



ANDOVER TOWN COUNCIL FLEXIBLE WORKING POLICY – 2019 (March 2019)

Contents	Subject	Page No
	GDPR Privacy Statement	1
1	Introduction	3
2	Scope	3
3	Purpose	3
4	Principles	4
5	Definitions	5
6	Temporary Working Arrangements	5
7	Who can Apply?	6
8	Procedure	6
9	Grounds for Refusal	7
10	Appeals	7
11	What Can I Do If My Application for Flexible Working Is Refused?	8
12	Where Agreement Cannot Be Reached, Other Options Are:	8
13	Complaints Can Be Made on The Following Grounds:	8
14	Dismissal & Detriment	9
15	Document Information	9
16	Document Control	9

The General Data Protection Regulation (GDPR) standardizes data protection law across all 28 EU countries and imposes strict new rules on controlling and processing personally identifiable information (PII). It also extends the protection of personal data and data protection rights by giving control back to EU residents. GDPR replaces the 1995 EU Data Protection Directive and goes into force on May 25, 2018. It also supersedes the 1998 UK Data Protection Act.

GDPR PRIVACY STATEMENT

(General Data Protection Regulations)

This is a privacy statement of Andover Town Council. Our registered office address is 68b High Street, Andover, Hampshire, SP10 1NG.



Flexible Working Policy 2019

INTRODUCTION

- This is a statement to inform you of our policy about all the information we record about you. It sets out the conditions under which we may process any information that we collect from you or that you provide to us. Any information that identifies you (“Personal Information”) is used to provide you with the services you require.
- We regret that if there are one or more points below that you are not happy with us holding, we have to hold this under General Data Protection Regulations (GDPR) law.
- We take seriously the protection of your privacy and confidentiality. We understand that all visitors to our websites, customers and clients are entitled to know that their personal data will not be used for any purpose other than the lawful basis upon which it was provided for.
- We undertake to preserve the confidentiality of all information that you provide to Andover Town Council.
- Our policy complies with UK law accordingly implemented including that required by the GDPR.
- The law requires us to tell you about your rights and our obligations to you in regards to the processing and control of your personal data. We do this now by requesting that you read the information provided at www.knowyourprivacyrights.org.
- Except as set out in our GDPR policies (which can be found at www.andover-tc.gov.uk) we do not share, sell or disclose any personal data to any other organisation or third party.

THE BASIS ON WHICH WE PROCESS INFORMATION ABOUT YOU

The law requires us to determine under which of the six defined bases, we process different categories of your personal information. If a basis on which we process your personal information is no longer relevant, your personal information will be destroyed.

If the basis changes then as required by law, we will notify you of the change and of any new basis under which your personal data is being held.

ALLOTMENTS

Data is held on an internal Town Council database/software system and is used to send you Newsletters, Yearly Invoices, Receipts, Follow-Up letters and Terminations if necessary.

Tenancy Agreements are held for 1 year after the expiry of the agreement under the GDPR guidelines (subject to change).

EMAILS & WEBSITES



Flexible Working Policy 2019

If you contact the Town Council via email or our website, your personal data i.e. email address, will be kept for the time it takes to answer your enquiry, unless another lawful reason becomes apparent, which we will notify you of, after which time it will be destroyed.

For details of our full Privacy Policy, please refer to www.andover-tc.gov.uk. Alternatively, you may write to us at Andover Town Council, 68b High Street, Andover, Hampshire, SP10 1NG and we will send you a hard copy.

1. Introduction

This policy sets out the Andover Town Council's approach to flexible working arrangements which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.

2. Scope

All members of staff have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly subject to the eligibility conditions, see 'Eligibility' section. Requests for flexible working may be for any reason and are not restricted to staff with family or care commitments. Employees may seek flexible working in order to undertake training, reduce commuting time, reduce working hours leading up to retirement, or to take up a hobby or interest.

Requests for reasonable adjustments to working hours associated with ill health or disability may also be dealt with under the Sickness and Absence Policy and Procedures in appropriate cases.

This Policy is non-contractual and may be amended at any time.

3. Purpose

There are many types of flexible working. It can describe a place of work, for example, home-working, or a type of contract, such as a temporary contract. Other common variations include: part-time working, flextime, job sharing and shift working.

Parents of Children ages 16 or under, or disabled children under the age of eighteen (Working Parents), have the right to apply to their employer to work more flexibly.

