

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



PERSONNEL COMMITTEE AGENDA

To: Committee members:

Councillor Sean Brennan

Councillor Dennis Dannatt

Councillor Richard Doy

Councillor Stuart Morley

Councillor Kenneth Woolley

Councillor Richard Craig

Councillor Caz Davies

Councillor Paul Key

Councillor James Plastow

Notice is hereby given that a meeting of the **Personnel Committee** which will be held on **Wednesday 17 April 2024** commencing at **7:00pm** in the meeting room, **Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ** and your attendance at such meeting is hereby requested to transact the following business.

AGENDA

PC24/112 Apologies for Absence

To note apologies for absence.

PC24/113 Declarations of Interest

To receive any declarations of interest in accordance with the requirements of the Localism Act 2011.

PC24/114 Dispensation Requests

To consider any dispensation requests received by the Town Clerk in relation to personal and/or disclosable pecuniary interests, not previously recorded.

PC24/115 Items for Exclusion of Public and Press

To determine which items on the agenda, if any, require the exclusion of public and press under the Public Bodies (Admissions to Meetings) Act 1960 1 (2) and resolve to exclude public and press for these items.

PC24/116 Minutes of the Previous Meeting

To receive the minutes of the previous Personnel Committee meeting and resolve to sign these as a true and accurate record.

Paper A Wednesday 13 March 2024 (pages 4 to 7)

PC24/117 Flexible Working Policy

To note changed to the rules on flexible working and note NALC have advised us that all HR template policies are currently under review and due to be updated in June.

Paper B (pages 8 to 9)

PC24/118 Data Protection Policy for HR-related Data

To review and adopt the Data Protection Policy for HR-related Data.

Paper C (pages 10 to 19)

PC24/119 Staff Sickness, Absence and Leave

To receive the sickness absence and holiday report and consider any potential action required.

Exclusion of Public and Press recommended due to personal nature of discussion.

Paper D (pages 20 to 22)

PC24/120 Flexible Working

To receive verbal update from the Leader following a meeting and consider flexible working request.

Exclusion of Public and Press recommended due to personal nature of discussion.

Paper E (pages 23 to 30)

PC24/121 Town Clerk Contract of Employment

To approve the Contract of Employment for the Town Clerk and Responsible Finance Officer.

Exclusion of Public and Press recommended due to personal nature of discussion.

Paper F (pages 31 to 46)

PC24/122 Staff Structure Review

To consider potential changes to the staffing structure.

Exclusion of Public and Press recommended due to personal nature of discussion.

Paper G (pages 47 to 52)

PC24/123 Items for Notification

To receive any items for notification to be included on a future agenda (for information only)

- Health and Safety Policy Review
- Maternity Leave Policy Review
- Paternity Leave Policy Review
- Shared Parental Leave Policy Review
- Adoption Leave Policy Review
- Parental Bereavement Policy Review
- Child and Vulnerable Adult Welfare and Safeguarding Policy Review
- Volunteer Policy Review
- Lone Worker Policy Review
- No Smoking Policy Review
- Employee Code of Conduct Review
- Staff Training Policy Review

- Staff Appraisal Policy Review
- Wellbeing Policy Review
- Electronic Information and Communication Systems Policy
- HR Management Software

PC24/124 Time and Date of Next Meeting

To note the date and time of the next Personnel Committee meeting is scheduled for Wednesday 15 May 2024 at 7:00pm.

Rachel Allbones
Interim Town Clerk
Richmond House
Gainsborough

Thursday, 11 April 2024

PAPER A

Gainsborough Town Council

Richmond House, Richmond Park, Morton Terrace

Gainsborough, Lincolnshire, DN21 2RJ

Tel: 01427 811573

Website: gainsborough-tc.gov.uk



DRAFT PERSONNEL COMMITTEE MINUTES

Minutes of the Personnel Committee meeting held on **Wednesday 13 March 2024** at **7:00pm** in the meeting room, Richmond House, Richmond Park, Morton Terrace, Gainsborough, DN21 2RJ.

Councillors Present: Councillor Richard Craig (Chairman)
 Councillor Dennis Dannatt
 Councillor Paul Key
 Councillor Richard Doy
 Councillor James Plastow

In Attendance:
 Rachel Allbones
 Interim Town Clerk (ITC)

PC24/099 Apologies for Absence

Apologies for absence were received from Councillors S Morley and K Woolley.

PC24/100 Declarations of Interest

No declarations of interest were made.

PC24/101 Dispensation Requests

No dispensation requests were received.

