



# PERSONNEL COMMITTEE

Minutes of a Meeting of the Personnel Committee  
held at The Council Offices, 18 Fort Road, Newhaven  
on **Monday 4<sup>th</sup> December 2023 at 7:17pm**

**PRESENT:** Councillor's Lindsey Macleod (Chairman)  
Kim Bishop  
Lesley Boniface (Sub for Shaun Boniface)  
Steve Saunders

**ALSO ATTENDING:** Ken Dry Town Clerk

**PE01/23 APOLOGIES FOR ABSENCE**

Cllrs. Watts, S. Boniface and Cook.

**PE02/23 DECLARATIONS OF INTEREST**

There were none.

**PE03/23 TO CONSIDER WHETHER THE MINUTES OF THE MEETING OF THE PERSONNEL COMMITTEE HELD ON FRIDAY 18<sup>th</sup> JANUARY 2023 ARE AN ACCURATE RECORD OF THE MEETING**

The Town Clerk informed the meeting that only Cllr. Saunders was then a member of the committee to which these minutes referred and was unfortunately unable to attend the same.

To determine the accuracy of these minutes the Town Clerk had recently contacted Cllr. Amy (previous Personnel Committee Member present at the 18.1.23 meeting) for verification but had received no confirmation of this, though pointed out that these draft minutes had been circulated to the previous committee members on January 23<sup>rd</sup> 2023 and that no amendments had been requested. On this basis those minutes should be assumed to be an accurate record.

**RESOLVED:**

That these Minutes be signed by the Chairman as a true record of the proceedings.

**PE04/23 PETITIONS/PUBLIC QUESTIONS**

There were none.

**PE05/23 COMMITTEE TO ELECT A VICE CHAIR FOR THIS PERSONNEL COMMITTEE.**

Cllr. Saunders proposed himself for this role, and following a unanimous vote by those present, it was,

**RESOLVED**

That Cllr Saunders be Vice Chair of this Personnel Committee for the remainder of the Civic Year.

**PE06/23 TO CONSIDER A DRAFT FLEXIBLE WORKING POLICY.**

The Chair outlined the purpose of policy and its general application. The meeting then discussed a number of hypothetical sets of circumstances and the application of the policy and its process.

Following additional discussion, it was,

**RESOLVED**

That the Town Clerk seek additional HR/Legal advice regarding the policy, and once the document was deemed satisfactory to introduce this to the staff with the assistance of the Chair.

**PE07/23 TO CONSIDER AND DISCUSS POTENTIAL REVISIONS TO THE EXISTING FLEXTIME PROVISION.**

Following discussion, it was unanimously,

**RESOLVED**

That the Town Clerk introduce the following amendments to Flexitime provision as follows;

1. Staff will be entitled to carry forward up to a maximum of 8Hrs (480Mins) to the next calendar month,
2. Where more than 8Hrs (480mins) flexitime has been accrued in the same calendar month, and it has not been possible for the individual to use that as 'Time Off in Lieu' (TOIL) during the same period it will be paid as overtime up to a maximum of an additional 8Hrs, and
3. Overtime where paid will be at 'time and a half' for time accrued working during Monday to Saturday (Incl.) and 'double-time' on Sundays and Public and Extra Statutory Holidays.

**PE08/23 EXCLUSION OF PRESS AND PUBLIC - TO RESOLVE THAT THE PRESS AND PUBLIC BE EXCLUDED FROM THE REMAINDER OF THE MEETING IN ACCORDANCE WITH THE PROVISIONS OF SECTION 1(2) OF THE PUBLIC BODIES (ADMISSION TO MEETINGS) ACT, 1960, IN VIEW OF THE CONFIDENTIAL NATURE OF THE PERSONNEL MATTERS TO BE DISCUSSED.**

**RESOLVED**

**PE09/23 CONFIDENTIAL – TO NOTE STAFF SALARIES FOR 2024-2025 - REPORT BY THE TOWN CLERK**

The Clerk summarised his report. During discussion the Town Clerk informed the meeting that the employment contract of the Deputy Town Clerk did not contain the same salary progression clause surrounding attainment of CiLCA and additional qualifications recognised by NALC and SLCC.

