

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	27 January 2025
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Flexible Working Policy and Guidance Update
REPORT NUMBER	CORS/25/010
EXECUTIVE DIRECTOR	Andy MacDonald
CHIEF OFFICER	Isla Newcombe
REPORT AUTHOR	Alison Paterson and Sheila Baird
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 To introduce the new Flexible Working Policy and an updated guidance which was formerly the Smarter Working – Flexible Working in Aberdeen City Council Guidance (Version 4, January 2015).

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Notes the extensive engagement which has taken place across a range of stakeholder groups as part of the development of this policy and the refresh to the guidance;
- 2.2 Approves the introduction of the Flexible Working Policy attached as Appendix 1 to this report; and
- 2.3 Notes the accompanying guidance document (Appendix 2) which supports the application of the policy and will supersede the existing Smarter Working – Flexible Working in Aberdeen City Council Guidance (Version 4, January 2015).

3. CURRENT SITUATION

Background and Context

- 3.1 The Council has, for a number of years, been supportive of embedding the principles of 'Flexible Working' throughout the organisation, recognising the potential benefits of such Flexible Working arrangements including: improved work-life balance, employee motivation and productivity.
- 3.2 In January 2015, the Council's flexible working provisions, accounting for employment legislation, were formalised into Smarter Working – Flexible Working in Aberdeen City Council Guidance. This was in line with the move to Marischal College, where hot-desking was introduced, and the Guidance set

out the different ways of working that were available to employees across the organisation.

- 3.3 Whilst COVID-19 undoubtedly changed the world of work, the council's journey to make these ways of working possible began prior to this. With our organisational transformation to bring us towards a new ambitious target operating model in 2017 and 2022, the aims of the transformation programme included a shift in the way we work. This was both digitally - in the tools and technology we use to do our jobs - and culturally - in the way we treat one another and our citizens; which also led to the introduction of the Guiding Principles.
- 3.4 From 2017 into the COVID-19 pandemic in 2020, modernising and delivering services in a more flexible and adaptable way for our citizens was progressed.
- 3.5 COVID-19 nonetheless had a dramatic impact on how we worked, with employees and services having to very quickly change their workstyle and adapt to new ways of working which was enforced upon us, including working from home which meant we had to review our business model in line with Government instruction. This policy is now looking to sustain a permanent model of hybrid working in light of preferences of our staff; our digital adoption which is now a primary interface for our customers, which also assists our recruitment challenges by offering more flexibility to employees.
- 3.6 The recent Best Value Report (Workforce Innovation – How council's are responding to workforce challenges) highlights that the Council now has an ethos of 'work as an activity we do' rather than 'a place we go'. There is a need for flexibility and efficiency in our reducing workforce, and hybrid working is regarded as a way of improving employee work-life balance.

Review of Flexible Working Guidance

- 3.7 Many employees have continued to work in different ways following the pandemic and, like most organisations, the post COVID-19 period provided an opportunity to reflect and adapt to provide our services in the most innovative, efficient and effective ways possible, making the most of our existing and emerging technologies and with the potential for increased work life balance for employees.
- 3.8 The most significant change to ways of working was a shift, subject to the individual employee's role and service needs, to work both from home and the workplace. This combination of working from home and from the workplace is known as 'hybrid working' and has become commonplace across public sector organisations and businesses.
- 3.9 These changes identified a need to review and refresh the Smarter Working – Flexible Working in Aberdeen City Council guidance (Version 4, Jan 2015) and the development of a Flexible Working policy to sit alongside the guidance and consolidate the Council's commitment to flexible working.

- 3.10 Changes in legislation that came into effect in April 2024 have been included in the review, and the policy and guidance. The policy continues to ensure that the council remains compliant with all legislation relating to flexible working, including the Employment Rights Act 1996 as amended by the Employment Relations (Flexible Working) Act 2023 and Flexible Working Regulations 2014 as amended.
- 3.11 The Flexible Working Steering Group was established in summer 2021 to oversee the development of the policy and guidance and in recognition the work spanned across different Clusters: People & Citizen Services, Corporate Landlord and Governance - including Health & Safety, Legal, and Digital & Technology.
- 3.12 In addition, the Flexible Working, Working Group was set up in 2021 to undertake a review of the current Smarter Working – Flexible Working in Aberdeen City Council Guidance and to develop a policy to set out our overall organisational framework for flexible working.

