

FLEXIBLE WORKING POLICY

1. POLICY STATEMENT

As part of Aberdeenshire Council’s commitment to modernising employment and the delivery of high quality services, the Council will consider alternative working arrangements that provide more flexibility for employees, while maintaining/ improving the level of service provision.

The needs of the service are paramount and there will be many jobs where varying working arrangements is not possible. However, where specific conditions are met, variations to working arrangements may offer benefits to the employer and employee. Allowing employees to better balance home and work responsibilities is likely to lead to a more committed, motivated, and productive workforce with resultant positive effects on service delivery.

Other benefits of working flexibly for both employees and the organisation include:

For the employer	For the employee
<ul style="list-style-type: none"> • Enhanced recruitment, retention and productivity. • Proven increase in employee satisfaction and morale at work. • Stimulates the ‘change management culture’. • Helps support a learning culture. • Reduced sickness absence. • Work place property costs reduced. • Accommodation and parking space pressures eased. • More flexible service provision. • Increased access to jobs to a broader range of potential employees. 	<ul style="list-style-type: none"> • Reduced stress and improved quality of life. • Improved commitment to the organisation. • Feeling more valued and trusted. • Improved motivation. • A choice in how and when to use free time. • Potential reduction in travelling time and associated costs. • Greater choice about when and where you work. • Increased morale. • Ability to remain at work because a work/life balance has been achieved.

2. FLEXIBLE WORKING ARRANGEMENTS

Employees can request a change to the hours they work, the times when they are required to work as well as the location where they undertake their work (including requesting to work from home). Examples of flexible working arrangements include: part-time working, term-time working, flexi-time working, annualised hours, compressed hours and homeworking. Specific guidance on what these arrangements entail and the practical implications of introducing

them can be found in the booklet “A Guide to Flexible Working for Aberdeenshire Council Employees”.

3. SCOPE OF POLICY

All Chief Officials, Local Government Employees and Craft Workers can request a variation to working arrangements. Due to the nature of their work, flexible working does not apply to teaching staff, however, certain groups of employees covered by the national conditions of service for teachers can request flexible working; these are Educational Psychologists, Quality Improvement Officers and Education Support Officers.

Accordingly, this policy takes full account of Aberdeenshire Council’s commitment to equality of employment.

4. PRINCIPLES

The following principles are the basis on which any request for a variation to working arrangements will be considered:

- 1) Service provision cannot be compromised or detrimentally affected.
- 2) No employee has an automatic entitlement to a flexible working arrangement.
- 3) Requests to vary working arrangements will be considered on merit and no guarantee of any particular working arrangement can be made.
- 4) Only one flexible working request can be made in any 12 month period.
- 5) Any flexible working arrangement must be fair and equitable to all employees within the relevant work group. In some instances it will not be possible operationally for all employees in a work group to work ‘flexibly’, if the number of employees seeking flexible working exceeds that which is acceptable on service delivery grounds.
- 6) Where flexible working arrangements are agreed, there will be an initial trial period of up to 12 months. The arrangement will be reviewable during and at the end of this period and may be terminated, with appropriate notice, at any stage at the discretion of management if service provision difficulties arise or if the employee wishes. Management reserve the right to continue the temporary status of the flexible working arrangement beyond the initial trial period, for up to 18 months.

Requests to work part-time may be exempt from a trial period where there is a requirement to reallocate hours or recruit additional staff.

- 7) Approval for permanent status of any flexible working practice will be at the discretion of management taking into account the needs of the service and other objective issues.
- 8) Where a permanent flexible working arrangement has been approved, this will be reflected in the contract of employment. Once a flexible working arrangement has

been made contractual then the detail of that arrangement can only be varied by mutual agreement.

- 9) Mutual trust is the foundation of any flexible working arrangement and any abuse by an employee may result in investigation under the disciplinary procedure and/or the withdrawal of the flexible working arrangement.
- 10) Managers must ensure that requests to work flexibly are suitably considered and must consult with employees to find an arrangement that works.
- 11) Specific groups of employees have statutory rights to request flexible working (see Section 6).

