

**SOUTH AYRSHIRE  
COUNCIL**

**FLEXIBLE WORKING  
POLICY**

**Adopted as JNCT 2.15**

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## **1. INTRODUCTION**

1.3 The Council recognises the importance of balancing working life with domestic/family responsibilities. Effective service provision can be enhanced by employees being able to strike a balance between work and life outside work. To support employees in achieving work-life balance, a range of flexible working options are available to all employees of the Council.

1.2 To further enhance the concept of flexible working, variable working schemes and practices are now extended to all employees of the Council in line with the Work and Families Act 2006 and are no longer restricted to parents and carers under the Employment Rights Act.

1.3 Employees now have the right to request time off to train or study. If applying for flexible working on this basis employees must provide the following information in their application (refer to Appendix 3) and outline the proposed flexible working option:

- Details of the training / study to be undertaken
- Location / Dates / Times of training/study
- Details of the training provider
- Qualification (if any) to be achieved

1.4 The Council is committed to providing effective and progressive employment policies, which meet the specific needs of its employees and the community it serves. The Council therefore:

- encourages managers and employees to develop a partnership approach to identifying workable solutions to achieving work-life balance;
- will consider all flexible working requests in accordance with set procedures and time limits, and
- will ensure that agreed working arrangements are compatible with and beneficial to business efficiency and provision of services within the Council.

1.5 Employees have a responsibility to think carefully about their desired work pattern prior to making an application because the change will normally mean a permanent change i.e. there is no legal right to revert back to the former hours of work. It is expected that any flexible working arrangement will ensure both continuity in service delivery and appropriate staffing levels are maintained during the working day, including lunch periods, to facilitate contact with the public and other customers.

1.6 Managers must ensure requests are considered seriously and, in conjunction with HR, ensure employees are aware of any impact on conditions of service, e.g., pay, annual leave etc, arising from their participation in any flexible working arrangement. Health and Safety legislation including the Working Time Regulations must also be taken into account when considering requests for flexible working.

## **2. ELIGIBILITY TO REQUEST FLEXIBLE WORKING**

2.1 Employees will be required to make a formal written application to work flexibly using the pro-forma in Appendix 3, and will be required to meet the following criteria:

- must have worked with the Council continuously for 26 weeks on the date on which the application is made, and
- must not have made a previous application in the 12 months from the date of the application

## 2.2 OPTIONS AVAILABLE

Eligible employees will be able to request from the following range of options, although the list below is not exhaustive:

- Part Time Hours
- Job Share
- Term Time Working
- Annualised Hours
- Compressed Hours
- Home Working

Some flexible working options including arrangements for Head Teachers, Depute Head Teachers and Principal Teachers and considerations for those on teaching terms and conditions are detailed in Appendices 2A and 2B however advice should be sought from the appropriate HR team.

It should be acknowledged, however, that in the interests of maintaining efficient levels of Council service delivery, not all models of flexible working will be feasible, particularly in relation to service delivery.

## 3. MAKING A FLEXIBLE WORKING REQUEST

A summary of the flexible working application is outlined at Appendix 1.

- 3.1 The initial onus will be on the employee to make a considered application in writing, which should be signed and dated (refer to Appendix 3).
- 3.2 It is important that, before making an application, the employee gives careful consideration to the following:
- The new working pattern will normally be a permanent change, there is no legal right to revert back to former hours of work
  - What effect it will have on their job and the Council in terms of service delivery and how this might be accommodated
  - Which working pattern will best suit their personal circumstances
  - Any financial implications in cases where the desired working pattern will involve a reduction in salary or other proportionate changes to terms and conditions e.g. annual leave and public holiday entitlement will be calculated on a pro rata basis
- 3.3 Managers should discuss the options of any request with HR in the first instance.
- 3.4 If formal flexible working arrangements are not suitable, (for example, where an employee becomes the carer of an adult with a terminal illness) the Council might consider that a temporary period of flexible working, agreed informally outside the formal procedure, might be more appropriate. Alternatively, the Council and employee might agree a time-limited change after which he/she would revert back to the original pattern. An informal temporary arrangement might also be more

