

# Flexible Working

Guidance for Managers and Employees



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## 1. Introduction

This Guidance accompanies the Flexible Working Policy.

Depending on an employee's role, having and using the right technology and connectivity can enable some to work from alternative locations. The concept of Flexible Working, however, is wider than just location and also offers flexibility in working hours and patterns.

Aberdeen City Council recognises that having a progressive approach to Flexible Working can provide employees with a better work-life balance and can improve an employee's motivation, performance and productivity, enabled through a focus on outcomes. It can also improve mental health and wellbeing, reduce absence and remove barriers to employment. Therefore, the organisation seeks to support employees wherever possible to achieve a better balance between work and other life priorities and commitments such as caring responsibilities, further learning and other interests.

Aberdeen City Council's vision for Flexible Working is based on the following key principles:

- Focus on the **needs of our citizens** and **employees** and **improving service delivery**
- Delivering the **purpose** of the organisation
- Maintaining **Mental Health and Wellbeing**
- Supporting **work-life balance** for employees
- Focus on **outcomes** in line with our Job Families
- Embedding our **Guiding Principles**
- Positive reputation as an **employer of choice**

Flexible Working is a concept which focusses on **work as an activity we do rather than necessarily a place we go**. It aims to provide greater flexibility in relation to the time and location employees can work, based on the requirements of the service and individual jobs. It places an emphasis on the culture of the organisation and our Guiding Principles and how we can make best use of the technology and workspace available to undertake our work, to deliver better services to our citizens.

This flexibility must also meet our shared, primary focus - of the needs of our citizens. In addition, it is important that team dynamics and team learning and development are taken into consideration and that the most productive and high-performing working environments and arrangements are created.

The Flexible Working Policy and Guidance will aid the Council to be an employer of choice by **not only meeting our statutory requirement but going beyond this by** providing and promoting flexibility in working arrangements **throughout the employee life cycle**. During recruitment, this will help to ensure a wider and more diverse pool of candidates and may help to fill some hard to fill roles. The various Flexible Working options will also support workforce retention offering greater flexibility and work life balance, and a more inclusive workplace, for existing employees. **Hybrid working can be included in job adverts where applicable, with workstyles also forming part of recruitment discussions.**

This guidance document provides information for employees whilst also guiding managers on how to ensure they have a balance between employee, citizen, colleague and team needs when making Flexible Working decisions.

This guidance applies to all employees of the council except Teachers. For Teachers Flexible Working arrangements will be applied in line with [SNCT guidance](#).

## **2. Statutory Right to Flexible Working**

Employees have a statutory right to request flexible working from day one of employment under the Employment Rights Act 1996 as amended by the Employee Relations (Flexible Working) Act 2023 and Flexible Working Regulations 2014 as amended by the Flexible Working (Amendment) Regulations 2023. They are entitled to make two statutory flexible working requests within a 12 month period whether successful or not, before applying again in line with the legislation. These requests must be submitted in writing, should be given careful consideration and the manager must consult with the employee before making a decision. There is no requirement for the employee to explain what effect their request will have on the service or how the impact might be dealt with. If the statutory request is approved, this will result in a permanent contractual change.

Where Statutory Flexible Working Requests are approved and permanent arrangements agreed, updated terms and conditions of employment will include details of the agreed working hours and working locations. Depending on the arrangement, this may impact whether your annual leave is provided in days or hours and how many hours equates to a standard working day for annual leave purposes.

Employers can legally reject an application for any of the following reasons and it is reasonable to refuse the request on those grounds:

- The burden of additional costs
- A detrimental effect on the ability to meet citizen demand
- The inability to reorganise 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

See Appendix A for how to submit a Statutory Flexible Working Request, the appeals process and template letters.

## **3. Informal Flexible Working Arrangements**

In addition to the Statutory entitlements, the Council's ethos around flexible working enables employees to work as flexibly as possible in line with service delivery. Informal arrangements , for

temporary or 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 of Informal arrangements are below:

- changes in working hours such as altering start or end times
- changes in working days
- working compressed hours for a specific temporary period
- a change in work location such as working from a friend or family member's house for a short period

The employee should discuss and agree their informal arrangement with their line manager. This would not result in a permanent contractual change and the arrangement would be agreed and managed within the service with management agreement and subject to review. If the employee wishes the arrangement to continue and become permanent, they would be required submit a Statutory Flexible Working request – see Appendix A.

#### **4. Job Families and Workstyles**

Job Families provide a way of grouping jobs together that share similar characteristics and workstyles.

All jobs within the Council fall within one of the following Job Families:

- Frontline Operational Services
- Frontline Customer Services
- Social and Community Services
- Information Services
- People Managers
- Teachers (SNCT) Professional Learning and Leadership
- Chief Officer

Click [here](#) to find out more about Job Families and Core Capabilities and to identify where a specific role or Team is grouped. The Core Capabilities within each Job Family can assist identifying the appropriate work style in order to aid Flexible Working discussions and decisions. E.g. 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 the public which may require to be undertaken from a fixed location.

The Council identified 2 workstyles detailed below which can guide employees and managers about what is possible in terms of Flexible Working options and what could work - depending on role and service requirements. Workstyles define where an employee will work e.g. Hybrid working can allow an employee to work from home or an alternative location. Services will identify the workstyles that are appropriate for their teams. Workstyles must be discussed and agreed with line managers.

Regardless of workstyle, all People Policies including normal absence reporting procedures apply to all employees.

<b>WORKSTYLE</b>	<b>DEFINITION</b>
<b>Hybrid Worker</b>	<p>Hybrid Workers split working days between employer location and a remote location which may be their home, in line with service needs.</p> <p>Hybrid workers will need to attend the office / employer location at times in line with service requirements and management requests. This is to maintain contact/relationship with team members e.g. anchor days and/or attend training or specific meetings.</p> <p>Hybrid working could be an agreement to work fixed days between the office and home e.g., set pattern of 3 days at home and 2 days in the office. Or it could be a more flexible arrangement where work location is determined in line with service requirements and could change weekly. Thereby using the most efficient and effective location to ensure the needs of the service are being delivered.</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 an office or site location(s), 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>

## **5. Your Working Location**

An employee's working location will be agreed with line managers in line with service requirements and an employee's workstyle.

Where it is possible, alternative work locations can improve work-life balance. It might suit an employee to manage medical conditions whilst working, and support an employee with caring responsibilities (see Section 10 for more information on caring responsibilities).

### **Your Contracted Location**

An employee's normal working 'base' location is detailed in contractual terms and conditions. Depending on the employee's role, however, they may be able to work from any council building or from home or an alternative location, using a Council issued device and in agreement with line management.



