

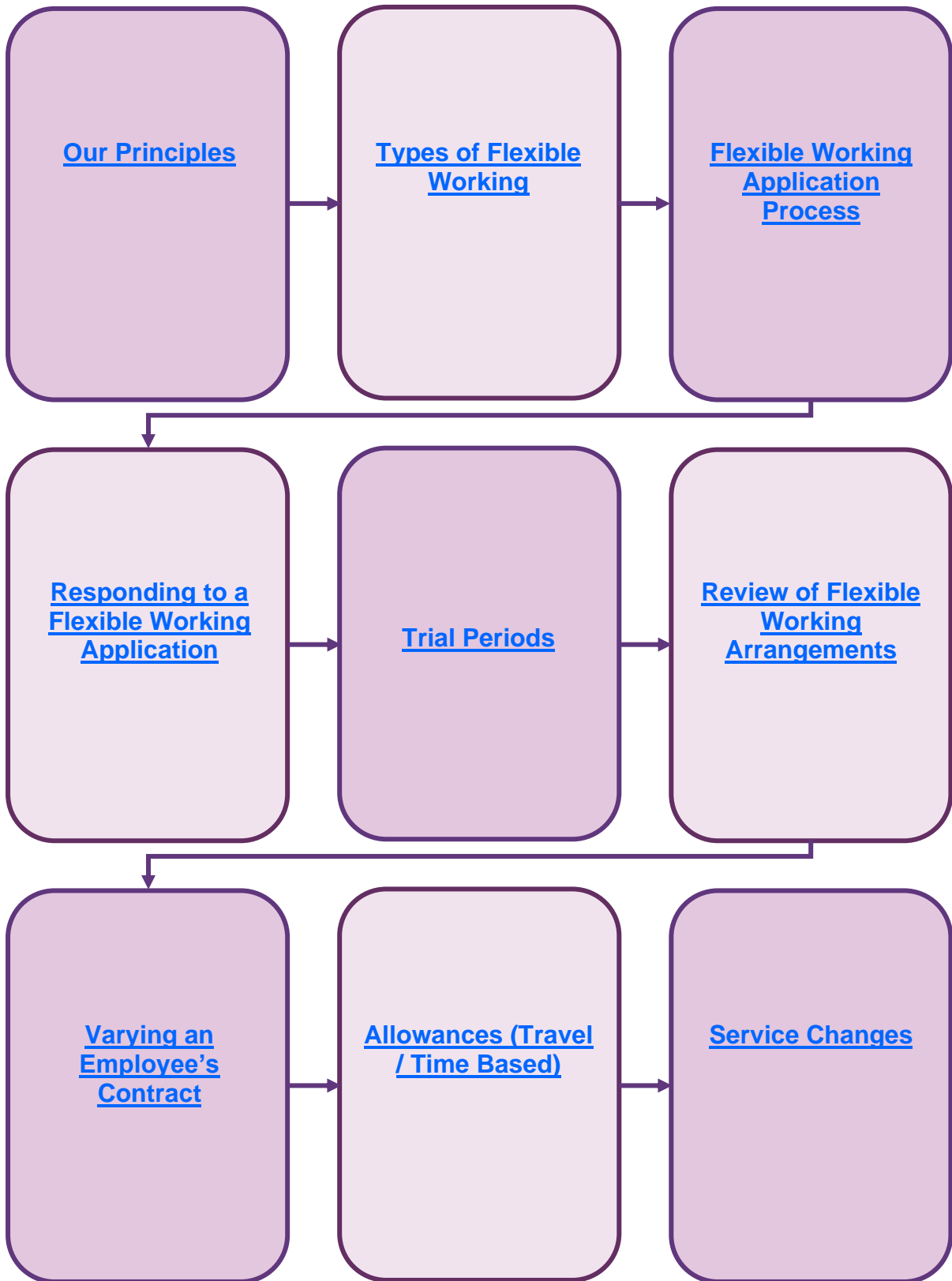


# **workSTYLE Flexible Working Procedure**

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Review Date: 26<sup>th</sup> February 2024

## Summary



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## Rationale

Flexible working forms a part of the Councils workSTYLE strategy.