Research and Engagement

- 3.13 In late 2020, the Council undertook a Future of Work Survey. Over 1800 employees took part from across the organisation and provided an insight into the shared experience of working through the pandemic as well as contributing ideas about what the workplace and workspaces could look like in the future. The Future of Work Survey results highlighted that many employees would prefer to work differently, with a mix of home and office working where this aligned with the outcomes and client group for their service.
- 3.14 In spring 2022, a test and trial was launched across the organisation. The aim was to give services, teams and individuals the opportunity to try out different work patterns and workstyles without the need for a formal request, and to explore what could be possible for them individually, and as a team whilst continuing to deliver high quality services to citizens. As part of this, FAQs and informal guidance was provided along with eLearning for managers to help develop skills to effectively manage hybrid teams. This allowed us to gather data and information in order to develop the Flexible Working policy and guidance.
- 3.15 The Working Group undertook a series of engagement sessions with an initial focus group, Managers, SMTs, Trade Unions, Equality, Disability & Inclusion Groups (internal and external) and the Leadership Forum. The purpose of these sessions was to understand where services/teams were, post Covid-19, what was different for them, how they wanted to work in the future, what challenges they were facing and what support they would need going forward.
- 3.16 The Working Group also undertook benchmarking with other Local Authorities in Scotland. The benchmarking areas included hybrid working, contractual changes, working from abroad and flexible working arrangements.
- 3.17 Over the course of the review, the Working Group have accessed reports, best practice and webinars from a range of sources including CIPD, RGU and Audit

Scotland, in order to establish trends across both the public and private sector. Scottish Government reported in their Business Conditions and Insights Survey (June 2024) that businesses in the Information and Communication sector and Professional, Scientific and Technical Activities sectors are most likely to report an intention to use increased homeworking as part of their business model.

3.18 The results of the benchmarking, research and engagement were reviewed and themes/issues were identified. Each of these was then considered and changes and/or additions made to the policy and guidance. The following themes/issues were identified:-

- Legislative Changes
- Hybrid Working including managing hybrid teams
- Types of flexibility (temporary changes to working patterns, more flexibility in flexi time and core hours)
- How and when to make contractual changes
- Clear guidance on working from home for those who have caring responsibilities to ensure appropriate measures are in place during working time
- Mental Health and Wellbeing
- Office Space and Configuration
- DSE, First Aid and Fire Safety
- Recruitment and Onboarding
- Digital & Technology needs

A full summary of the engagement and research and the resulting changes can be found in the Summary of Engagement and Evidence document at Appendix 3.

3.19 Currently an Employee Experience Survey has been launched which includes a section on flexible working. This mirrors some of the questions asked of the workforce in the Future of Work Survey in 2020 about. The survey closes mid-January 2025 and therefore, the results have not been fully analysed, however initial responses indicate similar outcomes to the 2020 survey. At the time of writing this report, of those who responded, 65% reported themselves as hybrid workers and responses came from across all job families. The majority of employees said they strongly agreed that hybrid working helps their work-life balance, helps make more productive use of their time and makes Aberdeen City Council a more attractive employer for prospective and existing employees. More than half of respondents agreed that greater flexibility benefits equality, diversity and inclusion across the organisation.

Workforce Data

3.20 The workforce is made up of the following job families (not including teachers for which this policy does not apply) spread across various locations including parks, depots, community centres, office buildings, museums and galleries etc.