## Considerations for Working From Home or Alternative Location

An employee may be able to work from their home or an alternative location if this meets the needs of their service and citizens and is of benefit to the employee. Employee's must have line manager approval to do so. If requesting to work from home or an alternative location, an employee should ensure they have sufficient Wi-Fi connectivity and that their work set up is Display Screen Equipment compliant, see Section 12 for more information.

An employee working from home will not be paid allowances for any extra heating, electricity or other costs incurred.

Working from home may affect the buildings and contents insurance for the employee's home. Employees are advised to inform their insurance company of any home working. The employee will be responsible for any increase in insurance premiums.

It is accepted that an employee may live in a different town/area from their base location. However, the employee must be able and willing to travel to their base location, or any other council location, at their own expense, within a reasonable timescale when required. What is reasonable will depend on the employee, citizen, colleague and team needs and this should be captured and agreed as part of the Flexible Working Considerations - Checklist for Managers (Appendix E) when considering the suitability of working from home. Some services may require employees to attend a work location at short notice to deal with an emergency situation or to respond to immediate service requirements. Employees should be able to do this if this is a requirement of their role and service. If an employee is unable to meet that requirement, then they should not be working from home or an alternative location.

If an employee requests to work from home **they cannot claim tax relief**. Further information on eligibility for tax relief and how to apply can be found here - <https://www.gov.uk/tax-relief-for-employees/working-at-home>

## Working From a Fixed Location

An employee may be required to work solely from a fixed location due to the requirements of their role, or can request to do so due to personal circumstances. A line manager may reasonably require that an employee works solely from a fixed location to meet the needs of the service.

## Working From Abroad

Working from abroad for a **short period** may be permitted in exceptional circumstances for example the death of a relative overseas, subject to a formal 'Temporary Request to Work from outwith the UK Form' being submitted and approved by the employee's Chief Officer after following due process. The form should be submitted a minimum of 8 weeks in advance of the start of the request to allow consideration. The maximum time allowed for working abroad in these circumstances is 4 weeks in any 12-month period.

Requests to work from abroad on a longer-term or permanent basis will not be considered or approved due to the additional risks, costs and legal implications for the organisation.

More information can be found in **Appendix B**.

## 6. Your Working Hours

**Flexi Time Scheme** – Flexi-time is a contractual arrangement which allows an employee to vary their hours of work within agreed limits. Flexi-time allows an employee to choose, within certain limits, when to begin and end work, and provides the ability for accrued hours to be taken as a flexi day. Flexi time is usually a contractual condition stated within the contract. Within the flexi time scheme there are core hours which normally cover a six hour period with a minimum/maximum break period of 30 minutes to 2 hours. See Appendix F for further details.

**Flexibility of Working/Core Hours** - Within many roles, there is likely to be some flexibility in how an employee works their contracted hours of work, with the degree of such flexibility being dependent on the nature of the service being delivered, the needs of citizens and an employee's workstyle. This flexibility can be applied to an individual or a team. Depending on the role there may be discretion, with management agreement to be able to determine how contracted hours are worked (outwith the standard working day, 7.00am to 8.00pm and/or core hours as part of the Flexi Time Scheme) provided there is no detriment to service delivery. Some services may be able to remove or adapt core hours to provide greater flexibility whilst still meeting service needs. Some roles may require fixed hours meaning there is less flexibility, this may mean a requirement for core hours to provide structure and to work within the standard working day and / or within Core Hours to support service delivery.

No enhancements are payable where an employee requests to work their contracted hours outwith standard hours, if this is a personal choice and not contractual or a requirement of the role or at the request of the manager.

Commuting times and any voluntary travel between locations is non-working time and does not count towards an employee's contractual hours and travel expenses cannot be claimed

**Time off in lieu (TOIL)** - applies in exceptional circumstances where an employee has been asked by their manager to work longer hours so that, for example, a particular peak in workload can be dealt with. In these circumstances the manager and employee must agree in advance that the additional hours worked can be taken as time off in lieu at a later date. See Appendix G for more information.

It is important that managers agree how an employee's contracted hours will be worked to:

- ensure that managers know when their team members are working and when they are contactable;
- assist when planning resources if there is an element of cover required from the overall team;
- assist when approving leave requests from team members;
- ensure work can be allocated/managed and outputs are clear;

- ensure that citizens can access services appropriately;
- ensure that internal colleagues and partner organisations are able to collaborate and work with employees effectively;
- support health and wellbeing of all team members.

Where applicable, employees must also update electronic diaries to show working and non-working days, meetings, working location, any leave and any other commitments during the normal working week.

For fixed location workers, as well as hybrid workers who are working in their base location, working hours will be within the building opening hours and as agreed with their manager. Any cover arrangements across a team must be agreed by the line manager.

Employees who choose to work their hours flexibly, should ensure that they do not work excessively long hours on a regular basis and should work their contracted hours with adherence to the Working Time Regulations. The Working Time Regulations 1998 set out:

- Employees can work a maximum of 48 hours a week on average.
- Employees have the right to 11 hours' rest between working days. For example, if you finish work at 8pm, you shouldn't start work again until 7am the next day (at the earliest).
- Employees should take regular breaks as per the Working Time Regulations.

**More information on Working Hours and Working Time Regulations can be found here - [Working Hours and Working Time – Aberdeen City Council: People Anytime](#)**

## 7. Flexible Working Options

The guidance has set out in sections 5 and 6 the flexibility that may be available for employees on how and where they work their hours.

In addition to this, there are the following Flexible Working options:

Option	Description	Statutory Request	Flexible Working Arrangement
<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.	Yes	No
<b>Compressed working</b>	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.	Yes	Yes

	<p>(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.	Yes	No
<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.	Yes	No

For full details of each of these flexible working options, please see **Appendix H**.

## 8. Manager Considerations

Prior to approving any Flexible Working arrangement, the Manager should complete the Flexible Working Managers Checklist (see Appendix E) and give consideration to the following points in conjunction with the employee:

- The tasks involved in the job role - how effectively can be done at different times and/or in different locations
- Any impact on the team or teamworking
- Any impact on citizens or service delivery
- Any impact on communication – how will the employee maintain communication and how regularly
- How Anchor Days (see below) might be used

- How both the employee and line manager will manage trust and individual outputs and service delivery (consider and agree in advance but may include daily/weekly/regular 1:1s and team meetings)
- Impact on the employee – how will the change impact their cost of living, mental health and wellbeing, productivity and performance, caring responsibilities etc.
- Economic and environmental impacts e.g., travel, travel costs, local economy etc

### **Anchor Days**

Where teams do not work in the same location or have the same workstyle, managers and teams should make regular use of Anchor Days to bring the whole team together and aid team connection, support and employee wellbeing. Anchor days are regularly scheduled days where teams come together in the workplace – they might take place weekly, fortnightly or monthly. On these days, the focus is on relationships, connection, and collaboration – within and across teams and often with the wider business too.