Aberdeenshire Council recognises that a better work-life balance can improve employee motivation, performance and productivity which can also be of benefit to the organisation.

workSTYLE flexible working and working flexibly are options available to services and employees.

This procedure follows the statutory (legal) minimum procedure for flexible working requests.

## Our Principles:

We will:

- seek to find the balance between what suits our employees and the needs of the organisation both in terms of where and when work is done.
- continue to focus on our One Aberdeenshire Principles.
- seek to work and do business through digital platforms with virtual attendance as our default position.
- recognise that some business is not best served by virtual attendance e.g. sensitive work, collaborative opportunities, team and personal development. Where that is the case, we will strive to provide appropriate office provision so that face to face contact or physical meetings can be achieved.
- continue to invest in the digital resources necessary for a virtual working environment to continue to develop and flourish.
- equip and upskill our employees to work virtually.
- encourage our employees, when they are using physical workspaces, to do so as close to their home as possible
- agree with each employee a clear identification of their workstyle and places of work, relationships, and access to technology.
- guide and advise our managers to lead virtual teams.
- advocate nationally to remove unnecessary barriers to virtual working.

## Introduction

As an organisation we are changing all the time, constantly seeking ways to become more efficient, enabling us to provide an adaptable and flexible service to the communities we support. We need to ensure we have skilled and effective people working at the right time, in the right place on the right issues whilst creating an environment that supports work/life balance, providing flexibility in the way employees work.

The organisation recognises flexible working can benefit both the organisation and the employee by contributing to increased employee motivation, performance, and productivity whilst providing the employee with a better work-life balance, reducing 'lost time' commuting and supporting wellbeing and focus.

The organisation will, where possible, support employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests by agreeing to any flexible working arrangements, provided that the needs and objectives of the organisation are met.

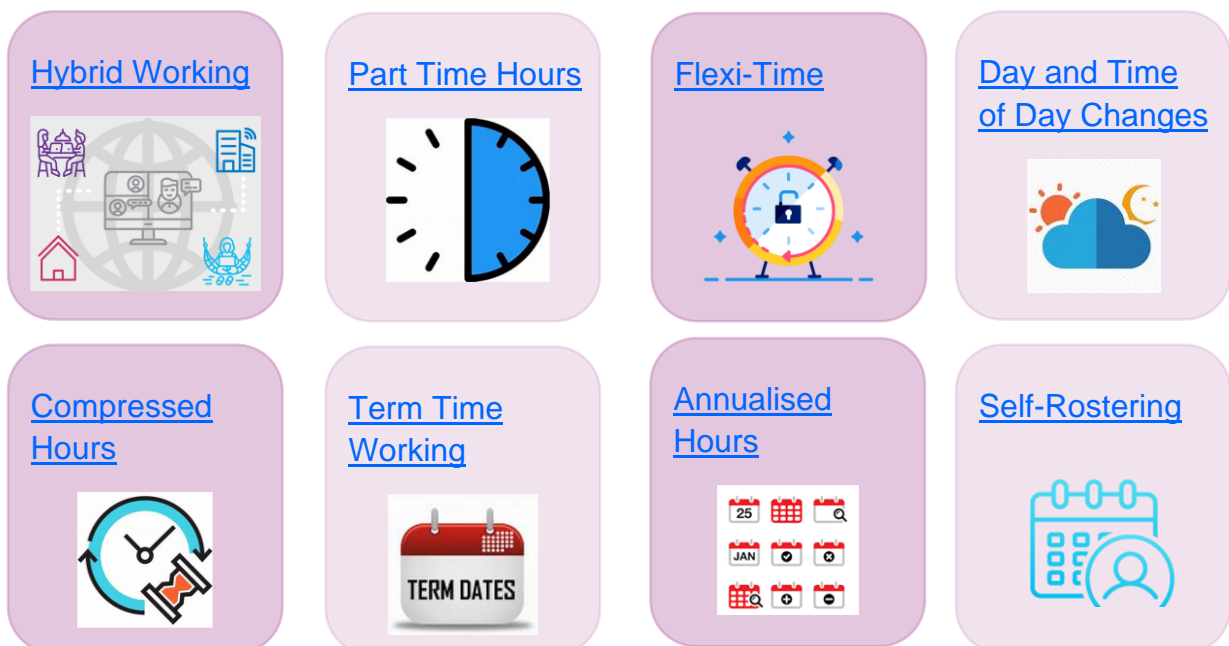
### Flexible Working VS Working Flexibly