PC24/102 Items for Exclusion of Public and Press

RESOLVED: to exclude the public and press from items PC24/106, PC24/107, PC24/108 and PC24/109 in accordance with the Public Bodies (Admissions to Meetings) Act 1960 1 (2) due to the confidential nature of the business to be discussed.

PC24/103 Minutes of the Previous Meeting (Paper A)

RESOLVED: that the minutes of the Personnel Committee meeting held on Wednesday 14 February 2024 be approved as a as a true and accurate record and signed by the Chairman.

Note: Councillor Plastow abstained from voting on the above resolution.

PC24/104 Equality and Diversity Policy (Paper B)

RESOLVED: to adopt the NALC model Equality and Diversity Policy.

Note: Councillor Key abstained from voting on the above resolution.

PC24/105 HR Audit 2024 (Paper C)

RESOLVED: to NOTE the HR Audit for 2024.

PC24/106 Flexible Working (Paper D)

RESOLVED: to call a hearing meeting to discuss the request further. Councillors Craig and Dannatt and long with the Interim Town Clerk to be in attendance, with Councillor Key as a reserve.

PC24/107 Staff Structure Review (Paper E)

The Interim Town Clerk left the meeting at 8:14pm.

The meeting was adjourned until 8:31pm.

RESOLVED: to defer Staff Structure Review to the next Personnel Committee meeting and following further discussion of the item between Interim Town Clerk and Leader.

PC24/108 Interim Town Clerk Trial Review (Paper F)

The Leader presented a verbal report to Committee advising that both one to one meeting and an appraisal had been carried out with the Interim Town Clerk. Within appraisal the Interim Town Clerk expressed that she would be happy to accept the post of full-time Town Clerk/RFO.

The Leader praised the Interim Town Clerk for her work, commitment and dedication to the role. It is also clear that the current team of officers, support staff and ground maintenance staff are working well together under guidance from the Interim Clerk and staff are making positive changes within the Council, with clear direction in the work to be carried out and in wanting to take the Council forward.

RESOLVED: to **RECOMMEND TO FULL COUNCIL** to offer the Interim Town Clerk (formerly Deputy Clerk/RFO) the permanent position of Town Clerk & Responsible Finance Officer.

PC24/109 Appraisals (Papers G & H)

The Leader understands through conversations with Operations Manager that all appraisals were positive, and some members of the team had expressed a wish to train further in such skills as Horticulture. There are no immediate concerns at the moment around the team, and their work.

RESOLVED: to NOTE the staff appraisal reports.

PC24/110 Items for Notification

RESOLVED: to **NOTE** the items for notification to be included on a future agendas:

- Data Protection Policy for HR
- Staff sickness, absence and leave report – April
- Staff Structure Review – April
- Flexible Working Request – April
- Sickness Absence Policy – April
- Health and Safety Policy Review
- Maternity Leave Policy Review

- Paternity Leave Policy Review
- Shared Parental Leave Policy Review
- Adoption Leave Policy Review
- Parental Bereavement Policy Review
- Lone Worker Policy Review
- No Smoking Policy Review
- Employee Code of Conduct Review
- Staff Appraisal Policy Review
- Wellbeing Policy Review
- Staff Training Policy Review
- Volunteer Policy Review
- Electronic Information and Communication Systems Policy
- HR Management Software

PC24/111 Time and Date of Next Meeting

RESOLVED: to **NOTE** the date and time of the next Personnel Committee meeting scheduled for Wednesday 17 April 2024 at 7:00pm at Richmond House, Morton Terrace.

The meeting closed at 8:??pm

Signed as a true record of the Meeting: _____ Dated _____
Presiding chairman of approving meeting

PAPER B

From: jamescorrigan@chrgs.co.uk
To: jamescorrigan@chrgs.co.uk
Subject: Flexible Working - Commencement
Date: 02 April 2024 22:05:55
Attachments: [image001.png](#)

Flexible Working - Commencement

The changes to the rules on flexible working have been confirmed to come into force in four days' time, on Saturday 6 April 2024.

Make sure your HR Policies are updated for it.

Council HR & Governance Support subscription Councils will be receiving a fully compliant policy by the 6th April. If you are interested in taking out a subscription please email support@chrgs.co.uk for further details.

The changes are:

- Employees can now make two (not one) flexible working requests in any 12 month period.
- Requests have to be dealt with by employers within two (not three) months of receipt of a request if no extension is agreed.
- Employers are not able to refuse a request until they have 'consulted' with the employee.
- Employees will no longer, in their application, have to explain what effect the employee thinks agreeing to the request would have and how any such effect might be dealt with.

