



Flexible Working Policy

Honiton Town Council

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 provided they have worked for their employer for 26 weeks continuously at the date the application is made. 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 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.

3 Timescales

Requests will be considered in a timely manner. The entire process, including hearing an appeal will be completed within 3 months of the written request being received.

4 Roles and Responsibilities

Normally, the Town Clerk will consider flexible working requests and appeals will be heard by ~~the Employment Committee~~.

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

5 Representation

Employees have the right to representation, either by a trade union representative or a work colleague, at the 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.

6 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;
- Term time only working; or
- Occasional working from home.

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 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.

8 Meeting to Consider the Request

All applications will be considered fully at a meeting with the Town Clerk or the Employment Committee in relation to the Town Clerk.

The employees Line Manager may also be asked to attend to explain the possible impact of any changes on the team.

9 Making the Decision

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After the meeting, 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.

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 his/her working pattern.

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, the employee 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.

10 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. Appeals will be heard by the Employment Committee who will notify the employee of the outcome, following the meeting.

11 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, 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 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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	<p>Grievance Policy</p> <p>Honiton Town Council</p>
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1 Policy Statement

The Council recognises that individual employees or groups of employees may, from time to time, feel aggrieved about an aspect of their employment and accepts that each employee has the right to raise this grievance and to expect that management will consider it and respond.

The purpose of the accompanying procedure is to provide a framework for dealing promptly and fairly with such grievances. The aim is to resolve grievances as near as possible to their point of origin.

Matters appropriately dealt with under the Council's grievance procedure include all questions relating to the individual rights of employees in respect of their employment other than:

- Grievances that have already been considered in accordance with the procedure;
- Grievances arising from a disciplinary or capability process in which the employee is already involved and where there is an appeals procedure in place;
- Grievances in respect of issues over which the Council has no control. e.g. external legislation; and
- Grievances that are already the subject of a collective grievance or dispute.

The timescales shown in the accompanying procedure may be altered by mutual agreement.

The nature and number of grievances raised in accordance with the accompanying procedure will be monitored annually by the Town Clerk.

This policy and the accompanying procedure will be the subject of periodic review.

Responsibility for conducting this review will rest with the Town Clerk.

2 Procedural Guidelines

2.1 Informal Resolution

Where an employee is aggrieved about any matter relating to their employment, they should raise the matter informally with the Town Clerk as soon as possible and, other than in exceptional circumstances, within **twenty working days** of the incident or event. However, employees will be permitted to raise as part of a grievance a series of directly related incidents having a cumulative effect.

The Town Clerk should consider and seek to resolve the grievance within ten working days. Whether or not this proves possible, the Town Clerk should in every case inform the employee of the decision and, if appropriate, any action taken.

Employees may wish to seek the advice of a trade union representative or colleague prior to raising a grievance at this informal level.

2.2 Formal Resolution

If the employee is not satisfied with the result of the informal process, they can take the matter up with the Town Clerk, in writing, stating the nature of the grievance. This should be done within **ten working days**.

The Town Clerk will arrange a meeting with the employee to discuss the grievance as soon as possible and normally within **ten working days**. If the Town Clerk hearing the grievance determines that further investigation is required – having listened to the employee's submission – the meeting will be adjourned for a period during which time the Town Clerk or an appropriate investigator will conduct any necessary research; including, if appropriate, liaising with other parties. The investigation will be concluded as soon as reasonably practicable.

It is not expected that other parties would attend the reconvened hearing. However, if it is determined by the Town Clerk that their contributions would facilitate consideration of the grievance they will be asked to make themselves available, in order that they may respond to any matters raised by the aggrieved individual during the course of the hearing.

A formal written response to the grievance should be issued within 5 working days of either the initial or subsequent grievance hearing as appropriate.

2.3 Appeal

If the employee is still aggrieved, there is a right of appeal to a panel of members of the Personnel Committee. The notice of appeal should be submitted in writing within **ten working days** of receipt of the formal written response issued by the Town Clerk. The Appeal Panel shall consider the appeal within **twenty working days** of receipt of the written appeal.

There is no further right of appeal.

2.4 Grievances Relating to the Town/Parish Clerk

If the grievance relates directly to the action or omission of the Town Clerk, the grievance should be submitted in writing directly to the Chair of the Personnel Committee who will investigate and respond to the grievance as outlined above.

If the grievance is being raised by the Town Clerk on his/her own behalf, the grievance should be submitted in writing to the Chair of the Personnel Committee as above. If the grievance relates to the action or omission of the Chair of the Employment Committee then it should be directed to **the Mayor**.

2.5 Representation

An individual raising a formal grievance may be accompanied throughout the process by a trade union representative or colleague of their choice and reasonable preparation for the hearing will be allowed.

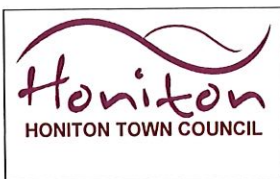
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Whistleblowing Policy

Honiton Town Council

1 Policy Statement

Employees are often the first to realise that there may be something wrong within their organisation. However, they may not feel able to express their concerns because they feel that speaking up would be disloyal to their colleagues or to their employer. They may also be apprehensive about the consequences and they may mistakenly feel that it may be easier, therefore, to ignore the concern rather than report what may be no more than a suspicion of malpractice.