appropriate where the demands on an employee's time are unpredictable, for example if caring for someone with a fluctuating condition like Parkinson's disease. Informal temporary arrangements such as the one highlighted above must be discussed and agreed with HR. Temporary changes will include an amendment to salary or other proportionate changes to terms and conditions where appropriate. An acceptance of a flexible working application should be confirmed in writing using Appendix 5 and submitted to HR to complete the necessary changes.

- 3.5 In relation to those on teaching terms and conditions, if the flexible working arrangement is a temporary one, then the Council reserves the right to review such individual cases during the annual staffing exercise. Under the current surplus agreement, promoted teaching staff are not normally considered for transfer when the school staffing entitlement drops. Where one person simultaneously holds a promoted and an unpromoted contract, and this contractual arrangement is a permanent one, the teacher will normally be safeguarded from being declared surplus. Further information can be found in the relevant JNCT agreement.
- 3.6 Depending on the nature of the employee's work and the needs of the service, flexible working arrangements may be subject to an initial trial period of between 1 and 3 months, to be agreed between the manager and the employee before it is confirmed as permanent. During the trial period, the employee and the employee's work team may require additional support to help them to adjust to the change in working hours, days or work environment. If, at the end of the trial period, either the employee or manager deems the arrangement to be unsuitable managers and employees, in conjunction with HR should review any suitable alternative options. Where no alternatives are available reasons for a refusal must be given in writing in conjunction with HR (refer to Appendix 6).
- 3.7 If an employee has a flexible working pattern in place and they are successful in applying for a new position within the Council the employee should highlight this to the line manager who will review the working pattern and ensure the arrangements meet the needs of the service.

#### **4. NOTIFICATION OF DECISION**

- 4.1 Within 28 days of receipt of application the employee's manager in conjunction with HR will arrange to meet with the employee to explore the desired work pattern in depth, and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns. The employee will, if they so wish, be able to bring a work colleague or trade union representative to the meeting.

Within 14 days after the date of the meeting the manager will write to the employee to either agree to a new work pattern and a start date; or in conjunction with HR provide a clear business ground(s) as to why the application cannot be accepted.

A manager may need more time to come to a decision and should therefore agree an extension with HR and the employee and record this in writing.

Reasons for refusing a flexible working request must be clearly documented, it is not sufficient for managers to simply list the permitted business reasons outlined below. The refusal must include a clear and accurate explanation as to why the proposal cannot be accommodated and this should be outlined in writing (refer to Appendix 6).

Permitted reasons to reject an application are as follows:

- unreasonable or additional costs to the Directorate
- detrimental effect on ability to meet customer demands and service delivery needs
- inability to re-organise work amongst existing employees or recruit additional employees
- detrimental impact on quality or performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes
- training which would not directly improve an employee's effectiveness or service performance or which might have a detrimental impact on the Council.

Flexible working applications must not lead to additional costs being incurred therefore amendments should not lead to a financial benefit for employees. However, should a proposed work pattern provide operational benefit in terms of efficiency then this can still be approved (e.g. where it leads to a slight increase in salary). This must be covered within the Directorate budget.

A request should not be refused without a meeting having been held with the employee as set out above to enable a full discussion of the request and any right of appeal.

## **5. RIGHT OF APPEAL**

- 5.1 The employee has a right of appeal, against the decision within 14 days of it being notified to them. An informal hearing should be arranged within 14 days of the appeal request. The appeal process is designed to be in keeping with the overall aim of the right of encouraging both parties to reach a satisfactory outcome at the workplace.
- 5.2 If the matter cannot be resolved informally, the employee should then follow the Council's formal Grievance Procedure, commencing at stage 3.

If the appeal is upheld, the written decision must include a description of the new working pattern.

