

SUPPORTING FLEXIBLE WORKING PILOT

Human Resources
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1. PURPOSE

1.1 The council recognises the critical role that employees have in every aspect of service delivery, continuous improvement and transformational change. Key to meeting the challenges faced by the council is a committed and flexible workforce who are supported to deliver critical services while maintaining a work-life balance. In this regard, the Supporting Flexible Working pilot seeks to support the council's People Strategy outcome to be an employer of choice where people:

- Make a difference;
- Feel valued and rewarded;
- Feel supported and committed;
- Are encouraged to be flexible and innovative;
- Are able to embrace change;
- Feel confident and capable.

1.2 Effective flexible working will have tangible benefits for the council, its employees and customers. Through effective flexible working, the council aims to:

- Protect an employee's right to a personal life
- Enable employees to achieve better work life balance
- Create a positive work environment
- Respond to customer needs by delivering services when and where required
- Allow flexibility in individual working pattern, hours worked and location of work where possible
- Empower employees to carry out work
- Focus on employee health and wellbeing
- Achieve optimal service delivery
- Enable flexibility during contracted hours

1.3 This document should be read in conjunction with the following supplementary documents:

- Homeworking Guidance
- Homeworking Assessment Guidance for Managers

2. PRINCIPLES

2.1 This pilot applies to all employees in posts categorised as suitable for homeworking or hybrid working as detailed in section 4 below. Changes to the flexi-time scheme will apply to all employees participating in the flexi-time scheme prior to its suspension as a result of the pandemic.

2.2 The statutory right to request flexible working is not affected by the Supporting Flexible Working Pilot. All employees have the right to exercise their statutory right to request flexible working and may do so using the [Flexible Working Application](#).

2.3 Flexible working can take a number of forms, but not all forms of flexible working will be suitable to all types of posts and no employee has an automatic entitlement to a particular working arrangement.

2.4 Flexible working will be accommodated wherever possible, however service provision must remain the priority consideration and flexible working arrangements must at all times operate in accordance with and subject to service requirements.

2.5 Employees will not be treated less favourably as a result of working flexibly, or having made a request to do so.

3. LEGAL FRAMEWORK

3.1 The Supporting Flexible Working pilot has been prepared in line with current employment legislation including the Right to Request Flexible Working as outlined in the [Children and Families Act 2014](#) and the terms of the Working Time Regulations 1998.

3.2 In addition, this document should be read alongside the [Policy on Equality Employment and Service Provision](#), which sets out the council's obligations in relation to the Equality Act 2010.

4. WORKSTYLE CATEGORIES

4.1 The council location identified in an employee's contract of employment as their contractual work base, will remain the same for the period of the pilot. However, in order to ensure that the needs of the service and arrangements to meet customer demand are prioritised, each post has been categorised as being suitable for one of the following workstyles:

- Fixed Working
- Hybrid Working
- Homeworking
- Mobile Working

4.2 Heads of Service will be responsible for determining the workstyle category applicable to each post and will provide information on the reasons for categorisation as required. The workstyle category assigned to a post may change as the post develops or changes over time. The workstyle categories are further defined below:

Fixed Working

4.3 Employees in posts categorised as Fixed Working, will be required to normally work from a designated council location for all hours worked. A suitable council location will be identified in the contract of employment as their contractual work base.

4.4 It may be possible for employees in this category to work from home on an irregular or ad hoc basis while maintaining their normal work base at other times. Ad hoc homeworking must be agreed with the line manager and may be for a few hours in a day or a few days in a week. While not becoming a regular feature, ad hoc homeworking may support employees to manage a short term need to be away from the workplace without the need to take annual leave or to focus on a piece of work without interruption.

4.5 Ad hoc homeworking will only be agreed where there is suitable work that can be carried out from home, suitable equipment/facilities to allow homeworking to be carried out successfully and suitable cover in the workplace.

Hybrid Working

- 4.6 Employees in posts categorised as suitable for Hybrid Working may combine work from a council location with homeworking. A suitable council location will be identified in the contract of employment as their contractual work base.
- 4.7 Employees in this category will be required to be in the workplace for a minimum of 40% of their normal weekly hours. Employees working compressed working hours will be required to be at the workplace on a pro-rata basis based on the number of days they are at work. A slightly different hybrid model, determined by business need, may be introduced where required, for example a week-long rotation which would be more efficient and effective due to the nature of work.
- 4.8 Homeworking days must be agreed with the line manager in line with service need and peaks in customer demand. Where possible, homeworking days should remain constant to aid team management but flexibility will be required to respond to service needs.
- 4.9 An employee in this category will **not be required** to work from home and may not have suitable circumstances to do so. Equally, an employee in this category does not have a right to work from home and must attend the workplace as and when required to do so.
- 4.10 Employees with line management responsibility for 3 or more direct reports who are categorised as fixed working or hybrid workers, are required to be present in the workplace for most of their contracted hours of work to provide leadership, contact and support to members of their team when they are present at the workplace. Employees in such roles will have the opportunity to work from home for up to one day per week, where they have a normal full-time Monday – Friday working arrangement. Employees working part-time or compressed hours will be required to be at the workplace on a pro-rata basis based on the number of days they are at work.
- 4.11 Service Managers will be responsible for the practical management of Hybrid Working arrangements in their service area and will be required to ensure sufficient employee cover in the workplace.

