

Policy and Sustainability Committee

Thursday 22 August 2024

Flexible Working Policy

Executive/routine
Wards

1. Recommendations

- 1.1 To approve the new Flexible Working Policy for all colleagues.

Dr Deborah Smart

Executive Director of Corporate Services

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Flexible Working Policy

2. Executive Summary

- 2.1 In April 2024, new flexible working legislation was introduced which provides additional rights for all current and potential colleagues requesting formal flexible working.
- 2.2 To ensure we are meeting good practice, legislative requirements as well as enhancing our employee experience, we undertook a review of what the current arrangements are for working flexibly within the Council. It was agreed that to streamline our approach for colleagues, we would combine our Flexible Work Options Policy along with our Working Flexibly Guidance, which was introduced during the pandemic, to create our new Flexible Working Policy.
- 2.3 The Flexible Working Policy replaces our existing Flexible Work Options Policy which was last approved by the Executive of the Council in 2003, with a refresh to toolkits and supporting user guides in July 2014.

3. Background

- 3.1 On 6 April 2024, additional reforms to the law on flexible working outlined in the Employment Relations (Flexible Working) Act 2023 came into force.
- 3.2 Under the new regulations:
- Colleagues are entitled to request flexible working arrangements from day one of employment. It is currently only after 26 weeks of employment.
 - Where a formal flexible working request is refused, managers must meet with the colleague to explain the reasons behind their decision. Previously, employers could deny any request for flexible working without explanation.
 - Employers must respond to formal flexible working requests within two months, compared to three months previously.
 - Colleagues can now make up to two requests for flexible working in any 12-month period, as opposed to one request previously.

Equally Safe at Work

- 3.3 In April 2024, the Council submitted an application to commence work towards Equally Safe at Work (ESAW) accreditation. As part of this process, applicants are expected to have in place a Flexible Working Policy which promotes gender equality and encourages informal flexible working to support various colleague groups. The accreditation also expects organisations to be able to report on how many flexible working requests have been approved and declined and do analysis on the barriers to flexible working.
- 3.4 In response to these legislative changes and ESAW accreditation, it has been agreed to review and update the existing flexible work options policy to meet these requirements.

4. Main report

- 4.1 Whilst the underlying principles of the current policy meet ACAS good practice and existing statutory requirements, new legislative requirements mean that amendments were required. We also wanted to take the opportunity to update the policy to include information on informal flexible and new ways of working that emerged during the pandemic.
- 4.2 As part of our policy development, we undertook engagement with colleagues, managers, HR colleagues and our Networks to understand where the current policy could be enhanced to ensure we were fully supporting colleagues.
- 4.3 The policy has been redesigned so that the structure is more concise, logical and clearer for colleagues to follow. A separate user guide to accompany the policy provides the opportunity to expand on the process to follow for colleagues and managers, as well as providing more detail on the different types of flexible working such part time, compressed or job sharing.
- 4.4 We have also taken the opportunity to develop a new process for requesting formal flexible working which will also enable the Council to better report on requests. A new online Halo form has been developed where colleagues, or managers on behalf of colleagues, will submit their formal request. This form will have a built-in workflow which will allow managers to approve or decline a request and where appropriate, provide a reason for the refusal, and will meet the Equally Safe at Work requirements for reporting.
- 4.5 Although the launch of the new Flexible Working Policy will be after the new regulations came into force, we have worked closely with our HR colleagues to ensure that our processes, systems and forms have been updated to reflect the changes and we are already meeting our legislative obligations from April 2024. In addition to this, communications were issued to all colleagues in advance of this date to notify them of the changes.

- 4.6 The development of this Policy meets our legal obligations in relation to formal consultation and the Trade Unions have been engaged on the new Policy and are content with the proposed changes. The Policy is a local collective agreement.

5. Next Steps

- 5.1 An implementation plan, including communications, will be put into effect to launch the policy for following approval.

6. Financial impact

- 6.1 There are no associated costs from implementing the policy.

7. Equality and Poverty Impact

- 7.1 This policy has been assessed for possible impacts on vulnerable groups, people with protected characteristics, equality and human rights and economic factors as part of our integrated impact assessment.

8. Climate and Nature Emergency Implications

- 8.1 Not applicable.

9. Background reading/external references

- 9.1 [Employment Relations \(Flexible Working\) Act 2023.](#)
9.2 [Equally Safe at Work](#)

10. Appendices

- 10.1 Flexible Working Policy
10.2 [Integrated Impact Assessment](#)

Flexible Working Policy

The Council (we) recognises that how we work, and the flexibility we have within our work brings a range of benefits for both the Council and our people. It promotes a positive work-life balance that can improve colleague motivation, performance, and productivity, and is an important investment in the health and wellbeing of all our colleagues. This policy aims to encourage everyone to consider flexible working arrangements.

