

Corporate HR – Flexible Working Procedure



EMPLOYMENT ZONE

Flexible Working

Introduction

We recognise that our employees are our greatest asset and it is through them that our services are delivered and continually improved.

We believe that our [Work Life Balance Policy](#) and Flexible Working Procedure enables us to have reasonable influence and flexibility over when, how and where we work, allowing us to combine our working life with our social, health, family, caring and other responsibilities. It also promotes gender equality across the council and allows us to support those employees experiencing gender-based violence who can often be targeted in the workplace.

Our work life balance policy allows you to request to work flexibly from a range of core options. It also allows managers to consider how implementing flexible working can have business benefits in improving service delivery.

This procedure outlines our core flexible working options and takes you through the process if you're considering requesting to work flexibly. It details the steps that both you and your manager need to follow and what to expect.

It also covers the process that your manager will follow if they're thinking about implementing flexible working within your service, section or team.

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You should read this along with our work life balance policy and our guides to our core options.

What is flexible working?

Flexible working is any working pattern that's adapted to suit the needs of both the employee and the employer. It can take many different forms that cover the way our working hours are organised during the day, week or year. It can describe the place we work, for example at home or the kind of hours we work, such as part-time.

Who can apply?

All employees have a statutory right to apply for flexible working from the first day of their employment, no matter their role or grade. A statutory request is defined as a request for a change to an employee's terms and conditions relating to their hours, times or place of work.

You can make two statutory applications for flexible working within any 12-month period however you may have only one "live" request at any one time.

You can apply on your own, or as part of a group. In some cases, it may be that it's only practical if introduced for a group of employees.

Whether applying on your own or as part of a group, you shouldn't normally have made more than two applications in the past 12 months.

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However, we appreciate that circumstances can change, and your manager will bear this in mind when considering your request.

Example Reasons for Flexible Working Requests

We accept applications from all our employees whatever the reason including: -

- Parental responsibilities.
- Caring responsibilities.
- To support an employee experiencing gender-based violence.
- Disability.
- Work Life balance such as further education, religious observance or interests, other responsibilities outside the workplace or to ease into retirement.

We've explained these in more detail below.

Parental Responsibilities

You can make a request if:

- You're the mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child or a person who has been granted a residence order in respect of a child.

- You're married to or the partner or civil partner of the child's mother, father, adopter, guardian, special guardian, foster parent or private foster carer or of a person who has been granted a residence order in respect of a child.

Caring responsibility

You can submit a request if you care, or expect to be caring, for either:

- A spouse, partner, civil partner or relative; or
- Someone who lives at your address.

A 'relative' is a mother, father, guardian, special guardian, parent-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, sister, sister-in-law, uncle, aunt or grandparent.

Step-relatives, adoptive relationships and half-blood relatives are also included.

Supporting employees experiencing gender-based violence

Those experiencing gender-based violence like domestic violence or stalking, are often targeted at work with the perpetrator relying on knowing the victim's work patterns. Flexible working can help victims by allowing them to change hours, work pattern or even location for safety reasons.

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Disability

Flexible working gives individuals the opportunity to work from home, other accessible environments or in a way which enables them to best manage their condition.

If an employee seeks a reasonable adjustment for their disability through a flexible working request we must consider this in line with our legal obligations under the Equality Act 2010. This states that we must make reasonable adjustments to remove any disadvantage related to the employee's disability. The legal obligation to make reasonable adjustments is separate to those to consider a request for flexible working.

Work life balance

You may have other reasons for wanting to work flexibly, such as:

- To take up further education;
- Religious observance or interests;
- Responsibilities outside the workplace; or
- Helping you to ease into retirement.

Informal Arrangements

There may be times where you experience some difficulties in your personal life and your manager may consider some form of flexible working on a short-term, temporary basis to help you at this time. For example: -

- Victims of gender-based violence seeking support from outside agencies such as housing, counselling or advocacy support which are normally only available during office hours.
- Where you rely on a family member to care for an elderly relative and this person suddenly falls ill, meaning that you have to make other arrangements.

In such cases, your manager may agree to let you work flexible hours. However, where your situation is longer term, you could consider making a formal request.

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Our core Flexible Working Options

We have a number of core flexible working options, which are summarised below, however if you have a different option in mind, speak to your manager, who should consider it.

For more information on our core options read our detailed guides.

Annualised Hours

Where the number of hours you work in a year is organised to meet service needs, taking account of seasonal factors.

Compressed Working Hours

Where you work your full-time contracted hours over fewer days.

Flexible Working Hours

Where your working hours are arranged within a broad time span so that you have flexibility around when you attend work.

Home Working

Where you work from home for all or part of the week.

