**Flexible Working**

**Introduction**

The Council offers all employees the opportunity to request to work flexibly in respect of hours of work, times of work and place of work. This includes flexitime, coreless flexitime, compressed working, annualised hours, term-time working, home working and remote / satellite / mobile working. Full details of each flexible working option are shown in the Smarter Working guidance which can be found on the People Anytime portal under the link:-<https://peopleanytime.aberdeencity.gov.uk/people-management/flexible-working/>

Flexible working requests are welcomed from any Council employee regardless of length of service. These will be given careful consideration and implemented where operationally practicable. For Teachers, there are separate arrangements applied in line with SNCT and LNCT guidance.

It should be noted that employees with **26 weeks** of continuous service with the Council have a **statutory right** **to request flexible working**.

**Managing Flexible Working**

**Process for requesting and considering requests**

Submission of the request

Employees who wish to request flexible working complete a Flexible Working request form (available on the People Anytime portal).

Once completed the form is returned to the line manager who will arrange to meet the employee to discuss the request. The employee can be accompanied by a trade union representative or a work colleague if they wish. The manager will discuss the employee’s reasons for making the request and how it could be accommodated. They may want to discuss alternatives if the initial request cannot be supported as there may be another solution which would be suitable both for the employee and the organisation.

Following the meeting the manager will let the employee know in writing whether they can agree the request and if agreed confirming the revised working arrangement. If an employee wants to appeal against the decision, they can do that in writing to their Chief Officer under two specific grounds (see section on appeals below).

A suite of standard letters in relation to the flexible working process are available on the People Anytime portal.

Consideration of requests

All requests for flexible working will be given careful consideration by the manager. When deciding whether to operate a form of flexible working, a minimum requirement is that there must be no detrimental impact on services to customers.

It should be noted that there is no guarantee a flexible working request will be approved as this depends on the service requirements, although requests will be carefully considered.

Information a manager requires in order to consider a request includes:

• Why the employee needs or wants to work flexibly

• What flexible working arrangement would the employee like

• When would they wish the new arrangement to begin

• How they think the change to work can be accommodated and how it might affect colleagues

• Any ideas they might have to reduce any issues that might arise if the request is granted

• Any additional organisational benefits that might be achieved if the request is granted

• Details of their current work patterns

• Any caring responsibility they have for dependants relevant to their application

Timescales

The manager and employee meet to discuss the request within 21 days of the request form being submitted.

If an adjournment to consider alternative suggestions is needed, this should not normally last longer than 14 days.

The employee must be informed of the manager’s decision in writing within 7 days of the meeting.

The employee can appeal the decision by writing to their Chief Officer within 14 days of receiving their outcome letter.

Grounds for Refusal

The grounds for refusing a request are detailed below: -

• A detrimental effect on the ability to meet customer demand

• The inability to reorganise work among existing staff or recruit additional staff

• A detrimental impact on quality or performance

• Insufficient work being available during the period of employee wants to work

• Planned organisational change

• The burden of additional costs

If a request is refused the manager will inform the employee of this in writing (using the appropriate standard template letter) indicating why it has been refused and giving details about the right of appeal. There are only a limited number of acceptable grounds for refusal as shown above.

Prioritising Competing Requests

If a manager receives competing requests for flexible working the following should be taken into consideration when prioritising requests:

• The business case for each application

• The impact on service delivery

• Whether anyone already on a flexible working pattern would be prepared to change

• Whether a compromise is possible

Care should be taken not to inadvertently discriminate against employees because of their protected characteristics, such as where a flexible working arrangement would be a reasonable adjustment for a disabled employee.

Appeals

An employee can appeal against the manager’s decision in relation to a flexible working request if:

• the manager did not know something important related to the request when they made their decision

• the employee wants to challenge information used by the manager

Appeals must be submitted in writing to the employee’s Chief Officer within 14 days of receiving the outcome letter. The letter should state which of the two grounds for appeal apply and why.

The Chief Officer with a People and Organisation Adviser will consider the appeal within a further 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.

Frequency of Requests

Normally an employee will have to wait for 12 months from the date of their last request, whether successful of not, before applying again. However, if the employee can show that there has been a substantial change to their personal circumstances, and in particular to their caring responsibilities, the 12-month restriction will be lifted.

Withdrawing a request

If the employee decides to withdraw their request before a decision has been made by the line manager, then they can submit a further request within the 12-month period if they wish.

If the employee fails to attend either the initial meeting with their manager or a subsequent appeal meeting more than once without a reasonable explanation, then their application will be treated as withdrawn. In that circumstance they cannot submit another request within the next 12 months.

Extensions to timescales

There are two circumstances which may lead to the timescales for application process not being met as follows: -

• Where the manager and employee agree that more time will be needed to complete a 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.

Making the Change

Once the flexible working arrangement has been agreed (which may be following a trial period) the manager will arrange for the necessary changes to the employee’s contract. Depending on what type of flexible working has been agreed the manager may also need to send other documents such as the Health and Safety Risk Assessment, written agreement or home workstation checklist. On receipt of the appropriate documentation, the HR Service Centre will arrange for the revised contractual documents to be sent to the employee and the change will become permanent.

The need for trust

A flexible working arrangement needs to be based on trust. When evidence can be produced that trust has been abused, the Council may decide to apply the disciplinary procedure and review or remove the flexible working solution.