An member of staff does not have the right to work flexibly but has a right to request to do so. As an employer Andover Town Council has a statutory duty to consider any applications seriously, however, there may be circumstances when Andover Town Council will be unable to accommodate your desired work pattern.

The right enables mothers and fathers to request to work flexibly. The application can cover



Flexible Working Policy 2019

- A change to the hours of work
- A change to the times required to work
- Working from home

The right is designed to meet the needs of both parents and employers and aims to facilitate discussion and encourage both the employee and the employer to consider flexible working patterns and to find a solution that suits them both. Employees have a responsibility to think carefully about their desired working pattern when making an application, and as the employer we are required to follow a specific procedure to ensure requests are considered seriously.

The 2007 Work and Families Act also introduced a new right for carers of adults to request to work flexibly. A 'carer' is identified as an employee who is or expects to be caring for an adult who:

- Is married to, or the partner or civil partner of the employee; or
- Is a near relative of the employee; or
- Falls into neither category but lives at the same address as the employee

The near relative definition includes parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.

4. Principles

4.1 Employees have the right to be accompanied by a work colleague or trade union representative at formal meetings held in accordance with this procedure.

4.2 If the employee or accompanying person cannot attend a meeting, another meeting will be arranged, to take place within five working days of the original date. This timescale can be extended with mutual agreement.

4.3 Should the employee require assistance (for example because of a disability) in setting out his or her request in writing, or other written communication, at any stage of the procedure, they will be encouraged to seek assistance from their line manager, a work colleague or trade union representative.

4.4 The person hearing the request for flexible working will give the matter careful consideration before making a response.

4.5 Written records will be made at all stages of the procedure, giving details of action taken and the reasons for this. These records will be treated as strictly confidential.

4.6 The employee should be given copies of records of meetings held with them in relation to their request for flexible working.



Flexible Working Policy 2019

5. Definitions

The term “flexible working” describes any working arrangements where the number of hours worked or the time or place that work is undertaken, vary from standard practice. This includes but is not limited to the following:

- A change to the number of hours of work
- A change to the times of work
- To work from home either permanently or for an agreed number of days per week or month
- A reduction in the working week
- A shorter working year
- A job share arrangement. Job sharing is quite different from part time work where the employee is individually responsible for the work. Job-sharers share all of the responsibilities of the post which they hold jointly. Pay, leave and other benefits are split pro rata to the hours each work. Normally each job sharer should work exactly half time.
- Work patterns such as, annualised hours, compressed hours, flexitime, shift working, staggered hours and term time working.

6. Temporary Working Arrangements

Andover Town Council recognises staff may need to request a temporary change to their working hours for a short period, i.e. to enable them to deal with a temporary or urgent situation.

Members of Staff should approach the Town Clerk in the first instance, outlining their request and the likely duration. The Town Clerk/Chairman of the Staffing Sub-Committee will respond to these requests as quickly as possible, applying the principles of this policy.

At the end of any temporary changes, the member of staff will revert to their normal working pattern. The manager will inform the Staffing Sub-Committee of any agree changes, to ensure that any change to salaries are made.



Flexible Working Policy 2019

7. Who Can Apply?

3.1 The following conditions must be satisfied in order for an application for flexible working to be made under the new right. You must:

- Be someone who is an employee (i.e. someone who works under a contract of employment, not an agency worker)
- Have a child aged 16 or under or a child with a disability under the age of 18
- Have parental responsibility for the child (this includes biological parents, legal guardians, adoptive and foster parents and spouses of these, including same sex partners as long as they have parental responsibility for the child)
- Be making an application in order to care for the child e.g. starting half an hour later than usual to take the child to school or may be a bigger change to your working hours in order to better fit their work with their childcare requirements.
- Have worked for the Council for 26 weeks continuously at the date that the application is made
- Not have made another application to work flexibly under the right during the past 12 months
- Be a carer for an elderly relative

8. Procedure

8.1 Employees must make an application in writing to the Town Clerk, stating that it is being made under the statutory right to apply for flexible working.

8.2 Upon receipt of a request, the Town Clerk will consider it carefully, taking into account the potential benefits and weighing them up against any adverse impact of the proposed changes. Decisions will be based on whether or not a request can be granted on business grounds.

