

# FLEXIBLE WORKING POLICY

MARCH 2022



East Ayrshire Council

## **INDEX/CONTENTS PAGE**

	<b>Page No</b>
Introduction	<b>3</b>
Eligibility	<b>4</b>
Considerations for Working Flexibly	<b>5</b>
Responsibility	<b>5</b>
Types of Flexible Working	
• Work-styles (including homeworking principles)	<b>6</b>
• Variable Hours/Reduced Hours	<b>12</b>
• Compressed Hours	<b>13</b>
• Job Share	<b>14</b>
• Flexible Working Hours	<b>16</b>
Applying for Flexible Working	<b>18</b>
Review Process	<b>20</b>

## **Appendices**

Appendix 1	Form FLEX1 – Flexible Working Application Form
Appendix 2	Form FLEX2 – Flexible Working Application Form (Compressed Hours)
Appendix 3	Form F/T1 – Flexitime Record
Appendix 4	FAQs

## 1. INTRODUCTION

**1.1** East Ayrshire Council is committed to the development of policies that introduce flexibility into working arrangements for the benefit of the Council and its employees. The Council facilitates a variety of employment policies relating to work life balance and participates in the Healthy Working Lives Initiative.

**1.2** In addition the Council has adopted a 'Smarter Working' approach to work, using facilities and working practices to help employees do their jobs effectively and empowering people to choose the right location for work to suit the task in hand.

The basic principles of smarter working include:

- Employees empowered to choose the work place and space that best suits the task at hand;
- Employees empowered to work flexibly with a less bureaucratic approach to flexible working;
- Having a workforce culture which embraces flexibility;
- Using ICT solutions to aid flexibility/collaboration.

**1.3** The principles of smarter working are embraced within the Flexible Working Policy and support the FACE qualities and behaviours which the Council has agreed will be embedded within our employment policies :

Flexible: flexible work spaces, work locations and working hours

Approachable: working in shared spaces with new services

Caring: being considerate of those we work alongside and support to work in flexible manner

Empowered to choose the work space and work location that best suits the task in hand

**1.4** This Flexible Working Policy aims to provide opportunities for employees to enjoy a better work-life balance, contributing to increased motivation, performance and productivity, which will lead to improved outcomes as part of our Transformation Strategy and Recovery and Renewal Plans.

**1.5** The policy does not apply to employees with SNCT conditions of service who are subject to alternative arrangements. These employees should refer to the SNCT Handbook, which contains the National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals for the flexible working options that are available to them.

**1.6** Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

**1.7** In line with the smarter working principles outlined above, office based roles have been categorised using the following workstyles: fixed, flexible, mobile and remote worker to reflect the way in which the work is carried out. Employees are able to apply to change the work style assigned to their post when they feel there is a way of working that is more efficient for them.

In addition to the above employees can apply to be considered for the following flexible working options:

- Variable Hours/Reduced Hours;
- Compressed Hours;
- Job Share.

Arrangements to support employees of East Ayrshire Council to work flexibly, subject to the suitability of their role, also include:

- Flexible Working Hours

Should none of these options fit with employees needs in relation to work-life balance there is also a Career Break Scheme available which provides employees with the benefit of time away from the workplace while retaining continuous service built up prior to the date the career break. Details of the scheme, including the reasons for which a career break can be requested, can be found by clicking on the link [Career Break Policy](#)

**1.8** Applications for flexible working options i.e. variable hours/reduced hours, compressed hours or job share, or to change workstyle can be made for any reason and managers will deal with requests in a reasonable manner. However, it should be noted employees **do not** have an automatic right to work flexibly.

**1.9** The legislation does not define what is meant by “in a reasonable manner”. However, the ACAS Code of Practice suggests that following a fair and transparent procedure would satisfy this requirement. This would include:

- Having a flexible working policy in place.
- Arranging to discuss an employee’s request with them as soon as possible after receiving it.
- Informing the employee of the decision on their request as soon as possible in writing, setting out the right of appeal if the request has been refused.
- Concluding the process, including any appeal, within three months.

**1.10** If a request for flexible working is rejected employees can appeal this decision through the Council’s Grievance Procedure.