Flexible working denotes a statutory process, whereby a set number of requests can be made, requests must be specific – i.e. individuals must detail how they will work.

Flexible working is not the same as employees being able to 'work flexibly'.

Working Flexibly is a short-term change and does not require any formal application process. For example, working from another location which differs from your contractual base, having flexibility with your start and finish times (this should not be confused with a flexible working request). Please note, this still requires management agreement and can be subject to change.

### Flexible working examples:



## Legislation

The Employment Relations (Flexible Working) Act 2023 does not create an automatic right to work flexibly. The right remains one of being able to request to work flexibly.

### Key points of the legislation:

Employees can make two flexible working requests in any 12-month period rather than the current limit of one request per year.

Employers are obliged to respond to flexible working requests within two months which should also include the appeal stage if applicable. Should an employer reject a request, they must explain the reasons behind their decision.

When considering whether working flexibly could apply to a role there are three main components to take into account:

- Where the work can be undertaken e.g. home / office base, split, one site or office, working across a variety of office locations or mobile working from a variety of locations.
- When can the work be undertaken e.g. Flexible start or finish times, Annualised flexibility (such as term time only), Compressed hours (a full working week in fewer, longer days)
- How can the work be done e.g. part-time, job share.

## Flexible Working Application Process

The organisation encourages open discussion between employees and their line manager.

An employee who thinks they may benefit from flexible working is encouraged to consider the different types of flexible working options then contact their line manager to arrange an informal discussion.

A Formal statutory request can be made by submitting the following online [Flexible Working Request Form](#). Please follow the [Formal Flexible Working Request Process](#).

## Responding to a Flexible Working Application

To ensure legal requirements are met there is a guide which Managers must adhere to [Responding to a Flexible Working Request](#).

Applications may only be **refused** on the following grounds:

- Detrimental effect on the ability to meet the customer demand
- Detrimental impact on performance
- Detrimental impact on quality
- Burden of additional costs
- Inability to re-organise work among existing employees
- Inability to recruit additional employees
- Insufficiency of work during the period the employee proposes to work
- Planned structural changes (e.g. – where a review is about to commence)

When considering working hours, working time legislation must also be adhered too – [Working Time Procedure](#).

Should the application be refused, the employee can appeal the decision through – [Appeals Process](#).

In the case of an employee with a disability, flexible working may constitute a 'reasonable adjustment'. What is "reasonable" will depend on each situation. Advice on adjustments that may assist employees with a disability may be sought from HR, Occupational Health and/or a Disability Employment Advisor ([Department of Work and Pensions](#)).



## Trial Periods

Flexible working arrangements may be subject to a trial period to ensure that the arrangement has no negative effects in the employee, the team or the service provision.

**The length of the trial period will depend on the circumstances but will not normally exceed six months.**

Where a trial period has been arranged the Line Manager will issue a letter to the employee detailing their new working pattern, that this is a temporary arrangement as well as the start and end dates of the trial period (although the trial period may need to be amended or terminated).

Reviews of the flexible working arrangement will take place during and at the end of the trial period. Amendments may be made to the arrangement during the trial period, either:

- If the employee requests a change and the manager agrees OR
- If the manager determines that a change is necessary due to negative effects on the employee, team or service provision.

If, at the end of the trial period, it is agreed that the flexible working arrangement should continue, then the details will be confirmed to the employee in writing.

