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UTTOXETER TOWN COUNCIL

Flexible Working and Discretionary Leave Policy

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1. **PROCEDURE FOR APPLYING FOR FLEXIBLE WORKING**

Right to Request Flexible Working

You are entitled to make a statutory request for flexible working from the first day of your employment. You can make a maximum of two statutory flexible working requests during any 12-month period.

A request cannot be made until any previous request has been concluded in full.

While it is the Company's policy to be flexible on working patterns for all its employees, in order to ensure that we are complying with our legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

This should be addressed to the Office Manager in the first instance or, in the case of the Town Clerk or Office Manager, to the Mayor and the Chair of the F&GP Committee. On receiving a request, the Office Manager will arrange to discuss it with the employee as soon as possible. If there is likely to be a delay the employee must be informed as the law requires the consideration process to be completed within three months of first receiving the request, including any appeal. If for some reason the request cannot be dealt with within three months then an employer can extend this time limit, provided the employee agrees to the extension.

Flexible working is encouraged to accommodate duties carried out outside of "normal office hours" ie: attending meetings in an evening, whereby an employee should move their regular working hours during the day to avoid lieu time accumulating.

2. **PROCESS**

Consultation on your Application

The Company will consult with you as part of a discussion following receipt of the application, unless we notify you in writing of agreement to the variation. The time and place of the discussion will be convenient to both of us. The consultation will include exploration of alternative arrangements that may be acceptable to you if we are unable to agree to the exact variation requested.

Notice of Decision

Once a decision has been made by the Company, we will notify you of the outcome. Where our decision is to agree to the application, the notice will specify the contract variation agreed to and state the date on which the variation is to take effect. Where the decision is to refuse the application, the notice will state which of the specified grounds for refusal are considered to apply, with an explanation of why those grounds apply in relation to the application, and set out the appeal procedure.

Right of Appeal

You may appeal against the Company's decision to refuse an application. The notice of appeal must be in writing, setting out the grounds for appeal and be dated.

We will discuss the appeal with you once the grounds for appeal are received, unless we give you written notification that the original decision has been overturned and specifies the variation which has now been agreed and the date on which it will take effect. If an appeal meeting is held, the time and place will be convenient to both of us.

After the appeal meeting has been held, we will give you written, dated, notice of the decision on the appeal. Where we uphold the appeal, the notice will specify the contract variation agreed to and state the date on which it is to take effect. Where our decision to reject the application remains, the notice will state the grounds for the decision and contain a sufficient explanation as to why those grounds apply.

Acceptance of Variation

Where we accept your application, it will mean a permanent variation of your contract, unless we agree otherwise. This means that once a change has been made, there is no right for you to revert back to your previous terms and conditions. Further requests will count towards the maximum amount permitted in any 12 month period.

Timescale

We will deal with and conclude your application for flexible working within two months of the date of the application, unless we both agree on an extension in which case we will confirm this in writing.

Accompaniment

At any meetings held to discuss the application, including any appeal meetings, you can be accompanied by a colleague of your choice.

Conflicting requests

Where conflicting requests for flexible working are received from employees, the Company may require a compromise to be found so that all requests may be accommodated albeit on different terms as those set out in each request. If no compromise is achievable after consultation with the employees involved, the Company may use a random selection method to determine the granting of individual requests.

3. EMPLOYER'S OBLIGATIONS

The Town Council is under no statutory obligation to grant a request to work flexibly if it cannot be accommodated by the business. These business reasons are set out in legislation are:

- The burden of any additional costs is unacceptable to the organisation.
- An inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- The employer considers the change will have a detrimental impact on quality.
- The employer considers the change would have a detrimental effect on the business' ability to meet customer demand.
- Detrimental impact on performance.
- There is insufficient work during the periods the employee proposes to work.
- Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes many not fit in with these plans.

In considering these business reasons the Town Council must not inadvertently discriminate against particular employees because of their *Protected Characteristics in accordance with the provisions of the Equality Act and the Town Council's Equality Policy. All requests should be considered in the order they are received.

4. DISCRETIONARY LEAVE

There are times when additional time off can be requested, which are at the discretion of the Town Council. These include:

• Compassionate Leave

Compassionate leave may be granted following the death of a partner or immediate family. Usually up to 3 days paid leave will be granted; this can be increased up to a maximum of 5 days in special circumstances. Any leave that may be agreed in addition to the 5 days will be unpaid.

• Domestic Leave

Domestic leave can be granted if there is an unexpected breakdown in the usual domestic circumstances, i.e., fire, flood, burglary or other serious domestic incident. Up to 1 day's paid leave may be granted.

• Time Off for Dependants

Time off for dependants is unpaid under current terms and conditions of employment. The right is to a reasonable amount of time off - normally a day or two but this will depend on individual circumstances. The right to time off is to deal with emergencies involving a dependant. A dependant is someone who depends on an employee for care.

All employees have the right to time off during working hours for dependants; this time off is intended to deal with unforeseen matters and emergencies. There is no legal right to be paid. A dependant could be a spouse, partner, child, parent, or someone who depends on an employee for care, for example an elderly neighbour. The leave can be taken for example:

- To deal with a breakdown in childcare
- To put longer term care in place for children or elderly relatives
- If a dependant falls ill or is taken into hospital
- To arrange or attend a funeral.

The right is to a reasonable amount of time off, although it is not stated how much is reasonable. In most cases a day or two will be sufficient to deal with the immediate crisis, but it will depend on the individual circumstances. The employee must tell Uttoxeter Town Council as soon as possible the reason for the absence and how long they expect to be absent.

- **Time Off for Funerals** - Time off with paid leave for the attending of the following funerals will be permitted for Immediate family (This is defined as: husband, wife or partner, child, brother, sister, parent, parent-in-law (including parents of employee's partner), grandparent, grandchild).
- **Civic Funerals**
Staff may attend funerals of a civic nature as part of their normal duties where their attendance might be expected, so as to show a mark of respect on the Town Council's behalf e.g. funeral of a Past Mayor or serving Town Councillor.
- **Other Funerals**
These may be attended by way of the normal annual leave provisions or lieu time.

Adopted - UTC 9 June 2015, 10 May 2016, 9 May 2017, 8 May 2018, 14 May 2019, 5 May 2021, 10 May 2022, 16 May 2023 and 21 May 2024
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