Treverbyn Parish Council

Flexible Working Policy and Procedure

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1. Introduction and Purpose

Treverbyn Parish Council recognises that flexible working arrangements can benefit both employees and the Council by supporting employee wellbeing, improving work-life balance, encouraging productivity and helping to retain experienced staff.

The Council is committed to considering requests for flexible working fairly, consistently and reasonably, while ensuring that its statutory responsibilities, operational requirements and services to the community are maintained.

The purpose of this policy is to establish a clear and transparent procedure for requesting, considering, approving or declining flexible working arrangements.

The Council recognises that, as a small organisation employing two members of staff, flexibility must be balanced with the need to maintain adequate administrative support, public accessibility, attendance at Council meetings and the effective delivery of Council business.

Each request will be considered on its individual merits, taking account of both the employee's circumstances and the Council's operational requirements.

This policy is non-contractual and does not replace or reduce any existing statutory or contractual employment rights.

2. Scope

This policy applies to the Council's directly employed members of staff:

- The full-time Parish Clerk and Responsible Finance Officer.
- The part-time Administrator.

The policy does not apply to self-employed contractors or employees of external contractors.

Both employees have the statutory right to request flexible working from the first day of employment, regardless of their contracted hours or length of service.

The Council may also consider informal requests for temporary or occasional flexibility outside the statutory procedure.

3. Definition of Flexible Working

Flexible working refers to arrangements that alter an employee's normal working hours, working pattern or place of work.

Examples may include:

- Part-time working: Working fewer hours than a full-time employee.
- Flexitime: Varying start and finishing times within agreed parameters.
- Compressed hours: Working contracted hours over fewer days.
- Staggered hours: Working different starting and finishing times.
- Hybrid working: Dividing working time between the Council's premises and an agreed remote location.
- Home working: Undertaking agreed duties from home.
- Annualised hours: Working an agreed number of hours across a year.

Not all arrangements will be suitable for every role.

The Council will consider whether the proposed arrangements are compatible with the duties of the position, the need to maintain Council services and any relevant contractual obligations.

4. Eligibility and Statutory Rights

All employees have the statutory right to request flexible working from their first day of employment.

Employees may make up to two statutory flexible working requests within any rolling 12-month period.

Only one statutory flexible working request may be active at any one time.

A request remains active until it has been determined, withdrawn, mutually resolved or the applicable statutory decision period has expired.

The statutory right is a right to request flexible working and to have that request considered reasonably. It does not provide an automatic entitlement to the requested arrangement.

Employees will not be subjected to any detriment or dismissal for making, or proposing to make, a statutory flexible working request.

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5. Informal Flexible Working Arrangements

The Council recognises that not every request for flexibility requires a formal statutory application.

Employees may seek informal agreement for occasional or temporary changes to their working arrangements.

Examples may include:

- Adjusting working hours to accommodate a personal appointment.
- Working from home on an occasional basis.
- Temporarily changing start or finishing times.
- Rearranging working days where operationally practicable.

The Administrator should discuss informal arrangements with the Parish Clerk.

The Parish Clerk should discuss informal arrangements with the Chair or Vice-Chair of the Council, in accordance with the Clerk's contractual arrangements and the Council's delegated authority.

Informal arrangements should be agreed in advance and recorded where appropriate.

Such arrangements will not normally constitute a permanent variation to an employee's contract of employment.

An employee may make a statutory flexible working request at any time, regardless of whether an informal arrangement has previously been discussed or agreed.

6. Submitting a Formal Flexible Working Request

Employees wishing to make a statutory flexible working request must submit their application in writing.

The following arrangements apply:

Parish Clerk

Requests must be submitted to the Chair of the Council, who will refer the matter to the HR Committee or another appropriately authorised decision-maker.

Administrator

Requests must be submitted to the Parish Clerk, who will acknowledge the request and refer it to the HR Committee or another appropriately authorised decision-maker.

A statutory request must include:

- The date of the application.
- A statement confirming that it is a statutory flexible working request.
- Details of the proposed changes to working hours, working pattern or place of work.
- The date on which the employee wishes the proposed arrangement to commence.

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- Whether the employee has previously made a statutory flexible working request and, if so, the date of that request.

Employees are encouraged, but are not required, to explain the reasons for their request or suggest how the proposed arrangements might operate in practice.

Where a request does not contain the required statutory information, the Council will explain what information is missing and provide an opportunity for the employee to clarify or resubmit it.

7. Consideration of Requests

All statutory flexible working requests will be considered reasonably, objectively and without unlawful discrimination.

The HR Committee, or another appropriately authorised decision-maker, will assess the request, taking account of the employee's circumstances and the Council's operational requirements.