More information on Anchor Days can be found [here](#).

### **9. Review of Flexible Working Arrangements**

All approved flexible working arrangements should be reviewed regularly, at least annually during CR&D, unless there is a need to review prior to this, to ensure that the arrangement is working for the employee and the council. Where an agreed flexible working request has a detrimental impact on the employee and/or the service then the arrangement will be subject to change. Further advice can be sought from Employee Relations and Wellbeing.

### **10. Caring Responsibilities**

Working from home is an extension of the work environment, and it is important that appropriate measures are in place for childcare/caring responsibilities during working time; it is not permissible to be working and caring at the same time. Working from home is not to be used as an alternative to childcare or to care for dependents. However, we recognise that there may be extenuating circumstances and provisions exist within the special leave policy that may be appropriate to the situation. The employee should discuss this with their line manager to determine what may be appropriate in these extenuating circumstances. Further advice can be sought from Employee Relations and Wellbeing.

The Council has a number of policies in place to support employees with caring responsibilities see section 15 below.

### **11. Equipment**

Line managers will ensure that employees receive the appropriate ICT equipment and permissions necessary to undertake their role and that workstations in fixed locations are DSE compliant. Employees must ensure they have read and understood the **ICT Acceptable Use Policy**. It is the employee's responsibility to ensure they adhere to any requests to bring equipment to a Council location for testing, repair or replacement.

When **working from home or an alternative location**, it is the employee's responsibility to ensure that they have a suitable desk, chair, mouse, keyboard, WIFI and other items in accordance with the DSE (Display Screen Equipment) principles. All employees requesting to work from home or an alternative location must complete a DSE Self-Assessment to confirm their work station is DSE compliant. Thereafter, an updated DSE Self-Assessment must be completed annually and/or when there are any changes in circumstances e.g. moving house or work location/room, or where the employee feels they would benefit from an updated assessment. The same would apply whether the employee is working from home or in a Council location. See Section 13 for further information on DSE assessments.

The Council will not provide additional items (only the laptop/device, charger and headset/travel dock as required) to enable working from home. Where an employee does not have a suitable space or equipment in their home or alternative location to be able to carry out their work effectively and safely, they should work from an employer location where equipment is provided.

If there is a requirement for additional equipment/assistive technology following a Reasonable Adjustment (under the Equality Act 2010) and/or an Occupational Health referral/ the recommendation of a healthcare professional, the manager will discuss this with the employee and arrange for any reasonable adjustments to be put in place, including equipment as required.

## **12. Data Protection and Cyber Security**

Employees must ensure that all confidential information (e.g., paperwork, electronic files) and devices containing such are kept secure. When working from home, confidential information must **not** be accessible to family members or visitors and if others are in the same building, headphones should be used during meetings so that conversations cannot be heard.

Employees must also ensure that when they leave a workstation that they lock the screen and secure any confidential paperwork.

Corporate printers are not supplied for home use - all supported printers are office-based and connected to the ACC network. Home printers are not offered or supported. If you require to print as part of your role this must be carried out within the office.

Confidential waste must be returned to the Council as soon as possible for destruction by our certified security partner, and not disposed of in household waste or other locations.

Any Information Security or Data Protection incidents must be reported using the [correct reporting form in ServiceNow](#).

## **13. Health and Safety**

Employees should work with their manager to ensure health and safety compliance at all times. It is important that managers ensure that:

- Emergency contact information is kept up to date

- Working patterns are agreed
- [Lone working](#) arrangements and wellbeing are considered and adequate arrangements and support are in place. Managers should agree how and when they will communicate with their employees
- Where working in a Council work location Manager should take into account first aider and fire safety considerations, [Fire Safety Procedure \(sharepoint.com\)](#) and [First Aid Procedure \(sharepoint.com\)](#)
- Managers must complete a [Risk Assessment](#) for each type of workstyle within their team, regardless of where they work
- All employees who work from home regularly should complete a [home worker checklist](#)
- Display Screen Equipment (DSE) Assessments should be completed annually or when there are any changes in circumstances e.g. moving house. Annual assessments should be carried out regardless of where an employee works. The DSE assessment form can be found [here](#)
- Any issues with using workstation equipment or if there is a change to the equipment, the line manager should be notified and another DSE Assessment completed
- Where issues are identified, a trained DSE assessor should complete a [review](#)
- All employees should complete the Display Screen Equipment (DSE) course on [ACC Learn](#)
- Where possible, outlook diaries should be open, and up to date as appropriate, for the team and manager to ensure availability and location is known whilst working

#### **14. Making Best Use of Office Space**

When attending the office, employees should consider making use of the most appropriate space/s depending on their time and purpose of being in the office. This may be a desk within the team zone or making use of hot desk/touchdown spaces or across the corporate facilities in the building. In some cases, depending on individual team arrangements, employees may be allocated a desk which will be located within their team zone.

If an employee requires a “fixed desk” for operational, personal or DSE purposes (e.g. reasonable adjustment) this should be discussed with their line manager and allowances for this made within the allocated team zone.

For team zones to function successfully and support hybrid working, appropriate behaviours should be in place and followed by all. As a minimum:

- Clear desk policy must be applied, and employees are responsible for ensuring that workstations are cleared after each use, ensuring that no sensitive data or paperwork is left behind, or on display if you are away from your desk. Personal items should not be left on workstations (including fixed workstations).
- Employees are responsible for the cleaning of workstations and equipment at the start and end of use. Employees should be considerate to surrounding colleagues if choosing to eat at workstations, while employees are encouraged to make use of the breakout spaces and/or canteen spaces for breaks away from the desk.
- Teams are responsible for ensuring the space in and around their team zone is kept clear and tidy. Lockable storage should be used for sensitive data, paperwork and equipment.
- If a desk booking system is in place, then employees should amend or cancel bookings in advance if no longer required.

- Any missing or faulty equipment on desks should be reported to the line manager for action and any replacement equipment ordered through Service Now, if appropriate.
- Employees should be mindful when undertaking meetings in an office location, consider correct space for the conversation. Be mindful of employees and workspace and ensure confidentiality. Making use of break out spaces and use of headphones.

## 15. Useful Resources

Please visit the Flexible Working SharePoint page for further details on the items below.