Job Sharing

Where two people equally share the duties of a post. Each person is employed on a part-time basis but together they cover a full-time post.

Mobile Working

Where you work out with the office environment for all or part of the week, in one or more of our locations.

Reduced Hours & Part-time Working including 9 Day Fortnight

Where you work less hours than full time hours.

Shift Working

Where you work:

- Rotating shifts in immediate succession covering 24 hours.
- Alternating shifts covering a period of more than 11 hours.
- Other patterns which vary according to a pre-determined roster.

Term-time Working

Where you work on a full or part time basis during the education school terms.

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Time Off in Lieu (TOIL)

Where you're given time off with pay to make up for unpaid additional hours you've worked out with standard or flexible hours.

Supporting arrangements

In addition to our core flexible working options we have a number of other arrangements which support work life balance, these are:

Career Breaks

We recognise that during your working life there may be times when personal commitments or aspirations can take priority over work. Our Career Break arrangements have been designed to allow you the opportunity to take an unpaid break from your employment. For more information on this read our [Career Break Arrangements](#).

Flexible Retirement

Flexible retirement allows members of the Local Government Pension Scheme (LGPS) to request access to their pension and lump sum while continuing to work on reduced hours in the same post or at a lower grade in another post.

Eligibility criteria apply, for more information read [Flexible Retirement - A Guide for Members of the Local Government Pension Scheme \(LGPS\)](#).

Purchased Annual Leave

This scheme provides you with the opportunity to supplement your existing annual leave entitlement by purchasing additional annual leave. For more information on this read our [Buying Annual leave Scheme](#).

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Pay and Benefits

Flexible working can have many benefits. However, before making a formal request you'll need to think about how it will affect your pay and benefits. This will depend on the option you choose. We've outlined some of the main considerations below:

Annual leave

Your chosen option may affect how much annual leave you'll get and how it's calculated.

Maternity, maternity support and adoption payments

These payments are based on how much you earn. So, if you're considering reducing your hours, for example, your entitlement to these payments and how much you'll get might be affected.

Pay and pensions

If your proposal involves reducing your contracted hours to part-time working your earnings would be reduced in line with this. If you are in the pension scheme it would also affect how much money you'd get when you retired.

If your new pattern involves working non-standard patterns or hours (as detailed in our Pay, grading & benefits structure conditions of service), this wouldn't attract any non-core payments.

Contact your Service HR team for more information on how the option you're interested in would affect your pay and benefits.

Further information on the effect on your pension benefits is available from the [Strathclyde Pension Fund Office](#).

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How to apply

Individual requests

You should submit your request to your manager using the [Individual Application Form](#). This form details the information you are required to provide for all statutory requests. **Your manager must not reject your request without consulting with you.**

There is a statutory two-month period for deciding requests including any appeal process.

Once your application has been made, it remains live until either: -

- A decision about the request is made.
- The request is withdrawn.
- The outcome is mutually agreed.
- The statutory two-month period for deciding requests ends.

In addition it will remain live during any appeal or mutually agreed extension to the statutory two-month period.

You'll need to tell us the date that you want your proposed new arrangement to start. Where possible, you should make your request at least 8 weeks before this date, to give your manager time to consider your request within the two-month statutory period and make any necessary arrangements.

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Unless agreeing your application in full your manager must consult with you. They will arrange to meet with you and your representative, if you have one, within 7 days of receiving your application. You have the right to be accompanied by a Trade Union representative or colleague at any stage. This meeting provides an opportunity to engage meaningfully with each other so that a fully informed, evidence-based decision can be made.

At the meeting you and your manager will talk through:

- Your application.
- Any potential benefits associated with the request.
- The effect of your request on the needs of the service and your colleagues.
- Any steps that would need to be taken to manage this.
- If appropriate, any compromises that you or your manager suggest.
- If a trial period could be undertaken to see how well it works in practice.
- The terms and conditions linked to your request.
- Any potential changes to your pay and benefits linked to your request.

A written record of this and all subsequent meetings should be kept to provide an accurate reflection of your discussions. All paperwork associated with Flexible Working Requests including any notes should be forwarded to CBS for retention in the employee's personal file.

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Considering your request

Your manager must handle your application in a reasonable manner taking into consideration your discussions. Further they must not discriminate against you in relation to any protected characteristic; as set out in the Equality Act 2010 which is disclosed during your discussion.

They will look at several factors before making their decision. These include:

- The effect on how services are delivered.
- The effect on how work is currently done.
- Whether the request is a reasonable adjustment under the Equality Act 2010 in terms of an employee's disability.
- The number of flexible working applications already in place or whether they have a number of other applications to consider around the same time.
- Any costs involved.

