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Municipal Buildings

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FLEXIBLE WORKING POLICY

**INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER**

**THIS POLICY BOOKLET IS AVAILABLE ON REQUEST,**

**IN LARGE PRINT, BRAILLE,ON AUDIOTAPE, OR CD.**

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# **INTRODUCTION**

* 1. Inverclyde Council recognises the mutual benefits of having a flexible, effective workforce to deliver the best services to our community, whilst enabling employees to balance their personal, home and work responsibilities more effectively, with a view to achieving greater job satisfaction, motivation, morale and productivity. There are also other benefits in regard to more efficient use of physical resources such as office space and ICT equipment, thus heightening our reputation as an employer of choice.
	2. This policy outlines the range of flexible working options that can be requested at Inverclyde Council and how these requests will be considered, taking into account the demands of the service, customer needs, job role requirements and limitations.

# **LEGISLATION**

2.1 Under the Employment Rights Act 1996 and Flexible Working Regulations 2014, all employees have a statutory right to request flexible working; regardless of whether they are a parent/s and carer/s.

2.2 The Equality Act 2010 legally protects people from discrimination in the workplace and employees with protected characteristics including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race or ethnicity, religion or belief, sex or sexual orientation will be supported in accessing this policy.

# **SCOPE AND ELIGIBILITY**

## 3.1 This policy applies to all employees of Inverclyde Council regardless of length of service. Employees may submit two requests in a 12-month period. Additional or earlier requests may be considered in exceptional circumstances. Applications can be made by an individual or a group of employees. Note that for Teaching employees, only part-time working and job share requests can be fully considered due to the nature of the profession and delivery of education services.

## **PRINCIPLES**

4.1 The Council is keen to support as many employee led requests as possible and managers will fully consider all requests made. Where a request cannot be accommodated, the reasons will be explained and will normally be in line with the reasons outlined in Section 10 of this Policy.

4.2 When a service management led move leads to a different way of working, the objective will be to seek the agreement from all affected employees, and only as a last resort would any change be imposed with due consultation and notice periods and full consideration of the circumstances.

## **RESPONSIBILITIES**

* 1. The ***line manager*** is responsible for:
* fostering a culture of trust in working relationships;
* considering flexible working requests fully, fairly, and objectively, seeking to accommodate employees wherever possible. This of course is subject to service provision requirements and implications for customers, team and co-workers;
* consideration of any health and safety requirements;
* giving consideration to alternative options which may provide some level of flexibility requested by the employee in cases where the original flexible working request cannot be justifiably supported;
* seeking approval from their senior management in relation to their decision to support or deny a request;
* discuss with the employee(s) their request within 28 days of receiving the application and provide a written response within 5 days. The written response should provide a clear and detailed explanation of the reasons for the decision, whether approving or denying the request;
* ensuring robust management arrangements are in place for employees who work flexibly ensuring inclusion in communications, business and team meetings as required;
* advising employees of any difficulties arising from their flexible working arrangements, so that these can be addressed.

5.2 The ***employee*** is responsible for:

* working with management to facilitate a culture of trust;
* outlining and discussing flexible working requests openly with their manager to reach mutual understanding and beneficial solutions;
* fully considering the implications of any flexible working request in relation to effective service provision and impact on their own and their team’s performance;
* actively engaging in team, individual and corporate communications, regular one to one support and supervision meetings, performance reviews, and attending regular team and business meetings as required;
* advising their manager of any difficulties arising from their ongoing approved flexible working arrangement, so that these can be addressed and remedied;
* making themselves aware of the terms of this policy recognising flexible working arrangements may require to be amended/ withdrawn subject to the needs of the Service and following full discussion and notice.

# **SERVICE IMPACT AND CONSIDERATIONS**

* 1. Employees and managers should consider the following before requesting or agreeing to a Flexible Working request:
* Customer/client impact;
* Finance/additional costs – normally there should be no additional costs;
* Statutory responsibilities, e.g., Legal requirements, staff to client ratios;
* Size of team, e.g., impact on others/workload if a working pattern is changed;
* Rotas, e.g. would negatively impact on well-established rotas at peak periods;
* Known problematic absence levels/holiday periods;
* Nature of work being undertaken;
* Management or support responsibilities, e.g. does employee support a client who requires services on a specific schedule/cover arrangements;
* The need for managers to be at a place of work to effectively manage;
* Attendance patterns of other employees in teams;
* Impact on the individual employee making the request, e.g. workload;
* Exigencies of the service;
* Practicality of working hours.

The above list is not exhaustive and is provided for illustrative purposes only.

# **TYPES OF FLEXIBLE WORKING**

7.1 Inverclyde Council offers a variety of flexible working options which are outlined below. It may be possible to combine options, or to have options which are not listed in this section considered. Please refer to the Council’s [Flexible Working Procedures](tba) for details on the application and procedural process on flexible working.

