working request in a 12 month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).

All requests must be made letter. Any request made must include:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date from when the employee would like the proposed change to come into effect
- what effect the employee thinks the requested change would have on the organisation
- how, in their view, any such effect could be dealt with
- whether this is a statutory or non-statutory request
- whether a previous application for flexible working has been made
- the dates of any previous applications

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.

If an application does not contain all of the required information, the Clerk will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Only one statutory request can be made in any 12-month period.

Responding to your request

Once a written request has been received, a discussion with the employee would be arranged as soon as possible, unless there is immediate agreement to the request. It may be that further details are needed before the meeting. If there is likely to be a delay in discussing any requests, employees will be informed. Employees 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 request will be accepted. Requests will be fully discussed at the meeting. Careful consideration will be made of any request, looking at the benefits of the requested changes on working conditions for the employee and the council, and weighing these against any adverse impact of implementing the changes.

Having considered the changes and weighed up the advantages, possible costs and potential logistical implications of granting the request, the employee will be written to with a decision. 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, we will set out what changes will be made to your 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 it may not be possible to grant a request to work flexibly if it cannot be accommodated. If a request is turned down, it will be because of one, or a combination of the following reasons:

- 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 employee 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, it may be considered allowing the employee to revert back to 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.

Timeframe for dealing with requests

Blackwell Parish Council will do what it can to respond to your request as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, it may ask to extend the consideration process, provided you agree to the extension.

Handling requests in a fair way

Blackwell Parish 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 it agrees to a request for flexible working arrangements this does not mean that we 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 we may ask you 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 employee wishes to appeal, they must do so, in writing, within 14 days of receiving the letter informing the employee of the outcome. The Council will then write to the employee 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 employee 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.

The effect on the contract of employment

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

Changes to your 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. Pension may also be affected.

Any changes to terms and conditions as a result of a change to working pattern will be confirmed in the decision letter, however if the employee has further queries about how a proposed change to a pattern of work might affect terms and conditions they will be asked to speak to the Clerk or Chair of the Council in the first instance.

Data protection

When managing a flexible working request, Blackwell parish Council will process personal data collected in accordance with the data protection policy. Data collected from the point at which it receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. 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.

Blackwell parish Council is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible process, they should raise their concerns informally with the Clerk.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the grievance procedure.

This policy was put together from the ACAS and NALC Flexible Working Policies

This policy is fully supported by the members of Blackwell Parish Council	
Signed by	Chairman, Blackwell Parish Council
Date 03/10/22	