



## Flexible Working Policy

Owner	John Harrison, Town Clerk
Reviewer	Rachel Brazier, HR Manager
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Policy covers the following	All HTC including Post Office and Hailsham Youth Service
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If you require any support in understanding or applying this policy, please contact the HR Manager. This policy is designed to be inclusive and to support a culture where everyone is treated with dignity, respect and fairness. The Council is committed to upholding all equality, diversity and inclusion legislation and ensuring that no employee, worker, councillor or applicant receives less favourable treatment on the grounds of protected characteristics or personal circumstances,

## 1. What is flexible working

1.1 Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request to change either the number of working hours, when or where or how they are worked.

1.2 Flexible working arrangements take account of employees' preferences, interests and non-work responsibilities whilst also meeting the needs of the council. Common examples of flexible working include part-time working; zero-hours / casual working; variable hours; flextime; job-sharing; term-time working; compressed hours such as full time hours over say 4 day week or 9 day fortnight; career breaks; and sabbaticals.

Flexible working can result in benefits for the councils, in that such arrangements can help make the most of our diverse workforce and improve our ability to recruit and retain staff.

1.3 This policy explains the process which will be used to respond to flexible working requests.

## 2. Scope

All employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly from the first day of employment, regardless of whether they work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

## 3. Policy

Our policy is to comply with both the spirit and the letter of the law ([Flexible working: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/flexible-working-overview)) on the right to request flexible working. To this end its aim is to inform all staff of their right to request flexible working and to ensure those rights are understood and that staff feel confident any decisions regarding their requests will be handled objectively, fairly, free from discrimination, and that staff will not be treated detrimentally because they have asked for flexible working arrangements. All requests will be considered on a case-by-case basis.

## 4. Making the request

- To apply for flexible working, please provide the following information in writing, and submit this to your line manager. In the case of the Town Clerk, the request should be submitted to the Chair of the Council:
- The date of the application,
- A statement that this is a statutory request,
- Details of how you would like to work flexibly and when you want to start,

- An explanation of how you think flexible working might affect the council and how this could be dealt with, e.g. if you are working less days,
- A statement declaring when the last flexible working request was made,
- If you are making the request because you consider the change could be a reasonable adjustment.

4.1 An employee makes two statutory flexible working requests in any 12-month period.

## 5. Responding to your request

5.1 Once we receive your written request, we will arrange a discussion with you as soon as possible, unless we agree immediately to your request. It may be that we need to ask you to supply further details before the meeting. If there is likely to be a delay in discussing your request, we will inform you. You may be accompanied at the meeting by a work colleague or trade union representative.

5.2 Having the right to request a change to your working arrangements does not necessarily mean that your request will be accepted. Your request will be fully discussed at the meeting. We will carefully consider your request looking at the benefits of the requested changes on the working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

5.3 Having considered the flexible working request and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the outcome. The decision will be either:

- To accept the request and establish a start date, with or without a trial period and review date. Where the request is granted, we will set out what changes will be made to your terms and conditions of employment, or,
- To propose an alternative, which may require further discussion, or,
- To confirm a compromise agreed at the discussion, or,
- To reject the request, setting out the reasons, how these apply to the application and the appeal process.

5.4 Requests to work flexibly will be considered objectively, however we may not always be able to grant a request to work flexibly if it cannot be accommodated. If we turn down your request, it will be because of one, or a combination of the following reasons, and we will explain why.

- The burden of additional costs is unacceptable to the council
- Detrimental effect on the council's ability to deliver for the community
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes to the council

5.5 If you are only looking for an informal change for a short period to your working hours or conditions, for instance to pursue a short course of study, we may consider allowing you to revert back to your previous conditions after a specified period, e.g. three months, or after the occurrence of a specific event, such as the end of a course of study.

5.6 You must be aware that if your request is approved you only have the statutory right to make two requests in a 12-month period, although you may still ask without the statutory right.

## **6. Timeframe for dealing with requests**

We will do what we can to respond to your request as soon as possible although the law requires the consideration process to be complete within two months of first receiving a request, including any appeal. If the request cannot be dealt with within two months, we may ask to extend the consideration process, provided you agree to the extension.

## **7. Handling requests in a fair way**

We may receive more than one request to work flexibly closely together from different employees and it may or may not be possible to accept all requests. If we agree to a request for flexible working arrangements this does not mean that we can also agree to a similar change for another employee. Each case will be considered on its merits looking at the business case in the order they have been received. We may need to take others' contractual terms into account and we may ask you if there is any room for adjustment or compromise before coming to a decision.

## **8. Appealing the decision**

8.1 If we decline your request and you wish to appeal, you must do so, in writing, within 5 days of receiving the letter informing you of the outcome. We will then write to you to arrange a meeting to discuss your appeal. This meeting will be held as soon as reasonably possible. You may wish to be accompanied at that meeting by a work colleague or trade union representative.

8.2 There may be circumstances when the council is unable to meet within the required timeframes, in which case a meeting will be held as soon as is practically possible.

## **9. The effect on your contract of employment**

9.1 Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions, unless the change is agreed on a trial basis. This means that you will not automatically be able to revert back to the previous working pattern (unless otherwise agreed). So, for example, if your new flexible working pattern involves working reduced hours, you will not automatically be able to revert to working full time hours.

9.2 Changes to your working pattern may affect other terms and conditions of employment. For example, reducing your hours of work will mean that your pay and leave will be pro-rated accordingly. Your pension may also be affected.

9.3 Any changes to your terms and conditions as a result of a change to your working pattern will be confirmed in your decision letter, however if you have further queries about how a proposed change to your pattern of work might affect your terms and conditions please speak to the Town Clerk.

## **10. Data protection**

When managing a flexible working request, we will process personal data collected in accordance with the data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.