

# UCKFIELD TOWN COUNCIL



## FLEXIBLE WORKING POLICY

Policy Number 28		
Issue No.	Date completed	Details of amendments
2	09.06.14	GP.06.06.14
3	29.04.24	GP 48.04.24

## **1.0. INTRODUCTION**

- 1.1. This policy has been updated in response to the replacement of the ACAS Code of Practice first issued in 2014 on handling requests for flexible working in a reasonable manner.
- 1.2. Under provisions set out in the Employment Rights Act 1996 and subsequent 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. This right applies from the first day of employment. .
- 1.3. An employee may make two statutory requests in any 12 month period.

## **2.0. PROCEDURE FOR APPLYING FOR FLEXIBLE WORKING**

### **2.1. Making an application**

The right to request flexible working requires that the employee must make their request in writing, setting out: (Appendix 1 Example)

- The date of their request;
- the change to working conditions they are seeking (in terms of hours, times and place of work) and when they would like the change to come into effect.
- What effect they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with.
- That this is a statutory request and if they have made a previous application for flexible working and the date of that application.

This should be addressed to the appropriate manager or in the case of Senior Officers to the Town Mayor and Chairman of the General Purposes Committee.

### **2.2. Handling the request:**

On receiving a request, the manager will arrange to discuss it with the employee as soon as possible. If there is likely to be a delay the employee must be informed as the law requires the consideration process to be completed within two months of first receiving the request, including any appeal. If for some reason the request cannot be dealt with within three months then an employer can extend this time limit, provided the employee agrees to the extension.

For Senior Officers, the Town Mayor and the Chairman of the General Purposes Committee will arrange to convene a panel made up from the Personnel Sub-committee to consider the request. The Personnel Sub-committee will subsequently make a recommendation to the General Purposes Committee.

The Town Council will allow an employee to be accompanied at a discussion by a work colleague if they wish. This can be either their trade union representative or any other co-worker at the same workplace.

2.3. Deciding on a request:

The request should be carefully considered looking at the benefits of the requested changes in working conditions for the employee and the business and weighing these against any adverse business impact of implementing the changes.

2.4 The Town Council must agree to a flexible working request unless there is a genuine business reason not to. A decision to reject a request must be for one or more of the following business reasons, which are set out in the Employment Rights Act 1996:

- The burden of any additional costs is unacceptable to the organisation.
- An inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- The employer considers the change will have a detrimental impact on quality.
- The employer considers the change would have a detrimental effect on the business' ability to meet customer demand.
- Detrimental impact on performance.
- There is insufficient work during the periods the employee proposes to work.
- Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit in with these plans.

2.5. In considering these business reasons the Town Council must not inadvertently discriminate unlawfully against particular employees in relation to any protected characteristics<sup>1</sup> set out in the Equality Act 2010. The protected characteristics are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation;

2.6. If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the employer must consider this in line with its legal obligations under the Equality Act 2010. Employers must make reasonable adjustments to remove any disadvantage related to a person's disability. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.

2.7 An employee may only have one live request for flexible working with their employer at any one time. Once a request has been made, it remains live until the following occurs:

- a decision is made by the employer;
- the request is withdrawn;

- an outcome is mutually agreed;
- the statutory two-month period for deciding requests ends;

2.8 A request continues to be live during any appeal or any extension to the statutory two-month decision period that an employer and employee may have agreed

### **3.0. APPEALS**

3.1. If an employee wishes to appeal the decision, they should let the employer know the reasons for their appeal in writing. The reasons could be that:

- there is new information they wish to be considered;
- they believe their employer has not handled their request in a reasonable manner;

3.2 All appeals should be considered without unreasonable delay to avoid the employee raising the issues as a workplace grievance. The employee and employer should have reasonable time to prepare for the discussion, while taking into account the statutory two-month period for deciding requests including any appeal. The employer should notify the employee of the time and place in advance of the meeting. The meeting should be held privately. It can be held in person or remotely online, or where neither of those are possible, via telephone call.

