



East Dunbartonshire Council
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East Dunbartonshire Council

Flexible Working Policy

Chief Officers and Local Government Employees

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1.0 POLICY STATEMENT

- 1.1 East Dunbartonshire Council is committed to providing an inclusive and supportive working environment ensuring that all employees are treated fairly and with dignity and respect.
- 1.2 Under the provisions set out in the Employment Rights Act 1996, employers are required to consider and discuss any flexible working requests made by their employee, giving employees more flexibility over where and when they work.
- 1.3 Flexible working is a broad term and can relate to working hours or working pattern including part-time, term-time, compressed hours, or adjusting start and finish times. It can also include flexibility over where someone works, whether that be from the office, from home or from a satellite office shortening their commute.
- 1.4 As well as clear benefits to workers, flexible working is also proven to be good for business as research suggests that organisations who embrace flexible working can attract more talent, improve staff motivation and reduce staff turnover – boosting their overall productivity and competitiveness.
- 1.5 This policy therefore provides a fair and consistent framework in which employees can seek support and managers can provide the appropriate support to employees in relation to their work-life balance and wellbeing.

2.0 SCOPE

- 2.1 The terms of this policy will apply to all Chief Officers and Local Government employees of the Council. Employees on SNCT Terms and Conditions should refer to the Job Sharing Procedure Manual 2/07

3.0 REFERENCES AND RELATED DOCUMENTS

- 3.1 This forms part of the Council's Policies and Procedures base surrounding employment and certain policies, procedures and toolkits may be referenced throughout this document. This policy has been developed to ensure compliance with the following legislation:
 - Employment Rights Act 1996
 - Children and Families Act 2014
 - Flexible Working Regulations 2014 (SI 2014/1398)
 - Employment Relations (Flexible Working) Act 2023
 - Equality Act 2010
- 3.2 This policy should be applied with reference to the Charter of Roles & Responsibilities for Employment based Policies and Procedures.
- 3.3 This policy should be read in conjunction with the Flexible Working Policy Toolkit.

4.0 DEFINITIONS

4.1. Flexible Working

The Council's approach to Smart Working recognises that the way we deliver services will continue to change, and with new technologies and redesigned offices, it is about building on new ways of working using new tools, new processes, and new approaches to management and teamwork.

Flexible working supports Smart Working and the Council's 'Work Styles' and 'Anytime Anywhere' principles in order for employees to work in a way that suits them to support their work-life balance.

The following flexible working options are considered to be the typical arrangements that employees will request but the Council recognises that there may be alternatives or a combination of options which are suitable to both the organisation and the employee including:

- Annualised hours
- Compressed hours
- Part-time working
- Term-time working

Types of flexible working

- Annualised hours are where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates).

- Compressed hours is where an employee works their usual full-time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a 5-day week is compressed into four days, or a 10-day fortnight into 9 days, or where an employee wants to adjust their start and finishing times.
- Part-time working covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The Council believes that all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements.
- Term-time working is where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments, although arrangements may be permitted where an employee is only paid for the time worked and receives no pay during the holidays apart from their entitlement to annual leave.

5.0 POLICY OUTLINE

5.1 Aims and Objectives

The aim of the policy and supporting toolkit is to make Line Managers aware of employees' statutory right to request flexible working arrangements. The policy aims to:

- Encourage and support flexible working
- Encourage employees to consider flexible working arrangements
- Encourage open discussions with employees by providing clear guidance to employees on the Council's flexible working policy and the procedures to be followed
- Facilitate improved service delivery through a move towards more flexible ways of working
- Continue to comply with our legislative duties that allow for employees to request flexible working
- Promote the Council's recognition that a better work-life balance can improve motivation, performance and productivity and employee wellbeing
- Support employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests
- Demonstrate the Council's commitment to agreeing flexible working arrangements, provided that the needs and objectives of both the business and the employee can be met
- Support employee recruitment and retention

The approach of the Council will be through the following principles:

- Confidentiality
- Person Centred
- Solution Focused
- Fair and Consistent

5.2 Business Reasons

Flexible working provides many benefits to the Council, including an increase in employee wellbeing from an improved worklife balance. The Council is committed to supporting flexible working requests where possible, however, not all posts, situations or responsibilities are suitable for all available flexible working options. The key focus when considering a request for flexible working should be on managing outputs. Where a flexible working arrangement is proposed, the Council will take account of a number of criteria including (but not limited to) the following:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise workload among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance

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- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Further sources of information and support including external resources can be found in the associated toolkit or by contacting your local HR Case Advisor.

5.3 Eligibility

- Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. However, the Council has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working from the first day of employment, regardless of their length of service. Flexible working requests can also be discussed as part of the recruitment process in conjunction with posts supporting the 'Happy to Talk Flexible Working' strapline.

5.4 Submitting a Flexible Working Request

- An eligible employee is entitled to submit two flexible working requests in any 12-month period.
- All requests must be made by completing the Flexible Working application form and submitting it to their line manager for consideration. Any request must include:
 - The date of the application
 - The changes that the employee is seeking to their terms and conditions, e.g.– hours, times, location
 - The date from when the employee would like the proposed change to come into effect
 - Whether a previous application for flexible working has been made
 - The dates of any previous applications
 - Whether the employee is making the request in relation to the Equality Act 2010, e.g. as a reasonable adjustment relating to a disability
- If the application does not contain all of the required information, the employee's line manager will explain to the employee what additional information is required and ask the employee to resubmit the request.

