

# Flexible Working Policy



## Document Control

<b>Approval</b>	
<b>Implementation Date</b>	
<b>Policy Number</b>	POL-C-0018
<b>Policy Author(s) and Owner</b>	Alison Paterson / Sheila Baird – People and Organisational Development Advisors (Policy Authors) Isla Newcombe – Chief Officer People and Citizen Services (Policy Owner)
<b>Approval Authority</b>	Staff Governance Committee
<b>Scheduled Review</b>	February 2027
<b>Changes</b>	This is a new Policy to accompany updated Flexible Working Guidance (Version 4, January 2015).

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## 1. Why does the Council need this Policy?

- 1.1. Aberdeen City Council is committed to supporting Flexible Working arrangements provided the needs and objectives of both the Council and the employee themselves can be met. The Council has, for a number of years, been supportive to embedding the principles of 'Flexible Working' throughout the organisation, recognising the benefits of such Flexible Working arrangements including improved work-life balance, employee empowerment, motivation and productivity. It places an emphasis on the culture of our organisation, our Guiding Principles and how we can all make the best use of the technology and workspaces available to us to deliver better services.
- 1.2. The COVID 19 pandemic resulted in employees having to very quickly adapt to new ways of working, by embracing new technology, communicating with teams and colleagues in a different way and having to be more creative in how we deliver our services. This led to a review of the Smarter Working – Flexible Working in Aberdeen guidance resulting in the establishment of this Flexible Working policy to sit alongside the guidance and consolidate the Council's commitment to Flexible Working.
- 1.3. The purpose of the policy is to set out the responsibilities and arrangements which will allow the Council to meet its statutory requirements, but also meeting the established wider principles around Flexible Working, which goes beyond the statutory requirement allowing occasional flexible working arrangements to be considered. This allows for greater flexibility within the workforce whilst prioritising service delivery and citizen requirements, details of which are contained within the accompanying Flexible Working guidance. This progressive approach to Flexible Working can empower employees and improve an employee's motivation, performance and productivity, enabled through a focus on outcomes.
- 1.4. This policy acts as a key control by ensuring compliance with all legislation around 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. It also evidences that the Council is meeting the requirements of Best Value **by using hybrid and remote working to achieve service and staff benefits.**
- 1.5. Many employees have continued to work in the way they adapted during the pandemic and this Policy will not require these employees to make a new request in relation to their current arrangement, wherever these are considered by both manager and employee to be working effectively.

- 1.6. The policy will support the Council's aim to be an employer of choice by providing and promoting flexibility in working arrangements. This will help to ensure a wider and more diverse pool of candidates to apply for vacancies and may help to fill some hard to fill roles. The various Flexible Working options will also support workforce retention offering flexibility and work life balance, and a more inclusive workplace, for existing employees.
- 1.7. Flexible Working options aim to support employees going through various life events during their employment, making it possible to manage work around these events e.g. maternity, paternity, caring responsibilities, disability and/or illness diagnoses. Without such Flexible Working options, there is the risk of impact on people with protected characteristics as well as on retention and employee morale and wellbeing. The accompanying guidance provides information on how to support, health, safety and wellbeing.
- 1.8. It is recognised however, that Flexible Working covers a wide range of scenarios, and some options, such as hybrid working, do not suit every person or role and may have potential detrimental impact on service delivery, or on mental/health and wellbeing for those with certain conditions or living arrangements.
- 1.9. The policy and supporting guidance sets out both manager and employee responsibilities to ensure workplace and team cohesion and provides guidance on how best to manage teams who may not be working on location together every day. Therefore, additional support and guidance may be required to ensure hybrid teams are managed effectively in order to bring them together for specific meetings, training, collaboration and social interactions. This will ensure a sense of team belonging is maintained. The accompanying guidance sets out how to support hybrid working teams including the use of Anchor Days which are days where whole teams come together and aid team connection, support and employee wellbeing.

## 2. Application and Scope Statement

- 2.1 This policy applies to all employees of the Council except Teachers. For Teachers, Flexible Working arrangements will be applied in line with [SNCT guidance](#).
- 2.2 The Council recognises employees have a statutory right to request Flexible Working, regardless of length of service.
- 2.3 An employee is permitted to make two statutory Flexible Working requests within a 12 month period whether successful or not, before applying again in line with the Employment Relations (Flexible Working) Act 2023.
- 2.4 A manager must consult with the employee before making a decision on a Flexible Working application. The Manager must be able to show they have given full consideration to the request and evidence their decision.

