



STANSTED MOUNTFITCHET PARISH COUNCIL

FLEXIBLE WORKING POLICY

Adopted by the Council on 31st October 2018

Reviewed and approved by Council on 16th December 2020

Introduction

The right to request flexible working is a right afforded to qualifying employees to *request* flexible working; it is not a right to work flexibly or part-time and Stansted Mountfitchet Parish Council (SMPC) is only under a duty (a) to consider any request in a reasonable manner and (b) only to refuse the request on the specific grounds set out in the legislation. Requests will be considered by the Personnel Committee.

Flexible working may be requested by any employee with 26 weeks' or more service.

Qualification for making a Statutory Request

Qualifying employees can request a change to their terms and conditions of employment and be protected by law from detrimental treatment or unfair dismissal as a result.

In order to make a request for flexible working an individual must:

- Be an employee;
- Not be an agency worker;
- Have been continuously employed by SMPC for a period of not less than 26 weeks at the date the application is made; and
- Not have made another application to work flexibly under the right to make such applications during the past 12 months.

Scope of a Request

The request can include any or all of the following:

- A change to hours worked;
- A change to the times the employee is required to work;
- A request to work from home.

Examples include requests for compressed hours, flexitime, staggered start and finish times and so on. Any agreed change to the employee's terms and conditions will be permanent unless SMPC and the employee agree otherwise.

The Employee's Application

The employee should make a considered application. They should think carefully about:

- What working pattern they want and what impact (if any) it will have on their pay;
- What effects, if any, the change will have on SMPC's business and how these might be accommodated.

As a matter of law the application must:

- Be in writing, and
- State that it is a statutory request;
- Specify the change applied for;
- Specify the date on which the employee proposes the change should become effective;
- Explain what effect, if any, the employee thinks making the change applied for would have on SMPC and how this effect may be dealt with.

Only one application per year may be made under the right to apply. If the employee has made a previous application to SMPC for flexible working arrangements then the application must state this and give the date on which the previous application was made.

The Council's Response

SMPC may agree to the request without meeting with the employee.

Otherwise, SMPC will arrange to talk to the employee as soon as possible. Whilst the law does not require it, in order to act reasonably SMPC will allow the employee to be accompanied by a work colleague.

The Meeting

At the meeting, which will be held in private, SMPC and the employee will discuss the work pattern proposed in depth and how best it might be accommodated. The Council will look carefully at the benefits of the requested change for the employee and for the business and weigh these against any adverse business impact. If there are problems in accommodating the request, the parties will consider if other alternatives might work.

If the request is rejected the reason(s) will be one or more of the following:

- The burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental effect on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Appeal

There is no statutory right of appeal against the Council's decision. However, the ACAS Code recommends giving a right of appeal and this is supported by the Parish Council. It should be noted that the whole process of considering a request for flexible working, including hearing and deciding on any appeal, must be concluded within three months (unless the parties agree a longer period).

Any appeal will be considered by three members of the F&GP Committee who are not also members of the Personnel sub-committee.