**Additional information: The Business Benefits of Flexible Working**

In order to appropriately submit and assess requests for flexible working it is important that both the employee and the line manager understand the business benefits of flexible working. These can include the following: -

**Improved staff recruitment and retention**

Offering flexible working widens the Council’s talent pool. Meeting the needs of employees by enabling them to work flexibly can improve retention, particularly in relation to women returning from maternity leave who may need to balance family and caring responsibilities with work.

**Reduced recruitment and training costs**

Offering flexible working can assist with retaining employees who might otherwise leave the Council due to them not being able to fulfil a caring role or other outside work responsibilities. Improved staff retention reduces recruitment costs, as well as training and other employment costs for new staff. Lower staff turnover also means that customers and other stakeholders can be reassured by the continuity of dealing with the same people.

**Reduced stress levels, sickness and absenteeism**

Employees who work flexibly are less likely to experience work-related stress and to have to take time off because of any caring responsibilities. Flexibility in working hours can also result in reduced travel or childcare costs for employees, further contributing to improved job satisfaction. Flexible working can help to reduce stress and challenging workload management during difficult periods improving the wellbeing of staff. Employee timekeeping may also improve through the application of flexible working options.

**More effective use of skills**

A lack of quality part-time work, particularly in senior roles, can mean that some employees are working below their skill level in the only part-time work that is available. This can be a significant loss of talent to the Council. By enabling employees to work flexibly, by for instance offering part-time working opportunities at all levels of an organisation, the Council can harness under-utilised skills, and improve productivity.

**Better alignment with customer needs**

Offering flexible working can result in an organisation having a more diverse workforce. It is important to the Council that it has a diverse workforce which reflects the wider Aberdeen City community. Having a diverse workforce promotes a culture of creativity and innovation and is better placed to understand the needs of a wider range of customers.

**Greater degree of loyalty and commitment**

Offering flexibility shows a commitment by the Council to meeting staff needs which is often be rewarded by greater loyalty from staff, with them having a greater sense of control over their working day. The Council should benefit from the productivity gains that can accrue as a result, through staff being willing to give extra effort when the need arises.

**A reputation as a good employer**

In striving to meet the needs of both the organisation, the community and staff by offering flexible working, the Council can enjoy a reputation as a good employer in the community and the community benefits that flow from that, including attracting good quality employees.

**How Flexible Working Can Advance Gender Equality**

Flexible working can help to attract and retain the best talent and get the most out of staff. Promoting this for jobs at all levels, including more senior roles, is important. Jobs that are done part-time tend to be concentrated in lower grades, and women can be over-represented in these roles. This is often because they have responsibility for childcare or have other caring roles. By considering jobs at all levels on a flexible or part-time basis, this helps support women to work at all levels of the organisation, and this will improve gender equality in the workplace.

Flexible working promotes gender equality by facilitating the reconciliation of work and family commitments. Creating a culture where flexible and part-time working is valued in the same way as full-time working patterns helps to make the most of all employees’ skills and talents. An inclusive workplace culture is driven by employment practice, and by demonstrating commitment to flexible working through visible support and strong messaging from senior management.

A lack of flexible working can be a significant barrier to closing the gender pay gap. Offering flexibility helps remove some of the workplace barriers faced in particular by women, who are more likely to have to negotiate flexible working or accept part-time jobs which results in them working below their skill level. Creating a workplace with a flexible culture increases opportunities for everyone, giving women and men greater choice about the role they play both at work and home. Enabling the use of a range of flexible working options can help to support progression and widen the talent pool.

**How flexible working supports different groups**

**Disabled employees**

Disabled people continue to face many barriers when seeking employment. Providing flexible working opportunities at all levels will enable disabled individuals to take up paid employment and help them to progress into senior positions. Flexible working will give individuals the opportunity to work from home, or other accessible environments, or to work in another way which enables them to best manage their condition.

**Black and minority ethnic employees**

Similarly, black and minority ethnic (BME) continue to face challenges in seeking employment. BME women are particularly under-represented in senior roles, so providing flexible working at all levels can help recruit BME women and thereafter progress and better manage their work-life balance.

**Maternity Returners**

Research from the Equality and Human Rights Commission has showed that three quarters of working mothers have experienced pregnancy and maternity discrimination in Scotland. It also found that half of the women who had their flexible working request granted said they experienced unfavourable treatment as a result. The ‘motherhood penalty’ can be a significant cause of occupational segregation, including the ‘glass ceiling’, and the gender pay gap. It is therefore also important that senior roles are available on a flexible basis to enable working mothers to balance caring responsibilities but also progress in their careers.

In addition, migrant BME women can find that a lack of informal networks such as friends or family makes it difficult to juggle work and childcare responsibilities

**Employees experiencing domestic abuse, stalking, and rape and sexual assault**

Those experiencing domestic abuse can be targeted at work. Perpetrators often use workplace resources such as email and phones to threaten and harass current or former partners, acquaintances, colleagues or strangers. They rely on knowing a victim-survivor’s regular work patterns. Different forms of gender-based violence, including domestic abuse, sexual violence, or stalking can impact on a victim-survivor’s experiences and performance in the workplace resulting in absenteeism, unexplained absences, difficulty in carrying out work, or avoiding certain work situations. Flexible working can help support victim-survivors of sexual violence, stalking or domestic abuse, because it enables them to temporarily change their work pattern or location during certain periods. It can also be used by victims to change their work hours for safety reasons, as the perpetrator might target them during work hours. A victim-survivor of domestic abuse may also need more flexibility in their work schedule for several weeks to access housing services, counselling appointments, or advocacy support. These services are often only available during work hours therefore, rather than taking time off, it may be easier to vary start or finish times.