5.5 Meetings Regarding Flexible Working

- On receipt of a flexible working request, the line manager will usually seek to arrange a meeting with the employee to:
 - discuss the request
 - find out more about the proposed working arrangements
- If a meeting is to be arranged with the employee, it should be held as soon as possible and within **21 calendar days** of the line manager receiving the request. This time limit may be extended with the agreement of both the employee and the line manager. The line manager should seek to obtain this agreement in writing and be clear that this will also extend the statutory two month time frame including any appeal.
- At the meeting, the employee may, if they wish, be accompanied by a Trade Union representative or a colleague.

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- The employee will be given advance notice of the time, date and place of the meeting. A mutually agreeable meeting time should be arranged between the line manager and the employee. If the initial date is problematic then one further date will be proposed. Where agreed by the employee and their line manager, the meeting may be held over the telephone or via Microsoft Teams. In the event of any delay, the line manager will keep the employee updated.
- Where the employee fails to attend both the initial meeting and the re-arranged meeting without good reason their application will be deemed to have been withdrawn. In the case that an application is deemed withdrawn, the line manager will notify the employee of the decision in writing.
- Where a request can, without further discussion, be approved as stated in the employee's application then a meeting to discuss the request may not be necessary.

5.6 Responding to a Flexible Working Request

- The Council will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects to the employee and to the Council in implementing the proposed changes. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
- The Council is not obligated to grant a request to work flexibly if it cannot be accommodated for the business reasons listed above in clause 5.2. Employers **must** consult with the employee when they intend to reject a flexible working request.
- The consideration of a flexible working application, including any appeal should take place within **two months** of the date of application. In exceptional circumstances, where a request cannot be considered within the statutory timeframe, it may be extended providing the employee agrees with the extension. The line manager should seek to obtain this agreement in writing.
- The request may be granted in full, in part or refused. The Council may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period in accordance with Section 5.7.

5.7 Trial Period of a Flexible Working Arrangement

- Where there is some uncertainty about whether the flexible working arrangement is practicable for the employee and/or the Council, a trial period may be agreed.
- If a trial period is arranged, the Council will allow sufficient time for an employee and their line manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement. A trial period should not extend beyond 12 months.
- The trial period must be confirmed in writing by the line manager, detailing the review points agreed so that the line manager and employee can jointly discuss how the new arrangements are working at the review date and make a final decision around the request.

5.8 Appeals Process

The employee has the right to appeal the decision if their request is refused or is only agreed in part. The following process should be adhered to:

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- The employee may lodge an appeal within 14 calendar days of the date of the application outcome.
- The appeal should be made in writing and clearly state the grounds on which they are appealing.
- The appeal should be submitted to the Executive Officer for the Service
- The decision of the appeal will be final and there will be no further right of appeal.
- The outcome of the appeal will be communicated in writing to the employee within seven calendar days of the appeal decision.

The flexible working process **and** its associated appeals procedure must be heard within **two months**. These time limits may be extended with the agreement of both the employee and the Council for example in the event a meeting needs to be arranged.

An appeal should be conducted by way of a review where the manager considering the appeal, with support from the HR Case Adviser, is simply checking to ensure that the initial decision was handled properly following the format outlined below:

- The manager (who will have had no prior involvement with the case before the stage of appeal) will consider the appeal and any related information
- Review all of the information pertaining to the appeal
- If required the manager can arrange an appeal hearing to establish further information
- Confirm their decision to the employee in writing within 14 calendar days from receipt of the appeal.

5.9 Varying an Employee's Contract

- Where a flexible working arrangement is agreed as a permanent change, a variation will need to be made to the employee's contract of employment which may have financial implications for the employee. A new contract of employment will be sent to the employee detailing the change to the employee's working pattern.
- If the employee has any questions or concerns about the new contract of employment, they should contact their line manager to discuss the matter further.
- Where a trial period has been arranged, the Council will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the Council may reduce or lengthen the trial period where necessary with the agreement of the employee). The Council will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

5.10 Complaints and Further Information

- The Council is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.
- If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the process, they should raise their concerns informally with HR. If informal discussions do not resolve the matter to the employee's satisfaction, they should raise a grievance under the Council's Grievance at Work policy.

6.0 GDPR STATEMENT

6.1 East Dunbartonshire Council holds, uses and processes information in accordance with the General Data Protection Regulations and all other relevant national data protection laws. Further information detailing how the Council holds and uses personal information and copies of privacy notices used throughout the Council are available on our website:
www.eastdunbarton.gov.uk/council/privacy-notices

7.0 POLICY REVIEW

7.1 This policy will be reviewed in line with:

- legislative change
- other external factors
- evaluation on the effectiveness of the policy

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Other Formats & Translations

This document can be provided in large print, Braille or on audio cassette and can be translated into other community languages. Please contact the Council's Corporate Communications Team at:

East Dunbartonshire Council, 12 Strathkelvin Place, Southbank

本文件可按要求翻譯成中文，如有此需要，請電 0300 123 4510。

اس دستاویز کا درخواست کرنے پر (اردو) زبان میں ترجمہ کیا جاسکتا ہے۔ براہ مہربانی فون نمبر 0300 123 4510 پر رابطہ کریں۔

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਮਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0300 123 4510 ਫੋਨ ਕਰੋ।

Gabhaidh an sgriobhainn seo cur gu Gàidhlig ma tha sin a dhith oirbh. Cuiribh fòn gu 0300 123 4510

अनुरोध करने पर यह दस्तावेज हिन्दी में भाषांतरित किया जा सकता है। कृपया 0300 123 4510 पर फोन कीजिए।

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