



Flexible Working Policy

NEW Flexible Working Policy that incorporates the existing Home Working Policy

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Reviewed	
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Flexible Working Policy

1. Introduction

Newton Abbot Town Council recognises that flexible working arrangements can support employees in achieving a positive work-life balance while maintaining effective and efficient services for the residents of Newton Abbot. The Council is committed to considering flexible working requests fairly, consistently and in accordance with current employment legislation.

This policy explains the statutory right to request flexible working, the arrangements available, the process for considering requests and the requirements applicable to employees working from home.

The Council recognises that flexible working can benefit both employees and the organisation through improved staff wellbeing, recruitment, retention, productivity and reduced unnecessary travel. Flexible working arrangements must remain compatible with the Council's operational requirements, service delivery responsibilities and contractual obligations.

2. Scope

This policy applies to all employees of Newton Abbot Town Council, regardless of their length of service or working hours. Employees have the statutory right to request flexible working from their first day of employment. The Council will consider each request on its merits. The right to request flexible working does not provide an automatic entitlement to the arrangement requested.

Employees may make up to two statutory flexible working requests within any 12-month period, subject to statutory requirements.

The Council will consider its obligations under the Equality Act 2010, including the duty to make reasonable adjustments for disabled employees.

3. Types of flexible working

Flexible working may include:

3.1 Part-Time Working

Working fewer hours than the standard full-time working week.

3.2 Flexitime

Varying starting and finishing times within agreed operational requirements and any applicable core working hours.

3.3 Compressed Hours

Working contracted hours over fewer working days.

3.4 Home Working

Undertaking agreed duties from the employee's home rather than attending the Council's workplace.

3.5 Hybrid Working

Combining agreed periods of home working with attendance at Council premises.

3.6 Adjusted Working Hours

Changing normal starting times, finishing times or working days.

3.7 Job Sharing

Two employees sharing the responsibilities of one full-time position, where operationally appropriate.

The Council may consider other flexible working arrangements where they are compatible with operational requirements.

4. Making a flexible working request

Employees wishing to request flexible working should submit a written application to the Town Clerk. The application should include:

- The employee's name.
- The date of the request.
- The proposed working arrangement.
- The requested start date.
- Confirmation that the application is a statutory flexible working request.
- Details of any previous statutory flexible working requests.

Employees are not required to explain the anticipated impact of their request on the Council.

Requests will be considered fairly and without discrimination.

5. Considering flexible working requests

The Town Clerk will consider requests in consultation with the employee and, where appropriate, the relevant line manager. Consideration will include:

- The Council's operational requirements.
- The effect on service delivery.
- Staffing arrangements and workloads.
- The impact on colleagues.
- Health and safety considerations.
- Equipment and technology requirements.

- Any relevant equality obligations.

The Council will consult with the employee before refusing a statutory flexible working request.

A decision, including any appeal, will normally be completed within two months of receiving the request, unless an extension is agreed with the employee.

6. Refusing a flexible working request

The Council may refuse a statutory flexible working request only where one or more statutory business grounds apply. These include:

- The burden of additional costs.
- A detrimental effect on the ability to meet service demand.
- An inability to reorganise work among existing employees.
- An inability to recruit additional employees.
- A detrimental impact on quality.
- A detrimental impact on performance.
- Insufficient work during the periods the employee proposes to work.
- Planned structural changes.

The Council will explain its decision in writing and identify the relevant statutory grounds.

7. Appeals

Employees who disagree with a decision may submit a written appeal to the Council within 14 calendar days of receiving the decision.

The appeal should explain the reasons for challenging the decision.

Where practicable, an appeal will be considered by a person or committee not previously involved in the original decision.

The appeal process will be completed within the statutory two-month decision period unless an extension is agreed.

8. Trial periods and contractual changes

Where appropriate, the Council and employee may agree to trial a flexible working arrangement before confirming a permanent change. The duration, arrangements and review date will be agreed in advance.

Where a permanent flexible working request is approved, any resulting changes to contractual terms and conditions will be confirmed in writing.