Consideration may include:

- The nature and responsibilities of the employee's role.
- The need to maintain effective Council administration.
- Public access to Council services.
- Attendance at Council and committee meetings.
- The ability to maintain appropriate office cover.
- The impact on the other employee and distribution of work.
- Financial and administrative implications.
- Information security, confidentiality and health and safety.
- Whether alternative arrangements could achieve a suitable outcome.

The Council will consider each request individually and will not automatically refuse a request because an employee works full-time, part-time or holds a particular position.

Where appropriate, the Council will explore alternative arrangements or a trial period before reaching a final decision.

8. Consultation Meetings

Where the Council is unable to approve a statutory request in full without further consideration, a consultation meeting will be arranged before any decision to refuse the request is made.

The purpose of the meeting will be to discuss:

- The employee's proposed working arrangements.
- The potential benefits and practical implications.
- Any operational concerns identified by the Council.

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- Possible modifications or alternative arrangements.
- Whether a trial period may be appropriate.

The employee will receive reasonable notice of the meeting and an opportunity to prepare.

Meetings may be held in person or, where appropriate, remotely.

Employees may be accompanied by a work colleague or trade union representative where reasonably requested.

A written record of the discussion will be maintained.

The Council will approach consultation constructively and with an open mind, seeking an arrangement that is reasonable and practicable for both parties.

9. Grounds for Refusing a Request

The Council will seek to accommodate flexible working requests wherever reasonably practicable.

A statutory request may only be refused for one or more of the following eight statutory business reasons:

1. The burden of additional costs.
2. An inability to reorganise work amongst existing staff.
3. An inability to recruit additional staff.
4. A detrimental impact on quality.
5. A detrimental impact on performance.
6. A detrimental effect on the ability to meet customer demand.
7. Insufficient work available during the periods the employee proposes to work.
8. Planned structural changes to the employer's business.

Where a request is refused, the Council will identify the relevant statutory reason or reasons and explain how they apply to the particular circumstances.

The Council will not refuse a request solely on the basis of personal preference or an unsupported assumption that flexible working arrangements would be inconvenient.

Before refusing a request, the Council will consider whether alternative arrangements could reasonably address the identified concerns.

10. Decision and Notification

The Council will deal with statutory flexible working requests promptly and without unreasonable delay.

The entire process, including any appeal, must normally be completed within two months of receipt of the original statutory request.

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This period may be extended where the employee and Council mutually agree to an extension. Any extension will be confirmed in writing.

The decision will be communicated to the employee in writing.

Where a request is approved, the written confirmation will specify:

- The agreed working arrangements.
- The date on which the arrangements will commence.
- Whether the arrangement is permanent or temporary.
- Any agreed review or trial period.
- Any consequential changes to contractual terms.

Where a request is refused, the written decision will explain the relevant statutory business grounds and provide information about the employee's right to appeal under this policy.

11. Appeals Procedure

Employees who are dissatisfied with a decision to refuse a statutory flexible working request may appeal.

An appeal should normally be submitted in writing within 14 calendar days of receiving the decision.

The appeal should explain the grounds on which the employee wishes the decision to be reconsidered.

Appeals will be considered by councillors who were not involved in the original decision, wherever reasonably practicable.

Where necessary, the Council may appoint an appropriately authorised panel to consider the appeal.

The employee will be given an opportunity to explain their concerns at an appeal meeting and may be accompanied by a work colleague or trade union representative where reasonably requested.

The appeal outcome will be confirmed in writing, including the reasons for the decision.

The Council will ensure that the appeal is concluded within the statutory two-month decision period unless an extension has been agreed with the employee.

The appeal decision will be final under this policy, without affecting the employee's statutory rights.

12. Trial Periods

Where the suitability of a proposed flexible working arrangement is uncertain, the Council and employee may agree to a trial period.

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The purpose of the trial will be to assess whether the arrangement is workable and sustainable.

Before the trial commences, the Council will confirm in writing:

- The agreed working arrangements.
- The start and end dates of the trial.
- Any temporary changes to duties or working hours.
- How the arrangement will be monitored.
- The date and method of review.
- The arrangements that will apply if the trial is unsuccessful.

Trial periods will normally be proportionate to the proposed change and the nature of the employee's role.

At the end of the trial, the Council will discuss the outcome with the employee and determine whether the arrangement should continue, be modified or cease.

Where a trial forms part of a statutory request, any necessary extension to the statutory decision period must be agreed with the employee.

A trial arrangement will not automatically become a permanent contractual change unless expressly agreed and confirmed in writing.

13. Home Working and Hybrid Working

Where a flexible working request involves working from home or another remote location, the Council will consider whether the employee's duties can be undertaken effectively and securely.