- 2.5 There are circumstances where a Manager can refuse a statutory request which must meet one of the statutory grounds for refusal:
- The burden of additional costs
  - A detrimental effect on the ability to meet citizen demand
  - The inability to re-organise work among existing employees
  - The inability to recruit additional employees
  - A detrimental impact on quality
  - A detrimental impact on performance
  - Insufficient work being available during the period the employee proposes to work
  - Planned organisational changes
- 2.6 In addition to the statutory right to request Flexible Working, employees can discuss occasional flexible working arrangements with their manager, see accompanying guidance for further details. This is in line with the existing Flexible Working principles as described in 1.1 above.

### 3 Responsibilities

- 3.1 The Council will adhere to all its statutory responsibilities in relation to the provisions of this policy.
- 3.2 Chief Officers are responsible for the application of this policy and accompanying guidance within their service delivery remit.
- 3.3 Line Managers have responsibility for applying this policy, its provisions and those of the accompanying Guidance. Line Managers are required to:
- Ensure employees are aware of this policy and accompanying guidance.
  - Create an environment where employees feel they can discuss and request any Flexible Working arrangement.
  - Fully consider impacts of Flexible Working on inclusion and employee wellbeing as well as impacts on team cohesion, performance and morale. This includes ensuring regular in-person touchpoints with team members, including via 1 to 1 and team meetings.
  - Consider the best-use of their available Council workspaces and technology to meet service, team and individual needs.
  - Apply this policy consistently.
  - Consider any Statutory Flexible Working requests in line with statutory responsibilities, with consideration to service delivery and citizen requirements, ensuring an outcome is given to the employee as soon as reasonably possible and within 2 months of the request being received. Ensuring to consult with the employee before making a decision on an application.
  - Maintain the employee's confidentiality as appropriate.

- 3.4 Employees have a responsibility to:
- Familiarise themselves with the contents of the policy and accompanying guidance
  - Co-operate with managers and attend any meetings in relation to their request
  - Notify their manager of any changes in their circumstances
- 3.5 Chief Officers must deal with Statutory Flexible Working appeals within 14 days of receiving an appeal.
- 3.6 People and Citizen Services are responsible for providing advice to managers and employees on the application of this policy.
- 3.7 A breach or misuse of this policy may result in the potential application of another corporate policy e.g. Managing Discipline policy.
- 3.8 Non-compliance with this policy should be reported to the employee's line manager, a more senior manager or People and Citizen Services.
- 3.9 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer – People and Citizen Services and this will be taken into account as part of the regular review of this policy.

## 4. Supporting Procedures & Documentation

- 4.1 Accompanying guidance on Flexible Working has been put in place to support application of this policy. This includes the procedure for dealing with Statutory Flexible Working requests, as well as wider Flexible Working options available in line with the council's Flexible Working ethos which goes beyond the statutory requirement.
- 4.2 This policy also links to other documents including information on the following links:
- Flexible Working SharePoint Page
  - Working Time Directive
  - Health and Safety
  - Mental Health and Wellbeing
  - Lone Working policy
  - ICT Acceptable Use Policy
  - Council's Guiding Principles
  - Digital Workplace
  - Social Media Guidance
  - Special Leave Policy
  - Family Friendly provisions
  - Equality, Diversity and Inclusion Policy
  - Financial Wellbeing / Cost of Living Support
  - Data Protection – Corporate and local procedures

