



Flexible Working Policy

Introduction

This policy aims to encourage staff to consider flexible working arrangements. Lowestoft Town Council (LTC) recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce unplanned absences and stress.

LTC wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, volunteering, leisure activities, further learning and other interests. Flexible working provides opportunities for wider-societal benefits e.g. reduced healthcare costs and increased environmental benefits, from reduced use of fuel, reduced tyre emissions, fewer road accidents, and improved physical and mental health. In addition to enhanced outcomes and loyalty from its employees, there are also opportunities to reduce pressures on the taxpayer from office costs and staff turnover.

LTC is committed to agreeing any flexible working, provided that the needs and objectives of both the organisation and the employee can be met.

This policy covers voluntary changes to flexible working. This positivity towards flexible working and the benefits to both staff and LTC, will be considered as part of any recruitment to try and shape posts and embed the most suitable terms from the outset.

What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. LTC encourages open discussion with employees about flexible working.

This is separate from the Town Council's Time Off in Lieu, overtime and occasional home-working arrangements, which are complementary mechanisms used to provide some flexibility and manage work outside of normal working hours.

The flexible working patterns which LTC encourages include:

- Compressed hours working (e.g. a 5 day week compressed into 4 days or a 10 day fortnight compressed into 9 days)
- Home-working (where this is a standard part of a working pattern)
- Job-sharing (usually established during recruitment)
- Part-time working (including where this is a reduction or change in hours)
- Term-time working (or similar to adapt to caring responsibilities)
- Flexible standard hours (flexibility to select the start time of the standard daily working hours: on the hour, quarter past, half past or quarter to the hour, from 08:00am to 10:00am inclusive).

The needs of LTC

All employees have the legal right to request flexible working - not just parents and carers. This is known as '[making a statutory application](#)' and such requests must be dealt with in a 'reasonable manner' with redress to an employment tribunal. Employees must have worked for the same employer for at least 26 weeks to be eligible. Further information can be obtained from the ACAS and GOV.UK websites or through the Town Clerk.

LTC does not require an employee to make a statutory application as this policy embeds a proactive approach to flexible working. While the intention is to provide increased opportunities to work flexibly, nothing in this policy takes away the right to make a statutory application should an employee so wish and nothing removes any right of redress to an employment tribunal.

Under the statutory right, an employer can refuse an application if they have a good business reason for doing so. In order to make this enabling policy workable, LTC reserves and sets out its business reasons below.

LTC is committed to providing a range of appropriate working patterns. However, not all flexible working options will be appropriate for all roles.

While LTC encourages flexible working, there are circumstances where it is not possible to accommodate any or all types of flexible working. This includes where such arrangements are not practically or financially viable. An overriding principle is that staff must be able to fulfil the expectations of their employment and the needs of the employer. For example, flexible working under this policy (and/or TOIL/overtime/occasional home working) might be unavailable, restricted or compulsory including for:

This includes but is not limited to these circumstances:

- Staff providing services between set times e.g. reception and leisure facility bookings, unless suitable depth of cover is available
- Specialist staff required for specific activities e.g. seasonal grounds workers, minute-taking, finance support for audit
- Caretakers covering opening and closing of facilities
- Staff covering facility maintenance and health and safety, including for any time-urgent and emergency situations
- Staff required to work shift patterns or work on-call

Any agreement to flexible working is subject to maintaining or improving performance and can be removed/amended where this is not the case. The right to refuse/remove/amend flexible working for business reasons includes reasons connected with LTC's policy positions e.g. its declaration of a climate emergency.

Where a flexible working arrangement is proposed LTC will take into account a number of criteria including (but not limited to) the following:

- The impact on LTC's policies and priorities e.g. its declarations of climate and health emergencies
- 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 organisation
- the availability of staff and other resources
- the tasks specific to the role
- the workload of the role
- whether there is a request for a reasonable adjustment related to a disability
- health and safety, including safeguarding issues

Eligibility

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. While LTC will consider a request prior to this period, the right to refuse to consider a request is reserved until the employee satisfactorily completes any formal probationary review which falls within the 26 week period.

Submitting a flexible working request

An eligible employee is normally entitled to submit one flexible working request in a 12 month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).

All requests must be made in writing to the Town Clerk (or Mayor and Personnel Committee Chair in the case of the Town Clerk). 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 organisation
- 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

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.

If an application does not contain all of the required information, the Town Clerk (or Mayor and Personnel Committee Chair in the case of the Town Clerk) will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request. They will work with the employee to help their request to be agreed, where this is reasonable within the terms of this enabling policy. Where the request cannot be agreed in full, they will work with the employee to secure the next-best position, where this is reasonable within the terms of this enabling policy.

Meetings regarding flexible working

Where a request can, without further discussion, be approved as stated in the employee's written application, the employee will be informed of the agreement to the request in writing, normally within 28 days of the receipt of the request.

The Town Clerk (or Mayor and Personnel Committee Chair in the case of the Town Clerk) may seek to arrange a meeting with the employee (normally within 28 days) to:

- discuss the request
- find out more about the proposed working arrangements
- how it could be of benefit to both the employee and organisation

Consideration of proposed flexible working arrangements, will include the potential benefits and adverse effects to the employee and to LTC in implementing the proposed changes. 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.

The request may be granted in full, in part or refused. A modified version of the request may be proposed, 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. The employee will be informed of the outcome, with reasons (as soon as reasonably possible normally within 28 days).

Where requests are not agreed

LTC's default position is to agree any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met. This is determined, as above. However, where requests have been disagreed or conditions/restrictions imposed are disputed, the employee has the opportunity to take the matter to the Personnel Committee for consideration.

The employee must provide the information required when submitting their original request plus their explanation in writing of why the decision made was unfair or incorrect. The person/persons refusing the request must explain their decision and what measures they took to try to make the request agreeable within the terms of this policy.

The employee will be given advance notice of the time, date and place of the Personnel Committee meeting which will be held within the employee's working hours (normally within a maximum of 28 days). If the initial date is problematic then one further date will be proposed. If a face to face meeting is difficult to arrange then, it may be held over the telephone or an online video communications platform.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

The employee will be notified in writing of the outcome of the meeting (with reasons where there is a refusal) normally within 28 days of the meeting.

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or LTC a trial period may be agreed. If a trial period is arranged the organisation will allow sufficient time for an employee and any relevant

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

Where flexible working practices are agreed as a permanent change, a variation will be made to the employee's contract of employment and related formal changes will be made and notified to the employee normally within 28 days of the change to the employee's working pattern being agreed.

Where a trial period has been arranged LTC 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 LTC may reduce or lengthen the trial period where necessary with the agreement of the employee). The organisation 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

LTC is positive about flexible working and is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the process, they should raise their concerns informally with their line manager. If informal discussions do not resolve the matter to an employee's satisfaction, they should follow the grievance procedure.

ACAS and GOV.UK are sources of further information.