



## **WEST BEDLINGTON TOWN COUNCIL**

### **Policies for Flexible Working Arrangements**

#### **Working Flexibly and**

#### **Time Off In Lieu**

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## Flexible Working Arrangements, Working Flexibly, Flexi-leave (Time Off in Lieu) TOIL.

**Part A.** Flexible Working Arrangements – A Statutory Scheme of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

**Part B.** Working Flexibly – A non-statutory informal scheme of ad hoc occasional working arrangements that meet both the needs of the employee and the employer.

**Part C** Time off in lieu (TOIL). An informal non statutory scheme that can provide additional time off (Time Off in Lieu) where an employee has accrued (banked) additional hours to take off as TOIL. Both the additional hours worked, and the time taken off are at the absolute discretion of the Town Council, but the aims of the scheme are to meet the needs of both the employee and Town Council mutually.

### Part A - Flexible Working Arrangements.

#### Introduction

West Bedlington Town Council encourages staff to consider flexible working arrangements. West Bedlington Town Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress.

Therefore, West Bedlington Town Council wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

West Bedlington Town Council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

It is West Bedlington Town Councils policy to encourage open discussion with employees. If an employee thinks they may benefit from flexible working, they can either:

- contact The Town Clerk (or in the case of The Town Clerk contact the chair of the Council to arrange an informal discussion to talk about the options
- submit a flexible working request, by following the steps in this policy

**This policy does not form part of the employment contract and can be amended at any time.**

#### What flexible working is

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. It is a statutory requirement placed on all employers.

Examples of Flexible Working include:

- annualised hours
- compressed hours
- flexitime
- hybrid working
- job sharing
- part-time working
- remote working
- staggered hours
- term-time working
- working from home

These examples are considered to be the typical arrangements that employees will request. However, the organisation recognises that there may be alternatives or a combination of options which are suitable to both the organisation and the employee.

### **Our approach to flexible working**

The organisation is committed to providing a range of appropriate working patterns.

There are many different types of flexible working. While some might not be practical for every job, it's likely other types will work. The organisation commits to look at what's possible.

Where a flexible working arrangement is requested, the organisation will take into account a number of criteria. This includes:

- 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 department
- 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

West Bedlington Town Council is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

### **Eligibility**

All employees have a statutory right to request flexible working from the first day of employment.

West Bedlington Town Council is also open to discussing flexible working arrangements with employees before their first day.

West Bedlington Town Council will:

- include a statement that flexible working options are available in job adverts
- discuss flexible working with the successful applicant before they start

### **Submitting a flexible working request**

An employee is entitled to submit two (2) statutory flexible working requests in a 12-month period.

West Bedlington Town Council will allow its employees to make two (2) additional requests in a 12-month period, on top of the statutory entitlement.

An employee can only have one live request at a time. A request will stay live until any of the following happen:

- the organisation makes a decision
- the employee withdraws the request
- the employee and organisation agree an outcome
- it's been 2 months since the date of the request

All requests must be made in writing to The Council – this can be an email.

Any request must include:

- the date of the request
- the changes that the employee is seeking
- the date the employee would like the proposed change to start
- whether this is a statutory or non-statutory request
- whether the employee has made any previous flexible working requests to West Bedlington Town Council.
- the dates of any previous requests

If the request relates to a reasonable adjustment for a disability under the Equality Act 2010, the employee should make this clear in the request.

If a request does not contain all of the required information, West Bedlington Town Council will advise the employee what else they need to provide and ask the employee to resubmit the request.

### **Responding to a flexible working request**

The Town Council (in conjunction with The Town Clerk) will consider the proposed flexible working arrangements. They will look at the potential benefits and adverse effects to the employee and to West Bedlington Town Council in implementing the proposed changes.

Each request will be considered on a case-by-case basis, in the order they are received.

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.

Where an employee's request needs further discussion, the organisation will invite the employee to a consultation meeting. If a meeting is arranged, it will be held within ten (10) working days of West Bedlington Town Council receiving the request. This time limit may be extended with the agreement of both the employee and West Bedlington Town Council.

Where an employee's request can be approved in full without a consultation meeting, West Bedlington Town Council will confirm this in writing within ten (10) working days of receiving the request.

This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both the employee and West Bedlington Town Council.

West Bedlington Town Council will decide on all requests, including any appeal within a maximum of 2 months. This time limit may be extended with the agreement of both the employee and West Bedlington Town Council.

### **Consultation meetings about flexible working**

If the employee is invited to a consultation meeting, The Town Clerk / Chair of the Council will discuss:

- the request
- how the proposed working arrangements might work
- how it could be of benefit to both the employee and organisation

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic, then one further date will be proposed. This meeting will be in person or a video call, or a telephone call if neither of those are possible.

At the meeting the employee may, if they wish, be accompanied by a colleague, friend, family member 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 request will be deemed to have been withdrawn.

