



## Bishopston Community Council

# FLEXIBLE WORKING POLICY

**May 2024**

NB: This is a non-contractual procedure which will be reviewed from time to time.

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# Bishopston Community Council

## FLEXIBLE WORKING POLICY

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## Introduction

Every employee 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 an employee can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of an employee's preferences, interests and non-work responsibilities, whilst also meeting the needs of the community council. Common examples of flexible working include part-time working, variable hours, flexitime, job-sharing, term-time working, compressed hours.

Flexible working can result in benefits to community councils, in that such arrangements can help make the most of today's diverse workforce and improve the community council's ability to recruit and retain talent.

This policy has been written to explain the process which we will use to respond to requests by employees to vary hours, pattern or place of work.

## Scope

Employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly from day one of employment regardless of whether they work full or part-time or have a temporary contract of employment. Employees can request a change to:

- the number of hours they work
- when they start or finish work
- the days they work
- where they work

It does not apply to agency staff.

## Policy

Our policy is to comply with relevant legislation on the right to request flexible working. To this end its aim is to inform all employees of their right to request flexible working and that individuals feel confident any decisions regarding their request will be handled objectively, fairly, free from discrimination, and that employee will not be treated detrimentally because they have asked for flexible working arrangements.

## Making the request

To apply for flexible working, the following information should be submitted in writing, and to the Clerk of the Community Council. In the case of the Clerk, the request should be submitted to the Chair of the Council:

- The date of the application,
- A statement that this is a statutory request,

- Details of how you would like to work flexibly and when you want to start,
- A statement saying if and when you've made a previous application.

Whilst not a requirement of the application, it would be helpful to provide an explanation of how the flexible working might affect the council and how this could be dealt with, eg if an employee proposes not at work on certain days.

Employees can only make two statutory requests in any 12-month period. Employees are asked to advise if they are making the request because they consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy may not apply (eg two requests per annum if the disability has previously not been known).

## Responding to the request

Once the written request is received, a meeting will be arranged with the employee as soon as possible to discuss it, unless it the request is immediately agreed. It may be that the employee is asked to supply further details before the meeting. If there is likely to be a delay in discussing the request, the employee will be informed.

Having the right to request a change to working arrangements does not necessarily mean that the request will be accepted. Any request will be fully discussed at the meeting.

Having considered the changes being requested and weighing up the advantages, possible costs and potential logistical implications of granting the request, the community council will write to the employee with the 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, the changes will be made to the employee's terms and conditions of employment and confirmed in writing, 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 always be possible to grant a request to work flexibly if it cannot be accommodated. If the request is turned down it will be because of one, or a combination of the following reasons, and will be explain why:

- The burden of additional costs is unacceptable to the community 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 community council

If an employee is only looking for an informal change for a short period to their working hours or conditions, for instance to pursue a short course of study, this may be considered, allowing them to revert back to their previous conditions after a specified period, eg three months, or after the occurrence of a specific event, such as the end of a course of study.

## **Companion**

Whilst there is no statutory right to be accompanied at a flexible working request meeting or appeal meeting, the employee may be accompanied or represented by a companion – someone they work with, a workplace trade union representative who's certified by their union to act as a companion or an official employed by a trade union. The companion is permitted to address such meetings, to put the employee's case and confer with the employee. The companion cannot answer questions put to the employee, address the meeting against the employee's wishes or prevent the employee from explaining their case.

## **Timeframe for dealing with requests**

The community council will aim to respond to requests 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 community council may ask to extend the consideration process, provided the employee agrees to the extension.

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

More than one request to work flexibly may be received closely together from different employees and it may or may not be possible to accept all requests. If a request for flexible working arrangements is agreed, this does not necessarily mean that other similar changes for other employees will be accepted. Each case will be considered on its merits looking at the business case and in the order they have been received. Others' contractual terms may be taken into account and the community council may ask the employee if there is any room for adjustment or compromise before coming to a decision.

## **Appealing the decision**

If a request is declined and the employee wishes to appeal, they must do so, in writing, within 5 days of receiving the letter informing them of the outcome. The community 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 an appointed sub-committee of councillors. These councillors will normally not have been previously involved with the employee's flexible working request. 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 the employee's 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 employee will not automatically be able to revert to working full time hours.

Changes to 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 the employee's terms and conditions as a result of a change to working pattern will be confirmed by letter. However if the employee has further queries about how a proposed change to their pattern of work might affect their terms and conditions they should contact the Clerk or Chair of the Council in the first instance.

## **Data protection**

When managing a flexible working request, personal data collected will be processed in accordance with the data protection policy. Data collected from the point at which the community council receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the 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. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.