## **2. ELIGIBILITY**

**2.1** Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to **ask** their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. An employee can only make **one** statutory request in any 12 month period. Employees

who have been employed for less than 26 weeks, agency workers and office holders **do not** have a statutory right to request flexible working.

### **3. CONSIDERATIONS FOR WORKING FLEXIBLY**

**3.1** Any employee wishing to apply to work flexibly should consider the following when making their application:

- Is the request realistic i.e. will it meet the needs of customers and colleagues?
- What effect will the change have, (if any) and how can this be dealt with?
- Will the request meet with the Service's business requirements?
- Is the application being made with sufficient time for any changes to be considered and implemented?
- Has the application been carefully thought through and has all the necessary information been included in the application to ensure the request can be fully considered?
- Has consideration been given to ways in which flexibility can be offered in order to reach agreement on the best solution for both parties?
- Has consideration been given to the possibility of agreeing to arrangements for a trial period to be undertaken?

**3.2** After careful consideration of each of the above points, the application should then be made using the appropriate format as outlined in Section 5 of the Policy.

**3.3** Employees must consider the potential impact on their pensions before making an application to reduce their working hours. Employees who reduce their working hours may wish to consider either paying Additional Voluntary Contributions (AVC's) or Additional Pension Contributions (APC's) to increase their pension fund. Further information can be obtained by contacting the Strathclyde Pension Fund Office (SPFO) <https://www.spfo.org.uk/>.

### **4. RESPONSIBILITY**

**4.1** In order to ensure fair and consistent application of the Policy, all parties have respective responsibilities as follows:

#### **4.1.1 Managers**

- Should implement and communicate the Policy to employees
- Should ensure that requests from employees for flexible working are dealt with reasonably, and in accordance with the Policy and decisions are communicated appropriately.
- Should ensure that all requests are treated equally and fairly, in accordance with the Council's Equality and Diversity Policy.
- Should ensure that documentation is completed and agreed changes are implemented.

#### **4.1.2 Employees**

- Should submit flexible working requests in accordance with the Flexible Working Policy.
- Should attend meetings as required to present the case for their request.
- Should comply with any agreed outcomes.

#### 4.1.3 People and Culture

- Will provide advice and guidance to employees and managers as necessary
- Will maintain, review and update the Flexible Working Policy as necessary

## 5. TYPES OF FLEXIBLE WORKING

### 5.1 Work-styles

5.1.1 All office based posts have a work-style assigned to them to reflect what has been deemed to be the most appropriate way for the duties of the post to be carried out. The four categories are as detailed below.

Fixed	Flexible	Mobile	Remote
80-100% of time is primarily working at a single office base or work location.	50-79% of time is office based. Able to work at different/multiple work locations. Occasionally works at home, or another location 1-2 days per week, or directly home to external appointments.	20-49% of time is office based. Able to work at home, or another location, or travel directly from home to other locations and client visits out in the field.	Less than 20% of time is in office base. Able to work at home, or another location or travel directly from home to other locations and client visits out in the field

5.1.2 Should an employee feel the style assigned to their post is not the most effective for them they can submit a request in writing (using form FLEX 1(**Appendix 1**)) to change this, outlining which style they wish to change to and the reasons for this request.

5.1.3 With the exception of fixed posts, where in the main the duties of the post will require the post holder to be office based, all other categories involve a degree of homeworking.

5.1.4 This blended model of home and office based working provides a number of advantages:

- increase in staff morale and job satisfaction leading to improved service delivery;
- increased productivity;
- reduced travel time and travel problems;
- more efficient use of premises and resources;
- improve employee recruitment and retention;
- extend employment opportunities to people who otherwise might not apply;
- reduced sickness absence;
- increases attractiveness of the Council as an 'employer of choice' .

5.1.5 However, homeworking can present challenges to both managers and employees. For line managers, this can include effectively managing staff when they are

working away from the main work location. For employees, it can include feelings of isolation and managing the boundaries between home and work life. There are therefore a number of principles which need to be adhered to in relation to working from home. These should also be referred to when assessing an application for a change to work-style which involves a greater degree of homeworking.