Your manager will also need to look at how your request would affect the working pattern and type of work performed by your colleagues, and may arrange to discuss this with them, if necessary.

Your manager may then want to meet with you again to talk about the outcome of this and how it affects your request. This will happen within **7** days of your first meeting.

Compromise

It may not always be possible to accommodate your original request. In such cases, you may have a compromise in mind, and you should be prepared to discuss this during your meeting with your manager.

Your manager could also take time after the meeting to think about your proposal and come back to you with a compromise for you to consider.

It's common for both parties to suggest and review proposals and this can be beneficial in helping to find a suitable option that works for you both, whilst meeting the needs of the service. You should always take time to consider any compromises carefully before making a decision.

The outcome

Your manager will write to you within 14 days of your last meeting to let you know whether they're able to approve your application or agree a compromise.

If your application or a compromise is agreed, your manager will confirm:

- The agreed arrangement.
- The start date of the arrangement. This will be based on the needs of the service and take into account the date you'd like it to start.
- The terms and conditions and any other relevant details.

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Your change in working pattern will represent a permanent change to your contract and your Service HR team will issue you with a new contract of employment.

Trial periods

It may be that either you or your manager wants to try out the new arrangement for a set period of time. A trial period can be useful in giving both parties the opportunity to see how well the arrangement works in practice.

In either case, the arrangement will be reviewed on an ongoing basis and your manager will meet with you before the end to discuss how successful it's been.

If your manager doesn't think that the trial has been successful, they can decide to bring it to an end. They will follow the same process as for rejecting an application or compromise, which is outlined below.

Rejecting a request or ending a trial period

Your manager must agree to a flexible working request unless there is a genuine business reason not to. There may be times **however** when it's not possible to accommodate flexible working. If your manager decides not to approve your request or any compromise you may have suggested, or if they want to end a trial period, they will write to you explaining why. It's likely to be on one or more of these business grounds:

- The burden of additional costs; for example, the proposal will cost more to introduce than is available in the budget.
- Detrimental effect on the ability to meet client demand; such as where the service user's needs can't be met if your proposal is in place.
- Inability to recruit additional staff; for example, if you wanted to job share, a recruitment freeze could mean that the other half of your post can't be filled so the proposal wouldn't be practical.
- Inability to reorganise work amongst existing staff.
- Detrimental impact on quality of service; for example, where agreeing your proposal could mean that certain services aren't delivered as well.
- Detrimental impact on performance; your proposal could impact the performance of, for example, your job, the team's output and or the service.
- Insufficient work during the periods the employee proposes to work; your proposal may not be in line with the work peaks and troughs in the service and so can't be implemented.
- Planned service reform; future service re-structure changes could mean your proposal can't be considered at the present time.

Your manager will explain what this means for you, and your right to appeal against this decision. You'll find details of the appeals procedure later in this guide.

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Group applications

If you're applying as part of a group, your manager will largely follow the same process as for individual requests, with the following exceptions:

- You'll need to submit your request through the relevant Trade Union or person you've nominated to represent the group, using the [Group Application Form](#).
- Your manager may ask your group or representative to attend a number of meetings to discuss the request, which can be either formal or informal. Informal meetings can be useful for sharing information and ideas; and may help to speed up the process.
- Where the application is approved, the letter confirming the terms and conditions will also detail the collective agreement being entered into, including any review mechanisms or arrangements to end the agreement.

Appeals procedure

There may be times when you don't agree with your manager's decision. If so, you can appeal against it. You can appeal where:

- Your application to work flexibly hasn't been approved.
- A compromise can't be agreed on.
- Your manager wants to end the arrangement after a trial period.

- If your arrangement is reviewed by your manager after agreement and a decision is taken to discontinue this.

Before starting the formal appeal process, you or your manager have the option to meet informally to try to resolve any outstanding issues. If this doesn't work, then lodging an appeal will start the formal process.

Lodging an appeal

You should put your appeal, in writing, with your reasons why you don't agree with your manager's decision, to your Head of Service. You should do this within 14 days of receiving the written decision from your manager.

Appeal Hearing

Your Head of Service (or someone chosen by them) will arrange to meet with you and your trade union representative (or the relevant Trade Union in the case of group applications) within 7 days to review the decision made and discuss:

- Why you're appealing.
- The reason why your manager didn't approve the request or ended the arrangement.

Your manager will also attend the meeting so both parties will have the opportunity to put their case forward. Your manager will explain the reasons behind their decision, and you will be given an opportunity to explain why you have appealed and how you feel the matter could be resolved.

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The person hearing the appeal will ask both sides questions to help them consider the case. They will then adjourn the meeting to review the information presented and come to a decision.