The changes are in the Employment Relations (Flexible Working) Act 2023, and the Regulations bringing it into force are here.

Also, remember the separate Flexible Working (Amendment) Regulations 2023 make the right to request flexible working a 'day one' right (previously 26 weeks).

Kind regards

James Corrigan

Director

07805 472859

[Council consultancy | Council HR and Governance Support](#)



PAPER C

[ENTER COUNCIL NAME] DATA PROTECTION POLICY

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Purpose

The Council is committed to being transparent about how it collects and uses the personal data of staff, and to meeting our data protection obligations. This policy sets out the Council's commitment to data protection, and your rights and obligations in relation to personal data in line with the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA).

This policy applies to the personal data of current and former job applicants, employees, workers, contractors, and former employees, referred to as HR-related personal data. This policy does not apply to the personal data relating to members of the public or other personal data processed for Council business.

The Council has appointed [name and job title] as the person with responsibility for data protection compliance within the Council. Questions about this policy, or requests for further information, should be directed to them.

Definitions

"Personal data" is any information that relates to a living person who can be identified from that data (a 'data subject') on its own, or when taken together with other information. It includes both automated personal data and manual filing systems where personal data are accessible according to specific criteria. It does not include anonymised data.

"Processing" is any use that is made of data, including collecting, recording, organising, consulting, storing, amending, disclosing or destroying it.

"Special categories of personal data" means information about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation and genetic or biometric data as well as criminal convictions and offences.

"Criminal records data" means information about an individual's criminal convictions and offences, and information relating to criminal allegations and proceedings.

Data protection principles

The Council processes HR-related personal data in accordance with the following data protection principles the Council:

- processes personal data lawfully, fairly and in a transparent manner
- collects personal data only for specified, explicit and legitimate purposes
- processes personal data only where it is adequate, relevant and limited to what is necessary for the purposes of processing
- keeps accurate personal data and takes all reasonable steps to ensure that inaccurate personal data is rectified or deleted without delay
- keeps personal data only for the period necessary for processing
- adopts appropriate measures to make sure that personal data is secure, and protected against unauthorised or unlawful processing, and accidental loss, destruction or damage

The Council will tell you of the personal data it processes, the reasons for processing your personal data, how we use such data, how long we retain the data, and the legal basis for processing in our privacy notices.

The Council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it. The Council will not process your personal data if it does not have a legal basis for processing.

The Council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Processing

Personal data

The Council will process your personal data (that is not classed as special categories of personal data) for one or more of the following reasons:

- it is necessary for the performance of a contract, e.g., your contract of employment (or services); and/or
- it is necessary to comply with any legal obligation; and/or
- it is necessary for the Council's legitimate interests (or for the legitimate interests of a third party), unless there is a good reason to protect your personal data which overrides those legitimate interests; and/or
- it is necessary to protect the vital interests of a data subject or another person; and/or
- it is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

If the Council processes your personal data (excluding special categories of personal data) in line with one of the above bases, it does not require your consent. Otherwise, the Council is required to gain your consent to process your personal data. If the Council asks for your consent to process personal data, then we will explain the reason for the request. You do not need to consent or can withdraw consent later.

The Council will not use your personal data for an unrelated purpose without telling you about it and the legal basis that we intend to rely on for processing it.

Personal data gathered during the employment is held in your personnel file in hard copy and electronic format on HR and IT systems and servers. The periods for which the Council holds your HR-related personal data are contained in our privacy notices to individuals.

Sometimes the Council will share your personal data with contractors and agents to carry out our obligations under a contract with the individual or for our legitimate interests. We require those individuals or companies to keep your personal data confidential and secure and to protect it in accordance with Data Protection law and our policies. They are only permitted to process that data for the lawful purpose for which it has been shared and in accordance with our instructions.

The Council will update HR-related personal data promptly if you advise that your information has changed or is inaccurate. You may be required to provide documentary evidence in some circumstances.

The Council keeps a record of our processing activities in respect of HR-related personal data in accordance with the requirements of the General Data Protection Regulation (GDPR).

