

DATA LABEL: OFFICIAL



# **SUPPORTING FLEXIBLE WORKING POLICY**

Human Resources  
6 February 2024

## DOCUMENT CONTROL

### Policy

<b>Title:</b>	Supporting Flexible Working Policy
<b>Owner:</b>	Human Resources

### History

Version	Revision Date	Summary of Changes	Future Review Date
1.0		New policy implemented following Flexible Working Pilot	February 2029

### Committee Approval

Version	Committee	Committee Date
1.0	Council Executive	6 February 2024

## 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 Policy seeks to support the council's People Strategy outcome to be an employer of choice.
- 1.2 Through effective flexible working, the council aims to:
- Create an empowered and effective workforce;
  - Achieve a positive and supportive culture;
  - Deliver services when and where required to meet customer needs;
  - Enable employees to achieve a better work life balance by allowing flexibility where possible;
  - Focus on employee health and wellbeing; and
  - Protect an employee's right to a personal life.
- 1.3 This document should be read in conjunction with the following supplementary documents:
- [Homeworking Guidance for Employees](#); and
  - [Home and Hybrid Working Guidance for Managers](#)

## 2. PRINCIPLES

- 2.1 The council recognises the benefits of flexible working and will accommodate flexible working arrangements wherever possible and as service requirements can reasonably support it.
- 2.2 Flexible working can take a number of forms and not all forms of flexible working will be suitable to all types of posts. Service provision must remain the priority consideration and flexible working arrangements must at all times operate in accordance with and subject to service requirements.
- 2.3 No employee has an automatic entitlement to a particular working arrangement or the workstyle category assigned to their post. Individual circumstances will be considered to decide the post holder's suitability.
- 2.4 In addition to the flexible provisions provided by this policy, employees continue to have a statutory right to request flexible working. Employees will not be treated less favourably as a result of working flexibly, or having made a request to do so.
- 2.5 While this policy covers flexible workstyles and the flexi-time scheme, other forms of flexible working can be requested through the [Flexible Working Request Process](#).

## 3. LEGAL FRAMEWORK

- 3.1 The Supporting Flexible Working policy has been prepared in line with current employment legislation including the Right to Request Flexible Working as outlined in the Flexible Working Regulations 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 In order to support flexible working while ensuring service arrangements meet customer demand, each council 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 are 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 normally be required to 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, it is recognised that 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 and suitable cover in the workplace.

##### **Hybrid Working**

4.6 Employees in posts categorised as suitable for Hybrid Working may be able to 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 normally be required to be in the workplace for a minimum of 40% of their normal weekly hours. Employees may be required to attend the workplace for more than 40% of their normal working hours, depending on the needs of the service. A slightly different hybrid model, determined by business need, may be introduced where it is more effective due to the nature of the work, for example a week-long rotation.

4.8 The minimum requirement to be in the workplace will be calculated on a pro-rata basis for employees working compressed or part-time working hours based on the number of days they are at work. A common-sense approach should be taken, without the

need to calculate the pro-rata requirement to be in the workplace down to hours and minutes.

- 4.9 Homeworking days must be agreed with the line manager. In order to meet Service needs and peaks in customer demand, homeworking days may be changed. In some cases, due to the nature of the work, a set pattern of office and homeworking days may be necessary. However, opportunities to enable flexibility will be maximised where possible.
- 4.10 An employee in this category will not be required to work from home and there may be situations where employees do not have suitable home circumstances to do so. Equally, an employee in this category does not have a right to work from home and must attend the workplace when required to do so.
- 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.
- 4.12 Further guidance on hybrid working arrangements and ensuring opportunities for in person team collaboration is contained in the [Home and Hybrid Working Guidance for Managers](#).

#### **Hybrid Working and Line Management**

- 4.13 Employees with line management responsibility for 3 or more direct reports who are categorised as hybrid workers, should be present in the workplace for a higher proportion of their contracted hours of work to provide leadership, contact and support to members of their team when they are present at the workplace.
- 4.14 Employees in such roles may, as appropriate, work from home for up to two days per week, based on a 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. A common-sense approach should be taken, avoiding the calculation of pro-rata requirement down to hours and minutes.
- 4.15 An employee in this category will not be required to work from home and may not have suitable home 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 in support of service delivery and leadership.

#### **Homeworking**

- 4.16 Employees in posts categorised as suitable for homeworking may work the majority of their contracted hours at home, with less frequent attendance in the office than hybrid workers. They will **not be required** to work from home but may take the opportunity to work from home.
- 4.17 A suitable council location will be identified as the employee's contractual base, where the employee will be required to attend for team meetings, collaborative work or other necessary face to face contact as required. In support of effective team collaboration, homeworkers will be required to attend the workplace a minimum of once per month but attendance on additional days may be required in line with service needs.

- 4.18 Homeworking arrangements for all hours worked or as part of another workstyle will remain at the discretion of the Service Manager and therefore may be withdrawn or amended at any time.