Following additional discussion, it was,

**RESOLVED** unanimously by those members present,

That,

1. The committee notes the salaries payable to staff from April 1<sup>st</sup> 2024,
2. Authorises implementation of any outstanding and future national pay agreements if and when announced, and
3. Amends the Employment Contract of the Deputy Town Clerk with the addition of the NALC standard clause surrounding salary progression in line with attainment of CiLCA and additional specified qualifications.

There being no further business, the Meeting closed at 8:15pm.

**Date:** .....  
.....  
**Chairman**



# NEWHAVEN TOWN COUNCIL

Ken Dry  
Town Clerk

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**NEWHAVEN**  
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**BN9 9QE**

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To: Personnel Committee **Agenda Item 5**

Date: 10<sup>th</sup> May 2024

Contact for this report: Town Clerk

Subject: **Flexible Working Policy**

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1. The purpose of this report is to update members of the feedback received from the councils HR Legal Team (Worknest) following this committee's resolution to seek the same with regard to its draft Flexible Working Policy prior to formal adoption.
2. The draft policy with legal advice annotation can be seen at Appendix A.

## **Recommendations:**

That members accept the annotated advice and duly adopt the amended Flexible Working Policy document.

# 5. Report - Flexible Working Policy - Appendix A



## Newhaven Town Council

### Work Life Balance Policy (Flexible working)

#### 1. Introduction

Newhaven Town council recognises that a positive work life balance benefits everyone by improving health and wellbeing, staff satisfaction, inclusion and productivity.

Newhaven Town Council has due regard for the need to eliminate unlawful discrimination and promoting equality of opportunity. In doing so, the Town Clerk receiving flexible working requests will ensure that all staff making requests for any type of flexible working are treated fairly and equitably and will not unlawfully discriminate against any individual on the grounds of a protected characteristic covered by the provisions of the Equality Act 2010.

When managing requests for flexible working the following principles will apply:

- Openness and transparency (all options and how decisions are reached will be always shared)
- Fairness and Equity (staff will be treated as individuals recognising all circumstances are unique)
- Consistency of approach (options detailed within the policy will be applied consistently to all staff whilst considering individual differences)
- Confidentiality (personal information given to the Town Clerk or Personnel committee will be treated in confidence).

All requests for flexible working will be considered and will not be unreasonably refused. All requests should be given sufficient time to consider the different ways in which the flexible working request can be accommodated.

If it is not possible to accommodate a request in full or in part due to the operational needs of the role then clear, written operational reasons as to why this is not practicable will be provided within the procedure.

#### 2. Eligibility

On completion of 26 weeks service staff will have the right to request flexible working. Any employee can apply for flexible working for any reason but only one application can be made in any 12 month rolling period. The aim is to actively encourage a positive work-life balance.

#### 3. Types of flexible working

Flexible working relates to arrangements in place regarding time, location and pattern of work for all members of staff. Listed are some examples of how flexible working can be done (but not limited to):

- Part time working
- Voluntary reduction in working time for an agreed period
- Term-time working

- Job sharing
- Compressed hours (contracted hours over fewer days)
- Annualised hours (working contracted hours flexibly throughout the year)
- Remote working where all or part of the role are undertaken from home or another site
- Flexible rostering/flexi-time (choosing start and finish times around fixed core hours)

#### 4. Procedure

Flexible working options can be formal or informal.

##### 4.1. Informal approach

Staff should inform the Town Clerk as soon as practicable of the request to apply for flexible working options, ~~giving at least three months' notice where possible.~~ Flexible working opportunities can also be discussed during departmental meetings, appraisals and one to one meetings.