Frontline Customer Services:	5.3%
Frontline Operational Services:	28.1%
Information Services:	19.7%
People Managers:	9.2%

Social & Community Services: 37.7%

- 3.21 The Core Capabilities within each Job Family can assist identifying the appropriate work style (hybrid or fixed location) in order to aid Flexible Working discussions and decisions. For example, roles within the Information Services job family generally rely on digital resources to carry out their work and this means there may be flexibility within these roles to work from alternative locations. Roles within the Frontline Operational job family generally provide frontline operational services for our citizens, which may require to be undertaken from a fixed location.
- 3.22 The majority of the Council's workforce are female (70.2%) and the table below details the male/female split for employees who work part time and full time.

Current Part time split – Male / Female

	Part Time	Full Time
Male	431 (12.2%)	2028 (43.1%)
Female	3110 (87.8%)	2679 (56.9%)

The data shows us that it is predominantly female employees who currently work part time across the Council, which shows the flexibility already in place, and indicates part time working is more likely due to caring responsibilities. This mirrors the national data from the Carers Census, Scotland 2022-23 - ONS data (office for national statistics) [Information on Unpaid Carers - Carers Census, Scotland, 2022-23 - gov.scot](https://gov.scot/Information-on-Unpaid-Carers-Carers-Census-Scotland-2022-23) which shows that around three-quarters of carers in the 2022-23 Carers Census (74%) were female. Females of working age are more likely to provide unpaid care than working age males.

- 3.23 The table below details the current age profile of the organisation.

Current age profile

Age 16-29	13.5%
Age 30-49	48.1%
Age 50-59	26.4%
60+	12.0%

The Carers Census in 2022-23 detailed three in five carers (60%) were working age (18 - 64 year old) adults. Adults aged 65 and over accounted for a quarter of carers identified (25%), whilst young carers (carers aged under 18) made up 15% of carers. This data indicates that a number of employees are likely to have caring responsibilities across the different age groups.

- 3.24 The Chartered Institute of Personnel and Development (CIPD) reported that *'workers over the age of 50 generally find it harder than other age groups to find new employment, often because of discrimination or bias on the part of employers and recruiters. A lack of flexible working can also make it harder to remain in employment, particularly if workers have caring responsibilities, a disability or a long-term health condition.'*

- 3.25 From a young employee perspective, feedback from our Young Employee Network further re-enforces this data. When asked ‘what does flexible working mean to you’, the following points were highlighted:
- The main benefit of working for the council is having the flexibility of where and when they work – a mixture of at a work location and working from home. They added that this means less commuting time and can save money too.
 - Greater productivity when working from home, especially for particular tasks as there are less distractions. However, they also see the benefit of being at work, in person, to see colleagues and collaborate.
 - Having flexibility to support work life balance plays a big part in maintaining general health and fitness, social activities, family commitments and attending appointments.
 - They highlighted that they would not work for an organisation that does not offer flexibility, and this is a very important factor when choosing and remaining with an employer.
 - Overall, flexible working arrangements is viewed as a massive benefit and plays a big part in job satisfaction.
- 3.26 Having considered our workforce data on age and gender, it clearly shows the importance of providing flexible working arrangements for a workforce who will, at different stages of their work and personal lives, have different responsibilities and may be able to benefit from more flexibility to support their caring responsibilities and meet their changing needs.
- 3.27 The Flexible Working Policy provides for greater flexibility in the changing workforce and supports some of our workforce challenges around attraction and retention and being seen as an employer of choice. This was highlighted in the recent Best Value Report (Workforce Innovation – How Councils are responding to workforce challenges) which highlighted there was a need for flexibility and efficiency in our reducing workforce, and hybrid working is regarded as a way of improving employee work-life balance.

Flexible Working – Wider Considerations

- 3.28 Whilst there are many benefits to flexible working, such as improved work-life balance, increased morale, being seen as an attractive employer and in turn aid attraction and retention of employees, there are also challenges that need to be addressed, some of which have been identified through research and feedback from employees and managers include:

Maintaining team morale and cohesion when working remotely. It can be harder to foster a sense of belonging among team members who do not see each other physically or communicate face-to-face. This can affect collaboration, innovation, and problem-solving. This has been recognised in the policy and guidance, to emphasise responsibilities as well as through regular check-ins with team members, including “anchor days” to assist with this challenge and encourage managers to adopt a continuous learning and improvement approach to flexible working, and to share best practices and feedback with each other.

