

The Highland Council

Agenda Item	5
Report No	RES/11/25

Committee: Corporate Resources

Date: 5 June 2025

Report Title: Flexible Working Policy

Report By: Assistant Chief Executive – Corporate

1. Purpose/Executive Summary

- 1.1 This policy replaces the previous flexible working and hybrid working policies and will provide a consistent framework to support flexible working for the benefit of services and staff.
- 1.2 The policy is supported by Hybrid-Mobile Working Guidance and Flexible Working Guidance. Guidance can be updated and added to as required.

2. Recommendations

- 2.1 Members are asked to:
 - i. **Approve** the Flexible Workforce Arrangements Policy; and
 - ii. **Note** the Hybrid-Mobile Working Guidance and Flexible Working Guidance.

3. Implications

- 3.1 **Resource:** There are no immediate resource implications arising from this policy. The Council is reconfiguring its asset base to reduce property costs and align with the Future Operating Model. Hybrid, mobile and flexible working will support this move.
- 3.2 **Legal:** There are no immediate legal implications arising from this policy. Legislation sets out requirements for employers to give due consideration to flexible working requests, as well as duties to ensure employee health, safety and wellbeing. A consistent policy will ensure the Council meets these obligations.
- 3.3 **Risk:** Having a sustainable workforce is included as a risk in the Corporate Risk Register (HCR3). A clear and consistent policy which supports service delivery and work-life balance, will improve recruitment and retention. This report mitigates the risk of an insufficient current and future workforce.

Any risk to ICT security arising from home or hybrid working is mitigated by mandatory training and the current Acceptable Use Policy and Information Security Guidance.

3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people):** Staff wellbeing is a priority in the People Strategy and this is reflected in the Flexible Workforce Arrangements Policy. In particular, Display Screen Equipment (DSE) training and assessment and Homeworking Risk Assessments are cited.

3.5 **Gaelic:** No implications.

4. Impacts

4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3	Impact Assessment Area	Screening Assessment
	Equality	Sex: Positive Age: No impact Disability: Positive Religion or belief: No impact Race: No impact Sexual orientation: No impact Gender reassignment: No impact Pregnancy and maternity: Positive Marriage and civil partnership: No impact
	Vulnerable groups	Unemployed: Positive Lone parent families: No impact Young children: No impact Older people: No impact Homeless: No impact Looked after children: No impact Low-income households (in-work poverty): Positive, Negative
	Human Rights	No impact
	Children's Rights and Well-being	No impact
	Island and Mainland Rural	Positive
	Climate Change	Positive

- 4.4 An initial screening has been undertaken for this policy. This identified positive impacts for:
- Sex, disability and pregnancy, as homeworking can afford the opportunity for staff to take short occasional breaks when necessary, which can avoid the need to take formal sick leave.
 - Equality/poverty, as homeworking can reduce household expenditure on travelling to work.
 - Island/rural communities, as homeworking can widen the available job pool in these areas.
 - Climate change, as homeworking can reduce the need to travel.
- 4.5 Potential negative impacts were identified for:
- Equality/poverty, as homeworking can increase household expenditure on heating and connectivity, and because homeworking requires a suitable area within the home to work from.

This is fully mitigated within the policy, as no staff will be required to work from home and all will have a suitable workspace available within a Council facility if required.

- 4.6 With regards to data protection, the screening recognised that there will be processing of personal data should a flexible working request include a change to salary. However, this is covered by current privacy statements and procedures.
- 4.7 The decision following the screening is that the impacts are positive or neutral and therefore a full impact assessment is not required.

5. Introduction

- 5.1 Highland Council previously operated a separate flexible working policy and hybrid policy. Pre-existing guidance on flexible working, including working from home, had been applied inconsistently across the organisation. The Covid-19 pandemic precipitated a huge increase in working from home and has resulted in a range of working methods and practices in the aftermath.
- 5.2 This policy will provide a consistent framework to support flexible working for the benefit of services and staff. It sets out the principles for flexible working, hybrid/mobile working, and flexi-time. Where requests are made, which includes requests to work outwith the Highlands, the needs of the service and requirements of the job will be the predominant consideration.

6. Homeworking from outwith the Highlands

- 6.1 A particular need has been identified for a consistent approach to homeworking from outwith the Highlands. Members are asked to note that the draft policy states:
- Employees who are home-based outwith the Highlands travel to the Highlands at their own cost.
 - These employees should have a notional base in the Highlands where travel expenses would be claimed from when work-related travel takes place.
 - Where an employee moves location, due to their own circumstances, and this results in a detrimental impact on their ability to provide an effective service delivery, Highland Council would consider this a breach of contract.

- 6.2 The Council is unable to accommodate or comply with requests to work remotely while abroad unless exceptional approval is sought in advance.

7. Engagement, Feedback and Research

- 7.1 Initial discussions at HR sub group and with trade union representatives have taken place and the draft policy was shared with trade unions on 16 May. The policy addresses a number of issues which have previously been raised by trade union representatives, including:

- Providing clarity on core hours in relation to flexi-time.
- Having a potential benefit of improving access to car parking at Council offices if hybrid working increases.

Officers will continue to work with trade union representatives to refine guidance.

- 7.2 The 2022 staff survey, to which over 5,000 staff responded, revealed that:

- 68% of respondents had a positive experience of working from home and 8% reported a negative experience.
- Positives reported were improved health and wellbeing and improved work-life balance.
- Negatives reported included lack of engagement with colleagues, and isolation.

- 7.3 This highlights a need for managers to be skilled at ensuring team communication, engagement and inclusion is optimised for hybrid and homeworking teams. This will be taken into account in the learning and development programme.

- 7.4 Industry reports indicate that hybrid working models are increasingly integral to recruitment, retention, and productivity within the UK public sector. A 2023 [report by the Chartered Institute of Personnel and Development](#) (CIPD) revealed that 61% of public sector employers offer hybrid working, with 38% reporting increased productivity due to this flexibility, compared to 13% saying it had decreased productivity.

- 7.5 Additionally, the [Open University's 2022 survey](#) found that 73% of public sector employees would be more likely to stay in a job that allowed hybrid working.

- 7.6 These findings underscore the importance of flexible working arrangements in attracting and retaining talent, as well as enhancing operational efficiency.

Designation: Assistant Chief Executive - Corporate

Date: 19 May 2025

Author: Elaine Barrie, Head of People

Background Papers: Staff survey report to The Highland Council,
26 October 2023

Appendices: Appendix 1 - Integrated Impact Assessment Screening
Appendix 2 - Draft Flexible Workforce Arrangements Policy
Appendix 3 - Flexible Working Guidance
Appendix 4 - Hybrid-Mobile Working Guidance

Appendix 1: Integrated Impact Screening Summary

Flexible Working Arrangements

The screening identified positive impacts for:

- Sex, disability and pregnancy, as homeworking can afford the opportunity for staff to take short occasional breaks when necessary, which can avoid the need to take formal sick leave.
- Equality/poverty, as homeworking can reduce household expenditure on travelling to work.
- Island/rural communities, as homeworking can widen the available job pool in these areas.
- Climate change, as homeworking can reduce the need to travel.