- [Smarter Working FAQs \(sharepoint.com\)](#)
- [Smarter Working - Equality, Diversity & Inclusion \(sharepoint.com\)](#)
- [ED&I Policy](#)
- [DSE / H&S](#)
- [First Aiders](#)
- [Lone Working Policy](#)
- [Virtual Meeting Guidance \(sharepoint.com\)](#)
- [Anchor days SHAREPOINT](#)
- [Try out the new tech for great hybrid meetings! \(sharepoint.com\)](#)
- [Digital Workplace](#)
- [Data Protection](#)
- [Protecting your data while working from home \(sharepoint.com\)](#)
- [Mental Health & Wellbeing – update link\\*\\*](#)
- [The Return of the Commute: the environmental impact \(sharepoint.com\)](#)
- [Financial Wellbeing - Cost of Living Support \(sharepoint.com\)](#)
- [Supporting Carers in the Workplace](#)
- [Special Leave Policy](#)
- [Family Friendly Provisions](#)
- [Travel & Subsistence Guidance](#)
- [Working Hours and Working Time – Aberdeen City Council: People Anytime](#)
- [ICT Acceptable Use Policy](#)
- [Guiding Principles](#)
- [Social Media Guidance](#)
- E-learning [ACC Learn](#) courses:
  - Display Screen Equipment e-learning course
  - Introduction to Health and Safety
  - Information Governance
  - Smarter Working Aberdeen
  - Smarter Working for Managers



## HOW TO SUBMIT STATUTORY FLEXIBLE WORKING REQUESTS, APPEALS PROCESS AND FORMS

### How to Submit Statutory Flexible Working Requests

An employee must complete the 'Request for Statutory Flexible Working Request' form. All requests for flexible working must be given serious consideration by the manager and managers must consult with the employee before rejecting it.

### Trial Periods

Any requests for Statutory Flexible Working can be agreed on a trial basis in the first instance. It is recommended for approximately 4 weeks to assess viability and provide an outcome. See section 7 for further information and how to apply.

### Dealing with Statutory Flexible Working Requests

Once the request has been received, the manager and employee must meet to discuss the request within 21 days of the request form being submitted and discuss the detail of the request, any concerns, alternative suggestions and trial periods. If an adjournment to consider alternative suggestions is needed, that adjournment should not normally last more than 14 days. An outcome must be given within 2 months of the request being received, however this can be extended as set out below.

- Where the manager and employee agree that more time will be needed to complete a particular part of the procedure.
- Where the manager is absent when the request is submitted. If this is the case then the initial meeting to discuss the request should take place within 28 days of the manager's return to work.

The employee must be informed of the manager's decision in writing within 7 days of the meeting, or within 7 days of the final adjourned meeting. If a change is approved, the manager should inform the HR Service Centre to update the employee's terms and conditions and update CoreHR.

If the line manager does not approve the request, they must write to the employee with the Outcome Letter, giving the business reason(s) for the refusal.

Employers can legally reject an application for any of the following reasons and it is reasonable to refuse the request on those grounds:

- The burden of additional costs
- A detrimental effect on the ability to meet citizen demand
- The inability to reorganise 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

### **Statutory Flexible Working Request – Appeals**

The employee has the right of appeal against the decision, and information will be detailed in the outcome letter of how to submit an appeal.

Appeals must be submitted in writing to the relevant Chief Officer (or if the Chief Officer is the employee's line manager – to the relevant Executive Director) within 14 days of receiving the outcome letter. The appeal should state which of the two grounds for appeal apply and why. The Chief Officer or Executive Director, supported by a People and Organisational Development Adviser, will consider the appeal within 14 days. The employee can be accompanied by a trade union representative or by a work colleague at the appeal meeting if they wish. The employee will be advised in writing of the outcome of the appeal within 14 days of the appeal meeting.

The employee is permitted to make two Statutory Flexible Working requests within a 12-month period, whether successful or not, before applying again.

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 potentially been abused and will be managed in line with the relevant Council Policy e.g. Managing Discipline, Managing Attendance etc.

## Statutory Flexible Working Request Form

To be considered for a Statutory Flexible Working arrangement you must complete this form (you may continue any part on a separate sheet if necessary) and submit it to your Line Manager. You can make 2 statutory Flexible working requests in a 12 month period.

### 1. Personal Details

**Name (in full):** \_\_\_\_\_ **Payroll No.:** \_\_\_\_\_

**Function and Cluster:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Job Title:** \_\_\_\_\_

### 2. Supporting Information

Please include details of any caring responsibilities you have or of any disability issues which may have contributed to this request.

### 3. Details of Request

What is your current working pattern (days/hours/times) and work location?

--

What kind of Statutory Flexible Working option would you like to request?

<b>Term Time Working</b>	
<b>Compressed Working</b>	
<b>Annualised Hours</b>	
<b>Part Time working</b>	
<b>Other</b>	

Please describe below the arrangement you would like to request:

[illegible]

When would you like your proposed new working arrangement to begin (date)?

#### 4. SIGNATURE

Signed: ..... Date: .....

## 5. FOR SERVICE USE

Managers Comments (including any agreed amendments to the above request and details of any trial):

### AUTHORISATION

Line Manager Name: .....

Signed: .....

Date: .....

Date application received by Service

Date: .....

Date of meeting with Employee

Date: .....

(1) Request approved on a permanent basis (letter sent) Initials ..... Date.....

(2) Request approved on a trial basis (from d/m/y to d/m/y ) Initials ..... Date.....  
Review before final decision

(3a) \*Request approved following trial follow step 1 Initials ..... Date.....

(3b) Request rejected following trial follow step 4 Initials ..... Date.....

(4) Request declined and letter sent Initials ..... Date .....

(request can only be declined for one of the six specified reasons detailed within the Flexible Working policy and guidance document)

If the request is rejected it must meet one of the statutory grounds below\*

<b>Statutory Ground for Refusal</b>	<b>Tick which Ground for refusal and reasons based on evidence</b>
The burden of additional costs	
A detrimental effect on the ability to meet citizen demand	
The inability to reorganise 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 you proposes to work	
Planned organisational changes	

## **Letter to Invite Employee to Initial Meeting**

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST MEETING

I write to acknowledge receipt of your Statutory Flexible Working request, which I received on <date>.

I would like to invite you to a meeting with me to discuss your flexible working request on <date> at <time> at <location>.

At the meeting I will be accompanied by <name, job title>. You have the right to be accompanied by a work colleague or trade union representative if you so wish.

Please confirm your attendance at the meeting.

Yours sincerely,

NAME

NAME OF OFFICER

Cc: AskHR (for personal file)

**Letter to Confirm Statutory Flexible Working Request Has Been Approved Following Initial Meeting**

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST

Thank you for attending the Statutory Flexible Working Request meeting on [date].

I write to confirm that your request has been approved.

