



## People & Performance

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# Flexible Working Applications Guidance for employees

### Introduction

The Highland Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. As an employer the Council is committed to recruiting, retaining, developing and motivating employees by ensuring that they are able to balance work and personal commitments.

### What is Flexible working?

Flexible working describes any type of working arrangement that gives some degree of flexibility on how long, where and when employees work.

In essence, *flexible working* involves the Council **considering** the possibility of changing existing working arrangements to accommodate your preferences.

### Who can make a flexible working request?

The right to apply for flexible working applies to everyone. (Please be aware that this means you have the right to have your application considered. This does not guarantee your application will be successful).

### What sort of changes can I request?

- A change to the hours you work.
- A change to the times when you are required to work
- To work from home (whether for all or part of the week)

### How often can I request a change?

You are limited to making two applications for changes to be considered in any 12 month period. (Talk to your line manager about any special circumstance which may not be covered by this policy, e.g. making reasonable adjustments in line with the Equalities Policy).

### What procedure should I follow to make a request?

In the first instance you should explore informally with your line manager your thoughts on making an application. Your manager will outline the procedure and if necessary help you to clearly define your proposal. Once you are ready, you need to apply in writing to your line manager using the [Flexible Working Application Form](#), available on the [HR Microsite](#).

### What should I consider before making an application?

- A new working pattern will normally be a permanent change to your employment conditions.
- Think carefully about your application, as you will have no right to revert back to your former hours of work or working pattern.
- Think about the date that you would like the change to take effect from. The more notice you provide, the more likely your line manager will be able to implement the change when it suits you.
- Consider how your colleagues will manage if your working pattern is changed.
- If you have friends or colleagues that are working flexibly, ask them about their experiences.
- Think about the effect that changing your working patterns will have on your job. You should aim to show in your application that your plans will not adversely affect service provision and may in fact enhance it.
- If you request a flexible working pattern that will result in you working fewer hours, your pay will also reduce.
- To fully understand the financial implications of any change to pay or your pension you should seek independent financial advice.
- Be open to a trial period to see if the proposed changes work.

### What happens after I submit my application?

Your line manager will arrange an appropriate time to meet with you to discuss your requested work pattern in depth and to discuss how it might be accommodated or a compromise agreed. You may wish to be accompanied by a colleague or trade union representative at this meeting.

After the meeting your line manager will consider how your request might be accommodated and what the implications would be. Your manager may also meet with the wider team before deciding whether the request should be granted either in whole, in part or not at all.

Unless further action is necessary you will be notified of the decision. Your line manager will write to you to agree a new work pattern and start date, or to provide reasons why the request cannot be granted. If required, your line manager will also arrange for any changes to be made to your contract of employment.

The application process must be completed within 2 months.

### What factors may be taken into account when considering a request?

Each request is considered on its own merits in the light of the Council's requirement to provide a quality service.

Your line manager will only be able to refuse a request if it is justifiable on one of the following grounds:

- **The additional costs will impose a burden.**

- **Agreeing to a request will have a detrimental effect on the Service's ability to meet customer demand.**
- **It is not possible to re-organise work among existing staff.**
- **It is not possible to recruit additional staff.**
- **Agreeing to the request will have a detrimental impact on quality.**
- **Agreeing to the request will have a detrimental impact on performance.**
- **There is insufficient work during the periods the employee proposes to work.**
- **The Service has planned structural changes that are incompatible with the request.**

Your manager can not refuse a request without consulting with you on alternatives.

Example justification is detailed in appendix 1.

### **What information does your line manager provide you with after reaching a decision?**

Your line manager must inform you of their decision in writing. If your application is accepted the notification must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated

If your application is not successful the notification must:

- State the business ground(s) for refusing the application
- Provide sufficient explanation as to why the business ground(s) for refusal apply in the circumstances
- Provide details of your right to appeal
- Be dated

The explanation should include key facts about why the business ground(s) apply and should not be overly long or complex. The explanation should include relevant facts, be in plain English and avoid unfamiliar jargon.

### **Is there a right of appeal against my line manager's decision?**

Yes. If you wish to appeal against the decision you can do so by writing to next level of management within the Service within 14 days of being notified of the line manager's decision. You will need to include the reasons for your appeal. Please see the [Flexible Working Appeal Form](#).

### **Can I withdraw my application?**

Yes. If you do decide to withdraw your application you should write to your line manager as soon as possible.

An application will also be considered withdrawn if you fail to attend two meetings without good cause or if you refuse to provide your line manager with the required information.