## **5.1.6 Communicating, Wellbeing, Monitoring and Measuring**

**5.1.6.1** When homeworking is being undertaken managers should:

- Detail a procedure for monitoring performance and outputs
- Set clear tasks and objectives
- Outline how duties are to be covered

**5.1.6.2** As working from home can lead to feelings of isolation and anxiety regular communication with line managers and colleagues is very important. It is also important that any homeworking issues are raised with line managers so that they can be discussed as the Council continues to have a duty of care to employees whilst working from home.

**5.1.6.3** Maintaining a healthy work-life balance can be difficult when there isn't that walk or commute to and from the normal workplace to mark a clear start and end to the day. Support and guidance on mental health and wellbeing is available on the Council's Healthy [Working Lives Pages](#) which can be accessed via the link or on the Council's intranet pages.

**5.1.6.4** Managers should agree the methods of communication with employees when working from home. There are a number of options that can be used to communicate whilst homeworking that can avoid additional expenses being incurred by employees and/or the Council. Free and virtual means of communication e.g. BT Conferencing, Microsoft Teams, should be used where this is possible. These are currently being used widely across the Council as an alternative to standard telephone calls and provide audio and/or video communication.

**5.1.6.5** Participation in regular one to ones and team meetings should continue when homeworking, with one to ones providing an opportunity for any concerns in relation to homeworking to be raised and discussed.

**5.1.6.6** Employees will be required to attend eg pre-arranged and ad hoc meetings from their base office or other location according to the exigencies of the service, eg during periods of holiday or sickness absence.

**5.1.6.7** Managers should make sure the employee knows what is expected of them within their role and how they are expected to work in sharing information and ideas with both managers and colleagues. Work and performance targets that are set should be reasonable and achievable in the circumstances.

### **5.1.7 Hours of Work**

**5.1.7.1** When working from home an employees' hours of work will be the same as if they were working at an EAC workplace, unless otherwise agreed. Employees must be available during their normal working hours for contact with their manager unless otherwise agreed e.g. earlier finish time. It will normally be expected that employees should not work for longer than their standard number of hours for that day (unless otherwise agreed with their manager).

**5.1.7.2** Any period of overtime must be arranged and approved as normal and in accordance with Council procedures.

### **5.1.8 Caring for Dependents**

Homeworking is not a substitute for child care or care of other dependants. Employees should make their own arrangements to ensure that they are able to concentrate on their work during their normal working hours when working from home.

### **5.1.9 Travel to Work**

**5.1.9.1** Employees who work from home for part of the day should not include the time travelling to the office from home/from the office to home as working time. Similarly no travelling expenses should be submitted for these journeys.

**5.1.9.2** For business journeys where the starting and finishing point is the employee's own home, any mileage claimed should be on the basis of additional miles incurred i.e. not including the distance from home to administrative base. The additional mileage will be paid at the council's business mileage. In this connection, any employee using their car for business purposes must ensure this is covered by their car insurance. Annual checks will be carried out to ensure this is in place.

### **5.1.10 Equipment**

Employees can access internal resources via their own personal equipment (by logging on to a public portal then logging on to an internal device) or via Council supplied equipment deemed necessary for carrying out the duties of the post. Any equipment supplied to the employee by the Council is covered by the Council's insurance policy. Employees have a personal responsibility to ensure the safe keeping and proper use of this equipment. This includes ensuring that equipment is never left unattended when charging nor left charging overnight. Employees are also responsible for ensuring that any necessary maintenance is requested through the manager who will direct it to IT. Council equipment is for the employee's use only. Use of Council equipment by anyone other than the employee is not permitted. All council equipment being used at home requires to be PAT tested on an annual basis. Managers will ensure arrangements are put in place for this to be undertaken.



### **5.1.11 Insurance**

**5.1.11.1** Employees should check with their home and contents insurance providers that they have cover for work from home. Working from home may not affect the employee's home insurance but employees must ensure that they are adequately covered in respect of 3rd party liability and notify their insurance company in writing of their intention to work from home. EAC will not bear any costs employees incur under this heading as a result of working from home.