To confirm, from [date] your working pattern will be as follows:

[insert details of working pattern].

Yours sincerely,

NAME OF OFFICER

Cc: AskHR (for personal file)



## **Letter to Confirm Statutory Flexible Working Request Has Been Rejected Following Initial Meeting**

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST

Thank you for attending the Statutory Flexible Working Request meeting on [date].

I write to confirm that your request has not been approved.

Your request was to [insert details of request]. Having considered the information provided, I have decided that it is not possible to grant your request.

The grounds for refusal is: **\*select one or more of the following**

- The burden of additional costs
- A detrimental effect on the ability to meet citizen demand
- The inability to reorganise 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

My reasons for arriving at this decision are as follows:

[insert details of specific reasons for refusing the request]

You can appeal this decision on one or both of the following grounds:

- There was something important related to your request that I was not aware of when I made my decision.
- You wish to challenge information I used to reach my decision.

If you wish to appeal, the appeal must be registered, in writing, with your Chief Officer (insert Chief Officer's name) within 14 days of receiving this letter.

Yours sincerely,

NAME OF OFFICER

Cc: P&OD Advisor

AskHR (for personal file)

**Letter to Confirm Trial Period**

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST

Thank you for attending the Statutory Flexible Working Request meeting on [date].

I write to confirm that your request has been approved on a trial basis for x weeks.

To confirm, from [date] to [date] your working pattern will be as follows:

[insert details of working pattern].

This working arrangement will be reviewed at the end of the trial period on [*INSERT DATE / TIME / LOCATION*].

Yours sincerely,

NAME OF OFFICER

Cc: AskHR (for personal file)

## Letter to End Statutory Flexible Working Trial and not Approve on a Permanent Basis

PERSONAL

Dear

### STATUTORY FLEXIBLE WORKING REQUEST

Thank you for attending the follow up meeting [date] to review your Statutory Flexible Working trial period.

I write to confirm that it has been decided to end the flexible working trial period and not to continue with the request at this time.

Your request was to [insert details of request]. Having considered the information provided, and having trialled this since [date], I have decided that it is not possible to grant your request on a permanent basis.

The grounds for refusal is/are: **\*select one or more of the following**

- The burden of additional costs
- A detrimental effect on the ability to meet citizen demand
- The inability to reorganise 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

My reasons for arriving at this decision are as follows:

[insert details of specific reasons for refusing the request]

You can appeal this decision on one or both of the following grounds:

- There was something important related to your request that I was not aware of when I made my decision.
- You wish to challenge information I used to reach my decision.

If you wish to appeal, the appeal must be registered, in writing, with the Chief Officer (insert CO's name) within 14 days of receiving this letter.

Yours sincerely,

NAME OF OFFICER

Cc: P&OD Advisor

AskHR for personal file

**Letter to confirm Statutory Flexible Working Request Has Been Approved Following Trial**

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST

Thank you for attending the follow up meeting regarding your Statutory Flexible Working Request trial on [date].

I write to confirm that following a successful trial period your request has been approved.

To confirm, from [date] your working pattern will be as follows:

[insert details of working pattern].

Yours sincerely,

NAME OF OFFICER

Cc: AskHR (for personal file)

## **Letter to Invite Employee to Appeal Hearing**

PERSONAL

Dear

### **APPEAL HEARING – STATUTORY FLEXIBLE WORKING REQUEST**

I have been nominated to hear your appeal against the decision in relation to your Statutory Flexible Working Request.

#### **When the appeal will be heard**

I wish to hear the appeal on (date/time) at (location).

#### **Grounds for appeal**

In general terms, I understand that the grounds for your appeal are:

(detail grounds for appeal)

#### **I will conduct the hearing as follows:**

- Step 1 - Introduction

Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise.

- Step 2 – Statement of grounds for appeal

I will then ask you to state your grounds and reasons for the appeal.

- Step 3 – Response from manager who dealt with flexible working request

I will then ask the manager who took the decision not to uphold your flexible working request to respond.

- Step 4 – Information gathering

I will then question both the manager and yourself.

- Step 5 – Closing statements

I will then give both parties the opportunity to make a closing statement, firstly the manager then yourself.

- Step 6 - Adjournment

I will then adjourn the hearing to consider all of the relevant issues that have emerged and make a decision.

· Step 7 – Making the decision

I will then decide whether there are sufficient and reasonable grounds to either:

- uphold the appeal in full (in which case the remedy you seek would be actioned)
- uphold the appeal in part (in which case I would offer you a compromise solution)
- reject the appeal (in which case the decision taken will stand)

· Step 8 – Informing you of my decision

I will then re-convene the hearing within 5 working days of the original hearing so that I can notify you of my decision and my reasons for it. I will then confirm the decision in writing.

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example, where there is a need to discuss the matter with other officers) then I will give you an explanation for the delay and inform you when a response can be expected.

I trust this satisfactorily explains my role and how the hearing will be conducted.

I will be accompanied by (insert name and position). You have the right to be accompanied by a work colleague or trade union representative if you so wish. Please note however that the procedure does not permit you to be accompanied by your partner, spouse or a legal practitioner.

Please confirm that the above date, time and venue is suitable and whether you will be accompanied and if so, by whom

Yours sincerely,

NAME OF OFFICER CONDUCTING THE HEARING

Cc: P&OD Advisor

AskHR for personal file

## **Letter to Reject Appeal**

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST APPEAL

Thank you for attending the Statutory Flexible Working Appeal meeting on [date] in the presence of...

I write to confirm that your Flexible Working Appeal has not been approved.

Your request was to [insert details of request]. Having considered the information provided, I have decided that it is not possible to grant your request.

My reasons for arriving at this decision are as follows:

[insert reasons]

I hope you understand and accept my reasons for arriving at this decision. Under the Council's Statutory Flexible Working guidance you have now exercised your right of appeal and my decision is final.

Yours sincerely,

NAME OF OFFICER

Cc: P&OD Advisor

AskHR for Personal File

## Letter to Uphold Appeal

PERSONAL

Dear

STATUTORY FLEXIBLE WORKING REQUEST APPEAL

Thank you for attending the Statutory Flexible Working Appeal meeting on [date] in the presence of [insert details].

Your request was to [insert details of request].

Having considered the information provided I write to confirm that your Statutory Flexible Working Appeal has been [*upheld in which case your flexible working request will be actioned / partially upheld and I offer you the following compromise*] (*delete as applicable and add detail where partially upheld*).