If you withdraw an application, this is still counted towards your two applications in any 12 month period.

### **Handling requests to work flexibly in a fair way**

There may be some occasions, when a manager receives more than one request to work flexibly closely together from different employees. Where this happens it may be possible to grant all of the requests

received. However, before doing so the manager will need to look closely at the impact this would have on the service delivery before coming to a decision. Requests should be considered in the order they are received, on a first come first served basis. Having considered and approved the first request the manager should remember that the business context has now changed and can be taken into account when considering the second request against the business reasons set out above.

When a manager receives more than one request, they are not required by the law to make value judgements about the most deserving request. A manager should consider each case on its merits looking at the business case and the possible impact of refusing a request. A manager may want to have a discussion with you to see if there is any room for adjustment or compromise before coming to a decision.

### **Example:**

Hamish and Carl both apply to work compressed hours so that they can undertake further studies. The manager is certain she couldn't approve both requests because it would adversely affect the team's ability to deliver the service. Before deciding, the manager has separate discussions with both, explaining the situation. The manager discovers that Carl was considering a distance learning package not requiring a fixed day away from the business compared to Hamish who wants to attend College half a day a week. By carefully comparing rotas the manager can accommodate both requests.

If an employer is unable to approve a request in an environment where a number of other employees are already working flexibly because any further flexible working arrangements will impact adversely upon the business it would be good practice to consider calling for volunteers from existing flexible working employees to change their contracts back to other arrangements thereby creating capacity for granting new requests to work flexibly.

### **Example:**

Barbara manages a cleaning team and is finding it increasingly difficult to approve further requests for flexible working because of the complexity of the rotas and also because she finds employees working standard arrangements are unhappy at being increasingly required to undertake unsociable shifts. Barbara is worried that

these staff may leave for other employment. Realising that some staff might welcome a change to standard hours and more money as their domestic situations have changed, she calls for volunteers. Three staff ask for these contractual changes, Barbara agrees and this gives her scope to consider the new request and any other requests.

## **Examples of Flexible Working Options**

### **Part-time working**

Part-time working is the most prevalent and established type of flexible working. Although it is often equated with half-time working (for example, 17.5 hours instead of a full-timer's 35 hours), any number of hours below the Service's standard working week can be considered as part-time working. Part-time work usually involves agreeing a set number of hours to be worked per week or month under a contract of employment. There is usually an agreed pattern to the hours of work.

Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers. For further information contact Human Resources.

### **Variable hours**

Variable hours usually involve variable start and finish times based on the Council's normal working week, with the changes in start and finish times under the employee's control. The employee's overall daily number of hours remains the same, but the working pattern could potentially vary from day to day over the course of a week.

### **Flexitime**

Flexitime is a formal, structured version of a variable hours scheme (see Variable hours). Each employee who is covered by a flexitime arrangement can vary his or her hours around a core working day, 10am to 12 noon and 2pm to 4pm and, if he or she wishes, accrue a surplus of hours. A maximum number of 14 hours can be accrued and carried over into the next period. The hours banked in this way can be used at a later date to request time off, such as a day's flexi leave or simply a late start or early finish to the day. Employees can also run up a limited deficit of 7 hours, in that they owe time back to the council, however will not be able to take flexi leave if in deficit.

### **Homeworking**

Homeworking on a whole-time or virtually whole-time basis usually involves a change to the individual's contract of employment, whereby his or her official workplace becomes somewhere other than the Council's premises. Usually, the individual uses a room at home, although some employees use other premises.

Most people who do whole-time homeworking are able to do so because their work involves information and communications technology, such as the telephone, computer systems and the internet.

A whole-time homeworker will rarely attend the Council's premises and will be managed remotely. Whole-time Homeworking is suitable for only some jobs and some personalities. It can create challenges for the Council around communication systems, common practices (booking holiday and reporting sickness, for example), the security of data and computer networks, and performance management. However, provided that the job is suitable for Homeworking, and the employees' disposition is suited to homeworking, these difficulties can be overcome.

Part time Homeworking usually involves a change to the individual's contract of employment, whereby his or her official workplace becomes somewhere other than the Council's premises for an agreed portion on the working week. Usually, the individual uses a room at home.

Occasional home working to undertake a special project, such as drafting a report, or to undertake their normal work in the same way as usual (via the telephone, email, computer files, etc) or in some amended form (for example, without access to the corporate intranet). This does not require a flexible working application but does require approval from line management.