Clarity around managing performance and expectations is even more important when working flexibly. Managers need to utilise a more outcome-based approach to managing employees, rather than focusing on time spent / or presence in the office. They also need to provide clear and frequent feedback, set realistic and measurable goals, and monitor progress and results. Employees also have a role to play and need to be proactive in communicating their availability, workload, and achievements, and seek feedback and support when needed through regular 121s and team meetings.

Balancing the needs of different employee groups and individuals.

Flexible working is not a one-size-fits-all solution, and each employee may have different motivations, preferences, and challenges when it comes to working flexibly. Some employees may have caring responsibilities or health issues which benefit from greater flexibility, whilst others may face barriers to working remotely, such as lack of space, equipment, connectivity, or feelings of isolation. Managers should be aware of potential differences and try to accommodate them where possible, while ensuring consistency across the team and the service and ensuring high levels of service delivery.

Supporting the health and wellbeing of employees who work flexibly.

Flexible working can have positive impacts on employee wellbeing, such as reducing stress, increasing satisfaction and morale, and enhancing productivity. However, for some it can lead to feelings of isolation or potential blurred boundaries between work and personal life. Managers need to ensure that employees who work flexibly have access to the same support and resources as those who work in the office, such as training, development, recognition, and inclusion in social activities. They also need to promote a healthy work culture that encourages employees to take breaks, and to switch off. Managers must ensure that employees feel supported and promote the health and wellbeing resources available within the Council. The guidance also provides information to ensure compliance on the Working Time regulations and health and safety considerations.

Recruitment and Retention. Having a Flexible Working policy and guidance can help to attract new employees, and may assist with filling some harder to fill roles. It can also support retention by providing greater flexibility for existing employees and a better work-life balance.

Environmental considerations. There may be a reduction in environmental impact, including pollution and carbon emissions from staff commuting, depending on mode of travel. However, there are additional emissions from staff homeworking, calculated as part of the Council carbon footprint.

Equality, Diversity and Inclusion. The flexible working policy and guidance aims to ensure that employees with protected characteristics feel included and can make use of flexible working options to help ensure they can remain in employment. For example employees:

- with a disability may be able to manage their condition with flexibility in their work.
- can be supported to attend religious engagements with flexibility in their work time.

- with caring responsibilities can better manage their commitments at home and have a better work life balance.
- 3.29 To address these challenges and maximise the benefits of working in a more flexible way, the policy and guidance aim to provide a clear and consistent framework for flexible working that respects individual employee preferences and needs, supports effective teamwork and communication, ensures high standards of performance and quality, and promotes a positive and inclusive work culture that values diversity, wellbeing, and innovation, whilst meeting the needs of the business and service delivery requirements.
- 3.30 The policy and guidance outlines the different types of flexible working arrangements that are available, such as part-time, compressed hours, flexi-time, flexible core hours, or term-time working. It also sets out the roles and responsibilities of employees and managers in relation to working flexibly, such as how to make and approve requests, reviewing and evaluating arrangements, and resolving any issues or conflicts. In addition the flexible working guidance provides practical tips and tools for employees and managers to work effectively and efficiently in different settings and situations, such as managing time, tasks, and communication, using technology and equipment, and ensuring health and safety. The policy and guidance are supported by a range of resources, such as eLearning modules, FAQs, checklists, templates, dedicated SharePoint page, and case studies.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no immediate financial implications associated with the adoption of the Flexible Working policy and guidance.
- 4.2 The cost of any equipment required for an employee to work from home should be covered by the employee, e.g. employees must ensure a suitable workspace and have appropriate WIFI etc. in order to meet DSE requirements to be able to work from home.
- 4.3 Where additional equipment is part of a reasonable adjustment this will continue to be managed by the service, and costs incurred may be covered by the service or through the DWP's Access to Work scheme.
- 4.4 There may be potential income generation opportunities through alternative use of office space.