The trial period may be terminated by the employee at any stage and for any reason. The organisation will reserve the right to require the employee to revert to their previous working arrangement, should there be negative effects on the employee, the team or service provision during the trial period or at the end of the agreed trial period. **One month's notice should normally be given by either party.**

If during or at the end of the trial period the flexible working request is refused, then the employee may appeal as above. Withdrawal of the arrangement being trialed, or amendment to an arrangement that the employee does not wish to accept, will both be considered refusals of the employee's original request. **Appeals must be lodged within 14 days of the amendment / withdrawal.**

## Review of Flexible Working Arrangements

Flexible working arrangements will be granted subject to annual review (except for changes to hours), however changes will only be made for the 'reasons for refusal' shown above.

Should it be considered necessary to amend or withdraw a flexible working arrangement, for instance if duties or if service provision requirements change such that the arrangement is no longer suitable, or if monitoring and evaluation shows that the expected benefits are not realised, the situation will be discussed fully with the employee. One month's notice will generally be given of any change/withdrawal. The employee may appeal as above.

Poor work performance may result in action being taken under the Council's Work Performance Ability procedure and may result in the amendment or withdrawal of the agreement.

Any suspected abuse of a flexible working arrangement may result in action under the Council's Disciplinary Procedure and may lead to the amendment or withdrawal of the arrangement.

In both these circumstances there is no entitlement to a flexible working appeal.

An employee who wishes to amend or withdraw from his/her flexible working arrangement should make a further application to change his/her working arrangement. There is no automatic right to revert to a previous arrangement.

## Varying an Employee's Contract

A contract variation will only be issued if there is a reduction in the number of contracted hours worked, when the contracted hours change to an annualised hour working pattern or for any contractual base / location changes. Bodet will also be altered as required.

If the employee has any questions or concerns about the new contract of employment, they should contact their line manager or [askHR](#) to discuss the matter further.

## Allowances

### Time Based Allowances

An employee may have a request granted under this policy (or take up an offer from management) to change to working in a period or pattern for which an enhancement that she/he does not currently receive (e.g., night work and weekend work) is usually paid under the terms and conditions applying to his/her employee group. Such enhancements will not be paid as a result of changes made under this policy.

For instance, an employee who currently works Monday to Friday only and has a request to work Saturday mornings instead of Tuesday afternoons approved will not become entitled to a weekend work pay enhancement.

Flexible working offers employees many benefits but does not give the opportunity to increase salary. Only where a requirement (e.g., to work at weekends) is set by management will any time-based enhancements be paid.

### Travel

Mileage allowance will be paid in accordance with the [Travel and Subsistence Procedure](#).

## Service changes

For service changes, Managers should consider whether flexible working could provide benefits to the Service such as:

- Recruitment and retention of employees
- Environmental impact
- Cost savings e.g., property or travel
- Reduced sickness absence
- Improved efficiency

## Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Contributors	Next Review Year
001	07/03/2024	workSTYLE – New Format	HR Operational	M Work, S Rennie, M Chapman	
002					

**Appendix One – The Resource Pack**

**Resource Pack**

- [Hybrid Hours](#)
- [Part Time Hours](#)
- [Flexi-Time](#)
- [Day and Time of Day Changes](#)
- [Compressed Hours](#)
- [Term Time Working](#)
- [Annualised Hours](#)
- [Self-Rostering](#)

**Employee Procedures** →

- [Working Time Procedure](#)
- [Travel & Subsistence Procedure](#)

**Contacts and Useful Websites** →

- [AskHR](#)
- [Department for Work & Pensions](#)

**Flexible Working Request Process** →

- [Flexible Working Request Process](#)
- [Flexible Working Request Form](#)

**Responding to a Flexible Working Request** →

- [Responding to a Flexible Working Request](#)
- [Appeals Process](#)

**Template Letters** →

- [Approved](#)
- [Refused](#)
- [Acknowledgement and Invite to Meet](#)
- [Alternative Proposal](#)
- [Trial Approved](#)
- [Unable to Approve as Action Required](#)