Potential negative impacts were identified for:

- Equality/poverty, as homeworking can increase household expenditure on heating and connectivity, and because homeworking requires a suitable area within the home to work from.

This is fully mitigated within the policy, as no staff will be required to work from home and all will have a suitable workspace available within a Council facility if required.

Data Protection, the screening recognised that there will be processing of personal data should a flexible working request include a change to salary. This is covered by current privacy statements and procedures.

The decision following the screening is that the impacts are positive or neutral and therefore a full impact assessment is not required.

Human Resources
Goireasan Daonna

Flexible Working Arrangements Policy

Poileasaidh Rèiteachaidhan Obrach Sùbailte



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Document Control

A: Version History

Version	Date	Author	Change
1.2			
1.1			
1.0	Oct 2024	Jane Henderson Amanda MacLaren	Integration of Flexible and new Hybrid/Mobile Working Policies

B: Document Approval

Name	Title	Role
Elaine Barrie	Head of HR	Final Approval
Louise McGunnigle	HR Manager	Final Reviewer
HR Sub Group	TU Representative	Reviewer
Jane Henderson Amanda MacLaren	HR BP HR Engagement Officer	Authors



Introduction

The Highland Council supports more agile working practices and have developed this Policy, which is aligned to the People Strategy, specifically Workforce Planning. It also supports three of the Delivery Plan Portfolios: Future Operating Model, Asset Reconfiguration and Net Zero. The Policy promotes a more flexible working arrangement for staff with a focus on work outputs and corporate outcomes.

Where and how staff work does not just cover locations and workstyles, it is about being responsive and adaptable to support employees to achieve a better balance between work and their personal life whilst ensuring the needs and effective delivery of our services are safeguarded.

Flexible working arrangements provide us with the opportunity to:

- address recruitment and retention issues
- redesign our services to meet local needs
- lower our carbon footprint by using both space and advancements in technology more dynamically
- realise financial savings by rationalising our physical assets
- help our employees to achieve a healthy and sustainable work-life balance.

Policy Purpose

The aim of the Flexible Working Arrangements Policy is to provide an approach that modernises the way we work and breaks down traditional barriers by creating a collaborative, engaged and efficient work force.

The purpose of the policy is to outline expectations with regards to defining working arrangements whilst supporting a strong framework to balance service delivery with employee preferences.

The application of this policy will provide a flexible, connected and sustainable environment for staff and a framework aligned to organisational values, customer service and employee engagement. This policy should be applied whilst also taking into consideration the most appropriate arrangements for our employees regarding their work location, working pattern and/or working hours.

Who is this policy for?

This policy applies to:

- Scottish Joint Council Employees (all Highland Council (HC) graded posts)
- Non-school based staff in Education.

Employees on Agenda for Change Terms and Conditions have separate arrangements in place, please see [NHS PIN policies](#).

Policy in Practice

Definitions

Core Business Hours are 10am-12pm and 2pm-4pm, Monday to Friday. All employees are required to work during core hours unless they already have a fixed hours work pattern agreed.

Flexible Working Arrangements uses 3 flexible working strands to support agile working:

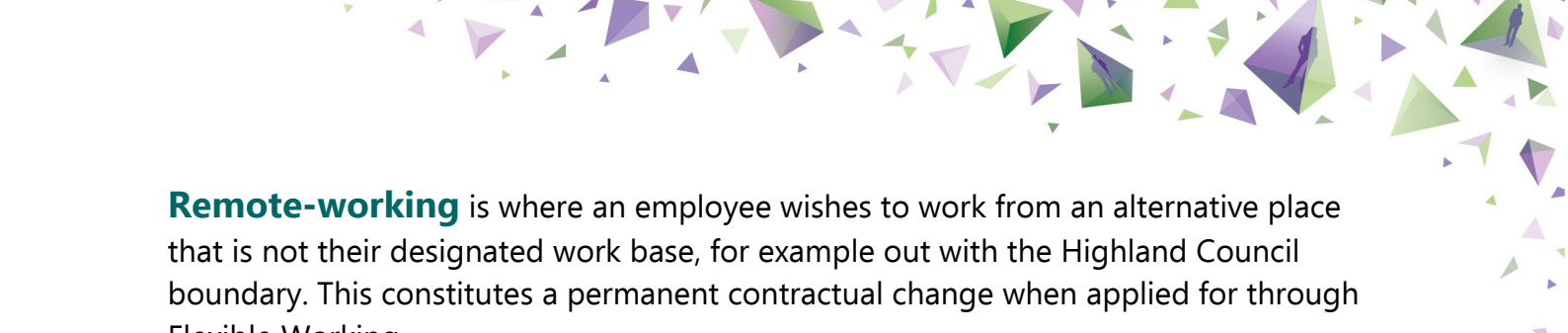
- Flexible Working
- Hybrid/Mobile Working
- Flexi-Time Scheme

Flexible Working determines when an individual works and provides a permanent and structured amendment to contractual working arrangements.

Hybrid/Mobile Working relates to where an individual works. This allows an employee to work from various locations providing an informal and fluid agreement that does not constitute a permanent contractual change.

Flexi-Time Scheme enables an employee to vary their hours around the core business hours each day and potentially bank any surplus hours worked.

Homeworking relates to working from a home workspace and can be applied to either Flexible Working or Hybrid/Mobile Working arrangements.



Remote-working is where an employee wishes to work from an alternative place that is not their designated work base, for example out with the Highland Council boundary. This constitutes a permanent contractual change when applied for through Flexible Working.

Time off in lieu (TOIL) differs from Flexi-Time as this is additional hours worked which are accrued when requested or approved in advance by a line manager.

Flexible Working

Flexible Working formally defines the hours, days and place an employee attends work. A work pattern is agreed between an employee and a manager, taking into account the employee's preferences whilst ensuring Service delivery is protected and team dynamics are not compromised. Approved Flexible Working applications will result in a **permanent contractual change**.

A Flexible Working application can be used to:

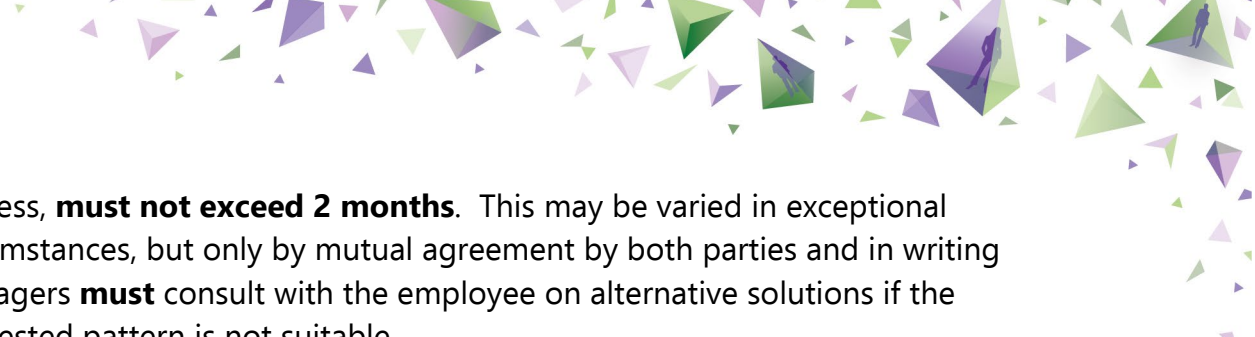
- adjust the number of hours an employee works, for example part-time working
- adjust the times when an employee is required to work, for example compressed hours, term-time working or annualised hours
- allow an employee to permanently work from a fixed base, for example their home or a dedicated office
- support a job-sharing arrangement or opportunity.

