

1. 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. As a good employer, Honiton Town Council has always had a positive view of flexible working. This policy sets out the framework in which variable working will be managed within the Council.

2. 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;
- Homeworking or hybrid working;
- Job sharing/Flexible working hours;
- Term time only working

3. Eligibility

The right to request flexible working is available to employees from the first day of their employment.

A maximum of two flexible working requests per employee (or team, if on behalf of a team) can be made within any twelve month period. Only one request for flexible working may be live at any one time.

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.

4. Timescales

Requests will be considered in a timely manner. The entire process, including hearing an appeal will be completed within 2 months of the written request being received.

5. Roles and Responsibilities

Normally, the Town Clerk will consider flexible working requests and appeals will be heard by a Panel of the HR Committee.

If the request is being made by the Town Clerk, this should be referred to the HR Committee, who will set up a panel to consider the request and a separate panel to consider any appeal.

6. Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the consultation meeting and appeal stages.

Representatives have the right to address the meeting or appeal. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

7. How to apply

Anyone considering flexible working should first discuss with their manager the reasons for the request to change their working pattern and how they think it could work. A formal application can then be made in writing to the Town Clerk. It should set out clearly:

- the date of the request;
- the change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work;
- the date the employee would like the change to come into effect;
- if and when the employee has made a previous request for flexible working to the employer.

8. Considering the Request

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

All requests will be carefully considered by the Town Clerk (or a Panel of the HR Committee if in relation to the Town Clerk), involving relevant managers where appropriate.

When considering a request, the Town/Parish Clerk should:

- Consider the request fairly;
- Consider the potential benefits and/or impacts that the change would have for the employee and the organisation;
- Consider any scope for compromise.

Flexible working requests will be agreed where possible. Requests may, however, be refused where there is a genuine business reason to do so.

Employers can reject an application for any of the following reasons:

- Burden of additional costs;
- Inability to reorganise work among other staff;

- Inability to recruit additional staff;
- Inability to manage performance remotely;
- 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.

9. Consultation Meeting to Consider the Request

Where a request cannot be agreed in full without further information or discussion, the employee will be invited to a consultation meeting with the Town Clerk. The employee's Line Manager may also be asked to attend.

The purpose of this meeting will be to discuss the request, obtain additional information where needed and fully explore the benefits/impact of the requested changes. Where there are concerns that the request may not be able to be granted in full, alternative arrangements can be discussed with a view to securing some of the benefits of the application.

The employee will be given 5 working days' notice of the meeting and will have the right to representation. A written record will be made of the meeting.

10. Making the Decision

After the meeting, the Town Clerk (or Panel of the HR Committee if in relation to the Town Clerk) will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Council against any adverse impact of implementing the changes.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting. The request may be granted in full or in part: for example, the Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is only upheld in part.

If an application is refused (in whole or in part), the employee will be notified of the reasons why the request cannot be accommodated at this time. The grounds on which a request may be refused are set out in the section above entitled 'Considering the Request'.

Regardless of whether or not an application is approved, a maximum of two flexible working requests can be made within any twelve month period. Only one request for flexible working may be live at any one time.

11. Right of Appeal

An employee has the right of Appeal against the Council's decision. An Appeal should be submitted in writing to the Town Clerk who will arrange an Appeal meeting.

The employee will be given 5 working days' notice of the meeting and will have the right to representation. A written record will be made of the meeting.