Staff should be encouraged to have an informal discussion prior to making a request for flexible working to ensure the proposal is best suited for the individual and service provision. If an informal request can be granted, then this will be confirmed in writing.

##### 4.2. Formal approach

If at the informal stage an agreement cannot be reached, a formal application in writing should be made. The Town Clerk may wish to seek specific advice from a HR representative or the Personnel Committee when considering the formal request for flexible working.

Formal requests should be made to the Town Clerk using the application form (Appendix 1) stating the following:

- The reason for the change including whether temporary or permanent
- Type of flexible working required
- Date the change should be introduced from
- ~~The application should confirm if a request is being made in relation to the Equality Act 2010 for example with reasonable adjustments for a disability or health condition or for carer responsibilities.~~
- what impact the staff member believes the proposal will have on the service or colleagues as well as possible solutions to overcoming any potential negative impact.

Alternative methods of applying should be allowed for those unable to complete the application form if the above points are addressed by both the staff member and the Town Clerk when they meet to discuss the request.

##### 4.3 Meeting

On receipt of the flexible working request a meeting will be arranged between the staff member and Town Clerk within 14 calendar days. This will provide an opportunity to discuss the desired working pattern in depth and consider how best it might be accommodated. The meeting will also provide an opportunity to discuss other working patterns, or a trial period should accommodating the desired working pattern prove difficult.

**Commented [OA1]:** There is no legal requirement for an informal stage of a flexible working request but this will be fine to have as part of the policy, however, expecting staff to give at least 3 months notice where possible may not be reasonable at the informal stage so I would recommend you a time period for notice is not detailed here

**Commented [OA2]:** This is not a legal requirement as part of the flexible working procedure and I would recommend you do not include this

#### 4.4 Outcome of meeting

- **Flexible working agreed**

If the request has been agreed a flexible working acceptance form (Appendix 2) will be provided confirming the new working arrangements and start date.

Agreed permanent flexible working requests become a change to a contract of employment and should be reviewed regularly to ensure that the arrangement continues to meet the needs of the staff member and the organisation.

- **Flexible working declined**

All requests should be considered carefully and a request will only be declined if all other alternatives have been explored and if there is a genuine business reason for doing so. Where it has not been possible to accommodate the request, the decision will be confirmed in writing (Appendix 3) within 14 calendar days, detailing the organisational reasons for declining the request and how you can appeal using.

The operational reasons for declining a flexible working request must fall into one of the following categories:

- The burden of additional costs is unacceptable to the council
- An inability to reorganise work amongst existing staff
- Inability to source additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- The change would have a detrimental effect on the council's ability to meet customer demand
- Insufficiency of work for the proposed change
- Planned structural changes to the organisation

#### 4.5 Trial periods

Both the Town Clerk and the staff member may decide that trial period should be implemented as part of the flexible working request, to allow both parties to review how the arrangements work in practice and whether they are likely to create practical difficulties for the council.

If a trial period is agreed, it should be for a defined period and with an agreed review date. At the end of the trial period the Town Clerk reserves the right to require the staff member to revert back to their previous working arrangement citing clear operational reasons for requesting this.

#### 4.4 Appeal

The staff member can appeal the decision to decline their flexible working request within 14 calendar days from the date of the flexible working application rejection form or outcome letter by writing to the chair of the Personnel committee.

The staff member should detail the reasons for the appeal along with any supporting evidence. The Town Clerk will be asked to respond to the appeal and the staff member will be invited to attend an appeal meeting where they will be given the opportunity to

**Commented [OA3]:** The legal requirement to respond to a flexible working request is three months from the date of when the flexible working request is submitted by the employee

explain the reasons for their appeal. All supporting evidence must be provided at least 5 calendar days before the appeals meeting.

The staff member has the right to be accompanied during the appeal meeting by a recognised Trade Union Representative.

A letter detailing the appeal outcome will be sent within 10 working days of the appeals meeting.