Special categories of data

The Council will only process special categories of your personal data (see above) on the following basis in accordance with legislation:

- where it is necessary for carrying out rights and obligations under employment law or a collective agreement;
- where it is necessary to protect your vital interests or those of another person where you are physically or legally incapable of giving consent;
- where you have made the data public;
- where it is necessary for the establishment, exercise or defence of legal claims;
- where it is necessary for the purposes of occupational medicine or for the assessment of your working capacity;
- where it is carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates to only members or former members provided there is no disclosure to a third party without consent;
- where it is necessary for reasons of substantial public interest on the basis of law which is proportionate to the aim pursued and which contains appropriate safeguards;
- where it is necessary for reasons of public interest in the area of public health; and
- where it is necessary for archiving purposes in the public interest or scientific and historical research purposes.

If the Council processes special categories of your personal data in line with one of the above bases, it does not require your consent. In other cases, the Council is required to gain your consent to process your special categories of personal data. If the Council asks for your consent to process a special category of personal data, then we will explain the reason for the request. You do not have to consent or can withdraw consent later.

Individual rights

As a data subject, you have a number of rights in relation to your personal data.

Subject access requests

You have the right to make a subject access request. If you make a subject access request, the Council will tell you:

- whether or not your data is processed and if so why, the categories of personal data concerned and the source of the data if it is not collected from yourself;

- to whom your data is or may be disclosed, including to recipients located outside the European Economic Area (EEA) and the safeguards that apply to such transfers;
- for how long your personal data is stored (or how that period is decided);
- your rights to rectification or erasure of data, or to restrict or object to processing;
- your right to complain to the Information Commissioner if you think the Council has failed to comply with your data protection rights; and
- whether or not the Council carries out automated decision-making and the logic involved in any such decision-making.

The Council will also provide you with a copy of your personal data undergoing processing. This will normally be in electronic form if you have made a request electronically, unless you agree otherwise.

If you want additional copies, the Council may charge a fee, which will be based on the administrative cost to the Council of providing the additional copies.

To make a subject access request, you should send the request to the Town Clerk or Chair of the Personnel Committee. In some cases, the Council may need to ask for proof of identification before the request can be processed. The Council will inform you if we need to verify your identity and the documents we require.

The Council will normally respond to a request within a period of one month from the date it is received. Where the Council processes large amounts of your data, this may not be possible within one month. The Council will write to you within one month of receiving the original request to tell you if this is the case.

If a subject access request is manifestly unfounded or excessive, the Council is not obliged to comply with it. Alternatively, the Council can agree to respond but will charge a fee, which will be based on the administrative cost of responding to the request. A subject access request is likely to be manifestly unfounded or excessive where it repeats a request to which the Council has already responded. If you submit a request that is unfounded or excessive, the Council will notify you that this is the case and whether or not we will respond to it.

Other rights

You have a number of other rights in relation to your personal data. You can require the Council to:

- rectify inaccurate data;
- stop processing or erase data that is no longer necessary for the purposes of processing;
- stop processing or erase data if your interests override the Council's legitimate grounds for processing data (where the Council relies on our legitimate interests as a reason for processing data);
- stop processing or erase data if processing is unlawful; and
- stop processing data for a period if data is inaccurate or if there is a dispute about whether or not your interests override the Council's legitimate grounds for processing data.
- complain to the Information Commissioner. You can do this by contacting the Information Commissioner's Office directly. Full contact details including a helpline number can be found on the Information Commissioner's Office website (www.ico.org.uk).

Council to take any of these steps, you should send the request to the Town Clerk or Chair of the Personnel Committee.

Data security

The Council takes the security of HR-related personal data seriously. The Council has internal policies and controls in place to protect personal data against loss, accidental destruction, misuse or disclosure, and to ensure that data is not accessed, except by employees in the proper performance of their duties.

Where the Council engages third parties to process personal data on our behalf, such parties do so on the basis of written instructions, are under a duty of confidentiality and are obliged to implement appropriate technical and organisational measures to ensure the security of data.

Impact assessments

Some of the processing that the Council carries out may result in risks to privacy (such as monitoring of public areas via CCTV). Where processing would result in a high risk to your rights and freedoms, the Council will carry out a data protection impact assessment (DPIA) to determine the necessity and proportionality of processing. This will include considering the purposes for which the activity is carried out, the risks for yourself and the measures that can be put in place to mitigate those risks.]

Data breaches

The Council have robust measures in place to minimise and prevent data breaches from taking place. Should a breach of personal data occur the Council must take notes and keep evidence of that breach.

If you are aware of a data breach you must contact the Town Clerk or Chair of the Personnel Committee immediately and keep any evidence, you have in relation to the breach.

If the Council discovers that there has been a breach of HR-related personal data that poses a risk to the rights and freedoms of yourself, we will report it to the Information Commissioner within 72 hours of discovery. The Council will record all data breaches regardless of their effect.