* Part-Time Working
* Job share
* Term-Time Working
* Compressed Hours
* Homeworker
* Hybrid Working
* Annualised Hours
* Shift/Rota Working
* Flexible Hours
* Flexible and Phased Retirement

## 7.2 Part-Time Working

##

Part time working is where an employee’s contracted weekly working hours are less than the contracted hours of a full-time employee, i.e., less than 37 hours per week. The salary, holiday entitlement and other conditions of service such as sick pay and maternity, paternity and adoption pay of employees who work part-time are calculated on a pro rata basis, according to the hours worked.

## 7.3 Job Share

Job share is where two employees share the responsibilities of one full-time post normally evenly. At the point of application, there does not need to be an identified job share partner, but if it is not possible to find a partner within a period considered reasonable by management, then the job share arrangement cannot go ahead.

Salary, holiday entitlement and other conditions of service such as sick pay and maternity/paternity/adoption pay of employees who work job share are calculated on a pro rata basis, according to the hours worked by each sharer. A job-sharer is differentiated from a part-time worker in that a job-sharer has a job-share partner and this is important when one part of the job-share post becomes vacant as the sharing partner has the right to be offered the remainder of the post or if unable to accept it, remain in their post until efforts to recruit a new job-sharer have been exhausted.

## 7.4 Term Time Working

Term time working is where an employee attends work during the school timetable and does not work during the school holidays. Term time working is most common to services that provide and operate primarily during the school term but is not restricted to these services (for example, an employee in a post not connected to school term but for whom term time working arrangements would suite their personal circumstances).

 The employee’s salary and holiday entitlement is pro-rata’d based on hours worked and weeks worked and is paid in equal amounts over 12 months. The term-time salary calculation can be found within the Conditions of Service [here](http://icon/GetAsset.aspx?id=fAAxADIANwA4ADIAfAB8AEYAYQBsAHMAZQB8AHwAMAB8AA2):

 It is essential to stress that in term-time working, except for the floating day, annual leave is allocated during the predetermined school holidays only and cannot be taken at any other time.

7.5 Compressed Hours

Compressed hours are where an employee works their contracted weekly hours over fewer days e.g., a full-time employee may work their contractual hours over 9 days per fortnight instead of 10 days. It is also possible for part time employees to be considered for this type of flexible working, for example 18.5 hours per week - 18.5 hours worked over 2 days rather than the traditional 2.5 days or 20 hours per week – 20 hours worked over 2.5 days rather than the traditional 3 days. Although the working pattern may vary, an employee receives their salary in equal instalments.

## 7.6 Homeworker

Based at home for at least 90% of working time. Duties can be undertaken out-with an office environment, requiring remote access to ICT systems, equipment, and support. There is no allocated desk within the office environment. Requests must take into consideration potential costs which would be covered by the Service.

7.7 Hybrid Worker:

Hybrid working usually means that employees undertake some of their responsibilities at their contractual place of work and some remotely (usually at home). The exact balance will vary depending on the role and responsibilities and how the team has locally decided to undertake hybrid working. When making decisions, managers need to balance the operational needs of the Service, and office and building capacity, with individual preferences. Hybrid workers will be office based for a minimum 20% of their contracted hours. Hybrid working will be non-contractual.

## 7.8 Annualised Hours

Annualised hours involve organising working time flexibly across a 12-month period rather than over a fixed standard working week. Although the working pattern varies, an employee receives his/her salary in equal instalments, irrespective of the actual number of hours worked in any given period. Annualised hours are likely to be best suited to posts in which demand varies seasonally, and as such attendance is best suited to particular times of the year.

##  7.9 Shift/Rota Working

It is important that employees are working at times which meet service demands and any costs associated with changes to working hours are fully considered in line with the Councils agreed working-time envelope.

Shift working can help meet demands placed on services and also provide an opportunity for a greater work life balance as often it means non-working days do not necessarily fall only on weekends. There are numerous models for shift working, but some of the most common are “4 on, 4 off” rotations, split shifts or “earlies/lates”.

Shift working may be suitable if there are demands to be met particularly early in the morning, in the evenings or at weekends. Rotas play a key role in shift working, and rotas are normally agreed some time in advance.

It is likely that any move to shift work will affect a team/group of employees rather than an individual, as such, full consultation will be required with the affected group and HR will be involved in consultations.

## 7.10 Flexible Hours

 Flexible hours is an alternative to the traditional Monday-Friday 9am-5pm workweek in that it provides flexibility in the start and finishing times, e.g. an employee/team might be provided with flexibility to arrive for work between 8am-9am. Flexible hours can be requested on an individual or team basis. Flexible hours are not a replacement of the previous Flexitime Scheme, there is no accrual of time off. It is important that employees are working at the times that meet service demands and that any costs associated with changes to working hours are fully considered in line with the Councils agreed working-time envelope.

## 7.11 Flexible Retirement

Flexible retirement involves a reduction in your hours/grade and partial/full withdrawal of pension benefits while still being able to continue in employment. Only Local Government Employees, aged 55 and over with at least two years pension membership can apply for flexible retirement. For flexible retirement to be considered the reduction in hours/salary should normally be at least 20% but no more than 50% of the current hours/salary. Approval from the employer is required and requests for flexible retirement must be done so using the form (HR/LGPS) and associated guidance which can be found [here](http://icon/hr/useful-forms/).