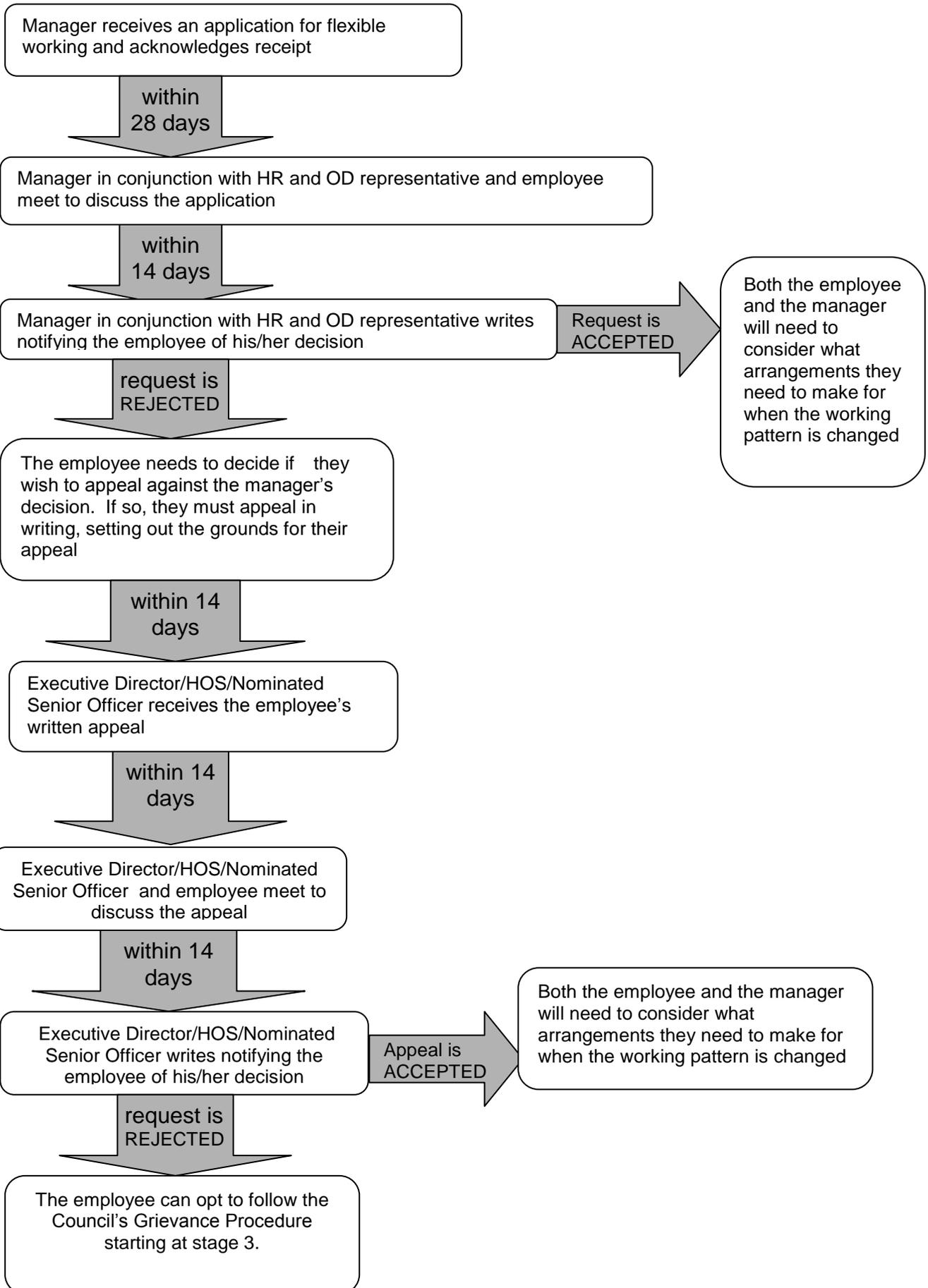
If the appeal is dismissed, the written decision must provide the grounds for refusal.

