

# TOWN AND CINQUE PORT OF HYTHE



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## FLEXIBLE WORKING AND DISCRETIONARY LEAVE POLICY

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[WWW.HYTHERTC.GOV.UK/POLICIES/HR](http://WWW.HYTHERTC.GOV.UK/POLICIES/HR)

This Policy was adopted by the Council at its meeting held on: 26 April 2021

Minute 318/20

GOVERNING BODY: HYTHE TOWN COUNCIL, TOWN COUNCIL OFFICES, OAKLANDS, 1 STADE STREET, HYTHE,  
KENT. CT21 6BG



## 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 do 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.

The request should be addressed to the Town Clerk in the first instance or, in the case of the Town Clerk, to the Mayor and the Chairman of the F&GP Committee.

On receiving a request, the Town Clerk will arrange to discuss the matter 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.

## PROCESS

The request 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.

## EMPLOYER'S OBLIGATIONS

The Town Council is under no statutory obligation to grant a request for flexible working if it cannot be accommodated by the business. These business reasons are set out in legislation and 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's ability to meet customer demand.
- Detrimental impact on business 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 may not fit in with these plans.

Whilst 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.



## 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, as requested by an employee, they can be accompanied by a work colleague which 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.

## DISCRETIONARY LEAVE

There are occasions 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 of 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 upon 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 another 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.



Examples:

- To deal with a breakdown in childcare
- To arrange longer-term care in place for children or elderly relatives
- If a dependant falls ill or is taken to the hospital
- To arrange or attend a funeral.

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 Hythe Town Council as soon as possible the reason for the absence and how long they expect to be absent.

### **Funerals**

Time off with paid leave for the attending of the following will be permitted:

#### **Immediate family**

This is defined as husband, wife or partner, child, brother, sister, parent, parent-in-law (including parents of employee's partner), grandparent, or grandchild.

#### **Civic Funerals**

Staff may attend funerals of a civic nature as part of their normal duties where their attendance might be expected, to show a mark of respect on the Town Council's behalf e.g., the funeral of a Past Mayor or serving Town Councillor.

#### **Other Funerals**

These may be attended by way of the normal annual leave provisions or TOIL.