Honiton Town Council is committed to the highest standards of openness, probity, and accountability. It expects employees, and others that it deals with, who have serious concerns about any aspect of the Council's work, to come forward and voice those concerns. The word 'whistleblowing' in this procedure refers to the disclosure, internally or externally, by employees of malpractice, as well as illegal acts or omissions at work.

This policy makes it clear that all employees can report, in a confidential manner, their concerns without fear of victimisation, subsequent discrimination or disadvantage, and is intended to encourage and enable serious concerns to be raised with the Council, rather than overlooking a problem or 'blowing the whistle' outside. It is stressed that under the Public Interest Disclosure Act 1998, employees of the Council who speak out against corruption or malpractice at work have statutory protection against victimisation, dismissal or other disadvantage.

2 Scope

This policy applies to employees of **Honiton Town Council** Agency workers, casual workers and other individuals performing functions for the Council, such as contractors, are also encouraged to use the procedure.

3 Aims

This policy aims to:

- Encourage employees to feel confident in raising serious concerns in those cases where they do not wish to use the normal reporting routes within their departments;
- Provide alternative avenues for raising concerns;
- Ensure that responses to concerns are made; and

- Reassure employees that they will be protected from possible reprisals or victimisation if they have made a qualifying disclosure to address their concerns.

4 Background

The law provides protection for employees who raise legitimate concerns about specified matters. These are called 'qualifying disclosures'. A qualifying disclosure is one made in the public interest by an employee who has a reasonable belief that one of the following is being, has been, or is likely to be committed:

- A criminal offence;
- A miscarriage of justice;
- An act creating a risk to health and safety;
- An act causing damage to the physical environment;
- A breach of any other legal obligation; or
- Concealment of any of the above

An employee who makes such a protected disclosure has the right not to be dismissed, subjected to any other detriment (e.g. disciplinary action), or victimised because he/she has made a disclosure.

The employee has no responsibility for investigating the matter; it is **Honiton Town Council's** responsibility to ensure that an investigation takes place.

The Council fully understands that employees who are members of a Trade Union may, in the first instance, wish to seek advice and guidance from their Union on the application of this Procedure.

This procedure is for disclosures about matters other than a breach of an employee's own contract of employment. If an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the Council's Grievance Procedure.

5 Safeguards

5.1 Harassment or Victimisation

Honiton Town Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from the person(s) who is/are the subject of the complaint. However, if employees state the truth when making a disclosure they should have nothing to fear because they will be doing their duty to their employer and those for whom they are providing a service.

Honiton Town Council will not tolerate any form of harassment or victimisation by any worker and will take appropriate action to protect individuals when they make a qualifying disclosure.

5.2 Confidentiality

All concerns will be treated in confidence and every effort will be made to protect an employee's identity if that is their wish. At the appropriate time, however, they may need to be called as a witness, following a full factual investigation of the concerns raised.

5.3 Anonymous Allegations

In order to ensure that employees receive the protection of the Public Interest Disclosure Act 1998, employees should put their name to their concern. Concerns expressed anonymously are much less convincing. Anonymous concerns and allegations will therefore be investigated at the discretion of the Council.

In exercising the discretion the factors to be taken into account would include:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from factual evidence.

5.4 Unsubstantiated Allegations

If an employee makes an allegation which they reasonably believe to be true but it is not confirmed by the investigation, no action will be taken against them. However, if they make an allegation frivolously, maliciously, or for personal gain, disciplinary action may be taken against them.

6 Procedure for Making A Disclosure

6.1 Step One – Raising a Concern

Whenever possible you should raise your concern with your line manager. If this is not appropriate, you should approach the Town Clerk. If the complaint is about the Town Clerk then your concern should be raised with the Chair of the Employment Committee.

6.2 Step Two – How The Council Will Respond

The action taken will depend on the nature of the concern. The matters raised may:

- be investigated internally by management, or through the disciplinary or other internal process
- be referred to the Police
- be referred to the External Auditor
- form the subject of an independent inquiry.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take.

Concerns or allegations which fall within the scope of specific procedures of **Honiton Town Council** will normally be referred for consideration under those procedures. Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

You will be written to within ten working days:

- acknowledging that the concern has been received
- indicating how the Council proposes to deal with the matter
- giving an estimate of how long it will take to provide a final response
- informing you if any initial enquiries have been made
- whether further investigations will take place and, if not, why not

6.3 Contact

The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought.

6.4 Attending Meetings

When any meeting is arranged you have the right to be accompanied by a trade union representative or a workplace colleague who is not involved in the area of work to which the concern relates.

6.5 Support

Honiton Town Council will take steps to minimise any difficulties you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, **Honiton Town Council** will advise or arrange for you to have advice about the procedure. **Honiton Town Council** will not tolerate harassment or victimisation (including informal pressures) and will take action to protect individuals who raise a concern in good faith.

Honiton Town Council accepts that you need to be assured that concerns will be properly addressed and, subject to legal constraints, will provide information about the outcomes of any investigations.

7 How The Matter Can Be Taken Further

This procedure is intended to provide individuals with an avenue to raise concerns within **Honiton Town Council**. If you are not satisfied, and feel it is right to take the matter further, the following are possible contacts:

- Public Concern at Work
- Audit Commission
- the Police

- Health and Safety Executive
- Her Majesty's Revenue and Customs

If a matter is taken outside **Honiton Town Council**, you must take all reasonable steps to ensure that confidential or privileged information is not disclosed. If in doubt, check with the **Town Clerk**.

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