

HR & OD POLICIES

human resources and organisational development



Flexible Working Procedure

1. 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 contribute to a better work-life balance, improve employee motivation, performance, and productivity, and reduce stress. 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.

The organisation encourages open discussion between employees and their line manager; an employee who thinks they may benefit from flexible working is encouraged to contact **their line manager** to arrange an informal discussion to discuss individual flexible working arrangements in the first instance.

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

- cost savings e.g., property or travel
- improved efficiency
- recruitment, retention, or customer service
- reduced sickness absence
- environmental impact.

Where benefits are identified, Managers should discuss the proposals with their team and allocated HR Advisor (if required). Affected employees should be consulted, and flexible working promoted.

2. WHAT IS FLEXIBLE WORKING?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The Aberdeenshire Flexible Working procedure offers employees and managers an opportunity to review working patterns.

Different roles may present different flexible working opportunities. The different types of arrangements include:

- [Annualised hours](#)
- [Compressed hours](#)
- [Day and time of day changes](#)
- [Flexitime](#)
- [Part time working](#)
- [Self-rostering](#)
- [Term time working](#)

Employees are encouraged to consider the different types of flexible working before making a flexible working request.

3. ELIGIBILITY

The statutory right to request flexible working covers all employees as long as they have 26 weeks continuous service and have not made a flexible working request in the last 12 months. All employees can make a non-statutory flexible working request.

Aberdeenshire Council has taken the view to extend this provision; all employees in all areas, and at any level, are entitled to submit one request for flexible working in a 12-month period regardless of their length of service.

An employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010, right to request reasonable adjustments.

Recruitment candidates may also request to work flexibly.

4. FLEXIBLE WORKING APPLICATION PROCESS

As indicated earlier in the procedure, employees are encouraged to discuss and request flexible working informally with their manager in the first instance. This does not require an application to be submitted.

Should the informal request be refused, or should the employee prefer, a formal request can be made by completing and submitting an application form.

The flexible working application form can be found in the resource pack of this procedure and should be sent directly to the line manager for consideration.

As highlighted earlier, an eligible employee is entitled to submit one flexible working request in a 12-month period, however, an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010, right to request reasonable adjustments.

If the request is in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

If an application does not contain all the required information the line manager will explain to the employee what additional or amended information the employee needs to provide and ask the employee to resubmit the request.

Legally, all flexible working requests, including appeals, must be considered, and decided on within a period of three months from the first receipt, unless agreed with the employee to extend this period. The timeframe begins as soon as a fully completed application is received by the line manager.

Failure to provide a fully completed application will lead to a delay in considering the request

5. RESPONDING TO A FLEXIBLE WORKING REQUEST

Line management will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to the employee and to the organisation in implementing the proposed changes.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Following consideration, the request may be granted in full, in part or refused. The service may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

If the request is agreed, a letter be issued to the employee within **28 calendar days**, confirming the details of the arrangement. If the service has an alternative view they will arrange a meeting with the employee to discuss the request. Alternative views can include a proposal to modify the request / grant the request on a temporary basis / decide a trial period is necessary / refuse the request,

If a meeting is arranged, it will be held within **28 days** of the organisation receiving the request. This time limit may be extended with the agreement of both the employee and line manager. The employee may be accompanied by a Trade Union Representative or another employee.

The line manager will write to the employee within **14 days** of any meeting advising of the outcome of the meeting i.e. if the request has been accepted or refused, confirming the details of the arrangement, or providing the reason(s) for refusal.

The employee should contact line management within 14 days if they wish to discuss the new arrangements further or have any concerns.

Should an employee's request be rejected, the employee may appeal, in writing, to his/her Head of Service, within 14 calendar days of being advised of the rejection.

If employee fails to attend the meeting and a rearranged meeting without good reason, the request will be considered withdrawn. In these circumstances the manager must write to the employee to confirm this.

6. REASONS FOR REFUSING A FLEXIBLE WORKING REQUEST

Requests may only be refused on the following grounds:

- Detrimental effect on the ability to meet 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)

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).

7. APPEALS PROCESS

A hearing will be convened within 14 calendar days of the appeal being received, and a decision (and the reasons for it) given in writing within 7 calendar days of the date of the hearing. This decision is final and there is no further right of appeal. The employee may be accompanied by a work colleague or Trade Union representative at the hearing, which will be chaired by the Head of Service or his/her nominated Representative.

Where a flexible working request is made by a Head of Service, Area Manager or Director, the responsibility for agreeing to or rejecting the request will rest with his/her direct line manager. Any appeal will be heard by an agreed third party.

If a hearing is arranged to discuss the application and the employee fails to attend both this and a rearranged hearing without good reason, the request will be considered withdrawn, and the employee will be informed of this in writing.

8. TRIAL PERIODS

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

9. 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.

10. VARYING AN EMPLOYEE'S CONTRACT

A contract variation will only be issued if there is a reduction in the number of contracted hours worked or when the contracted hours change to an Annualised hour working pattern.

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.

11. 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.

12. TRAVEL

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

Index of Documents

Flexible Working Procedure

Revision Date	Previous Revision Date	Summary of Changes
17-05-2021	22-04-2010	<ul style="list-style-type: none"> • Procedure name change – Worksmart Guidance to Flexible Working Procedure • Links updated • Removed - References to location changes • Added - Paper application • Added - Procedure also applies to recruitment candidates • Rewording re. reasonable adjustments • Added - Statutory requirement but Aberdeenshire Council extend the provision to all • Removed - Information re. working patterns in Guidance document • Revised Guidance document which includes factors for consideration for Managers and employees • Removed - Telephone/Broadband Costs/Utility costs
22-04-2010		Creation of Documents
18-03-2014	22-04-2010	Links Amended
04-04-2014	18-03-2014	Updated documents to reflect changes in the T&Cs for LG and Craft Employees
30-06-2014	04-04-2014	New Legislation
31-08-2015	30-06-2014	Format Update