Peripatetic workers use their home as a base where, for example, they store their records and maintain their computer files while continuing to perform their usual role, which involves being on the road for most of the time.

### **Term-time working**

Term-time working is a form of part-time work where the employee works only during school terms and takes unpaid leave during the school holidays.

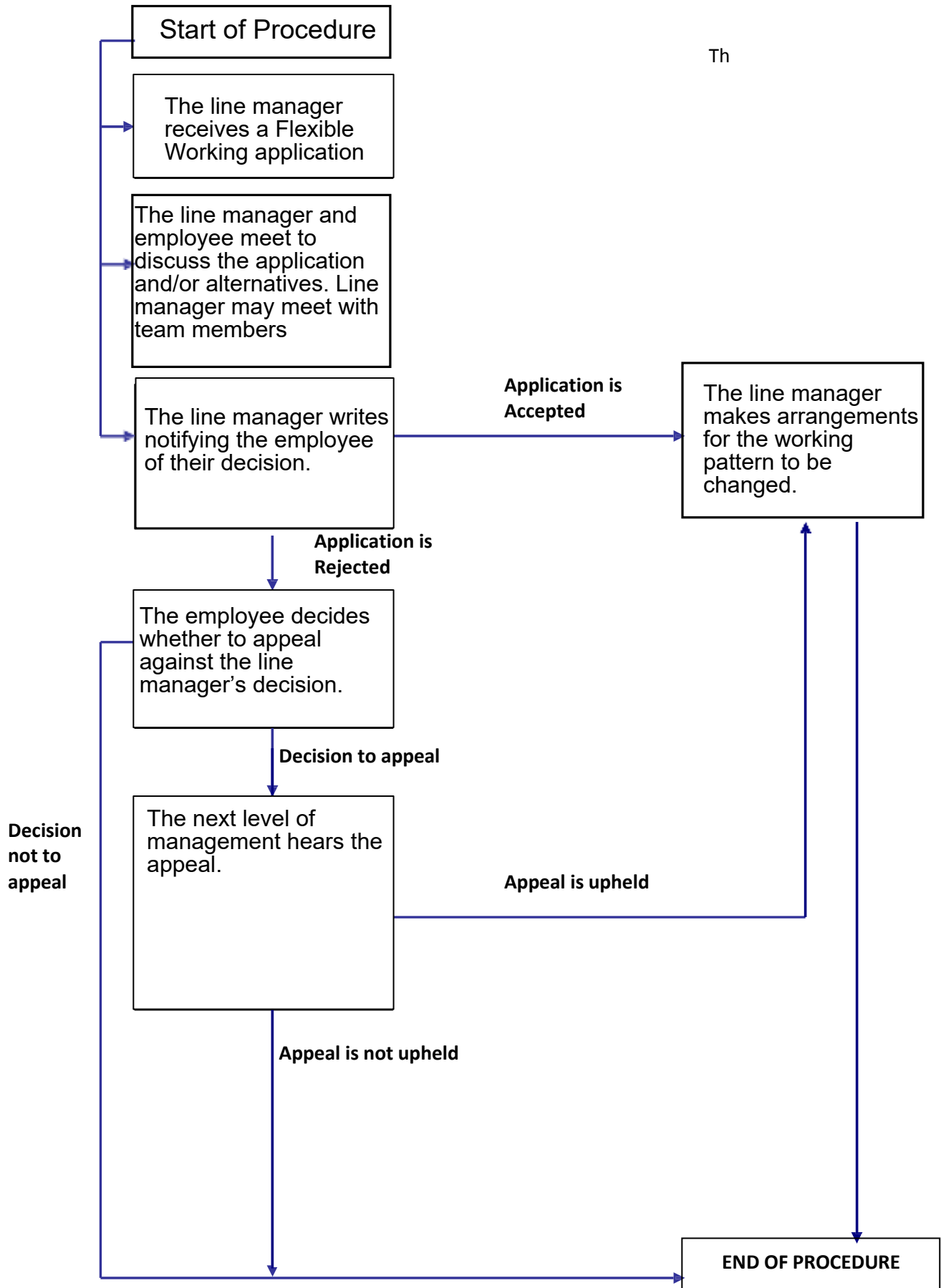
### **Compressed hours**

Compressed hours arrangements allow individuals to work their normal hours of work over a shorter period of time than is standard in the Council. For example, an individual may work his or her Service's standard 35-hour week in four or four and a half days instead of the usual five days. In this way, the employee obtains an extra half or full day off work each week or fortnight.