Flexible Working:

- can be applied for by employees who are Hybrid/Mobile Working and/or utilising the Flexi-Time Scheme
- should be utilised by any employee whose hours regularly vary from their standard work pattern.

The Employment Relations (Flexible Working) Act 2023 dictates the following legislation on Flexible Working:

- employees can apply for Flexible Working from their first day of employment
- employees can apply twice within any 12-month rolling period
- employees do not need to explain how the proposed arrangement will work or define the impact the change may have
- the timescale to conclude a Flexible Working request, including any appeal



process, **must not exceed 2 months**. This may be varied in exceptional circumstances, but only by mutual agreement by both parties and in writing

- managers **must** consult with the employee on alternative solutions if the requested pattern is not suitable
- each application should be considered fairly and independently and should only be refused if there are legitimate business grounds for doing so.

There are 8 permitted business grounds for refusing a request, defined as:

- The burden of additional costs
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability to meet customer demand
- An inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- Insufficient work for the periods the employee proposes to work
- Planned structural changes to the business.

Employees will have the right of appeal against any decision outcome. See the Flexible Working Guidance [[link to be added](#)] for more information.

Hybrid/Mobile Working

Hybrid/Mobile Working supports more autonomy and a healthier work-life balance by using an informal and fluid approach to provide employees the opportunity to work from various locations including an office space, a home workspace or another Council location. A whole team approach should be attained through the implementation of a Team Agreement.

Hybrid/Mobile Working:

- relates to where an employee undertakes work
- does not result in a permanent change to their existing contract
- can be implemented by those who also have Flexible Working arrangements and/or are utilising the Flexi-Time scheme
- can be requested by any employee who undertakes home or office-based work.



Flexi-Time Scheme

Employees who utilise Flexi-Time can vary their hours around the **core business hours** (10am to 12pm and 2pm to 4pm) each day and potentially bank any surplus hours worked. Hours accrued and banked in this way can be used at a later date. Employees can also go into a limited deficit, whereby they owe time back to the Council.

A maximum of 14 hours (pro-rata) can be accrued and carried forward and there is a limit of -7 hours (pro-rata) deficit that can be carried forward.

Attendance is required **during core business hours** (10am-12pm and 2pm-4pm).

An employee is not eligible to utilise the Flexi-Time Scheme where they have an agreement to work **specific fixed hours**.

See the Flexi-Time Scheme [\[link to be added\]](#) for more information.

Time off in lieu (TOIL)

Time off in Lieu (TOIL) differs from Flexi-Time. TOIL can only be accrued through additional hours worked which were requested or approved in advance by a line manager. This would normally be in relation to a specific activity or piece of work.

Policy Principles

Flexible working arrangements aim to protect service provision and ensure there is no detriment to our employees, their colleagues or our customers. Where requests are made, the needs of the service and requirements of the job will be the predominant consideration.

Flexible working may not be appropriate for all roles. Hybrid/mobile or homeworking would not be suitable for staff who either have to work in a specific location such as a school or in our communities, for example amenities, roads, waste and recycling centres.

Employees with caring responsibilities are expected to have appropriate arrangements in place for any dependents to avoid interruption to work when working from home.



Remote Working

The Council encourages our workforce to locate throughout the Highlands and operate effectively, supported by technology. Suitability for hybrid working will be assessed when a vacancy is advertised to allow posts to be located across the Highlands. Employees who work remotely or from home should be as effective as they would be in an office. Staff who work remotely full time should make a flexible working request. Requesting an employee attend the office to work, attend meetings, training or collaboration with team members is considered a reasonable management request and employees are expected to attend the workplace when requested.

Working from a base out with the Highlands on a full time or hybrid/mobile basis can be supported where:

- the service needs are met
- there are no practical issues impacting negatively on service delivery.

Employees who are home-based out with the Highlands travel to the Highlands at their own cost. These employees should have a notional base in the Highlands where travel expenses would be claimed from when work-related travel takes place.

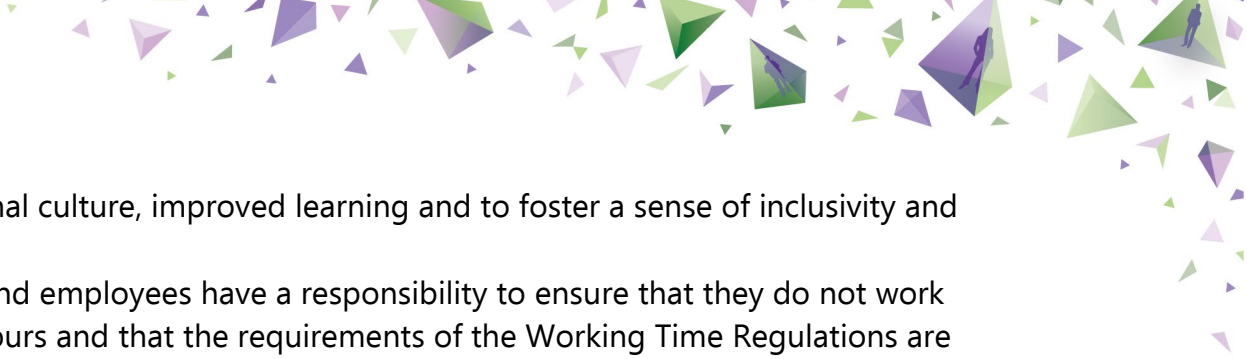
Where an employee moves location, due to their own circumstances, and this results in a detrimental impact on their ability to provide an effective service delivery, Highland Council would consider this a breach of contract.

Regular working out-with the UK may have significant implications for the Council and employees in relation to tax, social security, immigration, pension and employment legislation relating to that country. Export laws relating to data and technology may also impact an employee's ability to securely undertake work duties whilst abroad. The Council is unable to accommodate or comply with requests to work remotely while abroad unless exceptional and approval sought from ACE/CO, Head of People and CO Business Solutions in advance.

Wellbeing

An employee should not be expected to work remotely or from home if this does not suit their individual circumstances.

Managers and employees must be mindful of the need and advantages of teams coming together in person to support effective communication, health & wellbeing,



organisational culture, improved learning and to foster a sense of inclusivity and belonging.