**5.1.11.2** Employees and Line Managers must comply fully with all relevant risk management guidance, including but not limited to that detailed under Clause 5.5.18 and existing Data Security protocols.

### **5.1.12 Mortgage or Rental Agreements**

Employees should check mortgage or rental agreements to ensure they are permitted to work from home and that they obtain any permissions necessary to work from home.

### **5.1.13 Other Expenses**

It is important that employees and managers are clear about homeworking arrangements that include expectations about how work is carried out and any resource issues that are likely to arise. If an employee encounters or anticipates non-trivial additional costs in order to work at home this should be raised with line management before incurring the cost. Employees are able to claim for additional expenses where they can demonstrate that they have incurred a cost by way of a receipt or itemised bill, then standard rules around expenses claims apply. Line managers will be able to authorise these claims if they are satisfied that there is a genuine cost. The Council's existing rules for claiming expenses continues to apply. These can be found in Per Circular 1/12.

### **5.1.14 Data Protection & Security**

**5.1.14.1** Information employees hold relating to work should be treated in the same manner as if the employee were in a normal place of work. Employees working from home have a responsibility for ensuring that information is secure, kept locked away or password protected and is considered in accordance with the Data Protection Legislation.

This includes being under a duty to:

- Maintain service user confidentiality;
- Carry out sensitive conversations in confidence;
- Store confidential files (paper or electronic) securely and use agreed methods of encryption;
- Comply with password policies for work computer/system/homeworking portals etc. and any other digital devices.

In order to maintain confidentiality and data security, Council equipment (laptops etc) must be stored securely at home and not be left in employees' vehicles when unattended.

Care should also be taken to ensure:

- Data is disposed of securely and not placed in domestic waste.
- Network passwords are secure and not shared
- Laptops and Mobile Devices are stored securely when not in use.
- Any Data Breaches be reported for Information Governance Review.

Please ensure that smart home devices such as Amazon Alexa and Google Home are not receiving or recording when you are participating in work online / video meetings or phone calls. This is especially important when sensitive information or services users are being discussed.

Employees should be aware of the Council's Acceptable Use Policy Governing the Use of Communication Systems on the use of computers or other equipment for personal purposes. All employees must comply with the Council's Acceptable Use Policy and data protection principles at all times. The Council's Acceptable Use Policy can be found on the intranet, alongside additional documents covering topics such as : Data Protection, Security Reporting, Password Guidance and Records Management.

**5.1.14.2** EAC property will be covered by the Council's insurance policy. Managers must ensure appropriate insurance and risk control measures are in place. Council insurance does not cover Fines/Penalties e.g. as may be imposed for alleged breaches of the Data Protection Legislation. These fines can be very significant and employees working from home must comply with the Council's existing policies/procedures to protect personal data from falling into the wrong hands, no matter how such data is held (Paper file/Computer/Memory stick etc.) All such IT systems equipment must be encrypted as per existing Council Policies. Loss, theft or damage to Council equipment/data/records should be reported to the Line Manager immediately who will ensure that appropriate action is taken including where applicable reporting to police Scotland and/or the submission of an insurance claim. Further detail and guidance is available from the Risk and Insurance Section.

### **5.1.15 Cost**

**5.1.15.1** Managers will need to consider the provision and cost of equipment (IT requirements, office furniture and stationery etc) and utilities (telephone and e-mail access) required for homeworking arrangements. Consideration needs to be given to the one-off set up costs as well as any ongoing costs that may arise from line rentals etc. Where it is determined that some equipment may be too expensive to provide employees with, this may be provided at a different location due to the costs involved or alternative solutions may be available.

**5.1.15.2** Tax relief on working from home expenses can be claimed through HMRC.

This is a reduction in taxable pay of £6 per week. This means:

a) you need to be paying tax (which for most people means earning over £12,500 per year and

b) the actual additional amount most employee would receive is £1.26 per week.

Further guidance together with the p87 claim form, can be found at [claim-income-tax-relief-for-your-employment-expenses](#)

### **5.1.15.3 Additional/Alternative Employment**

Employees undertaking periods of homeworking will be subject to the same restrictions as other employees regarding undertaking work with other employers.