## 5. About this Policy

### Policy Statement and Core Principles

- 5.1 The policy is not creating any specific regulations or requirements other than what is stated under section 3 above.
- 5.2 Whilst we want to continue to provide flexibility to our workforce, the primary focus will always be on service delivery, the needs of our citizens and the team.
- 5.3 Employees have a statutory right to request Flexible Working. Approved Statutory Flexible Working requests will result in a permanent contractual change.
- 5.4 Employees have the right to appeal against the decision of a Statutory Flexible Working request.
  - An appeal will not be heard by the same person who issued the decision on the formal Flexible Working request.
  - Statutory Flexible Working Appeals must be submitted in writing to the Cluster Chief Officer within 14 days of receiving the outcome letter.
  - Appeals against a Statutory Flexible Working requests are heard by a Chief Officer supported by a People & Organisational Development Adviser and considered within a further 14 days.
  - In using this policy, reasonable allowance should be made for employees whose first language is not English or who have difficulty expressing themselves. Reasonable adjustments should be made for those with a disability.
  - All matters will be dealt with promptly and in confidence. Confidential records should be kept in the employee personal file of the outcome of any Statutory Flexible Working request.
- 5.5 Flexible Working requests outwith the Statutory right, will be managed within the service in line with the Flexible Working guidance and would not result in a permanent contractual change.
- 5.6 The Flexible Working policy introduces 2 different workstyles – Hybrid or Fixed Location Worker. Managers will identify which workstyles are appropriate for roles within their team, to aid Flexible Working decisions. See appendix A for more information.
- 5.7 Options available through Flexible Working are detailed in Appendix B.
- 5.8 Available workspaces and technology will be used effectively to increase performance, productivity and efficiency, as well as support collaboration and innovation across teams and services.



- 5.9 Permanent requests to work from abroad are not permitted. Employees may be able to work from abroad for short periods of time, in exceptional circumstances, details of this, including compliance with other policies such as ICT, Data Protection and Health and Safety requirements etc. are within the Flexible Working guidance.
- 5.10 A Flexible Working arrangement has to be based on trust. The Council has a right to review a Flexible Working arrangement where that trust has been placed in question and, as such, will be managed in line with the relevant Council Policy e.g. Managing Discipline, Managing Performance etc.
- 5.11 Any complaints raised will be addressed by applying the principles of this policy and the guidance document associated with it. This is to ensure that the appropriate steps are taken to consider whether there are sufficient and reasonable grounds to uphold a complaint and any appropriate action to resolve taken.

## 6. Risk

- 6.1 This policy and its supporting documentation will manage the following risks:
- 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. The policy and guidance 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 breaks etc.
  - Health and Safety Compliance – There are employees who will, on occasion, carry out lone work in Council buildings due to the nature of their work. 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 usage times. In these circumstances reference should be made to the Lone Working policy to ensure the employee's health and safety at all times.
  - Operational - by offering flexible working options to new employees, this in turn can have a positive effect on existing 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.

- Workforce capacity and organisational resilience - the absence of this policy would create negative reputation and therefore compromise our corporate risk. 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.
- Compliance – in line with the Council’s risk appetite statement which sets out how the Council balances the risks and opportunities the policy aims to ensure a fair and legal process is followed in regards to Statutory Flexible Working requests to comply with employment law.

6.2 The Flexible Working policy and supporting documentation enables 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.

6.3 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy. This will continue to be monitored as the policy is applied.

## 7. Environmental Considerations

7.1 There may be positive and negative environmental impacts arising from this policy. Due to employees working in a hybrid way there may be a decrease in employees commuting to work, including less car journeys, this could lead to avoided carbon emissions from travel. However, higher levels of homeworking can lead to higher energy consumption due to increased domestic energy usage (through heating in particular) whilst continuing to consume energy in offices/ fixed working locations

## 8. Policy Performance

8.1 The main factors determining the effectiveness of the policy and whether it adds the value intended is the usage of the policy.

8.2 The effectiveness of the policy will be measured through collecting feedback from users of the policy.

8.3 The Chief Officer – People and Citizen Services will report on the effectiveness of the policy to Staff Governance Committee ensuring that confidentiality is maintained.

## 9. Design and Delivery

9.1 The policy links to the ‘Workforce Design’ principle of the Operating Model of the Council in that it is concerned with organisational culture and promotion of equality in the workplace. The application of the policy and procedure should help ensure alignment with this principle. It also links to the Council’s Guiding Principles of valuing and supporting

staff. The policy supports compliance with statutory obligations, employment legislation and best practice.

- 9.2 The policy also links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the City are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council.

## 10. Housekeeping and Maintenance

- 10.1 This new policy is accompanied by the new guidance which is an update to the previous Smarter Working – Flexible Working in Aberdeen City Guidance (Version 4, January 2015). The policy will be reviewed every 2 years by People & Citizen Services, and any necessary updates to it and the accompanying guidance document will be proposed to the Staff Governance Committee, where required, following agreed consultation arrangements.

## 11. Communication and Distribution

- 11.1 This policy and supporting documentation will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with the responsibilities set out in section 3.
- 11.2 The policy and documentation will be available for review on the organisation's shared areas on the intranet.
- 11.3 A communication plan is developed to assist with embedding the policy into the organisation, which includes ongoing advice from People and Organisational Development Advisors.