Yours sincerely,

NAME OF OFFICER

Cc: P&OD Advisor

AskHR for Personal File



## **Working Abroad Guidance**

Requests to work from abroad on a longer-term or permanent basis will not be considered or approved due to the additional risks, costs and legal implications for the business. Working abroad on a long term or permanent basis is complex and can have implications, risks and costs for both the employee and employer. This includes, for example, data protection risks, information security risks, immigration requirements, employment legislation and tax and NI implications.

Working from abroad for a short period may be permitted **in exceptional circumstances**, subject to a formal request being submitted and approved by the employee's Line Manager and Chief Officer who will consider the circumstances and implications of any such request. A Temporary Request to Work from out with the UK form should be submitted a minimum of 8 weeks in advance of the start of the request to allow consideration. The maximum time allowed for working abroad in these circumstances is 4 weeks in any 12-month period.

### **Employee Considerations:**

- Information Security – the country the employee wishes to work from must be part of the Wassenaar Agreement of which the United Kingdom is a signatory and not be subject to any UK export restrictions on encryption. Employees must refer to the [Change to IT Access from Overseas](#) page and the [UK Government Foreign Travel Advice](#). Refer to IT Security for further advice.
- Data Protection – country must be a recognised safe country. Refer to the Data Protection Team for further advice.
- The full remit of the job role must be able to be undertaken from outwith the UK without any impact on service delivery or citizens.
- Impact on individual performance or the team Insurance implications – refer to the Council's insurance team for further advice.
- What equipment is required to enable the working arrangements e.g., laptops etc. and how will this be securely transported.
- Consider where they will undertake their work and the physical workstation available along with the nature of role –confidentiality of information must be maintained.
- Depending on the role, be available, accounting for any time difference (GMT) in order to ensure service delivery and / or attend agreed team meetings, 1-2-1's etc.
- Check their insurance arrangements for relevant restrictions e.g. travelling to work abroad and carrying equipment such as laptop
- Any associated employment costs with working abroad will be borne by the employee
- Ensure health and safety compliance – risk assess workspace

- Ensure compliance with all Council Policies, Mandatory Codes of Practice and other Guidance
- If the country you are visiting is on the agreed list (see Information Security above), you must ensure that the location you are working from has a suitable and secure internet connection, in line with IT Security guidance (see the Flexible Working Guidance, Section 15 Useful Resources).

## Process

- Employee has initial discussion with Line Manager for 'approval in principle', allowing at least 8 weeks prior to the intended work from abroad date to allow completion of the process (In exceptional circumstances, requests may be made outwith this timescale)
- Employee completes Part 1 of the 'Temporary Request to Work from outwith the UK' form.
- If able to proceed, employee completes Part 2 of the 'Temporary Request to Work from outwith the UK' form and submits form to Line Manager.
- Manager initially discusses with Cluster Chief Officer
- If Cluster Chief Officer gives initial approval, Manager to discuss further with ICT, Legal and P&OD.  
The Chief Officer decision is final and there is no appeals process to this final decision.
- Manager should confirm decision in writing (see Appendix D), within 2 weeks of request form being received and a copy sent to [askhr@aberdeencity.gov.uk](mailto:askhr@aberdeencity.gov.uk) for personal file along with the completed request form.

**Temporary Request to Work from Outwith the UK Form**

To be completed for a temporary request to work from abroad – **only in exceptional circumstances** - and submitted to your Line Manager for consideration

## Part 1

**1. Personal Details**

Name (in full):

Payroll No.:

Function and  
Cluster:

Location:

Job Title:

Have you submitted a request to work from abroad form in the last 12 months: **YES / NO**

If **yes** provide further details: \_\_\_\_\_

Which country are you requesting to work from? \_\_\_\_\_

What hours / working pattern are you requesting to work from abroad? (Please consider any time difference and provide information in GMT)

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What dates would you like your proposed working from abroad arrangement to be in place:

Start Date:.....

End Date: .....

**You must complete the actions in the checklist below.**

Action	Yes/No	Comment/Provide Details
Seek Line Manager approval in principle?	Yes/No	
Checked the <a href="#">Change to IT Access from Overseas</a> page and the <a href="#">UK Government Foreign Travel Advice</a> and confirm that the country is suitable for me to work from.	Yes/No	
Service Now Request to D&T seeking approval to progress.	Yes/No	<b>Please provide the email confirmation for this</b>
Email dataprotectionofficer@aberdeencity.gov.uk seeking approval to progress	Yes/No	<b>Please provide the email confirmation for this</b>

**If you have answered yes to all in the above checklist, you can now proceed with the remainder of the application.**

## **Part 2**

### **Supporting Information**

To help your Manager decide whether your short term request to work from abroad can be approved, please advise the exceptional circumstances to why you are making the request.

How do you think your requested working arrangement will affect:

- Ability to deliver on outcomes
- Working practices / relationships with colleagues, stakeholders or partners etc

Will you have access to sufficient internet access, DSE compliant space to work and can adhere to all applicable policies e.g. ICT Acceptable Use, Data Protection. Please provide details.

Are there any aspects of your role you would be unable to undertake from your proposed location abroad? Please provide detail.

Have you any suggestions about how the possible effects of implementing your Flexible Working request could be managed / minimised?

**EMPLOYEE SIGNATURE**

Signed: .....

Date: .....

**FOR SERVICE USE**

Managers Comments (including any agreed amendments to the above request and whether they are in agreement with the request or do not approve and the reasons):

**AUTHORISATION**

**Request approved by Line Manager on a temporary basis**

**Line Manager Name:** .....

Signed: .....

Date: .....

**Request approved by Cluster Chief Officer on a temporary basis**

Signature .....

Date .....

**OR**

**Request declined by Cluster Chief Officer** (reasons provided to employee by Manager)

Reasons request was declined by Cluster Chief Officer

Signature ..... Date .....

The Manager should confirm decision in writing within 2 weeks of request form being received

Copy to be sent to [askhr@aberdeencity.gov.uk](mailto:askhr@aberdeencity.gov.uk) for personal file, along with the outcome letter.

**Letter to Confirm Outcome of Temporary Request to Work Outwith the UK**

PERSONAL

Dear

TEMPORARY REQUEST TO WORK FROM OUTWITH THE UK

Thank you for submitting your temporary request to work from outwith the UK. The exceptional circumstance for this request are XXX.

I write to confirm that your request has been approved.

To confirm, from [date] you will work from [insert name of country] until [date].

**[Provide details of what has been agreed e.g. hours of work, attendance at meetings etc]**

OR

I write to confirm that your request has been declined.

**[Provide details of why the request has been declined]**

The Chief Officer decision is final and there is no appeals process to this final decision.

Yours sincerely,

NAME OF OFFICER

Cc: AskHR (for personal file)

## Appendix E

### **Flexible Working Considerations - Checklist for Managers**

This checklist should be used in consideration for any flexible working request.