**5.1.16. Health and Safety** - Employees and line managers have a shared responsibility to ensure health and safety requirements are met while working at home.

**5.1.16.1** Managers have a responsibility for ensuring that the homeworking location is suitable and safe for the type of work to be carried out prior to making a recommendation to the Head of Service.

**5.1.16.2** Regulations made under the Health and Safety at Work etc. Act 1974 which apply to the Council workplace also apply in the same way to home-working; as the employees home effectively becomes their place of work.

**5.1.16.3.** Employees undertaking work from home must complete the Home Working Self-Assessment Checklist and line managers review this to determine if a specific risk assessment is required.

**5.1.16.4** Where a risk assessment is required, employees must allow the assessor access to their home, virtually or in person, to complete the assessment.

**5.1.16.5** The risk assessment should be proportionate to the risks involved with the work and the Health and Safety Section should be consulted if guidance is required in respect of completing the assessment.

**5.1.16.6** Employees have a personal responsibility on a day to day basis for their own health & safety while they are conducting work activities. They should notify their line manager of any changes at the home location that may affect the agreed arrangements and should follow the usual reporting procedures for any work-related accidents at home and ensure they report it to their line manager.

**5.1.16.7** Employees must set up their workstation in line with guidance contained in the Health and Safety Executive Guide on Homeworking and Health & Safety Bulletin of 7 April 2020 which can be accessed via the link Health and Safety Bulletin or on the Council's intranet pages. A DSE self-assessment must be completed and if any issues are identified line managers arrange for a full DSE assessment.

**5.1.16.8** Any equipment supplied for an employee to use whilst working for home must be inspected, tested and maintained in the same way as would be applicable in the workplace.

**5.1.16.9** All electrical equipment supplied, such as PC's, adaptors etc. must be PAT tested annually and managers must arrange for the equipment to be returned to the employee's base or a suitable alternative base for testing as per the PAT testing schedule.

### **5.1.17 Annual Leave & Sick Leave**

When working from home employees should request annual leave and report sickness absence in accordance with normal processes and procedures

### **5.1.18 Change to Work-Style - EAC**

Management reserves the right to change the work style assigned to a post if required either a result of an issue which has arisen e.g. capability/performance issue which require the employee to be more closely monitored or as a result of a change to the duties of the post, by giving reasonable notice.

## **5.2 Variable Hours/Reduced Hours**

**5.2.1** This allows employees to vary, with the agreement of their line manager, their working hours to achieve a better work life balance. This request can be for a temporary or permanent reduction in hours, variation in working hours, term time working etc.

**5.2.2** The request may be to adjust start and finish times, on a temporary or permanent basis, to accommodate external arrangements.

**5.2.3** The request may be to reduce working hours to achieve a better work life balance to facilitate external commitments (part-time working).

**5.2.4** The request may be to reduce the number of days worked by working longer hours on the days that are worked (Compressed Hours). See Section 5.2 below for further information on the Compressed Hours Scheme.

**5.2.5** Employees who wish to be considered for variable hours working must complete the attached form FLEX1 (**Appendix 1**) and submit it to their line manager.

**5.2.6** Line Managers must be satisfied that employees have the ability to work unsupervised where necessary and must be able to carry out all the duties associated with the post.

**5.2.7** The line manager must be satisfied that the granting of variable hours working will not result in a detrimental effect on customer service, the work group or additional costs.

**5.2.8** The line manager must be satisfied that adequate cover, by appropriately skilled employees is available to ensure effective service delivery continues.

**5.2.9** Working hours must be arranged between the employee and their line manager and must meet business/customer requirements. There must be sufficient operational work available to justify any extended hours.

**5.2.10** It may be necessary to limit the number of employees working variable working patterns.

**5.2.11** Consideration will need to be given to access to buildings, security, and personal safety at all times.

**5.2.12** If the adjustment is for a temporary period such arrangements would generally be for a period of no more than 6 months to 1 year initially with the possibility for one further extension of up to 6 months. Thereafter the arrangement should either be made permanent or should cease, in which case the employee would revert to their substantive working pattern.