## **6. EXTENSIONS TO TIME LIMITS AND WITHDRAWN APPLICATIONS**

- 6.1 The various time limits within this policy may be extended where there is mutual agreement between both parties. Where such an extension is required this should be recorded in writing.
- 6.2 An application for flexible working may be treated as withdrawn if the employee fails to attend two meetings or unreasonably refuses to provide their line manager with sufficient information to support their request.

If the employee decides to withdraw their application, they will not be eligible to make another application for 12 months from the date their application was made.

**SUMMARY OF FLEXIBLE WORKING REQUEST PROCESS**



## SUMMARY OF FLEXIBLE WORKING OPTIONS

FLEXIBLE WORKING OPTION	FEATURES
<p><b>PART TIME WORKING</b></p> <p>Where an employee's contracted weekly working hours are less than the contracted hours of a full-time employee.</p>	<ul style="list-style-type: none"> <li>• At the point of application there does not need to be an identified person to cover any reduction in hours.</li> <li>• Annual leave entitlement pro-rated.</li> </ul>
<p><b>JOB SHARE</b></p> <p>Where two employees share the responsibilities of one full-time post.</p> <p>Please note this option is not available for those employees on teaching terms and conditions.</p>	<ul style="list-style-type: none"> <li>• At the point of application there does not need to be an identified job share partner.</li> <li>• Most common arrangements are a split day (morning/afternoon) or split week (2/3 days on alternate weeks or 2.5 days per week but paid in equal amounts).</li> <li>• Annual leave entitlement pro-rated.</li> <li>• Where one partner of a job-share leaves and if the post requires to be filled the remaining job-sharer may be offered the post on a full-time basis.</li> </ul>
<p><b>TERM TIME WORKING</b></p> <p>Where an employee works their hours and days in relation to the school timetable. He/she does not work during the school holidays.</p>	<ul style="list-style-type: none"> <li>• Term time working is more conducive to those services that provide and operate primarily during the school term.</li> <li>• Salary is paid in equal amounts over 12 months. An allowance in lieu of annual leave entitlement is included in the calculation of annual salary.</li> <li>• It is not expected that term time employees make leave requests within the school term. If exceptional circumstances arise which prompt such a request the approval of the request lies with the Head of Service.</li> <li>• In locations operating a flexible working hours scheme details of the scheme will be issued along with a card to be used for electronic recording.</li> </ul>
<p><b>ANNUALISED HOURS</b></p> <p>Working time "flexibly" across a 12 month period rather than over a fixed standard working week. Although the working pattern varies an employee receives his/her salary in equal instalments irrespective of the actual number of hours worked in any given period.</p>	<ul style="list-style-type: none"> <li>• Annualised pay (equal instalments over a 12 month period).</li> <li>• Annual leave entitlement in hours.</li> <li>• Committed hours, which are hours when an employee is contractually obliged to work.</li> <li>• Reserve/bank hours when employees can work and then take time off during committed hours – equivalent to Flexi Time.</li> <li>• Further information can be found at <a href="#">Annualised Hours</a>.</li> </ul>