9. Home working arrangements

Home working is one form of flexible working available under this policy. The Council recognises three types of home working:

9.1 Occasional Home Working

Home working undertaken on an ad hoc basis for particular tasks, projects or exceptional circumstances.

9.2 Regular Home Working

Home working undertaken on agreed days or for an agreed proportion of the employee's working time.

9.3 Permanent Home Working

Home working where the employee's contractual workplace is their home, subject to agreed attendance at Council premises when required.

Home working requests will be considered in accordance with the flexible working procedures set out above and the Council's operational requirements.

The existing home working provisions relating to suitability, equipment, insurance, health and safety, data security, working hours, dependent care, expenses and review arrangements will continue to apply where relevant.

Benefits to the Council

Reduced accommodation costs and better use of existing premises and resources; contributing positively towards the Council's response to Climate Emergency by reducing unnecessary employee commuting; continuation of service delivery in the event of an emergency or government restrictions preventing access to Newton's Place; the retention of valued and skilled employees for whom the ability to work at home is the preferred option; well-motivated staff who feel that they work for an organisation that is prepared to be flexible and which trusts them; potentially increased output and quality of work due to fewer distractions than working in an office environment; accommodation of the requirements of disabled employees or employees with temporary health conditions; and promotion of a positive image as a good employer.

Benefits to the Employee

Increased discretion in the management of their work and personal time; increased motivation; saving of travel time; the ability to work without distraction; provision of safe working environment avoiding risks of spreading or contracting a contagion (e.g. COVID-19); improvements in work-life balance issues.

Types of Home Working

There are various ways that home working may operate, ranging from rare occasions that arise and do not form a routine, to formal arrangements that are identified as such in the contract of employment:

Occasional Home Working

Taking work home occasionally, on an ad hoc basis, to concentrate on a particular project or task may be suitable in the following circumstances; where a specific task need dedicated and focussed input and/or could be dealt with more efficiently at home e.g. saved travelling time and lack of interruptions; where it is difficult for staff to get in to work e.g. adverse weather, or a short but unavoidable commitment at home.

Regular Home Working

Working from home for a percentage of the time on a regular basis, the individual would come into the office for the balance of time. This may be suitable in the following circumstances; where the function of the post requires little face to face contact with colleagues and/or clients; to facilitate a more flexible work pattern, perhaps to accommodate other demands; where an individual plans their work arrangements to enable the achievement of defined outputs each week/month from home; or where the job involves frequent/regular outside visits.

Permanent Home Working

Working from home 100% of the time or spending a percentage of time working from home and making outside visits for the balance of time. This may be suitable in the following circumstances; where the job can be done just as effectively and efficiently from home; where ICT systems exist, to support the job at home and the employee effectively or where the job involves frequent/regular outside visits.

SUITABILITY OF HOME WORKING

Many jobs may be considered for home working. A job that does not require time spent in one location or high visibility such as a face-to-face customer service role may be adapted for home working. Jobs that involve project work or those which provide services within the community, may be more suited to home working.

Consideration should be given to the impact on the inter-relationship with other colleagues; jobs in the office, service to the public, access to required information, technology, costs and savings etc. Some job characteristics may be more suited to home working, for example; those with a defined output; discrete projects or functions; relatively autonomous jobs; jobs requiring frequent travelling and those tasks requiring high periods of concentration.

Assessing the Home Environment

An employee who works from home is covered by the same protection under health and safety legislation as an employee who is office based. It is therefore vital to ensure the home working environment is suitable before any home working agreement is approved.

The employee needs to take personal responsibility for the health and safety aspect of home working and therefore needs an environment at home which offers the following:

- ❖ Suitable dedicated “office” space.
- ❖ Freedom from interruptions and distractions.
- ❖ Security and confidentiality.
- ❖ Ability to meet Health and Safety requirements.
- ❖ It is not considered appropriate to combine home based working with dependent care. Employees will be required to demonstrate that they do not have dependent care responsibilities within their contracted working hours.
- ❖ Employees need to be aware that the Council reserves the right to ask them to attend Council premises at short notice.