Homeworking

- 4.12 Employees in posts categorised as suitable for homeworking may normally work from home for most or all of their weekly contracted hours. Employees in posts identified as suitable for homeworking will **not be required** to work from home but may take the opportunity to work from home.
- 4.13 Even where their post is categorised as suitable for homeworking, not all employees will be suited to homeworking or will have a suitable homeworking environment. An assessment of an employee's suitability to work from home will be carried out in accordance with the Homeworking Guidance and Homeworking Assessment Guidance for Managers.
- 4.14 A suitable council location will be identified as the employee's contractual base, where the employee will be required to attend for team meetings or other necessary face to face contact as required and at least once per month.
- 4.15 Homeworking arrangements will remain at the discretion of the Service Manager and may be withdrawn or amended at any time. Similarly, an employee can withdraw from

the pilot at any time and return to working all of their contracted hours from the council location identified as their work base in their contract of employment.

Mobile Working

- 4.16 Employees in posts categorised as suitable for Mobile Working will spend much of their weekly contracted hours out in the community, returning to the workplace or homeworking as necessary to complete required admin tasks or plan work.
- 4.17 A suitable council location will be identified in the contract of employment as the contractual work base. Employees in this category will be required to attend their contractual work base for team meetings or other necessary face to face contact as required and at least once per month.

5. HOMEWORKING CONSIDERATIONS

- 5.1 Each of the 4 workstyle categories above provide relevant employees with some opportunity for homeworking, whether that be for all hours worked or on an ad hoc basis. Specific instruction to be followed by employees when working from home is contained in the supplementary Homeworking Guidance.
- 5.2 Even where an employee's post is categorised as suitable for a workstyle category that includes homeworking, not all employees will be suited to homeworking or will have a suitable homeworking environment.
- 5.3 A key requirement of homeworking is that the role should be performed just as well away from the workplace by the employee working on their own. Where the employee wishes to take the opportunity to homework, it is for the Service Manager to determine whether homeworking is suitable or not. Where an employee is dissatisfied with the outcome of their individual assessment for homeworking, they may appeal the decision in writing to the Head of Service. The Head of Service decision will be final with no further recourse.
- 5.4 As part of the consideration of an employee's suitability to work from home, the Service Manager will undertake a Homeworking Risk Assessment with the employee. To be successful, an employee working from home needs attributes to cope with working on their own and the following should be considered as part of the employee's request.

Is the employee:

- Comfortable spending long periods working on their own;
 - Self-disciplined and self-motivated
 - Confident working without direct supervision;
 - Able to separate work from home life
- 5.5 Both homeworking and hybrid workstyles require the employee to attend the workplace as required. This means that an employee could be required to attend the workplace at short notice, out with any planned arrangement to be in the workplace as part of a hybrid working arrangement or out with any planned arrangement to attend the workplace once a month as part of a regular homeworking arrangement.
- 5.6 The employee's ability to attend the workplace as required and potentially at short notice could be impacted by the distance or travel time between an employee's home and the workplace (the commutable distance). The nature of the role will determine

the acceptable commutable distance within the UK for the postholder. For example, the acceptable commutable distance for an employee who may be required to attend the workplace to respond to an incident or emergency relating to health and safety will be different from the acceptable commutable distance for an employee who may be required to attend the workplace the next day or with 24 hours' notice. Therefore, the commutable distance will be a factor in determining individual suitability for homeworking or hybrid working arrangements. This means that individual suitability for homeworking or hybrid working would need to be re-assessed if the employee was to move house.

- 5.7 Where it is agreed in principle that the employee may work from home, arrangements for doing so must be agreed with the employee's line manager in advance of any period of homeworking.
- 5.8 There will be separate tax implications where it is agreed that an employee can work from a home address that is outside Scotland. Work from a home address outside of the UK will not be agreed as part of the Supporting Flexible Working Pilot.