<p><b>COMPRESSED HOURS</b></p> <p>An employee works their contracted weekly hours over fewer days e.g. a full time employee may work 3/4 extended days rather than the usual 5 days within the working week or 9 extended days per fortnight.</p> <p>Compressed hours for employees on teaching terms and conditions would only be considered a temporary arrangement.</p>	<ul style="list-style-type: none"> <li>• The earliest start and latest finish will normally be Monday to Friday 8:00a.m. - 7:00pm subject to authorisation and the requirements of the Directorate.</li> <li>• Annual leave entitlement in hours.</li> <li>• Recommended that the “day off” be scheduled mid-week, when there may be definable and regular troughs in customer demand.</li> <li>• The option of altering start/finish times for those on teaching terms and conditions is not suitable. The exception to this may be a temporary arrangement where a teacher’s class commitment is such that the Head Teacher is confident to agree a request and the adult/pupil ratios would not be compromised. Any such agreement would require to be reviewed on a term by term basis and would never normally be in operation for more than one school year.</li> </ul>
<p><b>HOME WORKING</b></p> <p>When an employee works from home on an ad hoc or contractual basis.</p> <p>For employees on teaching terms and conditions, home working only applies on an ad-hoc basis as part of the 35 hour working agreement.</p>	<ul style="list-style-type: none"> <li>• No contractual home working should be undertaken without prior authorisation from Health and Safety to ensure Risk Assessments have been completed.</li> <li>• Not all posts, people or types of work are suitable for home working and consideration must be given to the suitability and confidentiality of information required to be accessed at home.</li> <li>• A manager and employee must agree minimum and maximum hours and what work output is expected.</li> <li>• Further information can be found at <a href="#"><u>Home and Mobile Working Guidance</u></a>.</li> </ul>
<p><b>FLEXI TIME</b></p> <p>Where employees are able to vary their working hours.</p>	<ul style="list-style-type: none"> <li>• The earliest start and latest finish will normally be Monday to Friday 8.00a.m. – 7.00p.m. subject to authorisation and the requirements of the Directorate.</li> <li>• There is no core time within the flexi hours however arrangements must be made to ensure that appropriate staffing levels are maintained during the normal operating hours to avoid disruption to the Directorate.</li> <li>• Scheme allows for 10 full days flexi leave per year with a maximum of 1 full day that can be taken per flexi accounting period.</li> <li>• If an employee takes part of the day e.g. 3 hours to attend to personal business, this will not accrue against the “allowed” 10 days.</li> </ul>

**ARRANGEMENTS FOR HEAD TEACHERS, DEPUTE HEAD TEACHERS AND PRINCIPAL TEACHERS**

1. In the interest of effective school management and continuity of educational provision, flexible working requests from Head Teachers will not normally be granted. Head Teachers considering submitting a request for flexible working should discuss their circumstances fully with the Head of Service and School Management prior to submission of the application form.
  
2. It is recognised that to grant flexible working on either a temporary or permanent basis to other promoted teaching staff can create complications, specifically in the continuity of management of either a subject or stage of the school, or for senior promoted teaching staff in the day to day running of the whole school. Whilst the department will attempt to look favourably on such requests, these would still require to be discussed fully between the Head Teacher and the Head of Service and School Management prior to any agreement being reached with the following principles applying:
  - Consideration should be given to the management responsibilities and class commitment of the teacher in question and the adjusted hours agreed accordingly.
  - The teacher requesting flexible working must consider how arrangements could work in their subject/stage and include such suggestions in their application for flexible working. If the request is granted it will be the responsibility of the teachers working flexibly, in conjunction with the Head Teacher, to ensure that satisfactory arrangements are in place for the continuity of educational provision for the pupils and to ensure suitable communication arrangements are in place.
  - Requests for flexible working from subject teachers will normally only proceed where an appropriate subject match can be arranged.
  - In relation to the Guidance function, it has now been agreed that, where a Principal Teacher Guidance with a subject commitment requests flexible working, the Council reserves the right to advertise for someone who holds the same subject qualification as the original post holder.
  - Depute Head Teachers requesting flexible working would not normally require to have their posts advertised as subject specific unless that particular Depute Head Teacher has a heavy class contact commitment in a particular subject or other unusual circumstances apply.
  - In relation to Depute Head Teacher posts in the secondary sector, there may be a requirement for the Head Teacher to redistribute the management duties. Such redistribution could impact on the job size for the promoted posts within the school and should be fully discussed with Human Resources prior to reaching any agreement.



**APPLICATION FOR FLEXIBLE WORKING**

Note to Employee:

This form should be sent to your line manager for consideration in conjunction with HR.

You should ensure that you submit your application at least 3 months in advance of the date you wish your request to take effect.