If the breach is likely to result in a high risk to the rights and freedoms of individuals, we will tell you that there has been a breach and provide you with information about its likely consequences and the mitigation measures we have taken.

International data transfers

The Council will not transfer HR-related personal data to countries outside the EEA.

Individual responsibilities

You are responsible for helping the Council keep your personal data up to date. You should let the Council know if data provided to the Council changes, for example if you move to a new house or change your bank details.

Everyone who works for, or on behalf of, the Council has some responsibility for ensuring data is collected, stored and handled appropriately, in line with the Council's policies.

You may have access to the personal data of other individuals and of members of the public in the course of your work with the Council. Where this is the case, the Council relies on you to help meet our data protection obligations to staff and members of the public. Individuals who have access to personal data are required:

- to access only data that you have authority to access and only for authorised purposes;
- not to disclose data except to individuals (whether inside or outside the Council) who have appropriate authorisation;
- to keep data secure (for example by complying with rules on access to premises, computer access, including password protection, locking computer screens when away from desk, and secure file storage and destruction including locking drawers and cabinets, not leaving documents on desk whilst unattended);
- not to remove personal data, or devices containing or that can be used to access personal data, from the Council's premises without prior authorisation and without adopting appropriate security measures (such as encryption or password protection) to secure the data and the device; and
- not to store personal data on local drives or on personal devices that are used for work purposes.
- to never transfer personal data outside the European Economic Area except in compliance with the law and with express authorisation from the Town Clerk or Chair of the Personnel Committee
- to ask for help from the Council's data protection lead if unsure about data protection or if you notice a potential breach or any areas of data protection or security that can be improved upon.

Failing to observe these requirements may amount to a disciplinary offence, which will be dealt with under the Council's disciplinary procedure. Significant or deliberate breaches of this policy, such as accessing personal data without authorisation or a legitimate reason to do so or concealing or destroying personal data as part of a subject access request, may constitute gross misconduct and could lead to dismissal without notice.

Training

The Council provides training to all individuals about their data protection responsibilities.

If your roles require you to have regular access to personal data, or you are responsible for implementing this policy or responding to subject access requests under this policy, you will receive additional training to help you understand your duties and how to comply with them.

This is a non-contractual policy and procedure which will be reviewed from time to time.

Date of policy: December 2019
Approving committee:
Date of committee meeting:

Policy version reference:
Supersedes: [Name of old policy and reference]
Policy effective from:
Date for next review:

— policy ends here —

DRAFT

Notes

This is an example policy that should be adjusted to reflect the procedures and policy of the Council.

1. Data audit

It is important that the Council's policy reflects current practice. Any policy must be based on a data audit to ensure that the Council understands what data is collected, where it is stored, who has access to the data and the measures taken to ensure it is secure. For more information on implementing a Data Protection Policy, please refer to the Information Commissioner website.

2. Relevance

The Council must ensure that any commitment made in their policy is relevant and up-to-date.

3. Data Protection Officer

The policy assumes that the Council has a Data Protection lead rather than appointed a Data Protection Officer (DPO). The role of DPO is set out in legislation and infers specific obligations. Parish Councils in England and community Councils in Wales and Scotland are exempt from having to appoint a DPO (<https://ico.org.uk/for-organisations/in-your-sector/local-government/local-gov-gdpr-faqs/>) but are still subject to data protection legislation and must ensure sufficient resources to meet the obligations under the GDPR.

4. Data storage within the EU

You need to take account of where your data is stored including servers, on the cloud, and where your suppliers might hold their data including on their server.

Guidance

Where there is text in [square brackets] this part may be updated or be deleted if not relevant. An alternative option may have been provided.

Important notice

This is an example of an employment policy designed for a small Council adhering to statutory minimum requirements and does not constitute legal advice. As with all policies it should be consistent with your terms and conditions of employment.

This document was commissioned by the National Association of Local Councils (NALC) in 2019 for the purpose of its member Councils and county associations. Every effort has been made to ensure that the contents of this document are correct at time of publication. NALC cannot accept responsibility for errors, omissions and changes to information subsequent to publication.

This document has been written by the HR Services Partnership – a company that provides HR advice and guidance to town and parish Councils. Please contact them on 01403 240 205 for information about their services.

PAPER D

PAPER E

Flexible Working Policy

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Document History

Adopted by Council – 5 September 2023
Reviewed & Adopted -

What is flexible working

Every staff member has a contract of employment that sets out the working hours. A request to work flexibly is a request from the employee to change either the number of working hours, when or where they are worked. Flexible working does not mean a member of staff can work the hours they wish from day-to-day, week-to-week.

