



FLEXIBLE WORKING POLICY

WRITTEN BY:

Mrs Sarah Haydon, Chief Officer

APPROVAL DATE:

Finance Strategy & Management Committee – 26 March 2024

Town Council – 9 April 2024

REVIEW DATE:

March 2026

INTRODUCTION

- 1.1 All employees have the legal right to request flexible working – not just parents and carers. This is known as ‘making a statutory application.’
- 1.2 Biddulph Town Council promotes work life balance and seeks to support any employee who wishes to work flexibly but this has to be balanced against the needs of the service. If you wish to work flexibly you should initially discuss your request with the Chief Officer.
- 1.3 This flexible working policy gives eligible employees an opportunity to request a change to their working pattern.
- 1.4 We will deal with flexible working requests in a reasonable manner and within a reasonable time. In any event the time between making a request and notifying you of a final decision (including the outcome of any appeal) will be less than three months unless we have agreed a longer period with you.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.

ELIGIBILITY

2.1 To be eligible to make a flexible working request, you must:

be an employee;

- a) And not have made two formal requests to work flexibly during the last 12 months; and

- b) Not make a formal request to work flexibly if a request you made previously has not been concluded.

WHAT IS A FLEXIBLE WORKING REQUEST?

3.1 A flexible working request under this policy means a request to do any or all of the following:

- a) to reduce or vary your working hours;
- b) to reduce or vary the days you work;
- c) to work from a different location (for example, from home).

MAKING A FLEXIBLE WORKING REQUEST

4.1 After initially informally discussing your request, your flexible working request should be submitted formally to the Chief Officer in writing and dated. It should:

- state that it is a flexible working request;
- explain the change being requested and propose a start date;
- state whether you have made any previous flexible working requests.

MEETING

5.1 We will arrange a meeting at a convenient time and place to discuss your request. You may be accompanied at the meeting by a colleague of your choice. They will be entitled to speak and confer privately with you, but may not answer questions on your behalf.

5.2 We may decide to grant your request in full without a meeting, in which case we will write to you with our decision.

DECISION

6.1 We will inform you in writing of our decision as soon as possible after the meeting.

6.2 If your request is accepted, we will write to you with details of the new working arrangements and the date on which they will commence. You will be asked to sign and return a copy of the letter.

6.3 If we cannot immediately accept your request we may require you to undertake a trial period before reaching a final decision on your request. Unless otherwise agreed, changes to your terms of employment will be permanent.

6.4 We may reject your request for one or more of the following business reasons:

- the burden of additional costs is unacceptable;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that you propose to work; or
- planned structural changes.

We will meet and consult with you and consider alternatives that could work for us and you before any rejection is decided.

6.5 If we are unable to agree to your request, we will write to tell you which of those reasons applies in your case. We will also set out the appeal procedure.

6.6 We will respond to your flexible working request within two months of receipt.

APPEAL

7.1 You may appeal in writing within 14 days of receiving our written decision.

7.2 Your appeal must be dated and must set out the grounds on which you are appealing.

7.3 We will hold a meeting with you to discuss your appeal. You may bring a colleague to the meeting. Your appeal will be addressed at the next Finance, Strategy and Management Committee meeting.

7.4 We will tell you in writing of our final decision as soon as possible after the appeal meeting, including reasons. There is no further right of appeal.

WITHDRAWING A FLEXIBLE WORKING REQUEST

8.1 You can withdraw your flexible working request by submitting your withdrawal, dated, in writing to the Chief Officer.

8.2 If you withdraw a formal request for flexible working, that request will still be taken into account when determining if you have made two formal requests in a 12 month period. In certain circumstances, a formal request will be treated as withdrawn. This will occur if you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause. In such circumstances, the Chief Officer will write to you confirming that the request has been treated as withdrawn.

RELEVANT LEGISLATION

9.1 This policy meets the legal requirements for flexible working laid down in the Employment Act (2002) and the Children and Families Act (2014).

While The Employment Relations (Flexible Working) Act 2023 received Royal Assent on 20 July 2023, the law hasn't changed yet and won't until some time in 2024. Biddulph Town Council has implemented the following changes ahead of the law change:

- permission to make two statutory requests in any 12 month period (rather than one request).
- the removal of existing requirements that the employee must explain what effect, if any, the change applied for would have on the employer and how that effect might be dealt with (with the aim of making requesting flexible working easier and more accessible).
- reduced timeframe for an employer to respond to a request from three months to two months.
- whilst the eight statutory reasons for rejecting a request will remain unchanged, employers will need to consult with an employee before rejecting their request (draft guidance indicates a meeting and consideration of alternatives will be required).

Alongside the Act, the UK Government announced that workers will have the right to request flexible working from day one of a new job.