8.3 If the Town clerk can approve the request straight away, there will be no need for a meeting, unless the Town Clerk chooses to do so. The changes will be confirmed in writing to the member of staff. If the Town Clerk/Chairman of the Staffing Sub-Committee require further information or discussion a meeting will be arranged at a mutually convenient time to discuss the request in more detail. This will provide an opportunity to discuss the desired work pattern in depth and how it may be accommodated. It will also provide an opportunity to consider other alternative working patterns, should there be problems in accommodating the desired work pattern outlined in the application.

8.4 The Town Clerk may be accompanied by a member of the Staffing Sub-Committee if required.

8.5 Employees have the right to be accompanied by a work colleague or trade union representative at formal meetings held in accordance with this procedure.



Flexible Working Policy 2019

8.6 Employees have the right to be notified of the employer's decision within 14 days of the date of the meeting.

This notification will either:

- Agree to a new work pattern and a start date.
- confirm a compromise agreed with the member of staff at the meeting or;
- reject the request and set out clear business reasons (see section 9) for the rejection together with notification of the appeals process.

9. Grounds for Refusal

Applications for flexible working arrangements may only be rejected for one of the following reasons:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing employees
- inability to recruit additional employees
- detrimental to impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

10. Appeals

10.1 If the employee is unhappy with the decision, they should write to the manager who considered the original application within ten working days of receiving the original written response, stating the grounds for their appeal.

10.2 In most cases, the appeal will be heard by the Town Clerk, unless he or she heard the original application or the Staffing Sub-Committee. In every case the appeal will be heard by a more senior manager or members other than the one who dealt with the original application.

10.3 The employee will be invited to an appeal meeting, which will be arranged as soon as is reasonably practical. They will be informed of their right to be accompanied by a work colleague or trade union representative at the appeal meeting.

10.4 At the appeal meeting, the employee will have the opportunity to present oral and/or written submissions. The manager / members hearing the appeal will carefully consider the matter and will make a written response within five working days. If it is not possible to respond within five working days, the employee should be given an explanation for the delay and told when a response can be expected. The employee will be informed that this is the final stage of the procedure.



Flexible Working Policy 2019

The notification will either:

- uphold the appeal, specify the agreed variation and start date or;
- dismiss the appeal, state the grounds for the decision and contain a sufficient explanation of the refusal.
- the Town Clerk/Chairman of the Staffing Committee and the employee can agree to extend any of these time limits.
- the Town Clerk/Chairman of the Staffing Committee will record this agreement in writing, specifying the period to which the extension relates and the date on which the extension is to end.
- A copy of this record will be sent to the employee.

11. What Can I Do If My Application for Flexible Working Is Refused?

There are a number of options open if an application is refused at the appeal stage including:

- informal discussions – there may be some simple misunderstanding of the procedure or facts which can be resolved by an informal route.
- use of the grievance procedure.

12. Where Agreement Cannot Be Reached Other Options Are:

- referral to the ACAS Arbitration Scheme if both parties agree the ACAS Arbitration scheme can be used to resolve the dispute.
- complaint to an Employment Tribunal, you must present your complaint to the Tribunal within three months of the date that the decision is notified on appeal or, in complaints relating to procedural breaches (e.g. applications not progressed in accordance with the timetable), three months from the date of the alleged breach.

13. Complaints Can Be Made on The Following Grounds:

- the employer's failure to comply with the statutory procedure.
- the employer's use of an incorrect fact to explain why the application has been refused and which the employer failed to address at the appeal.
- the employer's refusal to allow the employee to be accompanied.



Flexible Working Policy 2019

14. Dismissal & Detriment

Employees are protected from suffering dismissal or detriment in the exercise of their right to apply to work flexibly.

15. Document Information

Title:	Flexible Working Policy
Status:	2 nd Draft
Version:	14 March 2019
Consultation:	Policy & Resources Committee
Approved by:	Council
Approval Date:	14 March 2019
Review Frequency:	Every three years or if change occurs
Next Review:	March 2022

16. Document Information

Date	Version	Description	Sections Affected	Approved by
Nov 2016	1	1 st Draft	All	Policy & Resources Committee
Mar 2019	2	2 nd Draft	All	Council

Disclaimer:

A printed version may not be the current version.

A current version may be obtained in the required format from the Town Clerk's Office at Andover Town Council.

Source:

Human Resources, The University of Manchester