This policy is underpinned by [Our Behaviours](#) of Respect, Integrity, and Flexibility and by delivering our services in this way will demonstrate Our Behaviour of Flexibility. We want to be open minded so we can adapt to provide great services, look at better ways of embracing opportunities for shared working and learning.

The Council is committed to doing the right thing for our colleagues by considering any flexible working arrangements providing it also meets the needs of the organisation.

Author

Employee Relations & Policy, Human Resources, Corporate Services.

Scope

This policy applies to all Council employees and potential employees.

Purpose

The purpose of this policy is to provide direction and support to colleagues

Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily because of changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

Local Agreement

This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.

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1. Policy Aims

This policy aims to enhance a culture where the value of work–life balance is fully recognised. This will empower colleagues to deliver their role in the most efficient and effective way and giving them more choice, so they feel valued and can do their best work.

While this policy sets out the Council’s approach to the statutory right to request flexible working arrangements, it should be read in conjunction with our accompanying user guide as not all ways of flexible working need to be formalised through contractual changes and we can be flexible and tailored to meet the needs of our people and the Council.

The core aims of the Policy are:

- To support colleagues to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning, and other interests.
- To create a fair approach to requests for flexible working that meet our statutory obligations as an employer.
- To create and promote inclusive working arrangements that meet the needs of all current and potential colleagues in the workplace, including as reasonable adjustments, promoting gender equality, supporting a multi-faith workplace as well as those who have or are experiencing domestic abuse. These are suggestions and therefore not an exhaustive list.
- To build trust and strengthen the relationship between the Council and our colleagues by supporting them in different ways of working.

To improve the Council’s efficiency, productivity, and service delivery through more imaginative and innovative approaches to working arrangements.

There are number of Flexible Working options available, and some of these are outlined along with the main contractual implications detailed in the Flexible Working User Guide.

2. General Principles

The general principles of this Policy are:

- The policy will apply to all Council colleagues (or potential colleagues) seeking a change to their existing working arrangements. There is no contractual right for colleagues to have their request approved.
- Colleagues can make up to two formal applications within a 12-month period.
- Any request will be on a voluntary basis, initiated by the colleague, and while the colleague may choose to do so, there will be no requirement to provide a reason in support of the request. The request can be for a temporary or permanent change.

The manager's decision must be based solely on business reasons, and must work for both the colleague, and their team as well as for the Council. While the Council is committed to providing the widest possible range of working patterns for its workforce and will always take the personal circumstances into account, both management and colleagues need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the Council.

- Some alternative working arrangements will result in changes to colleagues' terms and conditions and may include changes to salary or annual leave balance. Colleagues should make themselves aware of the impact of their request before making an application.
- The Flexible Working Policy will be applied in conjunction with existing Council policies and procedures including the Council's commitment to equality of opportunity and relevant Health and Safety procedures and standards.
- Any approved flexible working requests will only apply to the post held at the time of the request and will cease if the colleague takes up a different post.

3. Roles and Responsibilities

All colleagues should:

- read and understand the Flexible Working Policy and the process to follow.
- understand the personal impacts of any flexible working application e.g., terms and condition changes.
- show a willingness to seek alternatives or trial requests to ensure they meet the needs of everyone, including the Council.

All managers should:

- read and understand the Flexible Working Policy and the process to follow.
- meet with colleagues to discuss their request.
- deal with a flexible working request within two months to ensure that legislative deadlines are met. These timescales can be extended by mutual agreement.
- decide whether a request for flexible working can be supported, considering such factors as the colleague's role and the operational needs of the service. The user guide outlines all the legislative business reasons necessary to justify refusing a flexible working request.
- confirm the outcome to the colleague in writing.
- inform HR of what has been agreed in advance of the flexible working arrangement commencing.

4. Informal Flexible Working

We want to achieve a culture of trust in relation to how we work as well as supporting colleagues achieve a better balance between work and their other priorities. We recognise that working differently has a positive impact on physical, emotional, and mental wellbeing as well as building a diverse and inclusive culture.

This isn't always about when we work, but how we work, and we recognise the need to move to smarter ways of working, taking advantage of technological developments to introduce more flexibility to how work is organised and hopefully, providing more responsive service delivery. We encourage colleagues to think creatively about how their work can be done and how people can be supported with their work-life balance.

Living our behaviour of flexibility, we need to be able to adapt to changing circumstances and continue to focus on doing a good job. Sometimes it may be a permanent change, other times it may be temporary to support colleagues for a short period for their health, family or learning. We want to encourage supportive, respectful and regular conversations between colleagues and managers on how we can work flexibly.