## 7.12 Phased Retirement

Phased retirement requires a reduction in salary of at least 25% for a minimum of 12 months. The reduction may be due to either a reduction of hours or salary. Only employees covered by Teaching conditions, aged 55 and over with at least 5 years pension membership can apply for phased retirement. Any applications for such a request must be done so using the Scottish Public Pensions Agency (SPPA) form which can be reached using this [link](https://pensions.gov.scot/sites/default/files/2019-08/TEACH%20RET%202019%20v1.0.pdf).

1. **APPLICATION AND APPROVAL PROCESS**

8.1 All decisions on requests made must be ultimately approved by the relevant Head of Service. Line mangers will also undertake discussions with more senior managers as part of their decision making and completing the necessary paperwork. Please refer to the Council’s [Flexible Working Procedures](tba) for full details on the application and approval process.

8.2 The proposed start date of any change should normally be at least 8 weeks from when the written request is submitted to allow time for full management consideration, employee meetings, and any required administrative changes to take place.

8.3 All approved arrangements will be reviewed as required to ensure the needs of the service continue to be met, as well as the employees, and may be subject to change giving 12 weeks’ notice either by the council or employee for contractual arrangements; and 4 weeks’ notice, either by the council or employee, for non-contractual arrangements, i.e., hybrid working.

# **SERVICE LED CHANGES**

* 1. Service Management may consider posts or groups of posts which may benefit from introducing new ways of working. For example, if there are considerable potential service delivery or efficiency benefits to be gained from making a change to working patterns/methods as well as providing a greater opportunity for Work-Life Balance for employees, but where those employees have not requested a change.
	2. In these circumstances, the proposals will be formulated with the support of Human Resources and include full consultation with Trade Unions, with the ultimate goal being able to gain agreement on any changes.

## 10. **REASONS FOR REJECTING REQUESTS**

10.1 The following list, although not exhaustive, are acceptable reasons for rejecting a request under the Policy:

* Insufficient work during the period the employee proposes to work;
* Burden of additional cost – normally requests must be cost neutral to be approved;
* A detrimental effect on the ability to meet customer demand;
* An inability to reorganise work amongst existing employees;
* An inability to recruit additional staff (e.g. to fill part of a post if employee requests less hours);
* A detrimental impact on quality or performance;
* Inability to effectively manage performance
* Planned structural changes (e.g. the timing is not good as service is reviewing how it operates and no decisions can be made until afterwards);
* Corporate position and wider implications due to volume of requests.
* The post holder has supervisory or line management responsibilities that require them to be available at all working times in line with the attendance of their team or customers;
* Inability to meet Statutory Responsibilities

10.2 The above list is not exhaustive and is provided for illustrative purposes only. Managers are encouraged to contact Human Resource for advice if there are any concern over reasons for rejecting a request.

## 11. **APPEAL PROCESS**

11.1 Where a request is rejected, an appeal can be made to the next level of manager and should be submitted within 5 working days of the rejection being received. The appeal must outline why the employee believes the rejection is not reasonable. Appeals will normally be heard within 28 days by a Corporate Director and a member of the HR team, neither of whom should have been involved in the original decision making.

11.2 The employee may be accompanied by a current work colleague or their trade union representative. The manager who made the decision at the application stage will be present at the hearing to put forward their reasons for rejecting the request.

11.3 The final decision will be given in writing within 14 days of the appeal being heard. There is no further right of appeal. Please refer to the Council’s [Flexible Working Procedures](tba) for full details on the appeal process.

# 12. **MONITORING ARRANGEMENTS & CONTRACTUAL STATUS**

12.1 Any changes agreed under the scheme will be subject to at least annual review. Managers will consider if arrangements are still a best fit and to determine if any changes are required consultation will begin with HR involvement.

12.2 In some circumstances, trial periods may be agreed in the first instance, and it is important that a decision is made to either agree to the change or revert to previous way of working at the end of the trial period. An example of a reasonable trial period might be 3 months.

12.3 Where there is a large demand or numerous staff wishing to change their hours/working arrangements but not their contractual (paid) hours, it will be acceptable for managers to agree a rota of arrangements, for example if 4 employees request to move to condensed hours, managers may agree a few months each as an operational but not contractual change.

12.4 Any arrangements under this policy which are for a reduction in hours are normally permanent, unless otherwise agreed (for example during a trial period). There is no right to revert to full time hours once a permanent change to reduced hours has been agreed.

12.5 Requests which do not affect contractual (paid) hours may be agreed on a temporary basis. End dates or review dates should be clearly documented and adhered to.

12.6 Any change under this Policy which reduces employee’s contractual hours will require an adjustment of annual leave, public holiday entitlement and pay. This is a manual calculation and will normally be carried out by the Service with HR advice as necessary. Balances either owed to the employee or to the service must be taken as annual leave and cannot be given as payment.

12.7 The Council, will reserve the right, following consultation and appropriate notice, to end existing arrangements and look into other working arrangements:

**Organisational Development,**

**Policy & Communications**

**September 2023**