Consideration	Response
Is the role suited to the employee's flexible working request?	
If not, could the role be amended in some way to make it suitable with minimal impact upon the citizen and service delivery?	
Are there any implications for service delivery?	
Are there any implications for other team members?	
If requesting to work from home, does the employee have sufficient Wi-Fi, suitable space to work with the correct equipment, Health and Safety and Data Protection compliant.	
Have you undertaken a risk assessment for the employee's workstyle? Is it suitable for the flexible working request?	
In order to assess the suitability of the request, the employee must complete a DSE Work Station Assessment for their requested place of work, and for this to be deemed suitable. The DSE Assessment should be updated annually.	
If the request is to work from a different town/area from their base location, is the employee willing/able to travel to their base location or other council location, at their own expense, within a reasonable timescale when required?	
What additional support may the employee need?	
Can clear expectations, outputs, standards, communication and timescales be agreed to ensure productivity is maintained?	
How will you manage the need for face to face meetings / team meetings / anchor days etc. to ensure team dynamic is maintained?	



Are any additional costs or resources required to meet the request for the employee and the service?	
Are there any health, safety and wellbeing implications? E.g. lone working, where working in a Council work location what are first aider and fire safety considerations, working time regulations, mental health and wellbeing impact	
How will confidential information, either paperwork or electronic files be kept secure in line with Council policy?	

## Appendix F

### FLEXI-TIME GUIDANCE

Flexi-time is a contractual arrangement which allows an employee to vary their hours of work within the agreed limits in agreement with their line manager. Flexi-time allows an employee to choose, within certain limits, when to begin and end work.

Core Hours are recognised by the Council and are periods of time when employees are contractually obliged to be actively in work, available for meetings, to be contacted and / or undertake key tasks.

Core Hours should normally cover:

- A six hour period; with

- A maximum break period of 2 hours; and

- A minimum break period of 30 minutes; and

- At least 4 hours to be worked with no more than one break period.

Core hours recognised by the Council are **10am to 12noon and 2pm to 4pm**. However, there may be flexibility to work outwith the core hours with the agreement of the line manager provided there is no detriment to service delivery.

An employee must work their contracted number of hours during the accounting period of four weeks. Their hours of attendance will be recorded and added up at the end of each accounting period.

An employee can carry over an excess of up to 15 hours or a deficit of up to 7.5 hours from one accounting period to another. A deficit of hours should be made up in the following accounting period. Excess hours may be used to either reduce attendance or request additional leave (flexi-leave), subject to a maximum of two full days or four half days in any accounting period. This leave should be requested and approved by the employee's line manager. The permitted working hours of flexi-time will normally be within the standard working week (i.e. 0700 - 2000). Clusters may vary the hours of the standard working week when normal service provision is outwith these times. However, no enhancements are payable where an employee requests to work their contracted hours outwith standard hours, if this is a personal choice and not contractual or a requirement of the role or manager request.

A maximum of 11 hours may be worked in any 24-hour period. If an employee chooses to work in excess of the recommended maximum, they will not accrue additional time credits. For further information please refer to Working Time Regulations to ensure compliance.

The responsibility for ensuring that the scheme is being properly applied and complied with on a day-to-day basis rests with line management within the Cluster. It is the responsibility of the individual employee to ensure their periods of attendance are recorded accurately.

Employees may request flexi-leave, on the following conditions: -

- Flexi-leave will not exceed two full days in any four week accounting period (this could also be taken as half days).
- You must ensure that the request will not result in a **deficit** more than 7.5 hours at the end of the accounting period.
- You can only book a flexi day within the current or next accounting period.
- Flexi-leave cannot be authorised retrospectively and any such unauthorised absence will be treated as leave without pay.
- The flexi request should, where possible be submitted three working days' in advance of the requested day.
- Flexi time will be granted in line with the demands and needs of the service.

Clusters may develop local arrangements taking account of service operating requirements. If a local flexible working arrangement is needed, the cluster will be responsible for developing the detail of the scheme and for consulting with the trade unions and employees with a view to reaching agreement. Managers must discuss their intentions with the Employee Relations and Wellbeing team before beginning formal consultation so that the legal compliance of the proposals can be confirmed.

The current accounting periods can be found [here](#).

## TIME OFF IN LIEU (TOIL) GUIDANCE

Time off in lieu applies in **exceptional** circumstances, where an employee has been asked by their manager to work longer hours so that, for example, a particular peak in workload can be dealt with and should only be used for short term periods.

In these circumstances the manager and employee can agree that the additional hours worked can be taken as time off in lieu at a later date. Managers should ensure that any TOIL does not accrue to an excessive amount. Managers should ensure that they are monitoring the use of TOIL and ensure that the time accrued is given back within a reasonable timescale to ensure that hours due do not become unmanageable, and they should consider longer term options for ensuring service delivery without any reliance on TOIL.

In order to grant time off in lieu the following must apply:

- If applicable, the employee must have a positive flexi balance at the time the arrangement is made
- The manager must have requested that the employee carry out the additional work
- The manager and employee must agree in advance that time off in lieu will be granted for those hours

TOIL can only be given at like for like rates i.e. one additional hour of work gives one hour of TOIL even if worked at a time when enhanced rates would normally apply. The additional hours worked should be recorded. When the employee would like to take those hours off the TOIL can be requested and authorised by their line manager.

**Flexible Working Options In Detail****PART-TIME WORKING**

Part-time working covers any arrangement where an employee is contracted to work anything less than full-time hours for the type of work in question. Reducing hours will result in a permanent contractual change with no right to return to the full time hours at a later date.

**COMPRESSED WORKING**

Compressed working is an arrangement where employees work their contracted hours over an agreed working period, e.g. 74 hours over 9 days in a 2 week period. In practice compressed working leads to an employee working for more hours per day, but for fewer days per week or month. (In this example, a standard working day would be 8.22 hours or 8 hours 14 minutes).

Daily working hours can be flexible between the hours of 07:00 and 20:00. Although there may be some flexibility in start and finish times, employees on compressed working will NOT be entitled to flexi-leave. Compressed working can operate along with other solutions such as Term Time Working or Homeworking.

Local Conditions of Service Section 1.3 provides details of the Working Time Regulations. These are statutory provisions which must be complied with.

Both the employee and the line manager have a duty of responsibility to ensure that all Health and Safety issues are identified and addressed and that performance is maintained at a consistent level.

Annual leave entitlement will be converted into hours for the year this will be pro-rated for part-time employees. For anyone who has their leave in hours, your balance includes your entitlement to public holidays which means that any public holiday which falls on a normal working day for you, will have to be requested as leave through CoreHR to ensure that hours are deducted from your overall entitlement. This is not an automatic process so you must ensure you request these public holidays via CoreHR.