By taking a practical approach and promoting a culture of working flexibly, the focus should be on these conversations and about what works in individual circumstances whilst ensuring fairness across teams and services.

Please review the further information on informal flexible working in the accompanying user guide and have a conversation with your line manager about how this may work best you, your role, and your service area.

5. Formal Flexible Working

We hope to provide colleagues with as much flexibility as they may need within their normal working arrangements, however, we know that everyone's circumstances are different and, in some cases, a formal change to working hours or pattern may be more appropriate. This might be, for example, to accommodate regular caring responsibilities or other personal interests and responsibilities, or simply to help support their wellbeing.

The following formal flexible work options are available:

Flexible Time: this refers to working at times that best suit service users and can provide greater opportunities to support colleagues to balance their home and work life more successfully, examples of this can include:

- **Part-time Working** - Part-time working is where you work fewer hours per day or week than those who work on a full-time contract. The number of hours you may be able to request varies. These can be arranged into work patterns that suit both your and the service's needs.
- **Flexible Working Year** - The colleague must work a certain number of hours over the year, but they have some flexibility about when they work. There are sometimes 'core hours' which the colleague regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.
- **Compressed Working** - Compressed working is where your normal weekly hours are rearranged into fewer and typically longer blocks of time. This might be where, for example, you need a fixed day off regularly to accommodate caring responsibilities.
- **Job Sharing** – Job sharing is where two (or more) colleagues divide a job between them to cover one full time role.

- **Flexible Retirement** – is where you can access your pension benefits and continue working on reduced hours or at a lower grade or a combination of both. Changing working pattern or reducing working hours or responsibilities in the run up to retirement are popular options for colleagues. The reduction in hours or grade must achieve at least a 20% reduction in pay.

Flexible Place: this refers to working at different locations at times and supports colleagues to balance their home and work life responsibilities, examples of this can include:

- **Homeworking** - Permanent homeworking is where a colleague spends 100% of their contracted hours working from home. This is different to hybrid working, where work may be carried out between the office and home, depending on the needs of the service and type of role.
- **Remote Working** - Remote workers could spend most of their working day in other Council offices. Their day is made up of visits or meetings with different colleague groups, individuals or the offices of other organisations or individuals.

Requests for formal flexible working must be submitted in accordance with the process outlined in the Flexible Working User Guide.

The user guide outlines the process to follow for both colleagues and line managers in submitting and considering flexible working requests.

Flexible working arrangements should regularly be reviewed through discussions between the colleague and their line manager to ensure it still is fit for purpose.

The Council may review approved flexible working arrangements when considering changing operational service needs and/or when the continuation of the working arrangement is having a detrimental impact on service delivery. Following consultation with the colleague and reasonable notice, the Council reserves the right to end any existing arrangement and explore other alternative working arrangements. The manager and the colleague should work together to reach an acceptable solution.

Further information on the different types of formal flexible working options and how to apply can be found in the accompanying user guide.

6. Where requests cannot be accommodated

Wherever possible, managers should do their best to accommodate flexible working requests. If the request cannot be accommodated, an explanation for this decision must be given in writing to the colleague making the request.

Before a request is refused, the manager is required to meet with the colleague to explore whether an alternative solution might be found. They should be flexible and supportive – there may be another way to provide some of the flexibility the colleague is seeking.

Acceptable reasons to decline a request

There may be reasons why you might feel you have to turn down a request, and these are covered by the Employment Rights Act and code of practice:

- the costs are too high.
- you can't reorganise the colleague's work around the rest of your team.
- you can't recruit additional resource to cover the time when the colleague won't be there.
- the change would have a detrimental effect on the quality of the service.

- there would be a detrimental impact on performance.
- there would be a detrimental effect on the ability to meet customers' needs.
- there's not enough work for the colleague to do during the time they propose to work.
- changes to the workforce such as a planned organisational review that will change the structure in your area and the proposal does not fit with that change.

If you think you need to decline a request for any other reason, you should contact [askHR](#) for advice.

7. Appeals

If you wish to appeal against a decision not to grant your flexible working request, you should submit this, in writing within 14 calendar days of receiving the written refusal to your Service Director (or other nominated Senior Manager as outlined in your outcome letter) setting out your grounds of appeal.

An appeal hearing, where possible will be arranged within 14 calendar days of receiving your appeal and a decision will be communicated to you, in writing, within 14 calendar days.

The decision at appeal will be final and there will be no further right of internal appeal.

Further information on the appeal process is detailed in the accompanying user guide.

There is no right of appeal to any informal change to working arrangements.