You, your representative and your manager will receive a letter confirming this decision within **7** days of the appeal being heard. The decision will be one of the following:

- To uphold your appeal and agree your application or compromise.
- To reinstate a trial period.
- To reject your application or compromise.

Where your application or compromise is agreed, your manager will put your new working arrangements in place, under the terms set out at the appeal. This could be for a trial period.

If your appeal is rejected, you'll be told the reasons why. You will have no further right to appeal.

Timescales

The timescales detailed in this document are indicative only. All meetings should be held (including the issuing of letters) without reasonable delay taking into account the statutory two-month period for deciding requests, this includes any appeal.

The statutory two months period can however be extended if you (or your nominated representative) and your manager mutually agree to this. If an extension is agreed this should be confirmed in writing to you.

Withdrawing Requests

When arranging any meetings to discuss your flexible working request (including appeals) we will provide reasonable opportunity for you to attend. If without good cause you fail to attend both a meeting and any subsequent re-arranged meeting we may consider that your request has been withdrawn. Where we consider that a request has been withdrawn we will confirm this in writing to you.

Reviewing Arrangements

Your manager can review your arrangement at any point after it has been introduced for the following reasons:

- If it can be shown that continuing with the arrangement presents a conflict of interest.
- The performance of the contract of employment is seriously affected or limited.

The needs of the business do change, and it may be that the arrangement is no longer working. This could be as a result of changes to resources or service delivery needs.

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If your manager decides to end your arrangement, they will write to you to advise of this, giving you 12 weeks' notice. They'll then arrange to meet with you to discuss what their decision means for you, and to look at changing your arrangement to either what it was before, or some other alternative. If you can't agree on this, your manager will make every attempt to identify alternative employment for you.

Service Led Flexible Working Arrangements

Flexible working is not just about helping you to balance your work and home life. Having modern, flexible working practices in place can also help us to deliver efficient, effective services to the citizens of Glasgow.

It may be that your manager can improve service delivery by introducing flexible working within your service, section or team. To do so, there are a number of steps they'll need to follow. These are outlined below.

Assessing the Options

Your manager will look at how services are currently delivered and if this could be done differently. As part of this, they will invite you to express your views.

They may also ask you and your colleagues to complete a work evaluation exercise to capture how your work is carried out, such as customer facing or pc facing, and the number of hours you spend a week on these types of activities. Your manager will brief you on how to do this and will use this

information in helping them to assess what flexible working options may be appropriate.

Business Case

Having identified a suitable option, your manager will assess the impact of this on the service, section or team. They'll look at the costs involved and what resources may be needed. They may then speak to you and your colleagues again to get your views on what they're proposing. It may mean big changes to how and when you work so your manager will communicate with you regularly to keep you involved and to update you on progress.

Following this, they'll put together a business case outlining their proposal and the benefits for everyone involved. They'll then seek senior management and/or committee approval.

Having done this, the next stage will be to formally consult with you on their proposals.

Consultation Process

Your manager will put their proposals in writing to you and the relevant Trade Union(s). This will include the following details:

- Who it affects.
- The proposed arrangement.
- Why they want to introduce it.

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- How it would work and how it would improve how services are provided.
- The start date (you'll be given at least 12 weeks' notice to allow enough time for you to consider the proposal).
- How it would be implemented.

Your manager will then arrange a meeting within 28 days of receipt of the consultation documents to discuss the proposal and the terms and conditions associated with it. It may be that further meetings are needed (formal or informal) to discuss the proposals or any suggested compromise.

Reaching an agreement

Once an agreement or compromise has been reached, your manager will write to you, your colleagues and the relevant Trade Union to confirm:

- The start date;
- The terms and conditions which apply; and
- any other relevant details.

In order to assess how well the arrangement works in practice, all parties may agree to introduce it on a trial basis.

Implementation

Your manager will then make the necessary arrangements for implementation, such as:

- Putting the required resources in place, such as IT equipment and office furniture.
- Ensuring that the relevant Health & Safety checks are carried out.

Performance and Development

Your manager will also make the necessary arrangements to ensure that they're able to continue to manage your and your teams' performance, such as agreeing objectives and expected outcomes with you, using appropriate methods of communication so that everyone is kept up-to-date and informed.

You'll still have the same access to training and career development opportunities.

No Agreement

Attempts will be made to ensure the proposal takes the views of all parties into account and where possible a compromise is reached. However, if agreement cannot be reached this stage in the request process will come to an end. Your manager may then take further advice and you will be advised accordingly of any further steps.

Further Information

For further information on our Flexible Working Arrangements speak to your line manager or Service HR team.