5. LEGAL IMPLICATIONS

- 5.1 This policy ensures that the council remains compliant with all legislation relating to Flexible Working including the Employment Rights Act 1996 as amended by the Employment Relations (Flexible Working) Act 2023 and Flexible Working Regulations 2014 as amended.

6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There may be positive and negative environment impacts arising from Flexible Working. Employees continuing to work in a hybrid way supports a reduction in car journeys and resultant emissions from employees commuting to work.
- 6.2 However, higher levels of homeworking can lead to higher energy consumption due to increased energy usage at home (through heating in particular) whilst continuing to consume energy in offices/ fixed working locations.

7. RISK

- 7.1 Reputational - if the Council did not have a Flexible Working policy, this could have a negative impact on the reputation of the Council being seen as an Employer of Choice. Flexible working can be seen as an attractive benefit for potential candidates and can widen recruitment pools, which in turn aids recruitment and retention and workforce capacity. This will also reduce impact on service delivery.
- 7.2 Health and Wellbeing – the policy recognises that flexible working can have both a potential positive and negative impact on employees' mental health and wellbeing. More emphasis and awareness is required to ensure employees are supported if they are struggling mentally with isolation and working long hours if they request to work remotely. This recognises and puts measures in place to ensure communication and support channels are in place. This also includes compliance with Working Time Regulations in terms of rest breaks, for example.
- 7.3 Health and Safety – inherent to the nature of some roles within the council is an element of lone working. However, there is a potential for more employees to be lone working if their requested flexible working pattern results in them working outwith standard building opening times. In these circumstances reference should be made to the Lone Working policy to ensure employees' health and safety at all times.
- 7.4 Operational - by offering flexible working options to new employees, this in turn may have a positive effect on current employees with vacancies being filled more easily as we are seen as an attractive employer, this in turn reduces pressure through reducing workload for team members who may be covering vacant roles. This will overall have a positive effect on employees' mental health and wellbeing, and potentially reduce absence rates.
- 7.5 Financial wellbeing (employees) – the policy recognises that some flexible working options may impact positively or negatively to employees in terms of potential additional costs. This may be in relation to additional household costs however, this may be balanced by reduced travel cost and time. The Guidance provides relevant support for employees who may be experiencing in-work poverty.
- 7.6 Financial wellbeing (employer) the Policy aims to have a positive impact by offering more flexibility for existing employees which in turn will support retention therefore saving on recruitment costs and management time. Also

when recruiting externally, offering flexibility may create a wider pool of candidates ensuring vacant posts are filled which reduces impact on service delivery and costs to cover vacant posts.

- 7.7 Compliance – it aims to ensure a fair and legal process is followed in regards to Statutory Flexible Working requests to comply with employment law.
- 7.8 The Flexible Working policy and supporting documentation allows managers to identify and manage risks through effective mitigation controls, including monitoring of data through the People Performance Dashboard and where appropriate, inclusion in operational risk registers.
- 7.9 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy framework. This will continue to be monitored as the policy is applied.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Risk that delivery of strategic objectives is affected by recruitment and retention challenges.	The availability of flexible working options for existing and prospective employees can support mitigation of recruitment and retention challenges.	M	Yes
Compliance	Risk of non-compliance with Flexible Working legislation.	Implementation of the policy supports compliance with current legislation.	L	Yes
Operational	Risk that delivery of Council services is affected by staff recruitment and retention challenges.	The availability of flexible working options for existing and prospective employees can support mitigation of recruitment and retention challenges and create opportunities for flexible operating hours that can support service improvement.	M	Yes
Financial	Risk that non-	The approval and implementation of the	L	Yes