Managers and employees have a responsibility to ensure that they do not work excessive hours and that the requirements of the Working Time Regulations are complied with.

Right to Disconnect

Remote and homeworking can increase the blurring of the lines between work and home. Managers and employees should be mindful of the right to disconnect and ensure the working culture allows employees to 'switch off' outside of their working hours. See the [Right to Disconnect](#) guidance for more information.

Health and Safety

It is the responsibility of each employee to ensure their own health, safety and wellbeing and to maintain the working environment to the agreed health and safety standards, regardless of the place they work. All employees who use a workstation should complete the Display Screen Equipment (DSE) online course on [Traineasy](#). In addition, for those who wish to work at home, a [Homeworking Risk Assessment](#) and [DSE Workstation Homeworkers Assessment](#) must also be completed and retained by managers.

ICT Security

To minimise the risk of data breaches, all employees, regardless of where they work, are responsible for keeping all work-related devices, documents and any other information associated with the Highland Council secure and confidential at all times. Employees should familiarise themselves with the [Highland Council ICT Acceptable Use policy](#) and [Information Security Guidance](#).

Equality and Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).



Guidance

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the HR Microsite – see Quick Links below.

Legislation

The development and application of this policy and appended procedures is guided by:

- Employment Rights Act 1996
- Children and Families Act 2014
- Employment Relations (Flexible Working) Act 2023
- Flexible Working Regulations 2014 (SI 2014/1398)
- ACAS Code of Practice
- The Equality Act 2010
- Equally Safe at Work (ESAW) Employer accreditation

Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Flexible Working Guidance	Click Here
Flexible Working Arrangements Guidance for Managers	Click Here
Flexible Working Process	Click Here
Hybrid/Mobile Working Guidance	Click Here
Flexi-Time Scheme	Click Here
Right to Disconnect	Click Here
NHS PIN Policies	Click Here

spectrum
.life

vivup

Healthy
Working
Lives

EQUALLY SAFE AT
WORK
DEVELOPMENT

disability
confident
LEADER



happy to
talk flexible
working

We are a
**Living
Wage**
Employer

myjobscotland



The Highland
Council
Comhairle na
Gàidhealtachd

APPENDIX 3

Human Resources
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Flexible Working Guidance



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Introduction

Flexible Working, Hybrid/Mobile Working and the Flexi-Time scheme create the 3 Flexible Working Strands which sit under Flexible Working Arrangements.

Flexible working determines **when** an employee works. Hybrid/Mobile Working relates to **where** an employee works, and the Flexi-Time scheme provides an employee **flexibility** to vary their hours around core business hours each day.

This guidance supports the Flexible Working Arrangements Policy and should be implemented for any employee who wishes to take advantage of Flexible Working. This guidance is closely linked to the Hybrid/Mobile Working Guidance and the Flexi-Time Scheme [links to be added].

This guidance outlines expectations, considerations and process with regards to defining working arrangements to achieve a balance between an employee's preferences and service provision.


Guidance

What is Flexible Working?

A Flexible Working arrangement can be used to implement a work pattern that suits an employee's individual needs, enabling them to choose when they work and confirm where they will work, for example employees may:

- adjust the number of hours worked, for example part-time working, term-time working or annualised hours
- adjust the start and finish times or the days they work, for example variable hours or compressed hours
- formalise a permanent work base for all or part of their working week.

Implementing a Flexible Working agreement to change where an employee works **will constitute a permanent contractual change**, unlike Hybrid/Mobile Working [link to be added] where employees and managers can adopt a fluid approach to work locations depending on service requirements.



Flexible Working can be utilised by employees who have a Hybrid/Mobile Working [link to be added] agreement in place.

The Flexi-Time Scheme [link to be added] can be used by employees with a Flexible Working agreement in place, unless they have work specific, fixed hours.

Definitions

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

Compressed hours – allows an employee to work their normal hours of work over a shorter time period. For example, an employee may work a 35-hour week in 4 days instead of the usual 5 days.

Flexible Working allows an employee to implement a desired work pattern and provides a permanent and structured amendment to contractual working arrangements.


Flexi-Time allows an employee to vary their hours around core business hours each day and potentially bank any surplus hours worked to be taken at an agreed time.

Homeworking allows an employee to work from a dedicated space in their home. This constitutes a permanent contractual change when applied for through Flexible Working.

Hybrid/Mobile Working allows an employee to work from various locations including their home, a designated office space and any other Council location required by their role, providing an informal and fluid approach to undertaking their work duties.

Part-time working is where employees reduce their hours from the standard full time equivalent.

Remote-working is where an employee wishes to work from an alternative place that is not their designated work base, for example out with the Highland



Council boundary. This constitutes a permanent contractual change when applied for through Flexible Working.

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

Variable hours - allows an employee to adjust their start and finish times within their working week. The employee's overall number of hours worked per day remains the same but the working pattern could vary over the course of a week or a set period of time.

Flexible Working Requests

Employees who wish to request Flexible Working are encouraged to have an informal discussion with their line manager before submitting a Flexible Working application. This gives both the employee and the line manager an opportunity to discuss the proposed arrangement and to overcome any potential challenges that may arise as a result of the request.

If an employee wishes to vary their work location but not on a permanent basis, Hybrid/Mobile Working could be considered.


Legislation now states that the timescale to conclude a Flexible Working request, including any appeal process, **must not exceed 2 months**.

Requests to Work out with The Highland Council Boundary

Where an employee seeks to work remotely on a permanent or regular basis, the needs to be service and the requirements of the job will be the predominant consideration.

In exceptional circumstances consideration will be given to requests to work elsewhere in Scotland or the UK. An example would be to temporarily allow an employee to be based close to a sick relative and visit outside of contractual hours.

Regular working out-with the UK may have significant implications for the Council and employees in relation to tax, social security, immigration, pension and employment legislation relating to that country. Export laws relating to data and technology may also impact an employee's ability to securely undertake work duties whilst abroad. The Council is unable to accommodate or comply with



requests to work remotely while abroad unless exceptional and approval sought from ACE/CO, Head of People and CO Business Solutions in advance.

Roles & Responsibilities

Manager Responsibilities

Ideally, employees will discuss their request informally with their manager before submitting a Flexible Working application. This discussion should have allowed for collaborative planning to enable maximum flexibility whilst protecting the requirements of the Service.

We recognise that every employee's circumstances will be different and therefore it is not feasible to set out a specific set of guidelines, however there is **strict legislation** around Flexible Working applications, therefore when an application is submitted managers **must** follow the Flexible Working Application Process [link to be added] and ensure they:

- have read this guidance and are able to apply this and related policies and guidance, for example Hybrid/Mobile Working Guidance or the Flexi-Time Scheme [links to be added] in a fair, open and consistent manner
- consider the operational impact the request will have and how the request can be accommodated and implemented (see below)
- consider Flexible Working as a reasonable adjustment which may support an employee in continuing work or returning to work
- make the employee aware that they may be accompanied by a colleague or Trade Union representative to any meeting during this process
- arrange a meeting with the employee once the formal request has been received to discuss the request in depth and how it can be implemented in the workplace
- consult with employee to discuss and consider all alternatives if the request is not achievable
- respond in writing, as soon as possible, advising the employee of the outcome of a Flexible Working application. A copy should be sent to [HR](#).