## 5 Reviews

Flexible working arrangements should be reviewed periodically as part of regular one to one meetings and annually as part of the appraisal. A review of arrangements does not mean that they need to change.

The Town Clerk may need to review the flexible working arrangements of the team periodically to ensure that they continue to meet the needs of both the staff member and the operational needs of the council or if there are a high number of flexible working arrangements or multiple requests for flexible working are received with the view of accommodating as many of the requests as possible without detrimental effect on operations.

A staff member can request a change to flexible working arrangements if their circumstances change.

## 6 Monitoring, compliance and effectiveness of implementation

The implementation and compliance of the work life balance policy will be monitored regularly to ensure that balancing work and personal life operates fairly and transparently and does not advantage one group of staff over another. Where there are legislative changes impacting on policy it will be amended accordingly.

Appendix 1

FLEXIBLE WORKING APPLICATION FORM

This is a formal application for flexible working under Newhaven Town Councils Work Life Balance (Flexible Working) Policy which accommodates the legal right to apply for flexible working and the duty of employer to consider applications seriously. You should confirm receipt of this application using the attached confirmation slip.

**Personal Details**

**Name:**

**Staff/Payroll Number:**

**Job title:**

**Job details**

**Current working pattern (days/hours/times worked):**

**Requested working pattern:**

**Desired commencement date:**

**Permanent or temporary changes requested:**

**Potential impact of working pattern (optional however may support your application):**

**Reason for the request:**

~~Check box if request is in relation to the Equality Act 2010 (i.e. Reasonable adjustment for disability)~~

**Commented [OA4]:** I would recommend you do not include this

**Signature:**

**Date:**

**CONFIRMATION OF RECEIPT OF FLEXIBLE WORKING REQUEST**

Dear

I confirm that I have received your request to change your working pattern on  
(Insert date)

A meeting has been arranged for (Within 14 calendar days of receipt of request)

Signed:

Name:

Date:

DRAFT

**FLEXIBLE WORKING APPLICATION FORM – ACCEPTANCE**

Name:	Job title:
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Dear

Following receipt of your application on , and our meeting on , we have considered your request for a new flexible working pattern in relation to:

(State reason for request)

~~Check if application considered a reasonable adjustment in relation to the Equality Act 2010.~~

We are pleased to confirm that we are able to accommodate your request

We are unable to accommodate your original request, however, we are able to offer an alternative flexible working arrangement that we have discussed and has been agreed

Your new working pattern will be as follows:

**Trial Periods**

Your flexible working trial period will start on

Your flexible working trial period will end on

Your flexible working trial period review will be on

If trial period is successful your new working arrangements will commence on

Town Clerk signature:
Print Name:
Date:
Staff Member signature:
Print name:
Date:

**FLEXIBLE WORKING APPLICATION FORM – DECLINE**

**The Town Clerk, when completing this form is confirming that they have considered the following:**

- **A number of conversations have been held with the staff member and where appropriate, other members of the team**
- **A trial period to assess the suitability of the request to work flexibly**
- **Alternatives to the request to avoid rejection of the request**
- **The impact on the individual and the team**

Dear \_\_\_\_\_,

Following receipt of your application and our meeting(s) on \_\_\_\_\_, I am sorry but we are unable to accommodate your request on the following business grounds:

- The operational reasons for declining a flexible working request
- The burden of additional costs is unacceptable to the council
- An inability to reorganise work amongst existing staff
- Inability to source additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- The change would have a detrimental effect on the council's ability to meet customer demand
- Insufficiency of work for the proposed change
- Planned structural changes to the organisation

The following alternative patterns were also considered but cannot be accommodated or are not suitable to you:

You have the right to appeal against this decision as outlined in the Work-life Balance Policy (Flexible Working).

1 Town Clerk signature:  Print Name:  Date:  Staff Member signature:  Print name:  Date:
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