6. FLEXI-TIME SCHEME

General

- 6.1 While ensuring that any flexible working arrangements have service need and customer demand at the core, the flexi-time scheme provides employees in suitable posts flexibility in their working day and working week, and the opportunity to arrange their working time to suit their personal circumstances and in particular manage caring responsibilities.
- 6.2 In support of the workstyle categories of the Supporting Flexible Working pilot, the flexi-time scheme has been reinstated for all employees previously participating in the scheme and has been amended to increase the flexibility available. Key aspects of the flexi-time scheme are detailed below.

Working Patterns

- 6.3 The council operates normal office opening hours from 8.30am to 5pm, Monday to Thursday and 8.30am – 4pm on a Friday. Where appropriate, the flexi-time scheme will allow employees to complete their working hours within extended flexi bandwidths between 7am and 6pm.
- 6.4 Work out with the bandwidths of 7am – 6pm is discouraged in support of employee wellbeing and individual right to a personal life which is not impinged upon by work pressures. Therefore, unless urgent, staff should avoid sending emails or contacting other staff out with these bandwidths. Staff will not be expected to respond to emails or telephone calls out with their normal working hours.
- 6.5 In accordance with the needs of council business and peaks in customer demand, the council operates corporate core hours of 10am – 12noon and 2pm – 4pm Monday to Thursday and 10am – 12 noon and 2pm – 3.30pm on a Friday. In general, employees will be required to be at work during corporate core hours, however where local variations can be managed without impact on service delivery, Service Managers have scope to agree individual variations to core hours on an intermittent or regular basis.
- 6.6 Individual variation to core hours by agreement will allow employees, for example, to clock out during core hours to attend an appointment and later return to the workplace

or to agree an early finish within normal core hours. While taking account of personal circumstances and preferences, Service Managers must ensure that work is carried out at a time when there is a corresponding service need and to ensure appropriate levels of cover are in place to maintain service delivery.

- 6.7 Employees participating in the flexi-time scheme will be required to record their hours of work by clocking in and out using a council PC or other mobile device. To support flexible working arrangements, there is no limit to the number of times an employee can clock in and out. However, it will remain the case that appropriate levels of cover must be in place to maintain service delivery.
- 6.8 Absences from the workplace, however short, must be agreed in line with local communication and approval arrangements. All absences from the workplace should be accounted for and will require employees to clock in/out.
- 6.9 While working flexibly across their day and week as agreed with their line manager, employees will be encouraged to complete but not exceed their weekly contracted working hours. Work in excess of contracted weekly hours should only be conducted in line with the needs of the business and peaks in customer demand. Managers will monitor flexi balances and discourage regular working of excess hours.
- 6.10 Where loss of flexi credit becomes a regular feature, the line manager will consider what adjustments need to be made to manage workload going forward. The following questions should be considered:
- Does the employee need support in prioritising workload?
 - Do the working hours appropriately reflect service need and peaks in customer demand?
 - Is an adjustment required in resource allocation?

7. FLEXI-TIME AND SPECIAL LEAVE

- 7.1 Where flexi-time arrangements are in operation, the requirement for special leave to accommodate hospital, doctor and other medical appointments will be limited. Employees should make every effort to arrange such unavoidable appointments out with their normal working day or out with core hours.
- 7.2 The ability to clock in and out multiple times and to vary core hours on an individual basis will support employees to attend unavoidable appointments during the normal working day with as little disruption as possible. Time off to attend unavoidable appointment will be provided as necessary in line with the guidance on the [Application of Special Leave and Flexi-Time](#).

8. ROLES & RESPONSIBILITIES

- 8.1 Employees are expected to:
- make use of the provisions of the pilot fairly and reasonably; and
 - be prepared to agree solutions and working arrangements that take account not only of their own needs, but also of the needs of colleagues and the service.
- 8.2 Line Managers will:
- ensure fairness and consistency in the application of the pilot provisions; and

- promote the use of flexible working to support the council's commitment to ensuring the health and wellbeing of all employees.

8.3 Service Managers are responsible for :

- agreeing individual variations to core hours on an intermittent or regular basis;
- the practical management of hybrid working arrangements in their service area;
- considering employee suitability for home working in accordance with the Homeworking Assessment Guidance for Managers.

8.4 Heads of Service are responsible for:

- the review of workstyle categories and the posts associated with those categories at least annually;
- the management and administration of flexible working arrangements at service level and will introduce appropriate monitoring arrangements; and
- dealing with any misconduct relating to the operation of flexible working arrangements. Any misconduct in the operation of flexible working arrangements may result in disciplinary action and/or withdrawal of flexible working arrangements.

9. REVIEW

9.1 This pilot will be implemented for 12 months, monitored throughout the period of the pilot and reviewed on conclusion in consultation with the recognised Trade Unions.

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