



The Highland  
Council  
Comhairle na  
Gàidhealtachd

Human Resources  
Goireasan Daonna

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# Flexible Working Arrangements Policy

Poileasaidh  
Rèiteachaidhan Obrach  
Sùbailte



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# 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 allows an employee to apply for a preferred work pattern which is a permanent and structured change 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 accrue any surplus hours worked to be taken at an agreed time.

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

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- 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 with a positive approach 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](#) 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).

The Flexi-Time Scheme can be used by employees with a Flexible Working agreement in place where they **do not** have a fixed start and finish time.

See the [Flexi-Time Scheme](#) 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 is not 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.

Employees who work remotely or from home should be as effective as they would be in an office.

Employees who work remotely full time should submit a Flexible Working Application.

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 permanent 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**

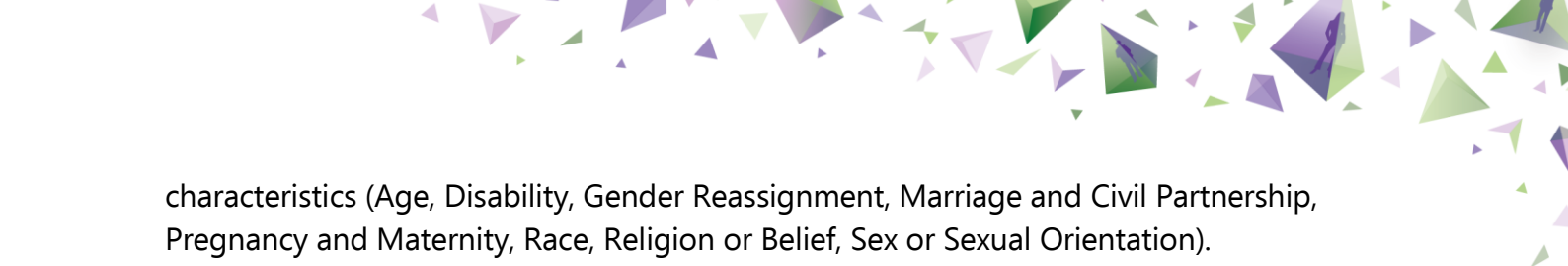
It is the responsibility of each employee to ensure their own health, safety and wellbeing and to maintain the working environment to the agreed health and safety standards, regardless of the place they work. All employees who use a workstation should complete the Display Screen Equipment (DSE) online 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 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](#)

[Flexible Working Arrangements Page](#)

[Right to Disconnect](#)

[NHS Pin Policies](#)

[Traineasy](#)

[Homeworking Risk Assessment](#)

[DSE Workstation Homeworkers Assessment](#)

[ICT Acceptable Use Policy](#)

[Information Security Guidance](#)



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