Approved Flexible Working Applications

Where applications have been approved managers should:

- update risk assessments, including the identification of lone workers and the agreed controls for their safety

- discuss and create a Homeworking Agreement, if appropriate
- distribute and monitor workload evenly to achieve desired outcomes
- establish protocols to ensure effective communication and connectivity
- ensure all employees have the equipment required to do their job
- know the whereabouts of any employee and how they should be contacted in case of an emergency
- establish protocols for when the internet connection is restricted or unavailable
- remind employees that the normal rules on reporting sickness or any other type of absence will still apply
- check in regularly with all team members
- actively listen to the employee, provide support/advice and signpost to any of the support mechanisms available, for example the [Employee Assistance Programme \(EAP\)](#).

Managing employees who work at home or at another location requires a different approach to those in traditional face to face management. A module for managers called 'Hybrid Working in the Highland Council' is available on [Traineasy](#).

Employee Responsibilities

Ideally, employees will discuss their request informally with their manager before submitting a Flexible Working application. This discussion should have allowed for collaborative planning to enable maximum flexibility whilst protecting the requirements of the Service.

Employees should:

- ensure they are aware of this guidance and associated policies, in particular those which relate to Hybrid/Mobile Working or the Flexi-Time Scheme [links to be added]
- be aware that a Flexible Working Application will constitute a permanent contractual change to existing work arrangements
- be open with their line manager when discussing their practical needs and capabilities in relation to Flexible Working
- be aware that salary and pension payments (where applicable) will be affected if contractual hours are reduced
- consider a trial period to see if the proposed changes are effective
- be aware that there is no right to revert to former contractual terms once a Flexible Working change has been implemented
- be contactable during agreed working hours

- ensure security of their equipment and maintain their working environment to the agreed health and safety standards, regardless of location
- ensure a safe and appropriate space in which to work, which will provide security and the privacy required when working remotely or at home
- when working from home ensure they have an internet connection which efficiently supports work systems
- inform their line manager if internet connection is restricted or unavailable when remote or home working
- comply with the Council's [Code of Conduct](#) when working, regardless of location
- adhere to the Highland Council's [ICT Acceptable Use Policy](#), regardless of location
- ensure they have access to the ICT Helpdesk phone number and know their laptop asset number if working from home
- comply with the guidance on [Information Security](#) (below) when working from home
- comply with obligations in relation to health and safety, rest breaks, working hours and the [Right to Disconnect](#)
- check their contents insurance policy is adequate when working from home
- follow the normal rules on reporting sickness or any other type of absence regardless of work location.

Flexible Working Application Procedure

All Flexible Working requests must be dealt with as soon as is practicably possible as legislation now states that the timescale to conclude a Flexible Working request, including any appeal process, **must not exceed 2 months**. The timescales for considering an application or an appeal may be varied in exceptional circumstances, but only by mutual agreement of both parties and in writing.

Submission of a Flexible Working Application Form

Once the employee has discussed their preferences with their manager, they should complete a Flexible Working Application Form [link to be added] and submit to their line manager (copy to [HR](#)).

Legislation states that managers **must** consult with the employee on alternative solutions if the requested pattern is not suitable.

Possible decision outcomes include:

- Approval of the request
- Amended agreement (as determined during the meeting)
- Unsuccessful on this occasion.

If approved, the line manager should notify the employee in writing using the Flexible Working Decision form [link to be added] (copied to [HR](#)) and complete an employee change form in [MyView](#), if appropriate. Change forms are required where an employee's

base or number of hours worked are changing. Care must be taken when submitting a change form to payroll. The effective date of change must be submitted to payroll by the deadline date of the month in which the change applies. Please see [Payroll deadline dates](#).

The employee will receive an amendment to contract detailing the changes and effective date. If an employee is not changing the number of hours per week that they work, an amendment to contract will not be issued.

Trial Period

There may be instances where the manager is unsure if the requested arrangements will be sustainable, or how the request may impact colleagues. In such cases the manager and employee could agree to implement the arrangements on a temporary or trial period basis. Before the trial period has concluded, the manager and employee should meet to review the trial and determine if the trial has been successful. The outcome of the trial should be confirmed in writing to the employee using the Flexible Working Decision Form [link to be added] (copy sent to [HR](#)).

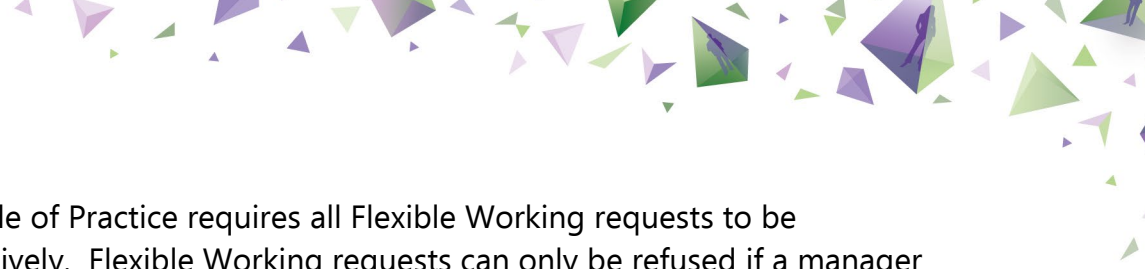
Withdrawal of a Flexible Working Application

The line manager may treat an application as being withdrawn where the employee has:

- notified the withdrawal orally or in writing
- failed to attend a meeting more than once during this procedure without reasonable cause
- refused to provide the necessary information to assess the application.

The line manager should confirm the withdrawal to the employee in writing.

Declining a Flexible Working Application



The Statutory Code of Practice requires all Flexible Working requests to be considered objectively. Flexible Working requests can only be refused if a manager has consulted with an employee to exhaust all possible alternative arrangements and when there are legitimate business grounds for doing so.

The legislated business grounds for refusal are:

- the burden of additional costs
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- insufficient work for the periods the employee proposes to work
- planned structural changes to the business.

If an application is declined, the decision should be confirmed to the employee in writing using the Flexible Working Decision Form [link to be added]. The manager should include the relevant key facts and rationale as to why the business ground(s) for refusal apply.

The application and the written refusal letter should also be sent to [HR](#) for recording purposes.


More detailed information and examples are available in the Flexible Working Arrangements Guidance for Managers [link to be added].

Appeals Procedure

If the application is unsuccessful, the employee may appeal the decision to the next level of management within the Service if:

- they believe the outcome is deemed to be unfair
- there is new information that was not available at the time of the original decision, or
- the procedure was not followed appropriately.