### **Annualised Hours**

Annualised Hours is essentially where employees are contracted to work a certain number of hours per year rather than the traditional approach of hours per week. Typically, hours are calculated on an annual basis and hours are rostered over the year to match Service demand.

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## Examples of Factors being applied

### **What factors may be taken into account when considering a request?**

Each request is considered on its own merits in the light of the Council's requirement to provide a quality service.

- **The additional costs will impose a burden.**

#### **Example:**

Jane and Liam are two managers who apply for a post together and propose to part time share the post. Both have the skills and experience needed but want to balance work with outside interests. In line with the Council's policy of considering all vacancies suitable for flexible working, the manager seriously considers their request. Both Jane and Liam want to work three days a week and whilst the manager is happy to appoint he is unable to afford the increased payroll costs. The manager discusses alternative working patterns around 2.5 days each with Jane and Liam, but they are not prepared to change their pattern. In the light of this and an inability to compromise, the manager turns down the request for flexible working.

- **Agreeing to a request will have a detrimental effect on the Service's ability to meet customer demand.**

#### **Example:**

A manager receives a request from Raj(Housing Maintenance Officer) to work compressed hours. Working four longer days and freeing up Thursdays would allow him to undertake a course of part-time study. The manager is concerned that Raj will not be available to deal with pressing time-dependent issues from his customers

concerning job progress on a Thursday. He fears a gap in managing and reporting would attract complaints because of Raj's absence and is inclined to refuse the request on the ground of adverse impact on customer service. However the manager values Raj and wants to retain him. He and Raj agree to extend the three month period for considering a request under the "right to request" to trial the arrangement for 10 weeks (the length of the first of three course modules). It transpires that, rather than complain, some customers report their satisfaction at being able to deal with Raj outside normal office hours on four days of the week. The team has successfully handled routine matters in his absence and in practice Raj has been willing to be contacted by phone about the few urgent issues that arose. After the successful trial the manager agrees to Raj's request for compressed hours to cover the period of the remaining two study modules.

- **It is not possible to re-organise work among existing staff.**

#### **Example:**

Jack is an employed as an interpreter. He has a full caseload. Jack wants to reduce his hours to pursue his hobby and puts a request to his boss. Jack's manager considers the workload of other staff as well as likely future demand. The manager weighs up whether work can be redistributed, but as Jack has particular language skills that colleagues do not have sharing his work would be very difficult. The manager considers that agreeing to the request would place unreasonable pressures on other staff and therefore reluctantly turns it down. The process does, however, make the manager consider what options the Service would have on language skills if Jack decided to leave.

- **It is not possible to recruit additional staff.**

Recruiting additional staff is not an option unless request is for a reduction in hours.

- **Agreeing to the request will have a detrimental impact on quality.**

#### **Example:**

An experienced mechanic wants to reduce her hours and asks under the right to request flexible working. The other mechanics are still quite new and are "learning the trade" and the manager is concerned that the garage will be unable to tackle some of the more difficult repairs in the time scales required to keep the fleet operational. The Manager decides therefore to turn the request down but also offers to reconsider the request six months later after a programme of training to up-skill the other mechanics. Subsequently the success of the training programme allows the manager to approve the reconsidered request.



- **Agreeing to the request will have a detrimental impact on performance.**

**Example:**

Julie has been promoted to manage a team of office-based staff where there have been problems of absenteeism, bullying and low performance. She was recruited to rebuild and motivate the team. Julie makes a request to work flexibly from home. The manager considers the request but, at least for the next 12 months, decided that Julie should be visible and sitting with the team to tackle inappropriate behaviour when it occurs and to deal with work issues immediately. The manager considers that Julie working at home would prevent the problems affecting the team being addressed effectively and speedily and so turns the request down.

- **There is insufficient work during the periods the employee proposes to work.**

**Example:** Colin works in the Service Centre. He asks to change his hours to start at six am every day. The manager looks at the call pattern and decides there is inadequate demand at this time, and that agreeing the request would reduce cover at peak times and so turns the request down.

- **The Service has planned structural changes that are incompatible with the request.**

**Example:**

Mira is a Community Waste Operative. She currently works 8am to 5pm and wants to start later at 10am and finish at 7pm when the recycling centre closes. Whilst this seems entirely reasonable for the Service, Mira is told that the recycling centre will shortly be opening earlier at 6am and closing at 5pm to better match customer demand. The manager therefore turns down the request from Mira.