3.3 If asked by an employee, they can be accompanied by a work colleague which can be either their trade union representative or any other co-worker at the same workplace to any appeal meeting.

3.4 The appeal should be dealt with impartially. The person holding the appeal meeting should have sufficient authority to make a decision. Wherever possible, it should be handled by a manager who has not previously been involved in considering the request.  
For Senior Officers an appeal will be considered by an independent person or organisation as determined by the General Purposes Committee.

3.5 A written record of the appeal meeting should be kept which provides an accurate reflection of the discussion that has taken place.

### **4.0 ATTENDANCE AT MEETING**

4.1 The employer's arrangements for a meeting should provide a reasonable opportunity for the employee to attend.

4.2 If the employer arranges a meeting to discuss the request, including any appeal, and the employee fails to attend both this meeting and a rearranged meeting without a good reason, the employer may consider the request withdrawn.

4.3 If the employer does consider the request withdrawn, they must inform the employee of this. This should be done in writing.

## 5.0. GENERAL REQUEST

5.1. There are times when additional time off can be requested, which are at the discretion of line managers, these include:

- **Compassionate Leave**  
Compassionate leave may be granted following the death of a partner or immediate family. Usually up to 3 days paid leave will be granted, this can be increased up to a maximum of 5 days in special circumstances. Any leave that may be agreed in addition to the 5 days will be unpaid.
- **Domestic Leave**  
Domestic leave can be granted if there is an unexpected breakdown in the usual domestic circumstances, i.e., fire, flood, burglary or other serious domestic incident. Up to 1 day's paid leave may be granted.
- **Time Off for Dependants**  
Time off for dependants is unpaid under current terms and conditions of employment.

The right is to a reasonable amount of time off - normally a day or two but this will depend on individual circumstances.

The right to time off is to deal with emergencies involving a dependant. A dependant is someone who depends on an employee for care.

All employees have the right to time off during working hours for dependants, this time off is intended to deal with **unforeseen** matters and **emergencies**. There is no legal right to be paid. A dependant could be a spouse, partner, child parent, or someone who depends on an employee for care, for example an elderly neighbour.

The leave can be taken for example:

- to deal with a breakdown in childcare
- to put longer term care in place for children or elderly relatives
- if a dependant fall ill or is taken into hospital
- to arrange or attend a funeral.

The right is to a reasonable amount of time off, although it is not stated how much is reasonable. In most cases a day or two will be sufficient to deal with the immediate crisis, but it will depend on the individual circumstances. The employee must tell Uckfield Town Council as soon as possible the reason for the absence and how long they expect to be absent.

## **Appendix 1- Employee Request Example**

### **1. Personal details**

Name:

Address:

Date:

### **2. Information required**

Please describe your current job and working pattern (days/hours/times worked).

The change to working conditions that you are seeking and when you would like the change to come into effect.

What effect you think the requested change would have on the Town Council and how, in your opinion, any such effect might be dealt with.

That this is a statutory request and if you have made a previous application for flexible working the date of that application.

Signed:

## **Appendix 2 - Town Council Response Example**

Employee's Name:

Address:

Date:

Following receipt of your application form for flexible working and our meeting on \_\_\_\_\_, I have considered your request and wish to advise you that:

- I am pleased to confirm that Uckfield Town Council are able to accommodate your application.

Your new working arrangement will commence on:

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment.

**OR**

We are unable to accommodate your request for the following reason/s:

- The burden of any additional costs is unacceptable to the organisation.
- An inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- The employer considers the change will have a detrimental impact on quality.
- The employer considers the change would have a detrimental effect on the business' ability to meet customer demand.
- Detrimental impact on performance.
- There is insufficient work during the periods the employee proposes to work.
- Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes many not fit in with these plans.

If you are unhappy with this decision, you have a right of appeal within the timescale as detailed in the Council's Flexible Working Policy.