5. REQUESTING A VARIATION TO WORKING ARRANGEMENTS

- (a) Employees interested in requesting a variation to working arrangements are encouraged to discuss this matter with their line manager and colleagues in the first instance. This may involve meeting as a group to consider how the proposed change in working arrangements will impact on the following:
 - the ability of the individual/team(s) to deliver the Service
 - how colleagues will cope with the change
 - whether they can continue to undertake all of their duties
 - any costs associated with the proposed changes.
- (b) If, following these discussions, employees wish to formally request flexible working, the standard Flexible Working Request Form should be completed and submitted to their line manager.
- (c) If the line manager is unsure of the feasibility of the proposed working arrangements, he/she will confirm receipt of the application and arrange to meet with the employee(s) within 28 days of the date of application, using the model letter contained in Appendix 1, "Confirmation Of Receipt Of Application For Flexible Working". The meeting will provide an opportunity to discuss any concerns or consider alternative working patterns.
- (d) It is anticipated that there will be a large number of requests for flexible working during the initial period following the implementation of this policy. Accordingly, the 28 day timescale will, where necessary, be extended during this period to allow the line manager appropriate time to consider all such requests. Those employees who have submitted such requests will be advised as to the extended timescale.
- (e) The line manager will provide their comments on the proposed flexible working arrangements by completing the appropriate section of the form and submitting it to the relevant Head of Service or senior manager, who will be responsible for either agreeing to or rejecting the request. Where the employee has a statutory right to request flexible working the Council has a statutory duty to consider the request sincerely and to refuse it only if there are clear business grounds for doing so.

- (f) The Head of Service or senior manager will write to the employees advising them of their decision within 14 days of receipt of the form.
- (g) If the application has been rejected, the line manager will advise the employee as to the grounds for rejection using the model letter contained in Appendix 2, "Application for Flexible Working Refused". The employee will have the opportunity to appeal, under the statutory procedure, against this decision and must exercise the right of appeal no later than 14 days from the decision being notified to them by completing the standard "Application for Flexible Working – Appeal Against Decision" form. The appeal will be heard by the Director of Personnel & ICT, or nominated senior officer.
- (h) The outcome of the appeal will be final.
- (i) Where a request for flexible working is made by a Head of Service, Area Manager or a Director, the responsibility for agreeing to or rejecting his/her request will rest with their direct line manager. Any appeals will be heard by an agreed third party.

6. STATUTORY ELIGIBILITY AND LEGAL OBLIGATIONS

The statutory right to request to work flexibly came into force in April 2003 and is supported by the Flexible Working (Procedural Requirements) Regulations 2002 and the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002.

Parents of children who aged 16 or under (or 18, in the case of a disabled child) have the right to request to work flexibly and employers must consider it.

Under the Work and Families Act 2006, employees who are caring for adult relatives may also make a request for flexible working as a statutory right.

Where an employee does not qualify to make a request to work flexibly under the statutory procedure, their request may be considered if it can be demonstrated that flexible working will offer benefits to both the service and the employee.

FLEXIBLE WORKING ARRANGEMENTS

GUIDANCE FOR MANAGERS

1. Introduction

Managers should consider the practicalities and benefits of introducing flexible working in their team and in particular any potential implications on service delivery.

When considering requests for flexible working, it is important to remember that employees do not have an automatic entitlement to flexible working and any such arrangements will only be introduced where it will cause no detriment to customer focus or the needs of the service.

2. Factors to Consider

When considering the feasibility of flexible working arrangements, managers should:

- (a) Consult with employees within the team(s) and listen to their views, as they will often have the best ideas on improving services and different ways of working.
- (b) Identify those flexible working arrangements which may be able to operate within the team.
- (c) Ensure sufficient employees will be available to provide the service to the standards required. Consider the impact on:
 - **ALL** employees in the team, including any changes to their terms and conditions of employment
 - Other teams, sections, services and community partners
 - Customers
- (d) Although inputs (e.g. number of hours worked) are important, focus on outputs (e.g. performance outcomes, objectives, targets) as these are key to providing best value services.
- (e) Remember that this includes motivation of employees and teams, which can increase productivity and overall employee flexibility.
- (f) Any change to an employee's working hours is a contractual change and therefore they must not only consider current service demands but also planned or projected service demands in the future.
- (g) Keep local trade union representatives informed/ involved throughout the process if there are broader contractual implications for the team.

3. Manager's Checklist

A basic checklist is attached in Appendix 3 to assist managers when considering implementing flexible working.

4. Trial Periods

The introduction of a flexible working arrangement should be subject to a trial period. This will demonstrate what the effects of the new working arrangements would be on the employee(s), team, workload and service delivery.