	compliance with legislation leads to legal challenge.	policy and accompanying guidance will support mitigation of this risk.		
Reputational	<p>Risk that the Council is not viewed as an attractive employer.</p> <p>Perception that all ACC employees are working exclusively from home</p>	Providing flexible working options and flexibility for current and future employees ensures we are seen as an attractive employer.	M	Yes
Environment / Climate	<p>There may be positive and negative environment impacts arising from this policy. Employees working on a hybrid basis reduces emissions from employees commuting to work. Alongside this homeworking may result in increased emissions from energy usage at home (e.g. heating) whilst continuing to consume energy in offices/ fixed work locations.</p>	The Flexible Working guidance ensures that managers are aware of these factors when taking decisions on flexible working requests. They can also be flexible and support employees to work from the office if they are worried about increased utility costs as a result of working from home, ensuring a balance to meet all needs where possible.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <p>Valuing Our Staff –</p> <p>Recognise that the Council depends upon its staff to deliver the services it provides and believe the Council must properly reward, train and support its staff.</p>
Workforce Priorities	<p>5 Build on our approaches to hybrid and flexible working through effective use of digital, guidance and workspaces.</p> <p>9 Mental health and wellbeing support for staff including family friendly support.</p> <p>10 Equality, Diversity and Inclusion action plan to meet our employer equality outcomes.</p>
Estates and Assets	<p>5 Reduce and rationalize property assets.</p> <p>8 Deliver Workplace of the future outputs.</p>
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	<p>The proposals within this report support the delivery of LOIP Stretch Outcome 1 No one will suffer due to poverty by 2026.</p> <p>1.4 Poverty affecting those with protected characteristics and in specific communities. Increase support for those who have been most disadvantaged through the pandemic by 2023.</p> <p>The introduction of this policy will attract prospective employees to see the Council as an employer of choice through increased flexibility in how and where they can work which will ensure those with protected characteristics have flexibility around this area. For example flexibility can help those with a disability to manage their condition and also to continue to work.</p>
Prosperous People Stretch Outcomes	<p>The proposals within this report support the delivery of Children & Young People Stretch Outcomes 6 and 7 in the LOIP.</p>

	<p>6. By meeting the health and emotional wellbeing needs of our care experienced children and young people they will have the same levels of attainment in education and positive destinations as their peers by 2026.</p> <p>7. 95% of children living in our priority neighbourhoods (Quintiles 1 & 2) will sustain a positive destination upon leaving school by 2026.</p> <p>The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees and prospective employees of the Council. Having this policy in place should show the Council as an employer of choice, making it attractive for candidates to apply to come and work for us, through provision of greater flexibility within work to allow young people to be supported and balance home and work life. This should assist with employee mental health and wellbeing allowing employees to thrive both in employment and at home.</p>
Prosperous Place Stretch Outcomes	<p>The proposals within this report impact on the Prosperous Place section of the LOIP under the following Stretch outcomes.</p> <p>13. Addressing climate change by reducing Aberdeen's carbon emissions by at least 61% by 2026 and adapting to the impacts of our changing climate. 14. Increase sustainable travel: 38% of people walking and 5% of people cycling as main mode of travel by 2026.</p> <p>The provisions in this policy allow greater flexibility for employees in where and when they work, through the introduction of hybrid working which will contribute to reducing emissions across the City through less people commuting to work, thereby assisting to reduce carbon emissions.</p>
Regional and City Strategies	Not applicable.

9. IMPACT ASSESSMENTS

A new Integrated Impact Assessment (IIA) has been completed as part of this report.

The IIA showed either neutral or positive impacts on protected characteristics. For example a positive impact on Age, Disability, Pregnancy and Maternity, Religion or Belief and Sex. This is through provision of greater flexibility in how and where employees can work, this can help to manage certain medical conditions and pregnancy, allow flexibility in caring responsibilities and to manage working time around religious requirements.

Assessment	Outcome
Integrated Impact Assessment	New IIA has been completed.
Data Protection Impact Assessment	New DPIA Assessment completed for Working From Abroad under Exceptional Circumstances as a new process has been developed for this.
Other	N/A

10. BACKGROUND PAPERS

10.1 Future of Work – Report and Survey

<https://aberdeencitycouncil365.sharepoint.com/SitePages/The-Future-of-Work-Results.aspx>

11. APPENDICES

Appendix 1 Policy

Appendix 2 Guidance

Appendix 3 Summary of Evidence

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