



Hours of Working Policy

Adopted by Marden Parish Council on: 20th August 2018
Reviewed: June 2019 / 6th April 2021
Review on: April 2022

HUMAN RESOURCES SUB-COMMITTEE

HOURS OF WORKING POLICY

1 POLICY STATEMENT

- 1.1 A normal full-time working week for Marden Parish Council is 37 hours unless local agreement states otherwise.

2 CONTRACTING TO WORK IN EXCESS OF 37 HOURS

- 2.1 Unless the position requires it for its proper performance a Council employee should not be contracted to work for more than 37 hours and should this be necessary any work done in excess of the Council's normal full time working week should be compensated for.

3 PART-TIME WORKING

- 3.1 A large proportion of Council employees work on a part-time basis and these employees are entitled to the same benefits as full-time employees but on a pro-rated basis (eg holiday entitlement or sick leave entitlement).

4 FLEXIBLE WORKING HOURS OR "FLEXI-TIME"

- 4.1 Marden Parish Council permits flexible working and employees are offered the opportunity to choose, within set limit and with the agreement of the Council, how they fulfil their contracted hours of work. It is not a right to work flexibly and Councils are only under a duty (a) to consider any request in a reasonable manner and (b) only to refuse the request on the specific grounds set out in the Children and Families Act 2014.
- 4.2 The request can include any or all of the following:
- A change to hours worked;
 - A change to the times the employee is required to work;
 - A request to work from home
- 4.3 Examples include requests for compressed hours, flexi-time, staggered start and finish times and so on. Any agreed change to the employee's terms and conditions will be permanent unless the Council and employee agree otherwise.

5 THE EMPLOYEE'S APPLICATION

- 5.1 The employee should make a considered application. In order to make a request for change of hours or to work flexible an individual must:
- Be an employee;
 - Not be an agency worker;
 - Have been continuously employed by the same Council for a period of not less than 26 weeks at the time the application is made; and
 - Not have made another application for this specific request during the past 12 months.

- 5.2 They should think carefully about:
- What working pattern they want and what impact (if any) it will have on their pay;
 - What effects, if any, the change will have on the Council's business and how these might be accommodated.
- 5.3 As a matter of law, the application must:
- Be in writing and
 - State that it is a statutory request;
 - Specify the change applied for;
 - Specify the date on which the employee proposes the change should become effective;
 - Explain what effect, if any, the employee thinks making the change applied for would have on the Council and how this effect may be dealt with.
- 5.4 The ACAS Code (www.acas.org.uk), which tribunals are requested to take into account if they have to decide whether the Council handling the request in a reasonable manner, says that Councils should make clear to their employees what information they need to include in a written request.
- 5.5 Only one application per year may be made under the right to apply. If the employee has made a previous application to the Council for flexible working arrangements then the application must state this and give the date on which the previous application(s) were made.

6 THE COUNCIL'S RESPONSE

- 6.1 The Council may agree to the request without meeting with the employee.
- 6.2 Otherwise, the ACAS Codes says that the Council should arrange to talk to the employee as soon as possible. The law does not require it but the Code says that, to act reasonably, the Council should allow the employee to be accompanied by a work colleague and tell them so in the invitation to the meeting. The meeting should be held in private and the Council and the employee should discuss the work pattern in depth and how best it might be accommodated.
- 6.3 The Council must consider the request and weigh up various options and alternatives. The Council will deal with any flexible working request in a timely and reasonable manner. The request will be dealt with within three months from the date of receiving it. If it is not possible to complete the consideration of the request within this period of time the delay will be notified to the employee and an extension of time agreed.
- 6.4 The Council must respond in writing, either accepting the proposal and detailing arrangements OR declining the request for one of the business reasons specified below and the right to appeal:
- Burden of additional cost
 - Inability to re-organise the work among existing staff
 - Inability to recruit additional staff
 - Detrimental impact on quality or performance
 - Detrimental effect on the Council's ability to meet customer demands
 - Insufficient work for the periods the employee is prepared to be available
 - Planned structural changes to the Council
- 6.5 If the request is for flexible working the possible outcomes are:
- Accept your flexible working request in full;
 - Offer an alternative working pattern; or

- Reject your request (a reason must be given).

6.6 If the Council agrees to the flexible working request or the employee accepts an alternative working pattern the employee must be informed of the date on which the change will become effective and if there will be any trial period. The employee has no right to return to their previous working pattern without submitting a new flexible working request to the Council. Unless there are extenuating circumstances a period of 12 months may have to be worked before the request can be made.

7 APPEAL PROCESS

7.1 If the application is refused an appeal can be submitted in writing within 14 days of receiving the decision, clearly stating the grounds for appeal.

7.2 A meeting will be arranged with the HR Sub-Committee within 14 days of the appeal being received. The employee may be accompanied to this meeting by another employee. After the meeting the employee will be sent a letter informing of the decision. If the appeal is rejected the business reasons will be laid out. The decision is final.

The concern is that a deluge of conflicting requests could seriously affect the Council's ability to deliver its services, but that to decline a request could result in demotivated and disengaged staff and a possible claim for unlawful discrimination. The Council is minded of the business reasons for its decisions and not to make decisions based on any of the protected characteristics which are covered by the Equality Act 2010 (eg age, gender, marital status, disability etc).

Office Opening Times

Mondays, Tuesdays & Fridays 10am - 12 noon

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