The appeal should be submitted within 14 days of receipt of the written refusal letter, using the Flexible Working Appeal Form [link to be added].



On receipt of the Flexible Working Appeal Form, a hearing will be arranged with the next level of management, the line manager that refused the application, HR and the employee. The employee is also entitled to be accompanied to this hearing.

The appeal hearing outcome will be communicated to the employee. This hearing ends the Flexible Working application process.

Homeworking Considerations

The manager and employee should have a discussion regarding the arrangements for Homeworking to define work objectives and methods to distribute and monitor workload evenly across the team. Protocols should also be agreed and implemented to ensure effective communication. A Homeworking Agreement [link to be added] should be completed noting the key points of these discussions and any matters arising should be kept by the manager.

Health and Safety

Managers should ensure that staff working from home complete the [Homeworking Risk Assessment](#) and the [Display Screen Equipment \(DSE\)](#) module.

Further information and advice on working from home can be found on the [Health and Safety Executive](#) website.

Workstations – equipment and ICT kit

Line managers must ensure that any risks identified via the Risk Assessment are eliminated or reduced sufficiently. This should be done in consultation with employees to ensure that the home workstation meets the needs of the individual user.

Employees should be provided with any workplace equipment required to set up their home workstation. Managers should request any equipment needed (e.g. docking station, monitor, chair, etc.) via the ICT Service Desk. Any equipment issued to staff to work from home (including desks, chairs) should be documented for tracking purposes. Where required, hot desk facilities will be provided, however devices may need to be transported between the employee's home and office location.



Information Security

Information governance should form part of discussions between the manager and employee to ensure suitable arrangements are in place at home to mitigate risk of breaches of confidentiality or security. Security arrangements should be adopted and clarified in the Homeworking Agreement [link to be added] to ensure:

- security and confidentiality of Highland Council equipment and information
- no access of family and friends to work information
- confidentiality of work conversations via phone/Teams
- provision of secure containers
- protection of home computers and their links
- appropriate use of other communication links
- disposal of classified waste.

Additional information is available here [Information Security Guidance](#)

Travel

Each employee should have a 'base' location from which travelling expenses can be claimed in line with the [Travel & Subsistence Policy](#).

Until a change of contract amends the employee's base to be their home, their usual workplace continues to be their work base. The 'home' base would normally be within the Highland area, unless an existing arrangement is in place.

Wellbeing

Managers have a duty of care to ensure the health, safety and wellbeing of staff and must ensure staff have sufficient support and access to the range of wellbeing resources offered by The Highland Council.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Flexible Working Arrangements Policy	Click Here
Flexible Working Arrangements Guidance for Managers	Click Here
Flexible Working Process	Click Here
Flexible Working Application	Click Here
Flexible Working Decision Form	Click Here
Flexible Working Appeal Form	Click Here
Hybrid/Mobile Working Guidance	Click Here
Flexi-time Scheme	Click Here
Right to Disconnect	Click Here
NHS PIN Policies	Click Here



Human Resources
Goireasan Daonna

Hybrid/Mobile Working Guidance

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Introduction

Flexible Working, Hybrid/Mobile Working and Flexi-Time create the 3 Flexible Working Strands which sit under Flexible Working Arrangements.

Hybrid/Mobile Working relates to **where** an employee works. Flexible working determines **when** an employee works and the Flexi-Time scheme provides employees **flexibility** to vary their hours around core business hours each day.

This guidance supports the Flexible Working Arrangements Policy [[link to be added](#)] and should be implemented for any employee who wishes to take advantage of Hybrid/Mobile Working.

This guidance is closely linked to the Flexible Working Guidance and the Flexi-Time Scheme [[links to be added](#)]. It outlines expectations, considerations and process to support defining working arrangements to achieve a balance between an employee's preferences and service provision.

Guidance

What is Hybrid/Mobile Working?

A Hybrid/Mobile Working agreement can be used to enable an employee to work from various locations, for example:

- their home
- a designated office space
- any other Council location required by their role, for example depots or out in the community including Points of Delivery (PODs).

A Team Agreement is used to provide a fluid, informal approach to work locations, however this does not constitute a permanent, contractual change.

Hybrid/Mobile Working can be utilised by those who have a Flexible Working agreement in place, or who are utilising the Flexi-Time Scheme [[links to be added](#)].



Definitions

Flexible Working allows an employee to implement a desired work pattern and provides a permanent and structured amendment to contractual working arrangements.

Hybrid/Mobile Working allows an employee to work from various locations including their home, a designated office space and any other Council location required by their role, providing an informal and fluid approach to undertaking their work duties.

Homeworking allows an employee to work from a dedicated space in their home.

Remote-working is where an employee wishes to work from an alternative place that is not their designated work base, for example out with the Highland Council boundary. This constitutes a permanent contractual change when applied for through Flexible Working.

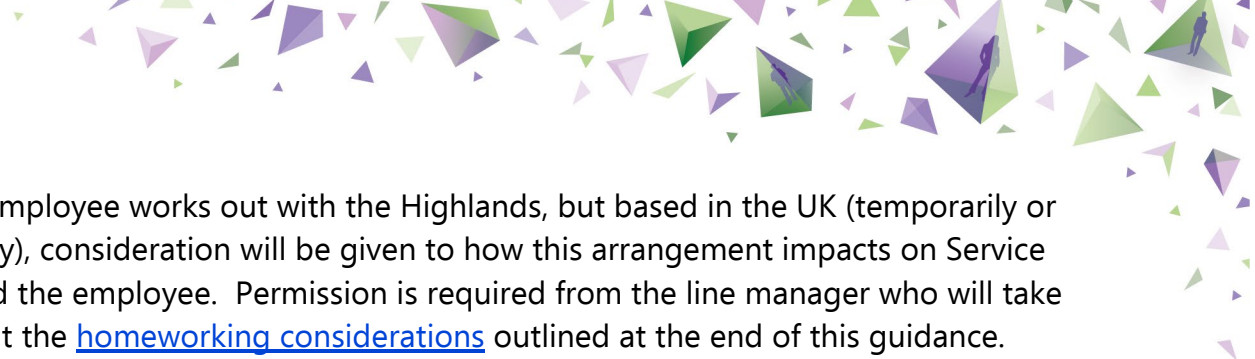
Team Agreement is a live document which outlines the informal arrangements that have been agreed between the manager and the employees within their team.

Flexi-Time Scheme enables an employee to vary their hours around the core business hours each day and potentially bank any surplus hours worked.

Hybrid/Mobile Working Requests

Jobs should be assessed for suitability of hybrid working when advertised. If advertised as hybrid, the post holder should have a notional base within the Highlands and the frequency of homeworking will depend on service needs, to be agreed with the line manager. The following wording should be used when advertising a post suitable for hybrid/mobile working: 'This post is suitable for hybrid/mobile working where flexible and office working can be undertaken across the Highlands.'

