

Cabinet
29.07.24

POLISI PATRWM GWEITHIO RHAGWELADWY

Y Pwrpas:

Mae polisi a gweithdrefn y Patrwm Gweithio Rhagweladwy yn nodi ein gweithdrefn ar gyfer rheoli cais statudol gan gyflogai neu weithiwr am batrwm gwaith mwy rhagweladwy yn unol â Deddf Gweithwyr (Telerau ac Amodau Rhagweladwy) 2023 fel y nodir yn Neddf Hawliau Cyflogaeth 1996 a ddaw i rym 1 Medi 2024.

Yr argymhellion / penderfyniadau allweddol sydd eu hangen:

Cymeradwyo'r Polisi Patrwm Gweithio Rhagweladwy ac argymell ei fabwysiadu.

Y rhesymau:

Sicrhau bod yr Awdurdod yn cydymffurfio â Deddf Gweithwyr (Telerau ac Amodau Rhagweladwy) 2023 fel y nodir yn Neddf Hawliau Cyflogaeth 1996 ac yn cyflawni ei rwymedigaethau statudol.

Angen i'r Cabinet wneud penderfyniad	OES
Angen i'r Cyngor wneud penderfyniad	NAC OES

YR AELOD CABINET SY'N GYFRIFOL AM Y PORTFFOLIO:
Cyng. Philip Hughes Trefniadaeth a'r Gweithlu.

Y Gyfarwyddiaeth: Enw Pennaeth y Gwasanaeth:	Swyddi: Paul Thomas Prif Weithredwr Cynorthwyol Ann Clarke Rheolwr Adnoddau Dynol (Partneriaeth Busnes)	Rhifau ffôn/Cyfeiriadau e-bost: 01267 246123 PRThomas@sirgar.gov.uk 01267 246167 ALClarke@sirgar.gov.uk
Awdur yr Adroddiad:		

EXECUTIVE SUMMARY

Predictable Working Pattern

Predictable Working Pattern

From 1 September 2024, a worker, ie an employee, casual worker, or agency worker (via their employing agency) will have a statutory right to request a predictable working pattern.

A worker will have a statutory right to make a request to their manager for a more predictable working pattern if their working pattern lacks predictability. A working pattern refers to the number of hours worked, the days and times on which they are worked, or the length of a contract.

Eligibility

To make a statutory request, the worker must have worked for the Authority at least once in the month in the period before the 26 weeks leading up to the day of the request.

A fixed-term contract of employment for 12 months or less is one type of working pattern which lacks predictability. In this case, the worker may make a statutory request to their manager to have a longer fixed-term contract, or a permanent contract, provided eligibility criteria is met.

A worker may make two statutory requests for a predictable working pattern in any 12-month period.

Considering a request for a predictable working pattern

Every request must be handled in a reasonable manner. This should include:

- consideration of the worker's current working pattern – this includes, for example, whether they have already been regularly working broadly the same hours, days, or times, or working for the Authority under a series of fixed-term contracts.
- assessing the effect of the requested change for both the worker and the service, including the potential benefits and other impacts of accepting or rejecting it.

The manager must accept a predictable working pattern request unless there is a genuine business reason not to. A decision to reject a request must be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:

- the burden of additional costs.
- a detrimental effect on ability to meet customer demand.
- a detrimental effect on the recruitment of staff.

- a detrimental effect on other aspects of the business.
- insufficient work available for the periods the worker proposes to work.
- planned structural changes to the business.

The manager may also reject a request for other reasons where the contract ends during the statutory one-month decision period for requests.

Procedure

The procedure for handling such a statutory request is broadly similar to that for making a statutory request for flexible working with the exception that the timescale for making a decision on the request for a predictable working pattern and subsequent appeal is shorter at one month, unless both parties mutually agree an extension to the process.

DETAILED REPORT ATTACHED?	NO
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I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: Paul Thomas, Assistant Chief Executive (People Management)

IMPLICATIONS

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets	Bio-diversity & Climate Change
YES	YES	YES	NONE	NONE	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The Predictable Working Pattern Policy supports the Authority's Corporate Strategy and our Well-being Objective 2: Enabling our residents to live and age well (Live & Age Well) and Well-being Objective 4: To further modernise and develop as a resilient and efficient Council (Our Council).

2. Legal

The Predictable Working Pattern policy enables the Authority to meet its statutory requirements as laid out in the Workers (Predictable Terms and Conditions) Act 2023 as set out in the Employment Rights Act 1996 which comes into force to 1st September 2024. Failure to consider such requests in line with the statutory right may risk challenge via an Employment Tribunal.

3. Finance

Any decision in respect of an application for a predictable working pattern must be within existing delegated budgets.

4. Staffing implications

The People Management team has a role to play in educating managers on these new responsibilities, managing and advising on applications, to ensure the statutory obligations are complied with and risks of claims minimised.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below:

Signed: Paul Thomas, Assistant Chief Executive (People Management)

1. Scrutiny Committee request for pre-determination	NO
Scrutiny Committee	
Date the report was considered:-	
Scrutiny Committee Outcome/Recommendations:-	

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

Recognised trades unions have been consulted via CERF.

**CABINET MEMBER PORTFOLIO
HOLDER(S) AWARE**

YES

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THERE ARE NONE

Title of Document	File Ref No.	Locations that the papers are available for public inspection