Appendix 2 outlines a Health and Safety Home Worker Self-Assessment Checklist. The home environment must be deemed to be safe to work in before a home working agreement can be approved.

Home Working Agreement

The employee will be asked to sign and return a copy of the home working agreement, and this will be retained on their personal file.

Communication and Management of Home Working Employees

Clear communication systems with home workers are just as important as for those based in the office. The Council may need to consider how to ensure home working staff receive information that office-based staff receive on a face-to-face basis.

To make the scheme work effectively, there needs to be trust between the employee and the manager. However, such trust should not be a substitute for clear indicators of what managers and staff expect from work.

Equipment

Where appropriate, the Council may provide, install and maintain equipment to assist with home working. This may depend upon the frequency of home working and whether the need for home working has been generated by the Council or the employee.

Remote Access – To enable remote access, employees can use their Council issued laptop and office 365 account allowing full remote working with collaboration tools including VOIP, Microsoft Teams, Outlook, Word and Excel. All Data Protection, security and confidentiality measures and policies must be adhered to.

The Council will provide IT helpdesk support during standard working hours (via telephone/email contact to the helpdesk). The Council will also take responsibility for the repair/replacement of lost, damaged or stolen equipment, provided the employee has taken appropriate precautions to safeguard the equipment.

Any Council equipment installed at the home workers home remains the property of the Council and can be recalled at any time. Upon the termination of the home working agreement, employees must return all Council equipment.

Insurance

The Council will provide third party insurance for employees working from home. It will also provide insurance cover for any Council equipment located at the home of the employee.

Whilst working from home is unlikely to have an impact, employees are advised to notify their landlord/mortgage and insurance companies of the fact that they will be working from home.

Health and Safety

Home workers are covered by the same health and safety protection in law as office-based staff, therefore all Council health and safety policies and procedures will apply to home workers. This includes the requirement for employees to report any work-related accidents.

[The Management of Health & Safety at Work Regulations 1999](#) which require employers to conduct risk assessments (even for home workers).

Data Security

Employees who work from home are required to comply with all IT security and confidentiality requirements of the Council. This includes acceptance and adherence to the [Council's Remote Access Policy](#) and [Data Retention Policy](#).

The home worker will have a direct responsibility for all Council information material held at their home and must ensure that it is not accessible to non-authorised people (e.g. other members of their household).

Working Hours

The working hours will apply to home-based staff in the same way that it does to office-based staff. Any flexible working pattern should be considered as part of the request to work from home. The hours worked will not exceed those in the contract of employment.

Contractual Terms

If the employee is an occasional or regular home worker, there will be no requirement to issue a variation to their contract of employment.

The contracts of employment for permanent home workers will need to reflect the fact that their normal place of work is home. It should be noted that employees whose normal place of work is home may still be expected to attend one of the Council's offices from time to time (e.g., to attend team meetings). All other terms and conditions of employment remain unchanged by a home working application.

Expenses

For occasional and regular home workers, car mileage expenses will only be paid for those miles travelled which are over and above the number of miles which the home worker would previously have incurred by having to travel into the office and return home on a daily basis, i.e., their normal commuting journey.

For permanent home workers, car mileage expenses would be payable for work related journeys beginning and ending at the home base.

The Council will also reimburse home working employees for mail costs on production of receipts, however, stationery should be ordered through the main office and collected from Newton's Place by the home working employee.

Running costs and expenses – Where the employee is choosing to work from home, the Council will not contribute towards costs – for example, heating and lighting.

Dependent Care

~~It is a condition of the home working agreement that arrangements for dependent care have been made in order to allow the employee to work from home without disruption. Any changes to dependent care arrangements that will impact on an employee working from home must be reported to the Town Clerk to allow a review of the agreement.~~

Employees working from home must ensure that suitable arrangements are in place to enable them to undertake their contractual duties effectively and without unreasonable interruption.

Home working is not intended to replace normal childcare or other dependent care arrangements.

The Council recognises that employees may have individual caring responsibilities and will consider reasonable flexibility where operationally practicable, taking account of its obligations under equality legislation.