To help in the consideration of your request you should provide as much information as possible about your desired working pattern. It is important that you complete all questions as otherwise your application may not be valid.

**If the request is granted this will be a permanent change to your terms and conditions, unless otherwise agreed.**

**SECTION 1: PERSONAL DETAILS**

Name:	Employee No:
Designation:	Work Location:
Home Address:	Home Telephone No:
	Work Telephone No:

**SECTION 2: NEW WORKING PATTERN**

I confirm that I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the Council for the last 26 weeks
- I have not made a request to work flexibly under this right during the past 12 months

Please provide details of your **current** working pattern (days/hours/times worked):

Type of Flexible Working Requested: (Please tick one)

- Change to work hours      Hours requested: \_\_\_\_\_
- Change to work times      Work times requested: \_\_\_\_\_
- Part Time Working
- Job Sharing
- Term Time Working
- Annualised Hours
- Compressed Hours
- Home Working      Days requested: \_\_\_\_\_

Reasons For Flexible Working Request:

If the request is for time off to accommodate Training or Study the following information must be provided:

- Detail of Training / Study undertaken
- Location / Dates / Times of training/study
- Details of training provider
- Qualification (if any) to be achieved

Please provide detail of how the service could accommodate this arrangement – consider work performance, service delivery and impact on colleagues.

Proposed Date of Commencement of New Working Pattern (allow 3 months from requested date of commencement):

Is the proposed change to working pattern to be permanent:

Yes..... No.....

If temporary, what is the duration of the request:

**DECLARATION:**

I confirm that I have read and understood the Employee Guide on Flexible Working and have discussed my request with my manager. I confirm that I meet the relevant qualifying conditions.

Signature of Applicant :

Date:

**SECTION 3 – MANAGERS CONFIRMATION OF RECEIPT**

Note to Manager:

You have 28 days after the day you received this application in which to arrange a meeting with the employee to discuss the attached proposal.

Please return a copy of this section of the application form to your employee to confirm receipt of their application.

Dear: \_\_\_\_\_

I confirm that I received your request to change your work pattern on:

\_\_\_\_\_

I shall be arranging a meeting to discuss your application within 28 days following the above date.

Managers signature: \_\_\_\_\_

Date: \_\_\_\_\_



**APPLICATION FOR REVISED FLEXIBLE WORKING**

Note to the Employee:

This form should be sent to your line manager for consideration in conjunction with HR.

You should ensure that you submit your application at least 3 months in advance of the date you wish your request to take effect.

To help in the consideration of your request, you should provide as much information as possible about your desired working pattern. It is important that you complete all the questions, as otherwise your application may not be valid.

**If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.**

**SECTION 1: PERSONAL DETAILS**

Name:	Employee No:
Designation:	Work Location:
Home Address:	Home Telephone No:
	Work Telephone No:

**SECTION 2: NEW WORKING PATTERN**

I confirm that I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the Council for the last 26 weeks
- I have not made a request to work flexibly under this right during the past 12 months

Please provide details of your current working pattern (days/hours/times worked):

Revised working pattern requested or suitable alternative:

1.

2.

Reasons For Revised Flexible Working Request:

If the request is for time off to accommodate Training or Study the following information must be provided:

- Detail of Training / Study undertaken
- Location / Dates / Times of training/study
- Details of training provider
- Qualification (if any) to be achieved

Please provide detail of how the department could accommodate this revised arrangement – consider work performance, service delivery and impact on colleagues.

Proposed Date of Commencement of New Working Pattern (allow 3 months from requested date of commencement):

Is the proposed change to revised working pattern to be permanent:

Yes..... No.....

If temporary, what is the duration of the request:

DECLARATION:

I confirm that I have read and understood the Employee Guide on Flexible Working and have discussed my request to change my work pattern with my manager. I confirm that I meet the relevant qualifying conditions.