## **Communicating a decision after consultation**

After a consultation meeting, the request may be granted in full, in part or refused.

West Bedlington Town Council may:

- propose an alternative option
- grant the request on a temporary basis
- ask the employee to try the flexible working arrangement for a trial period

If a working arrangement is agreed, the employee will be sent a confirmation letter within ten (10)

working days of the consultation meeting. This will include details of the new arrangements and an invitation to talk about the new arrangements.

If the organisation refuses the request, the employee will be given the decision in writing within ten (10) working days of the consultation meeting.

## **Right to appeal a decision**

An employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may submit an appeal within five (5) working days of being notified of a decision on their request. This should be done in writing and clearly state the reasons for their appeal.

The appeal will be heard within five (5) working days. The employee will then be informed of the outcome of their appeal within five (5) working days of an appeal meeting.

These time limits may be extended with the agreement of both the employee and West Bedlington Town Council.

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

## **Requesting a reasonable adjustment**

West Bedlington Town Council is committed to reducing and removing disadvantages for disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

To request a reasonable adjustment, send your request by email or letter to West Bedlington Town Council (The Town Clerk / Chair of the Council as appropriate).

- that you're making a request for a reasonable adjustment under the Equality Act 2010
- the adjustment you're requesting

The Town Clerk / Chair of the Council will discuss your request with you within ten (10) of West Bedlington Town Council receiving the request.

The outcome will be confirmed in writing within seven (7) of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and West Bedlington Town Council.

### **Trialling new working arrangements**

Where there is some uncertainty about whether the flexible working arrangement is practical for an employee or West Bedlington Town Council, a trial period may be agreed.

A trial period will allow enough time to implement and get used to the new arrangement before making any decisions on its viability.

West Bedlington Town Council will put any trial arrangements in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.

The employee will be informed in writing of the start and end dates of the trial period. West Bedlington Town Council may reduce or lengthen the trial period where necessary, with the agreement of the employee.

West Bedlington Town Council reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, West Bedlington Town Council will give the employee four (4) weeks' notice.

### **Varying an employee's contract**

Where flexible working practices are agreed as a permanent change, any variation to the employee's terms and conditions will be put in writing. Written confirmation of the changes will be sent to the employee within one month of the change being agreed.

If the employee has any questions or concerns, they should contact the Town Clerk / Chair of the Council.

### **Complaints and further information**

An employee should raise any concerns with The Town Clerk / Chair of the Council if they:

- are not satisfied with any stage of the flexible working request process
- feel they have been treated unfairly because they've made a flexible working request

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under West Bedlington Town Councils grievance procedure.

## **Part B. Working Flexibly**

### **Introduction**

As previously stated, West Bedlington Town Council recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress.

Therefore, West Bedlington Town Council wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

To further encourage the aims of the statutory Flexible Working Policy West Bedlington Town Council also supports an informal (non-statutory scheme) practice of “working flexibly”.

### **Eligibility**

The scheme of “working flexibly” is available to all West Bedlington Town Council employees.

Request for any “working flexibly” arrangement should always be in advance – requests from employees should be sent and decided by the Town Clerk and any requests from the Town Clerk for a “working flexibly arrangement” sent to and determined by the Chair of the Council.

Working flexibly is intended for ad hoc changes to working patterns and work venue requests and is always:

- At the complete discretion of West Bedlington Town Council (no employees rights are inherited or displaced as a result of the scheme.
- Requested and approved in advance (unless it is an emergency situation\*).

When determining any request West Bedlington Town Council (The Town Clerk / Chair of the Council) will consider both the needs of the employee and operational requirements of the Council. Good use of the scheme will encourage a positive “give and take” relationship.

\* The determination of an emergency situation for employees will be considered by the Town Clerk and Chair of the Council jointly.

### **Examples of informal requests to work flexibly might include**

- A variation on a day working hours to facilitate a medical appointment – starting work one hour later and therefore finishing work one hour later, or working one extra hour another day.
- Working from home instead of the office to facilitate childcare or a domestic emergency.
- Working on a non-work day instead of a normal work day (ad hoc request not a regular occurrence).
- A request from The Council to the employee to facilitate a meeting on a non-work day or after their normal working hours



## **Benefits of workplace flexibility for employees**

Here are some benefits employees can expect from a flexible workplace:

### **Allows better control of your schedule**

Flexibility in the workplace allows them to determine when to work and under what conditions (with the advance agreement of the Council). It shows employers trust employees to complete tasks accurately, regardless of your work environment. This autonomy can lead to improved job satisfaction. For example, if the workplace is flexible, employees could decide to work remotely on some days or go into the office if there's something you need again at the absolute discretion of the Council.