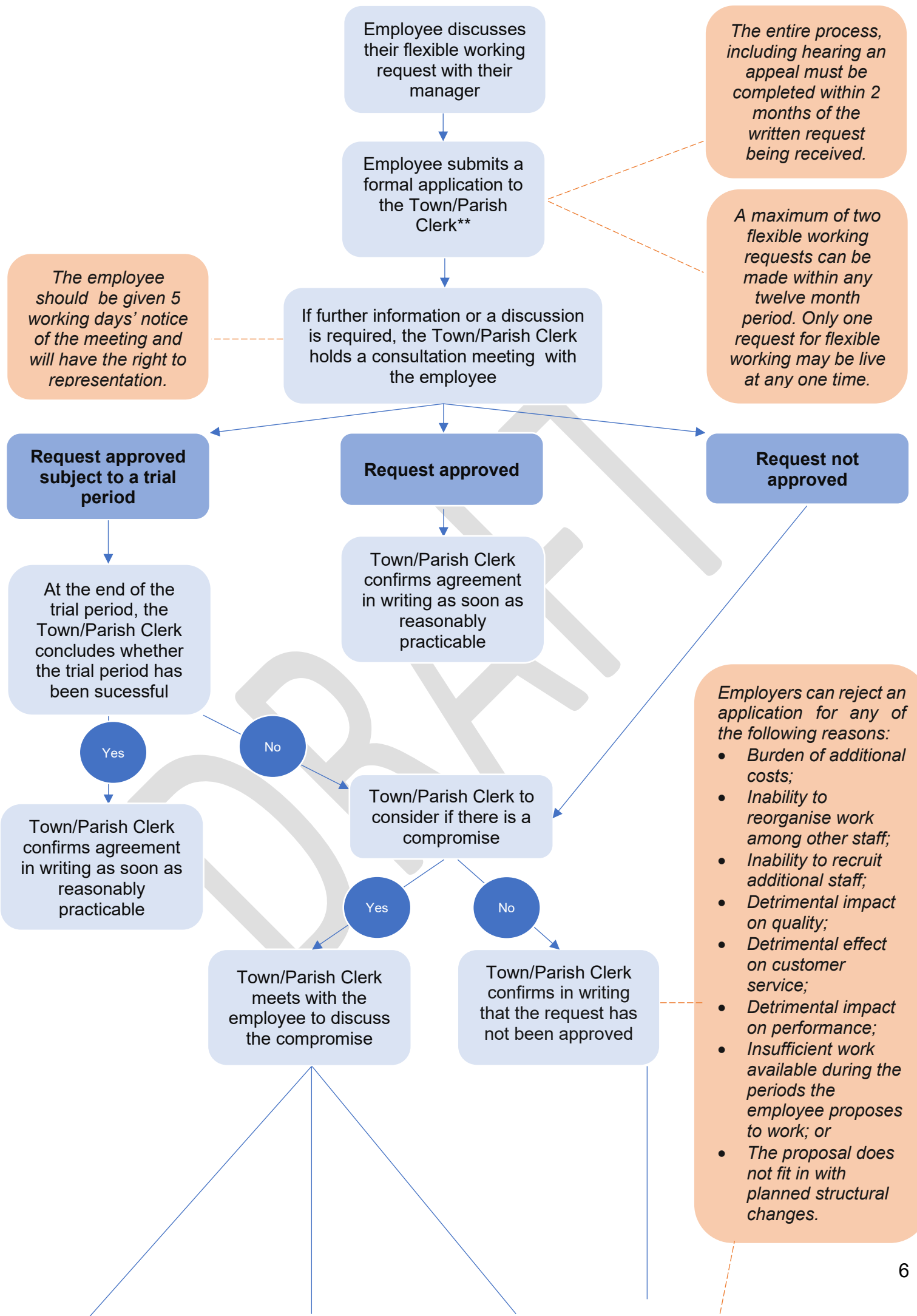
Appeals will be heard by the Appeals Committee. Following the meeting the employee will be notified of the outcome in writing.

12. Review

If a trial period has been agreed, then the Town Clerk and the appropriate Manager will undertake this review. 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, a further meeting will be set up with the employee to consult them before a decision is made either to continue, to vary the working pattern further or to revert to the original working arrangement.

At the end of the review the Town Clerk will confirm in writing whether or not the change in working pattern will be made permanent. If it may not continue, 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 management to ensure that the needs of the Council continue to be met.