The length of the trial period will depend on the circumstances but will not normally exceed 12 months. The arrangement will be reviewable during and at the end of the trial period and may be terminated, with appropriate notice, at any stage at the discretion of management if service provision difficulties arise. If necessary, the trial period can be extended beyond the initial period, for up to 18 months.

The arrangements for the trial period should be confirmed in writing. See the Manager's Checklist for further guidance.

During the trial period, the employee's contract will remain unchanged.

5. Making The Flexible Working Arrangement Permanent

If, at the end of the trial period, it is agreed that the flexible working arrangement be implemented on a permanent basis, this will be reflected in the employee's contract of employment. The employee will have no right to revert back to the working pattern that he/she previously worked, unless otherwise agreed.

6. Implementation

If flexible working arrangements are to be introduced, the manager should:

- (a) Ensure that employees are provided with written confirmation outlining the details of the flexible working arrangements. Effects on holiday and sickness calculations, etc. should also be documented.
- (b) Provide details of the trial period to employees, including the duration and how it will be reviewed.
- (c) Hold regular meetings with teams and, or, individuals to set work objectives and review progress on how flexible working is operating.

Appendix 1

CONFIRMATION OF RECEIPT OF APPLICATION FOR FLEXIBLE WORKING

(To be completed by Line Manager)

Dear

APPLICATION FOR FLEXIBLE WORKING

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

I would like to discuss this application with you and have arranged a meeting to do this on (date, time, location). You have the right to be accompanied by a work colleague or trade union representative at this meeting if you wish. Please contact me on (contact details) to confirm if you are able to attend at this time or if you require any further information.

Yours sincerely

Line Manager

Appendix 2

APPLICATION FOR FLEXIBLE WORKING REFUSED

(To be completed by Head of Service/Senior Manager)

Dear

APPLICATION FOR FLEXIBLE WORKING

Having had the opportunity to review your application for flexible working, I can confirm that your request to change your working pattern has been refused on the following grounds:

(Detail reason for refusal)

You have the right to appeal against this decision if you wish to the Director of Personnel and ICT within 14 calendar days of receipt of this letter. Should you wish to lodge an appeal, you should complete the standard "Application for Flexible Working - Appeal Against Decision" form, stating the grounds for the appeal; please refer to the Guidance for Flexible Working. You also have the right to be accompanied by your trade union or work colleague at any appeal.

Yours sincerely

Head of Service

Appendix 3

MANAGER'S CHECKLIST

When you are considering implementing flexible working arrangements or have received a request from an employee, you should give due consideration to the following:

A. Consult the employee and his/her colleagues and jointly conduct a comparative exercise between current and proposed working arrangements to consider its feasibility

B. Should the proposed working arrangements be implemented, what would the impact be on:

1. Delivery of the service
2. Colleagues' workload
3. Client/customer group
4. Employee's terms and conditions of employment (e.g. salary, annual leave/public holiday entitlement)

D. Should the proposed working arrangements be rejected, what would be the impact upon the employee(s)?

1. Reduced motivation/performance/productivity
2. Greater absenteeism
3. Resignation
4. Little or no impact

Each method of flexible working will have its own particular set of arrangements requiring consideration. The following identify some of the factors that need to be considered.

A. Communication

1. Reporting mechanisms
2. Adequate communication channels to ensure important information is disseminated to employees
3. How to ensure the employee does not become isolated

B. Working Relationship

1. Trust v Control
2. Monitoring of work

C. Supervision and General Management

1. Complexity of work. Is it appropriate for the type of flexible working arrangement?
2. Supervision arrangements
3. Cost of implementing

D. Health & Safety

1. Appropriate break times in accordance with the Working Time Regulations
2. Accident reporting

E. Resources

1. Resource issues arising from flexible working. What are implications for office accommodation, equipment, etc.?
2. What are ICT implications? Ensure that ICT Client Manager is made aware of proposals.
3. Any travel costs arising from flexible working arrangement.

Should it be agreed that an employee or group of employees will undertake a new working arrangement on a trial basis, the following should be confirmed in writing:

- (1) The new working arrangements
- (2) Outline mutual obligations of the Council and the employee
- (3) Details of trial period and review dates

Personnel to receive copies of all correspondence in relation to any new flexible working arrangement.

If, following a trial period, it is agreed that the flexible working arrangement is to be made permanent then it will be necessary to complete an EMIS Employee Form confirming the new working arrangements. This will be incorporated into the contract(s) of employment of the relevant employee(s).