



## UTTOXETER TOWN COUNCIL

# **Flexible Working and Discretionary Leave Policy**

# Flexible Working and Discretionary Leave Policy

## 1. PROCEDURE FOR APPLYING FOR FLEXIBLE WORKING

The right to request flexible working requires that the employee must make their request in writing, setting out:

- The date of the application, the change to working conditions they are seeking and when they would like the change to come into effect.
- What effect they think the requested change would have on the employer and how, in their opinion, any such effect might be dealt with.
- That this is a statutory request and if they have made a previous application for flexible working and the date of that application. Only one application may be made within a 12 month period unless the request relates to a statutory requirement e.g. Equality Act 2010. Employees have a right to request reasonable adjustments but need to make it clear if the request is on this basis.
- Must be at least 26 weeks in employment.

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

The matter will be dealt with under the auspices of the Personnel Sub-Committee which will subsequently make a recommendation to the Finance and General Purposes Committee. The Town Council will allow an employee to be accompanied at a discussion by a work colleague if they wish. This can be either their trade union representative or any other co-worker at the same workplace. The request should be carefully considered looking at the benefits of the requested changes in working conditions for the employee and the business and weighing these against any adverse business impact of implementing the changes.

## 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. APPEALS**

An employee should be allowed to discuss a refusal to grant their request if there is new information that was not available to the Town Council at the time they made their original decision or if the employee thinks the application was not handled reasonably in line with this policy. All appeals should be considered to avoid the employee raising the issues as a workplace grievance. If so requested by an employee, they can be accompanied by a work colleague who can be either their trade union representative or any other co-worker at the same workplace to any appeal meeting. An appeal should be dealt with as quickly as possible. **The law does not require any employer to allow an appeal.** Where they do, the Town Council must consider the whole request including any appeal within three months of first receiving the original request for flexible working unless both parties agreed to an extension

\*The Equality Act 2010 prohibits discrimination because of protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

#### **5. 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  
Adopted by Council at its Annual Meeting 10 May 2016  
Adopted by Council at its Annual Meeting 9 May 2017  
Adopted by Council at its Annual Meeting 8 May 2018  
Adopted by Council at its Annual Meeting 14 May 2019  
Reviewed/Adopted by UTC – AGM held on 5 May 2021  
To be reviewed by UTC at its meeting on 10 May 2022