

Ferndown Town Council Flexible Working Policy

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1. Introduction

- 1.1 Under provisions set out in the Employment Rights Act 1996 and regulations, 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.
- 1.2 As a good employer, Ferndown Town Council (Council) has always had a positive view of flexible working. This statement sets out the framework in which variable working will be managed within Council.
- 1.3 Under the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999, employers have a legal obligation to look after the health, safety and welfare of their employees and contractors, including those that work from home.

2. Eligibility

- 2.1 The right to request flexible working is available to employees who have a minimum of 26 weeks' continuous service.
- 2.2 Only one flexible working request can be made within a twelve-month period.
- 2.3 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. Definition of flexible working

- 3.1 Flexible working can mean: change to the number of hours worked, times worked or place of work.
- 3.2 Some examples of flexible working include part-time working; job share; flexible working hours; term time only working; or occasional working from home.

4. How to apply

- 4.1 Anyone considering flexible working must first discuss with the Town Clerk the reasons for the request to change their working pattern. A formal application must 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 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.

4.2 All applications will be considered fully. The Town Clerk will meet with the employee to discuss the application as soon as possible. The employee has the right to be accompanied by a companion who may be a work colleague or trade union representative.

4.3 The companion has the right to address the meeting. They may also ask questions and present the employee's case. However, they have no right to answer questions on the employee's behalf.

5. Who makes the decision?

5.1 The Town Clerk will consider all applications, consult with the Personnel Committee, and notify employees of the decision as soon as possible. If an application is approved, the working arrangement may be implemented on a trial basis for an initial period of 6 months if necessary. If an application is refused, the individual will be notified in writing with reasons why the request cannot be accommodated.

5.2 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 of service; 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.

5.3 Regardless of whether an application is approved or not a further application cannot be made within 12 months.

6. Right of Appeal

6.1 An employee has the right of appeal against Council's decision. Any meeting that takes place to discuss a refusal must be dealt with in a timely manner as the law requires the consideration process to be completed within three months of first receiving the request, including any appeal.

7. Review

7.1 The Town Clerk will undertake a review after 6 months to ensure that the change in work pattern is working effectively and there is no adverse impact on either the work of 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.

7.2 At the end of the review the Town Clerk 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 (to end on a specified date).

7.3 All flexible working will be reviewed periodically by management to ensure that the needs of Council continue to be met.