



ECCLESFIELD PARISH COUNCIL

Serving your Community Since 1894

FLEXIBLE WORKING POLICY

What is flexible working

Every Ecclesfield Parish Council ('the Council') employee has a contract of employment that sets out the working hours. A request to work flexibly is a request from an employee to formally reduce their working hours, amend the days they work or where they work. Flexible working does not mean an employee can work the hours they wish from day-to-day, week-to-week.

Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the Council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to employers, in that such arrangements can help make the most of today's diverse workforce and improve its ability to recruit and retain staff. It is good practice to make flexible working open to all employees.

This policy has been written to explain the process which the Council will use to respond to requests by employees to vary hours, pattern or place of work.

Scope

Employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly provided they have been continuously employed with the Council for at least 26 weeks at the date the application is made, regardless of whether they work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

Policy

The Council's policy is to comply with both the spirit and the letter of the law on the right to request flexible working. To this end the Council aim is to inform all employees of their right to request flexible working and to ensure those rights are understood and that employees feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that employees will not be treated detrimentally because they have asked for flexible working arrangements.

Making the request

To apply for flexible working, an employee should provide the following information in writing and submit this to the Clerk. In the case of the Clerk, the request should be submitted to the Chair of the Finance, Premises and Staffing Committee:

- The date of the application;
- A statement that this is a statutory request;
- Details of how they would like to work flexibly and when they want it to start;
- An explanation of how they think flexible working might affect the Council and how this could be dealt with, e.g. if they are not at work on certain days; and
- A statement saying if and when they have made a previous application.

An employee can only make one statutory request in any 12-month period. They are asked to let the Council know if they are making the request because they consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

Responding to your request

Once the Council receives a written request from an employee, it will arrange a meeting with them as soon as possible, unless it agrees immediately to their request.

It may be that the Council needs to ask the employee to supply further details before the meeting. If there is likely to be a delay in discussing a request, they will inform the employee. The employee may be accompanied at the meeting by a work colleague.

Having the right to request a change to an employee's working arrangements does not necessarily mean that a request will be accepted. Any such request will be fully discussed at the meeting. The Council will carefully consider any request looking at the benefits of the requested changes on working conditions for the employee and the Council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, the employee is requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, the Council will write to them with the decision. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, the Council will set out what changes will be made to an employee's terms and conditions of employment; or,
- To propose an alternative, which may require further discussion; or,
- To confirm a compromise agreed at the discussion; or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

Requests to work flexibly will be considered objectively, however, the Council may not always be able to grant a request to work flexibly if it cannot be accommodated.

If the Council turn downs a request, it will be because of one, or a combination of the following reasons, and the Council will explain why.

- The burden of additional costs is unacceptable to the Council
- Detrimental effect on the Council's ability to deliver for the community
- Inability to re-organise work among existing employees
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the Council

If an employee is only looking for an informal change for a short period to their working hours or conditions, for instance to pursue a short course of study, the Council may consider allowing the employee to revert back to their previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

An employee must be aware that if their request is approved, they do not have a statutory right to make a further request for a period of 12 months, although they may still ask without the statutory right.

Timeframe for dealing with requests

The Council will do what it can to respond to requests as soon as possible although the law requires the consideration process to be complete within three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, the Council may ask to extend the consideration process, provided the employee agrees to the extension.

Handling requests in a fair way

The Council may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If the Council agrees to a request for flexible working arrangements this does not mean that it can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. The Council may need to take the employees and other employee's contractual terms into account and may ask the employee if there is any room for adjustment or compromise before coming to a decision.

Appealing the decision

If the Council declines a request and the employee wishes to appeal, they must do so, in writing, within 10 days of receiving the letter informing them of the outcome. The Council will then write to the employee to arrange a meeting to discuss their appeal.

This meeting will be held as soon as reasonably possible and will normally be with a sub-committee of Councillors comprising members of the Finance, Premises and Staffing Committee. An employee may wish to be accompanied at that meeting by a work colleague.

There may be circumstances when the Council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

The effect on an employee's contract of employment

Any change in an employee's hours or pattern of work will normally be a permanent change to an employee's contractual terms and conditions. This means that they will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if a new flexible working pattern involves working reduced hours, the employee will not automatically be able to revert to working full time hours.

Changes to an employee's working pattern may affect other terms and conditions of employment. For example, reducing hours of work may mean that the employees pay and leave will be pro-rated accordingly. Their pension may also be affected.

Any changes to terms and conditions as a result of a change to an employee's working pattern will be confirmed in the decision letter they receive from the Council. However, if an employee has further queries about how a proposed change to their pattern of work might affect their terms and conditions please speak to the Clerk or Chair of the Finance, Premises and Staffing Committee in the first instance.

Data protection

When managing a flexible working request, the Council will process personal data collected in accordance with its data protection policy. Data collected from the point at which the Council receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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