

# COLWICH PARISH COUNCIL



## PD107 FLEXIBLE WORKING

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## FLEXIBLE WORKING

# Flexible Working – PD107

## Revision history

### This document was originally written by:

Name	Position	Date
Michael Lennon	Clerk	January 2017

### This document version was reviewed by:

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Chairman of Council	W Plant

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## Revision History

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3	10/2021	PD107-03	New Chairman Annual review	None
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## **FLEXIBLE WORKING**

### **1 POLICY STATEMENT**

- 1.1** Colwich Parish Council takes very seriously the right afforded to qualifying employees to request flexible working. It is not a right to work flexibly or part-time and the Council is only under a duty (a) to consider any request in a reasonable manner and (b) only to refuse the request on the specific grounds set out in the legislation (Children and Families Act 2014)

### **2 QUALIFICATION FOR MAKING A STATUTORY REQUEST**

- 2.1** Flexible working may be requested by any employee with 26 weeks or more service.
- 2.2** Qualifying employees can request a change to their terms and conditions of employment and be protected by law from detrimental treatment or unfair dismissal as a result.
- Be an employee;
  - Not be an agency worker;
  - Have been continuously employed by the same Council for a period of not less than 26 weeks at the time the application is made; and
  - Not have made another application to work flexibly under the right to make such applications during the past 12 months.

### **3 SCOPE OF A REQUEST**

- 3.1** The request can include any or all of the following:
- A change to hours worked;
  - A change to the times the employee is required to work;
  - A request to work from home
- 3.2** Examples include requests for compressed hours, flexitime, staggered start and finish times and so on. Any agreed change to the employee's terms and conditions will be permanent unless the Council and employee agree otherwise.

### **4 THE EMPLOYEE'S APPLICATION**

- 4.1** The employee should make a considered application in writing to the Clerk, or to the Chairman in the case of the Clerk. They should think carefully about:
- What working pattern they want and what impact (if any) it will have on their pay;
  - What effects, if any, the change will have on the Council's business and how these might be accommodated.
- 4.2** As a matter of law, the application must be in writing and:
- State that it is a statutory request;
  - Specify the change applied for;
  - Specify the date on which the employee proposes the change should become effective;
  - Explain what effect, if any, the employee thinks making the change applied for would have on the Council and how this effect may be dealt with
- 4.3** The ACAS Code ([www.acas.org.uk](http://www.acas.org.uk)), which tribunals are required to take into account if they have to decide whether the Council handled the request in a reasonable

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manner, says that Councils should make clear to their employees what information they need to include in a written request.

- 4.4** Only one application per year may be made under the right to apply. If the employee has made a previous application to the Council for flexible working arrangements then the application must state this and give the date(s) on which the previous application(s) were made.

## **5 THE COUNCIL'S RESPONSE**

- 5.1** The Council may agree to the request without meeting with the employee.
- 5.2** Otherwise, the ACAS Code says that the Council should arrange to talk to the employee as soon as possible. The law does not require it but the Code says that, to act reasonably, the Council should allow the employee to be accompanied by a work colleague and tell them so in the invitation to the meeting. The meeting should be held in private and the Council and the employee should discuss the work pattern in depth and how best it might be accommodated.
- 5.3** The Council must consider the request and weigh up various options and alternatives. The Clerk, or the Chairman as appropriate, will inform you of the outcome of your request in writing, normally within 14 days of the meeting.
- 5.4** The possible outcomes are:
- Accept your flexible working request in full;
  - Offer an alternative working pattern; or
  - Reject your request.
- 5.5** If the Council agrees to your flexible working request, or you accept an alternative working pattern, you will be informed of the date on which the change will become effective and if there will be any trial period. You have no right to return to your previous working pattern without submitting a new flexible working request to the Council. You will normally have to wait 12 months before making another request. If you wish to request a review of your arrangement at any time other than the annual review, please discuss it with the Clerk or the Chairman as appropriate.
- 5.6** The Council must respond in writing, ideally within 14 days of the application, either accepting the proposal and detailing arrangements OR declining the request for one of the business reasons specified below.
- 5.6.1 Burden of additional cost;
  - 5.6.2 Inability to re-organise the work among existing staff;
  - 5.6.3 Inability to recruit additional staff;
  - 5.6.4 Detrimental impact on quality;
  - 5.6.5 Detrimental impact on performance;
  - 5.6.6 Detrimental effect on the Council's ability to meet customer demands;
  - 5.6.7 Insufficient work for the periods the employee is prepared to be available; or
  - 5.6.8 Planned structural changes to the Council

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### 6 TIMESCALE

- 6.1 The Council will deal with any flexible working request in a timely and reasonable manner. The request, including any appeal will be dealt with within 3 months from the date of receiving it. If it is not possible to complete the consideration of the request within the 3-month time limit, the delay will be notified and an extension of time agreed.

### 7 APPEAL PROCESS

- 7.1 If the application is refused an appeal can be submitted in writing within 14 days of receiving the decision, clearly stating the grounds for appeal.
- 7.2 A meeting will be arranged with the Employment Committee within 14 days of the appeal being received. You may be accompanied at this meeting. After the meeting you will be sent a letter telling you either that the appeal has been successful or the reasons why it has been rejected. If it is rejected the business reasons will be laid out. The decision is final.

<b>SIGNED</b>	
COUNCILLOR WENDY PLANT, PARISH COUNCIL CHAIRMAN	