Arrangements must take account of:

- The need to maintain access to Council records and systems.
- Confidentiality and data protection requirements.
- Secure handling of Council documents and information.
- Appropriate communication with councillors, employees and members of the public.
- Attendance at meetings and other Council commitments.
- Suitable working equipment and health and safety arrangements.
- The need to maintain adequate office availability.

The Council may require employees to attend the office or other Council locations for meetings, essential duties or operational reasons, in accordance with agreed arrangements.

Any regular home working or hybrid working arrangement must be approved and documented.

Occasional home working may continue to be authorised informally in accordance with Section 5 of this policy.

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14. Reasonable Adjustments and Equality

Treverbyn Parish Council recognises its responsibilities under the Equality Act 2010.

Requests for flexible working will be considered fairly and without unlawful discrimination.

Where an employee requests a change to their working arrangements because of a disability, the Council will consider whether reasonable adjustments are required.

Requests for reasonable adjustments do not need to be made through the statutory flexible working procedure.

Such requests will be considered promptly and sensitively, taking account of the employee's individual circumstances and any relevant medical or occupational health advice.

The Council recognises that its legal duty to make reasonable adjustments is separate from the statutory right to request flexible working.

Where appropriate, reasonable adjustments may include changes to working hours, duties, equipment or working arrangements.

15. Changes to Contracts of Employment

Where a permanent flexible working arrangement is agreed, the Council will confirm the relevant changes to the employee's contractual terms in writing.

This may include changes to:

- Contracted working hours.
- Normal working days.
- Working location.
- Salary or remuneration, where applicable.
- Other terms directly affected by the agreed arrangement.

Any changes will be agreed with the employee and documented in accordance with applicable employment legislation.

Where a temporary arrangement is agreed, the Council will specify the period for which it applies and the arrangements for returning to the employee's previous working pattern.

16. Withdrawal of Requests

An employee may withdraw a statutory flexible working request at any time by notifying the Council in writing.

Where an employee fails to attend an arranged consultation or appeal meeting, the Council will seek to rearrange the meeting and establish whether there is a reasonable explanation for the absence.

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Where an employee fails to attend both an initial meeting and a rearranged meeting without good reason, the Council may treat the request as withdrawn in accordance with statutory requirements.

The employee will be informed in writing where a request is treated as withdrawn.

17. Confidentiality and Record Keeping

The Council will maintain appropriate records of statutory flexible working requests and decisions.

Records may include:

- The original written request.
- Correspondence relating to the application.
- Notes of consultation meetings.
- The reasons for the decision.
- Details of any agreed trial period.
- Appeal correspondence and outcomes.
- Any agreed contractual changes.

Records will be stored securely and access restricted to individuals with a legitimate need to know.

Personal information will be processed in accordance with UK data protection legislation and the Council's relevant policies.

18. Responsibilities

The Parish Council

The Council is responsible for ensuring that flexible working requests are considered fairly and in accordance with relevant employment legislation.

The HR Committee

The HR Committee will normally consider formal flexible working requests and make decisions within its delegated authority.

Where a decision falls outside the Committee's authority, the matter will be referred to the appropriately authorised Council body.

The Parish Clerk

The Parish Clerk will administer informal and formal flexible working arrangements relating to the Administrator, including receiving applications and referring formal requests to the appropriate decision-maker.

Where the Parish Clerk makes a flexible working request personally, the Clerk will not participate in the decision-making process relating to that request.

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The Chair of the Council

The Chair of the Council will act as the initial point of contact for flexible working requests submitted by the Parish Clerk and will ensure that such requests are referred to the appropriate decision-maker.

Employees

Employees are responsible for submitting requests in accordance with this policy, providing relevant information, participating constructively in discussions and complying with any agreed flexible working arrangements.

19. Complaints and Grievances

Employees who have concerns about the handling of a flexible working request should initially raise those concerns with the appropriate person.

The Administrator may raise concerns with the Parish Clerk or, where appropriate, the Chair of the Council.

The Parish Clerk may raise concerns with the Chair of the Council or another appropriately authorised councillor.

Where concerns cannot be resolved informally, employees may use the Council's grievance procedure.

Nothing in this policy affects an employee's statutory employment rights.

20. Review of Policy

This policy will be reviewed annually, or sooner where changes to employment legislation, statutory guidance or Council working arrangements make a review necessary.

The Council will ensure that the policy remains proportionate to its staffing arrangements and operational requirements.

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Adopted by the Human Resources Committee of Treverbyn Parish Council on:

Adopted by the Full Council on:

Full Council Minute Reference:

Next Review: May 2027