### **Mobile Working**

- 4.19 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.
- 4.20 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 for Employees](#).
- 5.2 Even where their post is categorised as suitable for homeworking for all hours worked or as part of another workstyle, 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 [Home and Hybrid Working Guidance for Managers](#). Individual suitability for hybrid or homeworking will be subject to review where appropriate in support of employee wellbeing, changes to personal circumstances or employee performance.
- 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, and it is recognised that flexible working can support performance. 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 appeal possible.
- 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 must demonstrate the ability to effectively manage working on their own and the following will be considered as part of the employee's request.

Whether the employee demonstrates that they are:

- 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 as part of a regular homeworking arrangement.

- 5.6 It is recognised that an 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 normally be agreed.

## **6. FLEXI-TIME SCHEME**

- 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 a number of applicable posts with 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 The relevant Depute Chief Executive will determine the posts where participation in the flexi-time scheme is possible and may modify or suspend the operation of the scheme in consultation with the Head of Service if necessary to maintain service levels.
- 6.3 The Depute Chief Executive has discretion to vary the scheme where, in exceptional circumstances, the interests of services and/or staff would be put at risk. Such discretion would only be exercised during the limited period of the exceptional circumstances and in consultation with the appropriate recognised trade unions.
- 6.4 The Depute Chief Executive, in consultation with the appropriate trade unions, may terminate operation of the scheme in a service with 3 months' notice.
- 6.5 Misconduct relating to the operation of the flexi-time scheme will be investigated in line with the council's Disciplinary Policy and may result in the employee's removal from participation in the scheme. Serious abuse of the flexi-time scheme may be treated as gross misconduct.

### **General**

- 6.6 Employees are expected to complete their contracted weekly hours every week, with the exception of weeks that include pre-booked and approved annual and/or flexi

leave. Employees are encouraged not to work extended days but to shift and flex working days as necessary and in line with business need.

- 6.7 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 ensure appropriate levels of cover are in place to maintain service delivery.
- 6.8 The standard working week is 36 hours per week.
- 6.9 The standard working day is 7 hours 12 minutes.
- 6.10 The council operates normal office opening hours from 8.30am to 5pm, Monday to Thursday, and 8.30am – 4pm on a Friday.

### **Flexi Bandwidth**

- 6.11 The flexi-time scheme allows employees where appropriate and in line with business need to complete their working hours between 7am and 7pm. The extended bandwidth will enable employees to shift and flex working days as necessary and in line with business need. Regular working of extended days at both ends of the bandwidth is discouraged.
- 6.12 Work out with the flexi bandwidth is discouraged in support of employee wellbeing and individual right to a personal life that 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.

### **Flexible Lunch Break**

- 6.13 Employees are required to take a lunch break of at least 30 minutes between the hours of 12 noon and 2pm.

### **Core Hours**

- 6.14 In accordance with the needs of council business and peaks in customer demand, the council operates corporate core hours of 10am – 12 noon and 2pm – 4pm Monday to Thursday and 10am – 12 noon and 2pm – 3.30pm on a Friday. Employees will normally be required to be working during corporate core hours.
- 6.15 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. 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.

### **Clocking**

- 6.16 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.



- 6.17 Absences from work, however short, must be agreed in line with local communication and approval arrangements. All absences should be accounted for and will require employees to clock in/out.

### **Flexi Credit/Debit**

- 6.18 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.
- 6.19 Hours worked over the contracted working hours will be recorded as flexi credit. A maximum of 15 hours flexi credit can be carried forward from one flexi period to the next. Hours in excess of 15 will normally be lost.
- 6.20 A maximum of 10 hours flexi debit can be carried forward from one flexi period to the next. Hours in excess of 10 will normally be regarded as unauthorised absence and will be unpaid.
- 6.21 Employees must clear any credit/debit hours before transferring to another service or leaving the council's employment.
- 6.22 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?
  - Does the service need to prioritise what it can deliver within existing staff resources?
  - Do the working hours appropriately reflect service need and peaks in customer demand?

### **Flexi Leave**

- 6.23 Flexi leave of up to 1.5 days (taken as full days or half days) can be requested per flexi period. Flexi leave will be granted subject to the requirements of the service and can be taken in conjunction with annual leave.

### **Overtime**

- 6.24 Overtime will normally only be paid for time worked out with the flexi bandwidth 7am – 7pm. However, the Depute Chief Executive has discretion to authorise the payment of overtime within the flexi bandwidth but out with normal office opening hours.

### **Part-time and Compressed Working**

- 6.25 Individual bandwidths and core times will be defined as appropriate by the service manager for employees working part-time.
- 6.26 The credit/debit and flexi leave limits should be calculated for part-time employees on a pro-rata basis.

- 6.27 Flexi leave for employees working part-time or compressed hours must be taken in hours and must not exceed the standard maximum (10 hours 48 minutes). It is acknowledged that in some circumstances, these arrangements will prevent an employee working part-time or compressed hours from taking a full day's flexi leave. In such circumstances the employee may choose to take annual leave in conjunction with flexi leave. This can be any combination of flexi-leave and annual leave hours.

## **7. 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 policy 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 policy 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 home/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 as appropriate;
- the management and administration of flexible working arrangements at service level and maintaining 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 procedure will be reviewed in consultation with the recognised trade unions and in line with current legislation as appropriate at least once every 5 years.

**Human Resources**  
**6 February 2024**