


Wilton Town Council

Flexible working policy

A policy to help employees achieve a positive work -life balance

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Legal context

Wilton Town Council has adopted this policy to give effect to the Employment Rights Act 1996, The Equality Act 2010, the Flexible Working Regulations 2014 and the EU Working Time Directive.

The purpose of this policy

This policy aims to encourage staff to consider flexible working arrangements. The Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the Council wants to help its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The council is committed to agreeing flexible working arrangements, provided that the needs and objectives of both the council and the employee can be met.

10 November, 2018

Introduction

1. This policy aims to encourage staff to consider flexible working arrangements. The council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the council wants to help its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the council and the employee can be met.
2. It is the council's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to contact the chair of the staffing committee to arrange an informal discussion to talk about the options.

What is flexible working?

3. Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.
4. The following flexible working options are supported by Wilton Town Council but the council recognises that there may be alternatives or a combination of options which are suitable to both the council and the employee:
 - Time off in lieu
 - Home-working
 - Job-sharing
 - Overtime
 - Part-time working

Types of flexible working supported by the council

5. Time off in lieu (TOIL) will be granted to employees who, by virtue of their work commitments (such as evening meetings, weekend duties or training commitments) are required to exceed their contracted hours. In such cases the employee may take that time back as time off, subject to notification to the council and a record of hours worked being kept.
6. Home-working may be permitted subject to agreement of the Staffing Committee. The council will consider home-working being an occasional agreed day or a mix of home and office based work each week. However, the council does require the office to be open to the public during its core hours of 9.00am to 1.00pm, Monday to Friday.
7. The Council will consider Job-sharing. This is where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the Council. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements
8. Overtime is when hours are worked in addition to the usual full time hours. Overtime can be agreed where the council would benefit from an employee working more hours. This is voluntary and an employee can refuse overtime if they wish. Overtime will be paid at one and a half times the basic rate during Monday to Saturday and double time the basic rate if it is a Sunday or a Public Holiday. Normally, the council would expect employees to take time as TOIL but there may be occasions when the council may ask an employee to work increased hours for which overtime shall be paid.
9. Part-time working covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works 20 hours per week. The council believes that all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements
10. Other forms of flexible working including, flexible hours, compressed hours or term time working will be considered by the Staffing Committee should a request be received.

The needs of the council

11. The council is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.
12. Where a flexible working arrangement is proposed the council will need to take into account a number of criteria including (but not limited to) the following:
 - the costs associated with the proposed arrangement
 - the effect of the proposed arrangement on other staff
 - the need for, and effect on, supervision
 - the existing structure of the council
 - the availability of staff resources
 - details of the tasks specific to the role
 - the workload of the role
 - whether it is a request for a reasonable adjustment related to a disability
 - health and safety issues

Eligibility

13. Any employee who has completed their probationary period has a statutory right to request flexible working.

Submitting a flexible working request

14. An eligible employee is entitled to submit one flexible working request in a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments).
15. All requests must be made by email to the chair of the council's staffing committee. Any request made must include:
 - the date of the application
 - the changes that the employee is seeking to their terms and conditions
 - the date from when the employee would like the proposed change to come into effect
 - what effect the employee thinks the requested change would have on the council
 - how, in their view, any such effect could be dealt with
 - whether this is a statutory or non-statutory request
 - whether a previous application for flexible working has been made
 - the dates of any previous applications
16. If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

Meetings regarding flexible working

17. Upon receiving a written request for flexible working the chair of the staffing committee will usually seek to arrange a meeting with the employee to:
 - discuss the request
 - find out more about the proposed working arrangements
 - how it could be of benefit to both the employee and council
18. If a meeting is arranged it will be held within 28 days of the council receiving the request. This time limit may be extended with the agreement of both the employee and chair of the staffing committee.
19. After the meeting, or if no meeting is necessary, the chair shall refer the matter for consideration by the staffing committee.

Responding to a flexible working request

20. The staffing committee will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse affects, to the employee and to the council in implementing the proposed changes.
21. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
22. The employee will be informed in writing of the council's decision as soon as is reasonably practicable, but no later than 14 days after the meeting.
23. The request may be granted in full, in part or refused. The council may propose a modified version of

the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact chair of the staffing committee within 14 days if they wish to discuss the new arrangements further, or have any concerns.

Right to appeal decision

24. The employee has the right to appeal the decision if their request is refused or is only agreed in part. The employee may lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal will be heard within 14 days. The employee will then be informed of the outcome to their appeal within 14 days of the appeal meeting. These time limits may be extended with the agreement of both the employee and the chair of the staffing committee.

Trialing new working arrangements

25. Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the council a trial period may be agreed. If a trial period is arranged the council, it will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

Varying an employee's contract

26. Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment will be sent to the employee within 28 days of the change to the employee's working pattern being agreed.
27. If the employee has any questions or concerns about the new contract of employment they should contact chair of the staffing committee to discuss the matter further.
28. Where a trial period has been arranged the council will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the council may reduce or lengthen the trial period where necessary with the agreement of the employee). The council will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

Complaints and further information

29. The council is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.
30. If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible process, they should raise their concerns informally with the chair of the staffing committee.
31. If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the council's grievance procedure.
32. For further information an employee should refer to the documents listed below and/or contact the chair of the staffing committee.