### **Improves work-life balance**

Work-life balance is the practice of evenly adjusting the time and mental capacity used in an employee's personal and professional life. A flexible workplace can help employees achieve a healthy work-life balance, which means they invest time and energy evenly between their professional and personal endeavours. An employer that enables employees to work flexible hours may help employees spend more time with their family etc.

### **Enhances productivity**

Having a flexible job and employer can help employees stay productive and reach their goals. For example, employees who work under a flexible employer who allows them to choose a preferred work style. Collaborating with the employer can encourage employees to put your best into each task and stay productive. A flexible workplace can also allow employees to work during your most productive hours.

## **Here are the benefits employers may receive from flexible workplaces:**

### **Enhances workplace morale and motivates employees**

Workplace flexibility typically makes the team happy, which can improve how everyone interacts with customers or clients. Employee happiness can also result in customer satisfaction. For example, customer service professionals who work from home may provide better customer service since their environment is more convenient, and they might not need to commute to work. Also, when customers are happy, they're more likely to refer the business to others.

### **Encourages employee loyalty**

Employees who are happy to work in a company are more likely to continue in their position instead of changing jobs. For example, suppose a company provides unlimited leave to employees. They may want to enjoy this benefit while in a role that they enjoy. Loyalty can also encourage the team to refer other candidates for available positions in the company.

### **Attracts top talent**

Organisations that offer workplace flexibility build a reputation for the benefits they provide. Employers may also receive positive feedback because flexible workplaces show they care about their team. Attracting the best candidates can help organisations become more competitive and efficient in their operations.

## **Part C Time off in lieu (TOIL)**

### **Introduction**

Time off in lieu (TOIL) is an informal non statutory scheme that can provide (at the absolute discretion of West Bedlington Town Council) additional time off (Time Off in Lieu) where an employee has accrued (banked) additional hours to take off as leave (TOIL).

This additional benefit further enhances West Bedlington Town Councils commitment to support employees to achieve a better work life balance.

Importantly this is not a flexi-time scheme. Nor is an system for employees to abusively supplement their contracted holiday entitlement.

### **Eligibility**

Time off in lieu (TOIL) is available to all West Bedlington Town Council employees except the Town Clerk.

There is an expectation upon The Town Clerk that they should manage their working arrangements through the other flexible schemes that are available to them i.e. Flexible Working Arrangements and Working Flexibly and that their working hours should be maximised to support other staff members (wherever possible).

### **Qualification and Approval**

Importantly and fundamentality both the additional hours worked, and any time taken off are at the absolute discretion of West Bedlington Town Council (The Town Clerk will administer the scheme on a day-to-day basis), but the aims of the scheme are to meet the needs of both the employee and The Town Council mutually.

Any hours worked in addition to an employees contracted hours must be agreed in advance with The Town Clerk.

When considering any additional hours worked the Council (the Town Clerk) must ensure there is a business need for the employee to work the additional hours and also have a clear and concise understanding of what work will be undertaken whilst working any additional hours.

Conversely the Council may make a request to an employee to work some occasional ad hoc additional hours (to facilitate training, an out of hours meeting or to cover for a colleague) if acceptable to the employee they can request that the additional hours worked be “banked” and taken as TOIL.

Requests to take any TOIL will also be considered by the Town Clerk (by the Council Chair if the Town Clerk is making the request) and reference made to operational requirements of the Council which will remain paramount. Although no reasonable request should be refused.

\*The request to work additional hours and / or take TOIL may be refused if the Town Clerk believes the spirit of the scheme has been abused by an employee (i.e to supplement their contracted leave entitlement).

## **Monitoring**

To demonstrate any claim of additional hours worked and banked hours all employees who wish to request (TOIL must maintain a time sheet, recording their working hours and this must be authorised at the end of each four (4) week accounting period by the Town Clerk.

Banked hours can accrue over a period of time but must be evidenced by the completion of full, accurate and authorised time sheets.

Once any flexi-leave is taken this will also be recorded within a time sheet and authorised by the Town Clerk.

Importantly and specifically the scheme must not be used to supplement an employees contracted leave entitlement.

The number of hours banked within any 4-week accounting period will be limited to the equivalent of 50% of the employees weekly contracted hours.

The number of hours TOIL taken within any 4-week accounting period will be limited to 100% of the employees weekly contracted hours.

Where any time off requested is of 21 days or more and will impact on a scheduled Council meeting the request for time off must be requested and approved by the Council.

## **Abuse and Withdrawal of benefit**

If in the opinion of The Town Council, they believe that an employee is seeking to abuse the scheme (to supplement their contracted leave entitlement) then in the first instance the Town Clerk will have already denied any requests for additional hours and or for any flexi leave (TOIL).

In such circumstances the Town Clerk will report the matter to The Town Council immediately. The Town Council will have the power to either endorse the Town Clerks decision or to veto the decision and approve the request(s) from the employee.

The Town Council has absolute discretion to withdraw the benefit from any individual employee or the option to remove the scheme in its entirety.