Any employee who undertakes home or office-based work can request Hybrid/Mobile Working. Managers should take into account service needs when discussing and agreeing arrangements. The fluid nature of Hybrid/Mobile Working means that managers can adopt a flexible approach to work locations (including the use of PODs) and requests received to support employees.



Where an employee works out with the Highlands, but based in the UK (temporarily or permanently), consideration will be given to how this arrangement impacts on Service delivery and the employee. Permission is required from the line manager who will take into account the [homeworking considerations](#) outlined at the end of this guidance.

Working out with the UK would be exceptional and approval must be sought from ACE/CO, Head of People and CO Business Solutions in advance. Employees cannot claim travel to the Highlands when they live out with the Highland Council boundary. Where work-related travel is required in the Highlands this will be claimed from the agreed notional Highland Council base. For more information see the [Travel](#) section at the end of this document.

Employees who wish to request Hybrid/Mobile Working should discuss this with their line manager who will consider the preferences of the individual, service delivery requirements, the impact on the team and the requirements of the job. Where requests are accepted, these will be reflected in a Team Agreement [link to be added].

There may be instances where the manager is unsure that the arrangements requested are sustainable or how the request may impact on other employees. In these circumstances the line manager and employee may agree for the arrangements to be put in place temporarily or on a trial period basis. Employees must tell their line manager of any proposed change to their home location if working a Hybrid/Mobile arrangement, to establish any implications for the employee or the delivery of services.

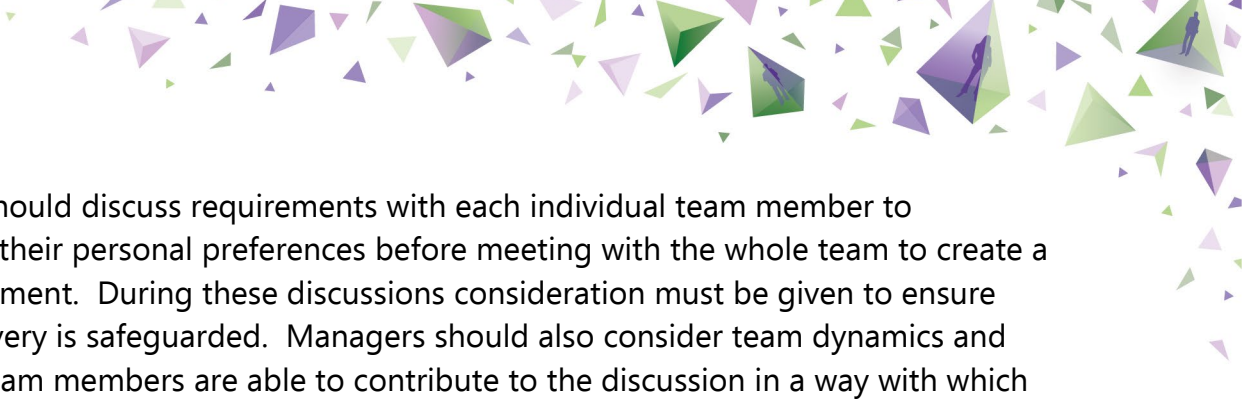
Where requests are refused, clear justification should be provided by the manager as to why the request cannot be supported.

There is no automatic right to full time home working where an employee chooses to live out with the Highland Council boundary or Scotland. It is important that the employee fully discusses their circumstances with their manager to establish appropriateness and support available. Flexible Working [link to be added] may be applied for where employees are considering a more formal, permanent change.

In exceptional circumstances Hybrid/Mobile Working arrangements may need to be withdrawn or modified where there is a negative impact on an individual or the team, or where there are performance or operational issues and/or other business needs.

Roles & Responsibilities

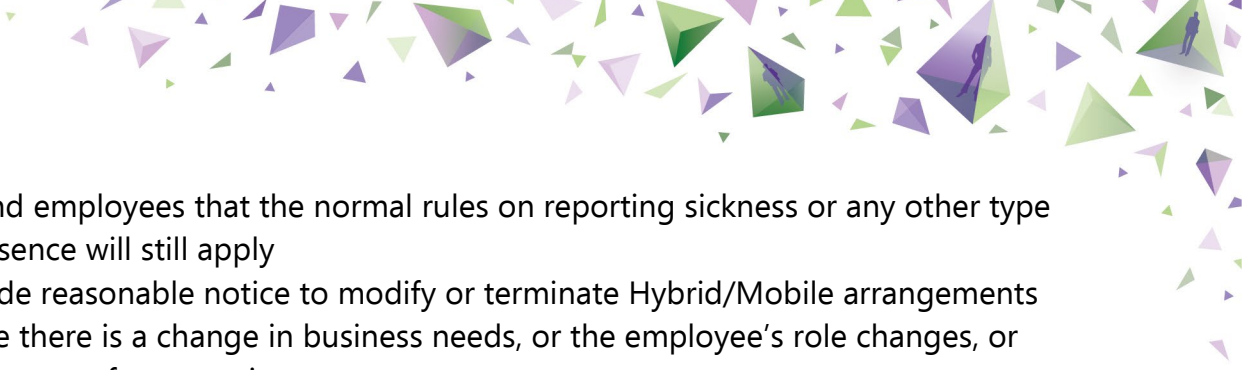
Manager Responsibilities



Managers should discuss requirements with each individual team member to understand their personal preferences before meeting with the whole team to create a Team Agreement. During these discussions consideration must be given to ensure Service delivery is safeguarded. Managers should also consider team dynamics and ensure all team members are able to contribute to the discussion in a way with which they are comfortable – for example, some individuals may prefer to make their wishes known to a manager in writing rather than speaking in front of colleagues.

We recognise that every Service and individual employee's circumstances will be different. In all circumstances, however, managers should:

- have read this guidance and be able to apply this and related policies and guidance, for example Flexible Working Guidance or the Flexi-Time Scheme [link to be added] in a fair, open and consistent manner
- consult with all team members to attain a whole team approach
- consider Hybrid/Mobile Working as a reasonable adjustment which may support an employee in continuing work or returning to work
- complete a Team Agreement [link to be added]
- agree an implementation plan
- establish protocols to ensure effective communication and connectivity by being contactable during agreed working hours and making availability accessible to others through Teams / Outlook Calendar
- reinforce expectations regarding working hours and the [Right to Disconnect](#)
- remind employees of their obligations in relation to health and safety, rest breaks and data security
- update risk assessments, including the identification of lone workers and the agreed controls for their safety
- know the whereabouts of any employee and how they should be contacted in case of an emergency
- actively listen to the employee, provide support/advice and signpost to any of the support mechanisms available, for example the [Employee Assistance Programme \(EAP\)](#)
- manage performance based on outcomes and results and ensure that employees are aware of the objectives and processes which will measure performance
- hold regular reviews and discussions with team members to ensure the arrangements are still appropriate
- amend the Team Agreement to reflect any changes to an individual's circumstances detailing revised arrangements
- establish protocols for when internet connection is restricted or unavailable when an employee is working from home

- 
- remind employees that the normal rules on reporting sickness or any other type of absence will still apply
 - provide reasonable notice to modify or terminate Hybrid/Mobile arrangements where there is a change in business needs, or the employee's role changes, or there are performance issues
 - confirm with employees whether the Hybrid/Mobile arrangements are subject to a trial period.