The number of hours that would normally be worked on the annual leave day will be deducted from the annual leave entitlement. As an example, someone working 37 hours per week over a 9-day fortnight works 8.22 hours in each working day. For each day of leave they would deduct 8.22 hours from their leave entitlement.

Public Holiday entitlement will be converted into hours for the year. As an example public holiday entitlement based on an average 37 hour working week is:

$(7 \text{ days} \times 7.4 \text{ hours}) = 51.8 \text{ hours annual leave}$

The number of hours that would normally be worked on the designated public holiday should be deducted from the entitlement.

If a person is NOT scheduled to work on a public holiday no hours will be deducted. (i.e. if as a result of compressed working the normal working day is 8.22 hours, this will only be deducted from the public holiday entitlement if this would have been a normal working day).

#### Points to consider:

If you are considering a compressed working arrangement request then you should take these points into account:

- Compressed working is only applicable for employees who work days (i.e. Monday to Friday within standard working hours). It does not apply to employees who contractually work outside the standard working hours. Those employees in receipt of a regular non-standard working week payment cannot be considered for compressed working
- The time or day the employee is not required to work will normally be fixed
- The Line Manager will be responsible for ensuring normal service provision on the time or day when the employee is not required to work with no overall changes to the work requirements of any other team member

### **ANNUALISED HOURS**

Annualised hours allows flexibility for employees to work more or fewer hours at different times in the year to match demand. The reduced working time should be at times when service demand is low and increased hours when service demand is high.

The annualised hours arrangement will have to detail:

- The total number of hours to be worked over the year
- A definition of what the working year is (i.e. when it starts and ends)
- The number of hours that have to be worked in each period
- Any flexibility that is allowed in the working hours - Note that employees working annualised hours will not be eligible for flexi-time
- Annual leave arrangements
- Details relating to time recording

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).

The working year is a 12 month period commencing at the first day of January and ending the last day of December.

- In each period the employee will be required to work a minimum of 71% of their contracted hours for that period.

- In each period the employee will **NOT** be permitted to work more than 129% of their contracted hours for that period.

### **Varying Work Hours during the Year**

By definition annualised hours allow an employee to work reduced hours during some part of the year and more hours at another time. The scheme allows for individual working arrangements for employees, where agreed with their Line Manager, not to work for a particular day(s), week(s) or month(s). In this case the notional hours will be calculated over actual total period required.

All annualised working arrangements should be regularly monitored with actual working time being recorded and be within the minimum and maximum working limits per period.

### **Balancing Months**

For individual annualised working arrangements which vary from month to month there is a requirement for the actual working hours to be reconciled against the notional working hours for a preset period.

### **Annual Leave**

The annual leave and public holiday entitlement will be calculated for the year and where appropriate on a pro-rata basis. The number of hours that would normally be worked on the annual leave day will be deducted from the annual leave entitlement.

The Annualised Working Hours Scheme may specify limits on the proportion of annual leave which can be taken during periods of extended working hours.

The annualised hours are broken down into a set number of hours to be worked each week. Every 4 weeks each employee will be informed of the number of hours actually worked against those notionally contracted to work for that period. This will result in either a negative balance if the employee works less than the notional contracted hours for the month or a positive balance if the employee works more. Each period balance is taken forward.

Those employees who at the end of month 11 of the working year are projected to work, or have already worked, more than their annual contracted hours will be allocated additional hours for the year by way of contract variation. Additional hours will be paid at flat rate for all hours worked up to the annual full-time equivalent number of hours and at the agreed overtime rate thereafter. The additional monies will be paid at the earliest opportunity through payroll.

Where a negative balance is projected, arrangements should be made for the employee to work the required hours so that a balance can be achieved.

### **Group or Individual Annualised Working Arrangements**

This scheme allows for group or individual annualised working arrangements. This is likely to be appropriate for a group of workers where the work demands are seasonal or cyclical and can be determined in advance. Where an annualised working arrangement is developed for a group all employees in the group must comply with the pre-set annualised working arrangement. Such an arrangement will not normally require for there to be a “balancing” of working time during the year of actual against notional working hours.

The scheme provides the facility for an individual to agree with their managers their own annualised working arrangement. This may be appropriate where the demands of their job are not predictable and forward planning is not straight forward. For the individual arrangements where working times are more likely to vary from month to month there will be a requirement to “balance” actual working time against the notional hours for the period.

### **Balancing of Hours on Termination of Employment**

On notification of termination of employment the number of hours worked up to the date of termination in the year will be reconciled against the required number of hours in the scheme year and every effort made for the hours required to “balance”. Where the required credits/debits against the required number of hours at the time of leaving the final salary payment will be adjusted in relation to any negative or positive balance of hours worked.

### **Balancing Hours on Termination**

The number of hours worked up to the date of termination in the year will have to be checked against the required number of hours. The employee can then be asked to work more or less hours during the remainder of their employment to try to balance their hours. If that is not possible then the final salary payment will be adjusted in relation to any negative or positive balance of hours worked.

## **TERM TIME WORKING**

### **Scope**

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 those services that provide and operate primarily during the school term, but is not restricted solely to these services.

### **Working Arrangements**

Employees will be required to work their contracted hours during the recognised school term times, for a duration of either 38 weeks (term time not including working on in-service days) or 39 weeks (term time including working on in-service days). The number of weeks to be worked will be established in agreement with the Service Manager. This does not change existing contractual arrangements for school based employees who may be contracted to work for a different number of weeks per year.

### **Pay**

Employees working term time will be paid one twelfth of their annual salary each month. This method of payment ensures that employees receive an income over the full calendar year, even during periods when they are not contracted to work. The annual salary includes payment for working days and annual leave (including public holidays).

The twelve equal salary instalments assume that employees are working all available working days in the year under the term time arrangement and are due full holiday entitlement for the year. When the term time arrangement begins or ends, a calculation will be done to adjust the



first or final salary payment to reflect the proportion of salary due based on the number of working days worked and paid leave days taken under the term time arrangement in the year.

### **Annual Leave**

Employees under term time contracts will not be permitted to request annual leave during term time. Where exceptional circumstances arise which mean that leave has to be taken during term time, the provisions of the Council's Special Leave policy will apply.

Paid leave will be allocated to 5 days during the Easter break, 5 days during the October break and the remainder during the Summer break. The number of weeks paid leave an employee is entitled to will depend on the number of contracted weeks to be worked and their length of service (please see below table for reference). Paid leave will be pro-rated based on contracted working hours.

Annual Leave and Public Holiday entitlement information can be found [here](#)