## 12. Information Management

- 12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

## 13. Definitions and Understanding this Policy

- 13.1 **Flexible Working** - describes the Council's ethos towards greater flexibility across the council, through different ways of working being available to employees across the organisation in order to improve an employee's motivation, performance and productivity, and help reduce stress and support a better work-life balance, in line with service delivery. The Council's Flexible Working principles go beyond the Statutory requirement to allow greater flexibility within the workforce placing emphasis on the culture of our organisation and our Guiding Principles.

- 13.2 **Statutory Flexible Working Requests** - Employees have a statutory right to request flexible working under the Employment Rights Act 1996 and Flexible Working Regulations 2014 as amended by the Flexible Working (Amendment) Regulations 2023. Statutory Flexible working requests must be submitted in writing and, if approved, will result in a permanent contractual change. Changes to how or where an employee works, are welcomed from any council employee regardless of workstyle, role or, length of service and will be given careful consideration and implemented where operationally practicable.
- 13.3 **Flexible Working Arrangement** - These are arrangements made in line with the Council's Flexible Working Ethos which go beyond the statutory entitlement. These are occasional changes to how or where an employee works; are welcomed from any council employee and will be considered in line with service requirements. Examples could include changing a working pattern for one to two weeks, or working compressed hours for a month. This would not result in a permanent contractual change and would be managed locally within the service with management agreement.
- 13.4 **Workstyles** – defines where an employee will work. There are 2 defined workstyles, Hybrid and Fixed Location Worker (see Appendix A for more details). Depending on the employee's workstyle, this may help them to identify which Flexible Working options may be available (depending on service requirements).
- 13.5 **Flexible Working Options** - The organisation recognises that there may be alternative ways of working or a combination of options which are suitable to both the organisation and the employee. These can be found in Appendix B.
- 13.6 Flexible Working provides an opportunity to create a more inclusive workplace in line with **Equality, Diversity and Inclusion and Protected Characteristics**. The protected characteristics (defined under the Equality Act 2010) are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## Appendix A - Workstyles

<b>Hybrid Worker</b>	<p>Hybrid Workers split working days between employer location and remote locations including their home, in line with service needs, the Council's purpose and ensuring team cohesion.</p> <p>Hybrid workers will need to regularly attend the office/a fixed Council location in line with service requirements and management requests. This ensures maintenance of contact and relationships with team members and line managers including anchor days, training or specific meetings, and to best support our citizens and service users.</p> <p>Hybrid working could be an agreement to work fixed days between a council work location and home/alternative location. This could be for example, a set pattern of 3 days at home and 2 days at a council work location. Or it could be a more flexible arrangement where the work location is determined in line with service requirements and the work that is needed to be completed. This could change weekly. Thereby using the most efficient and effective location to ensure the needs of the service are being delivered.</p> <p>The hybrid working model is also suitable for employees who have to make several site or client visits, enabling the completion of administrative tasks without the need to return to a main work location.</p>
<b>Fixed Location Worker</b>	<p><b>All working time is spent in the office or site location.</b></p> <p>Fixed Location Workers are based fully in one or more employer locations, this is due to the requirement for work activities to be completed on site, or due to the employee being unable to complete/undertake work activities elsewhere e.g. at home.</p>

## Appendix B - Flexible Working Options

Option	Description
<b>Part-time working</b>	Part-time covers any arrangement where an employee is contracted to work anything less than full time hours for the type of work in question.
<b>Compressed working</b>	<p>Compressed working is an arrangement where an employee works their contracted hours over a shorter agreed working period, e.g. on a 37 hour per week contract this could be 74 hours over 9 days in a 2 week period. (In this example, a working day would be 8.22 hours or 8 hours 14 minutes).</p> <p>Or 35 hours over 4 days (in this example a working day would be 8.75 hours or 8 hours 45 minutes)</p> <p>In practice compressed working leads to an employee working for more hours per day, but for fewer days per week or month..</p>
<b>Annualised hours</b>	The annualised hours scheme allows flexibility for an employee to work more or fewer hours at different times in the year to match demand. It is often associated with services that experience seasonal peaks and troughs.
<b>Term time working</b>	With term time working contracts, the employee will remain an employee of the Council during the school holidays although they will not be required to work during this time. Term time working may be more suited to services that provide and operate primarily during the school term, but is not restricted solely to these services.