Managing employees who work at home or at another location requires a different approach to those in traditional face to face management. A module for managers called 'Hybrid Working in the Highland Council' is available on [Traineasy](#).

Employee Refusing to Attend the Office

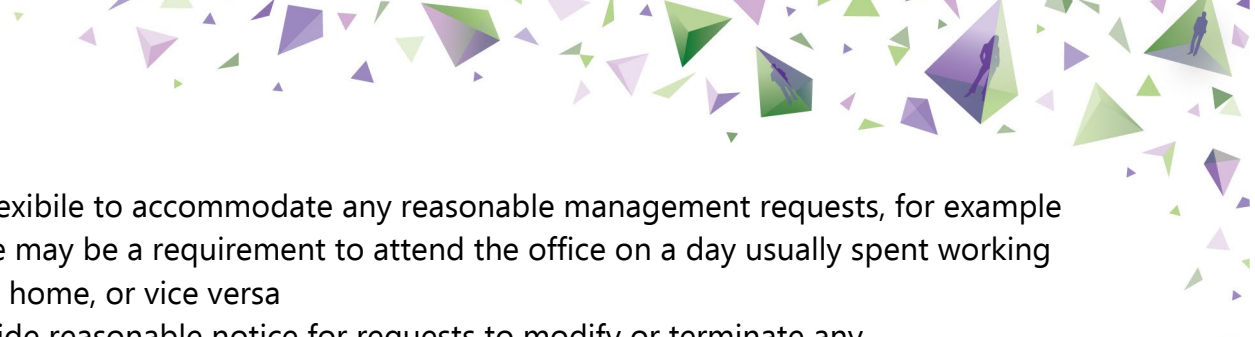
Requesting employees to attend the office to work or for meetings is deemed a reasonable management request and employees are therefore expected to attend the workplace when asked. Where an employee refuses to attend the office:

- discuss their concerns, the difficulties they face and what they need
- listen attentively to their concerns, empathise and offer support
- be aware of adding to the employee's complaints or fostering negativity as it may fuel resentment
- think about what a solution for the employee might be, whilst still fulfilling the requirements of the role. A minor compromise may be all that is needed to demonstrate that you are on the same page, with a shared desire to achieve common goals
- be collaborative and look for creative solutions to enable them to attend the workplace.

Employee Responsibilities

Employees should:

- ensure they are aware of this guidance and associated policies and guidance, in particular those which relate to Flexible Working and the Flexi-Time Scheme [links to be added]
- be open with their line manager when discussing their practical needs and capabilities in relation to Hybrid/Mobile Working
- consider a trial period to see if any proposed changes are effective
- adhere to the finalised Team Agreement
- be contactable during agreed working hours

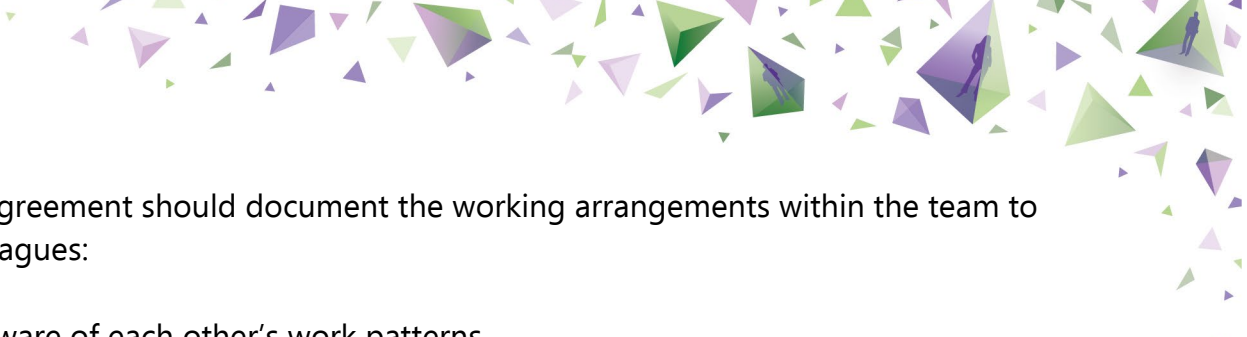
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- be flexible to accommodate any reasonable management requests, for example there may be a requirement to attend the office on a day usually spent working from home, or vice versa
 - provide reasonable notice for requests to modify or terminate any Hybrid/Mobile Working arrangements
 - ensure a safe and appropriate space in which to work which will provide security and the privacy required when working remotely or at home
 - ensure a safe and reasonable space, security and privacy in which to work if working remotely or at home
 - when working from home ensure they have an internet connection which efficiently supports work systems
 - inform their line manager if internet connection is restricted or unavailable when remote or home working
 - comply with the Council's [Code of Conduct](#) when working, regardless of location
 - adhere to the Highland Council's [ICT Acceptable Use Policy](#), regardless of location
 - ensure they have access to the ICT Helpdesk phone number and know their laptop asset number
 - comply with the guidance on [Information Security](#) (below) when working from home
 - comply with obligations in relation to health and safety, rest breaks, working hours and the [Right to Disconnect](#)
 - check their contents insurance policy is adequate when working from home
 - follow the normal rules on reporting sickness or any other type of absence regardless of work location.

The Team Agreement

The application of Hybrid/Mobile Working practices should be documented within a workplace plan known as a Team Agreement. Team Agreements are informal, fluid arrangements and do not represent a contractual change for any employee. The Team Agreement should be treated as a live, changeable document which outlines the Hybrid/Mobile arrangements agreed between the manager and all employees in the team.

The Team Agreement should be reviewed every 6 months, or whenever there is a change or new request.

Developing a Team Agreement



The Team Agreement should document the working arrangements within the team to ensure colleagues:

- are aware of each other's work patterns
- know the whereabouts of other team members so they can remain safe when remote or homeworking
- know when and how they can contact each other
- are able to communicate effectively and work collaboratively
- have a planned approach towards expected work commitments.

More detailed information and considerations are available in the Team Agreement – Managers Guidance [link to be added] and there is a short module on [Traineasy](#) called 'Your Team Agreement'.

Homeworking Considerations

Health and Safety

Managers should ensure that staff working from home complete the [Homeworking Risk Assessment](#) and the [Display Screen Equipment \(DSE\)](#) module. Further information and advice on working from home can be found on the [Health and Safety Executive](#) website.

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- disposal of classified waste.

Additional information is available here [Information Security Guidance](#)

Travel

Each employee should have a 'base' location from which travelling expenses can be claimed in line with the [Travel & Subsistence Policy](#).

Where an employee is Hybrid/Mobile Working, their base does not change unless an application for Flexible Working is submitted and approved.

Wellbeing

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NHS PIN Policies	Click Here



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