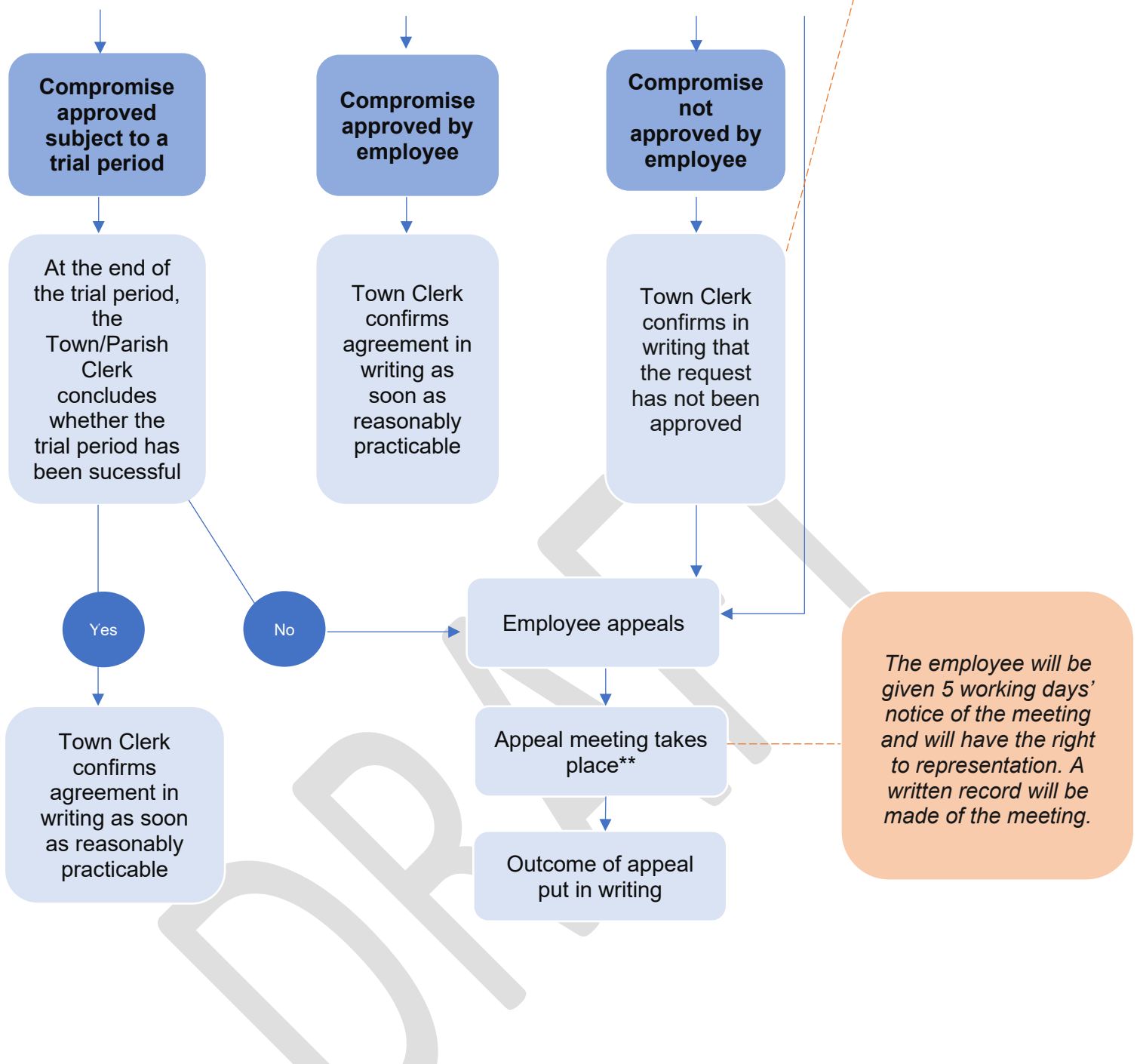


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