Review of a Home Working Agreement

Any more permanent home working arrangement should be reviewed at least once a year. This will allow both parties to assess whether the arrangement is still appropriate.

Home Working Application Form

Name _____

Job Title _____

Current Days and Hours of Work: _____

I wish to apply to be considered for home working and propose the following working arrangements:

Occasional* _____

Regular* _____

Permanent* _____

**Delete as necessary and specify the days/times as appropriate*

Address at which home working would take place:

Do you feel your home working would have an impact on the service you provide or the colleagues in your team? If so, how could this be minimised?

Home working is not suitable for employees who have caring responsibilities at home during normal working hours. By submitting this application, you are confirming that you are not planning to combine home working with caring commitments.

Signed:

Date:

Once complete, please submit this form Town Clerk for consideration.

Newton Abbot Town Council

Health and Safety Home Worker Self-Assessment Checklist

Name _____
 Address _____

Hazard Checks to be made

Fire

- ☐ Is the work area tidy?
- ☐ Are waste materials regularly disposed of?
- ☐ Are exits routes clear?
- ☐ Does the employee have an escape plan?
- ☐ Does the employee know what to do in an emergency?
- ☐ Is a smoke alarm fitted? The alarm must be tested and maintained in accordance with manufacturer's instructions

Electrical Equipment

- ☐ Any apparent damage?
- ☐ Cracked/loose casing on plugs and computer equipment, missing screws etc
- ☐ Any evidence of overheating? Look for discolouration
- ☐ Any obvious damage to leads or plugs?
- ☐ Are all the cables secure in all plugs?
- ☐ Has all equipment been PAT tested?
- ☐ Slips, Trips and Falls Floor covering sound and without defects?
- ☐ All walkways clear of trip hazards? e.g. trailing cables
- ☐ When seated at a desk can legs and upper body move together without twisting?

Working Environment

- ☐ Is the temperature adequate?
- ☐ Is the ventilation adequate?
- ☐ Is there adequate lighting, including any necessary task lighting?
- ☐ Manual Handling Does the employee carry out any manual handling activities?
- ☐ Display Screen Equipment Does the employee use DSE for more than 2 hours a day or more than 1 hour continuously?
- ☐ If yes, Carry out DSE assessment on an annual basis

Mobile Phones

- ☐ Will the work involve the use of a mobile phone?

Lone Working

- ☐ Is there a requirement for a call in procedure?
- ☐ If yes, then establish a procedure and monitor use

- ☐ Has the employee's mobile phone number been given to their manager?
- ☐ Does the employee require a personal attack alarm?
- ☐ Is the employee aware of the Council's Lone Working Policy?

Accidents / First Aid

- ☐ Is the employee familiar with the accident reporting procedure?
- ☐ Provide employee with accident reporting form
- ☐ Does the employee have adequate first aid facilities whilst working at home?
- ☐ If not, Employer to provide a first aid kit

Wellbeing

- ☐ Has the employee previously suffered from discomfort, stress or ill health which they believe to be as a direct result of work?
- ☐ If yes, discuss further to assess whether home working is suitable

Security

- ☐ Is the main exit door secured by mortice deadlock?
- ☐ Are all other external doors similarly secured?
- ☐ Are all accessible windows secured by key operated window locks?
- ☐ Is there the ability to lock laptop and confidential files away when not in use?

Signatures

Employee

Date:

Town Clerk

Date:

Employee Declaration:

I will be responsible for completing and recording annual health and safety checks at my home working location; I understand that the requirement for me to adhere to the Council's policies and procedures is unaffected by the fact that I will be working from home; I agree to allow access, by prior arrangement, to my manager and any other Council employee who requires access to perform their duties; I understand that the home working agreement is not a substitute for childcare or other caring responsibilities and that adequate provisions must be made in respect of these; I understand that I may be required to attend the Council office, Newton's Place 43 Wolborough Street Newton Abbot, from time to time during my home working hours (e.g. to attend a team meeting); I understand that the provision for the home working agreement may be cancelled by myself or the Council.

Please sign to confirm that you have read, understood and agree to the conditions relating to the home working arrangement:

Signed

Date