

Creech St Michael Parish Council

Policy Title	Flexible Working Policy
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Applies to	All Parish Council Employees
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Review Cycle	Annual
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1.0 Introduction

Under provisions set out in the Employment Rights Act 1996 and regulations made under it and the Employment Relations (Flexible Working) Act 2023, 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, Creech St Michael Parish Council has always had a positive view of flexible working. This statement sets out the framework in which variable working will be managed within the Parish Council. Flexible working is any change to when, where and how long an employee works. It can include compressed hours, flexi-time, remote working, job-shares and set shift patterns.

2.0 Eligibility

To be eligible to submit a request for flexible working an employee must meet the following criteria.

- The right to request flexible working is available to all Parish Council employees who have a minimum of 26 weeks' continuous service.

And

- Have made no more than two flexible working requests 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 and Parish Council, as employer, is required to follow a specific procedure to ensure requests are considered objectively.

3.0 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,
- Working from home, where practical and the requirements of the role allow.

4.0 Requesting Flexible Working

An employee considering flexible working must first discuss with their manager or with the Chair of the Staffing Committee and state the reasons for the request to change their working pattern. A formal application must be made in writing to the Line Manager or in the case of the Clerk and RFO role, to the Chair of the Staffing Committee. It should set out clearly.

- The desired change in working pattern.
- How the employee will manage their work as a result of the proposed change.
- When the employee wishes to start the new way of working.
- Other relevant information that will assist the decision-making process.

All applications will be considered fully. The Line Manager will meet with the employee to discuss the application within three weeks of receiving the request. The employee has the right to be accompanied by a companion who may be a work colleague or trade union representative.

5.0 The Decision

The Staffing Committee will consider all applications and consult the line manager as required. The Staffing Committee will make a recommendation to the Parish Council for approval or refusal of the request. The decision must be communicated to the employee within two months of the request being received.

If an application is approved, the working arrangement may be implemented for an initial period of six months and reviewed at the end of this period by both the employee and the Parish Council.

If an application is refused, the individual will be notified in writing with reasons why the request cannot be accommodated.

The grounds for refusing a request include.

- The additional burden of costs on the Parish Council.
- An inability to reorganise work among other staff.
- An inability to recruit additional staff.
- The change having a detrimental impact on quality of the Parish Council's activity.
- The change having a detrimental effect on customer service.
- The change having a detrimental impact on the employee's performance.
- Insufficient work available during the periods the employee proposes to work.
- The proposal does not fit in with planned structural changes within the operation of the Parish Council.

6.0 Right of Appeal

An employee has the right of appeal against the Parish 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 two months of first receiving the request, including any appeal.

The individual should discuss with their manager or with the Chair of the Staffing Committee, the grounds for the appeal and submit a formal written request for an appeal. The appeal will be considered by a panel of three Parish Councillors who are not members of the Staffing Committee who will recommend a decision to the Parish Council.

If an appeal is upheld, the working arrangement may be implemented for an initial period of six months and reviewed at the end of this period by both the employee and the Parish Council.

If an appeal is rejected, the individual will be notified in writing with reasons why the appeal was rejected.

7.0 Review

The Parish Clerk and RFO or Chair of the Staffing Committee will undertake a review after 6 months. This is to ensure that the change in work pattern is delivering the expected benefits for all concerned and that there is no adverse impact on either the work of the Parish Council or the efficiency of the individual or other Parish Council employees.

If an issue is identified, 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 Parish Clerk and RFO or Chair of the Staffing Committee 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.