Signature of Applicant :

Date:

**SECTION 3 – MANAGERS CONFIRMATION OF RECEIPT**

Note to Manager:

You have 28 days after the day you received this application in which to arrange a meeting with the employee to discuss the attached proposal.

Please return a copy of this section of the application form to your employee to confirm receipt of their application.

Dear: \_\_\_\_\_

I confirm that I received your request to change your work pattern on:

\_\_\_\_\_

I shall be arranging a meeting to discuss your application within 28 days following the above date.

Managers signature: \_\_\_\_\_

Date: \_\_\_\_\_



### ACCEPTANCE OF FLEXIBLE WORKING REQUEST

Note to Manager:

This form should be completed following the meeting with your employee and where you are **accepting an application to work flexibly**.

You must send a copy of this form to the employee within 14 days of the meeting.

The form must be signed and forwarded to HR with a copy of the initial application form.

Dear:

Following receipt of your application and our meeting on \_\_\_\_\_ i have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application. Details of your new working pattern will be as follows:

- Days:
- Total Hours per week:
- Any other arrangements/additional information (i.e. homeworking) please specify:

Your new working arrangement will commence on: \_\_\_\_\_

If a trial period has been agreed please specify end date: \_\_\_\_\_

Note: Managers should arrange for a review of the working pattern prior to the end of the trial period.

If you have any questions on the information provided on this form please contact me to discuss as soon as possible.

Managers Signature:

Date:

Head of Service Signature:

Date:

**Corporate Services**

**Executive Director: Eileen Howat**

**Head of HR and Organisational Development: Angela Wilson**

County Buildings, Wellington Square, Ayr KA7 1DR

LP-32 AYR

Tel: 01292 61

Fax: 01292 61

Email:

Our Ref:

Your Ref:

Date:

If phoning or calling ask for

Name

Address Line 1

Address Line 2

Address Line 3

Address Line 4

Address Line 5

Dear

**FLEXIBLE WORKING REQUEST**

It is with regret that I must inform you that your request for Flexible Working cannot be accommodated.

The reasons for the refusal of your application are indicated on the attached form.

Please note that you will not be able to apply for a further flexible working request within the next 12 months (from date of application).

You have a right of appeal against this decision within 14 days of receipt of this letter

If you have any further queries on the matter please do not hesitate to contact me on the above number.

Yours sincerely

**Name**

**Designation**

**REFUSAL OF FLEXIBLE WORKING REQUEST**

Note to Manager:

This form should be completed where it is determined that a request cannot be accommodated nor can a compromise be reached.

You should ensure that this form is completed clearly outlining the business reasons why the request cannot be accommodated.

You should not refuse a request for flexible working without having a meeting with the employee. This should ensure that all alternative options are considered.

**SECTION 1: EMPLOYEE DETAILS**

Name:	Employee No:
Designation:	Work Location:

**SECTION 2: REASONS FOR REFUSAL**

Following receipt of your flexible working application and associated meeting your request cannot be accommodated for the undernoted reasons:

Unreasonable or additional cost to the Directorate	
Detrimental effect on ability to meet customer demands and service delivery needs	
Inability to re-organise work amongst existing employees or recruit additional employees	
Detrimental impact on quality or performance	
Insufficiency of work during the periods the employee proposes to work	
Planned structural changes	
Training would not directly improve an employee's effectiveness or service performance or which might have a detrimental impact on the Council	

The rationale supporting the above reason(s) for refusing your request are detailed below:  
(refer to alternatives options considered and reasons for unsuitability)

**SECTION 3 – ACKNOWLEDGEMENT OF REFUSAL**

Dear: \_\_\_\_\_

I confirm that your flexible working request has been refused as detailed above.

Managers signature: \_\_\_\_\_

Date: \_\_\_\_\_

I confirm that I have been informed that my flexible working request has been refused and acknowledge that I cannot make another request within the next 12 months (from date of application)

Employees signature: \_\_\_\_\_

Date: \_\_\_\_\_