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; flexitime; job-sharing; term-time working; compressed hours; career breaks; and sabbaticals.

Flexible working can result in benefits to Councils, in that such arrangements can help make the most of today's diverse workforce and improve the Council's ability to recruit and retain staff. It is good practice to make flexible working open to all staff.

This policy has been written to explain the process which we will use to respond to requests by staff to vary hours, pattern or place of work.

Scope

You have a statutory right to request a change to your contractual terms and conditions of employment to work flexibly provided you have been continuously employed with us for at least 26 weeks at the date the application is made, regardless of whether you work full or part-time or have a temporary contract of employment. It does not apply to agency staff.

Policy

Our policy is to comply with both the spirit and the letter of the law 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.

Making the request

To apply for flexible working, please provide the following information in writing, and submit this to the Town Clerk. 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're not at work on certain days, and,
- A statement saying if and when you've made a previous application.

You can only make one statutory request in any 12-month period. You are asked to let us know if you are making the request because you consider the change could be a reasonable adjustment to support a disability. In such a case some of the requirements of this policy would not apply (i.e. the minimum period of service; one request per annum).

Responding to your request

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.

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 working conditions for you as an employee and the council and weighing these against any adverse impact of implementing the changes.

Having considered the changes, you are requesting and weighing up the advantages, possible costs and potential logistical implications of granting the request, we will write to you with the decision. 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.

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

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.

You must be aware that if your request is approved you do not have a statutory right to make a further request for a period of 12 months, although you may still ask without the statutory right.

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 three months of first receiving a request, including any appeal. If the request cannot be dealt with within three months, we may ask to extend the consideration process, provided you agree to the extension.

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.

Appealing the decision

If we decline your request and you wish to appeal, you must do so, in writing, within 5 working 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 and will normally be with a sub-committee of councillors. You may wish to be accompanied at that meeting by a work colleague or trade union representative.

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.

The effect on your contract of employment

Any change in your hours or pattern of work will normally be a permanent change to your contractual terms and conditions. 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.

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.

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 Clerk or Chair of the Council in the first instance.

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.

This is a non-contractual procedure which will be reviewed from time to time.

Notes

The wording of this policy is based on an employee's statutory right to make a request to change their working arrangements. Adopting and applying this policy as it stands will support the council to comply with this right.

1. Scope

The statutory right is limited to employees with 26 weeks' service. Councils can, if they wish, extend the right to all staff.

The statutory right is limited to one request per annum. Councils can, if they wish, consider requests made more frequently.

2. Considering requests

Employers are not compelled to agree to flexible working requests. The policy sets out some reasons that may mean the request cannot be accepted. This list is based on the legislation. Employers must carefully consider the request, but if the proposal is likely to lead to difficulties with the operation of the council, you should discuss the problems, see if they can be reasonably mitigated, but if not, you can decline the request.

With the exception of a request to support an employee with a disability (see below), the reason for the request should not affect whether the council accepts or declines a request.

Important note: If a request has been made to support the health and wellbeing of a staff member, then this may be considered to be a 'reasonable adjustment'. Employers have a legal duty to consider making changes to work arrangements to prevent disadvantage to a disabled worker. If an employer does not consider making such 'reasonable adjustments', or doesn't implement such adjustments, this may lead to unlawful discrimination.

A disability is a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities. A 'reasonable adjustment' may be to allow an employee with long-term anxiety to arrive at work 30 minutes late to avoid rush hour.

Please refer to ACAS (www.acas.org.uk/disability) for further information.

3. Fairness

You may receive a flexible working request from one team member, agree to the request and confirm the changes to their contract. You may then receive a similar request from another team member doing the same job. Your agreement to the first request does not mean that you have to agree to the second request. Each request will need to be considered against the contractual arrangements in place.

4. Trial period

If you are not sure whether a proposed working pattern will work, you can agree to a trial period to test it out. If you do so, it will be important to put this in writing and be clear about the duration of the trial and that the working pattern will automatically revert to the previous arrangements unless the council agrees to the contrary.

5. Written outcome

If a request is agreed on a temporary or permanent basis, it will be important to confirm the outcome in writing and ensure this is placed on the HR file. If there is a change to

the terms set out in the employment contract (whether temporarily or permanently), it will be important to issue a letter to confirm the changes that have been agreed.

PAPER F

PAPER G