**5.2.13** A revised contract of employment will be issued to all employees working varied/reduced hours on a temporary or permanent basis.

### **5.3 Compressed Hours**

**5.3.1** Compressed Hours allows individual employees to reduce the numbers of working days per week while maintaining their post's normal working hours per week in order to achieve a better work-life balance.

**5.3.2** Employees who wish to be considered for compressed hours working must complete the attached form FLEX2 (**Appendix 2**) and submit it to their line manager.

**5.3.3** Compressed hours will normally only apply in circumstances where there is clear productivity or outputs. It is not considered appropriate for a client or customer contact environment.

**5.3.4** Line Managers must be satisfied that employees have the necessary skills and knowledge etc. to work compressed hours. In addition, employees must have the ability to work unsupervised where necessary and must be able to carry out all the duties associated with the post.

**5.3.5** The line manager must be satisfied that the granting of compressed hours working will not result in a detrimental effect on customer service, the work group or additional costs.

**5.3.6** The line manager must be satisfied that adequate cover, by appropriately skilled employees is available to ensure effective service delivery continues.

**5.3.7** Working hours must be arranged between the employee and their line manager and must meet business and customer requirements. There must be sufficient operational work available to justify the extended hours.

**5.3.8** The other members of the team should not be subjected to any additional work. Hence the requirement for any proposal for compressed hours to be discussed and agreed with the line manager prior to implementation.

**5.3.9** It may be necessary to limit the number of employees working compressed working patterns due to the needs of the service.

**5.3.10** Care must be taken to ensure that employees meet the requirements of the Working Time Regulations and do not work for long periods that may lead to excessive fatigue, accidents, sickness and reduced productivity and it is the responsibility of the employee to consider the possible impact of longer workdays on their family, social and community life.

**5.3.11** Consideration will need to be given to access to buildings, security, and personal safety at all times.

**5.3.12** Employees who are working compressed hours can, with their manager's agreement, vary their daily working hours.

**5.3.13** Employees will be made aware of any potential impact on their annual leave, public holiday entitlement and other conditions of service factors from working compressed hours.

**5.3.14** Employees will not be entitled to receive any additional pay or enhancements as a result of working longer daily hours.

**5.3.15** Once an application has been approved a trial period of 3 months will be undertaken. During this time the compressed hours working will be monitored and reviewed. At this stage a letter detailing the agreed working arrangements for the trial period will be issued to the employee.

**5.3.16** At the end of the trial period, the employee and their line manager will review the arrangement. The line manager will complete Part D of form FLEX3 and decide whether or not the employee will continue to work compressed hours on a permanent basis. The form will then be forwarded to the appropriate senior manager for final approval/rejection.

**5.3.17** A revised contract of employment will be issued to all employees working compressed hours on a permanent basis.

**5.3.18** Should an employee wish to revert to the previous working pattern they should submit this request to their manager in the first instance. There should not normally be any reason why such a request would not be granted.

## **5.4 Job Share**

**5.4.1** Job sharing is available to prospective employees and existing employees who wish to reduce their hours.

**5.4.2** Subject to satisfying operational requirements an employee may hold appointments to two job share posts. These job share posts can be at different grades and may be within different Services. However, in making appointments an appropriate senior manager must ensure that there is no conflict of interest for an employee in a sharing arrangement involving two posts.

**5.4.3** All established posts within the Council will be considered eligible for job sharing unless the appropriate senior manager can show that job sharing of a specific post cannot be justified. The exception should be agreed in consultation with the Head of People and Culture and the relevant Trade Union.

**5.4.4** Employees wishing to job share should submit their request in writing, using Form FLEX1 (**Appendix 1**) to the appropriate senior manager who will approve or reject the application. To allow recruitment and selection procedures to be followed, applications to job share should be submitted not later than 8 weeks before the proposed date of commencement including where an employee is on maternity leave. It is not necessary for the applicant to have an identified partner.

**5.4.5** It is advisable to advertise the specific hours on offer unless the existing employee or partner has no particular preference of working pattern.

**5.4.6** A post may be shared by 2 persons on a split-day or split-week basis giving each employee a pro-rata share of the hours of the post on either a morning or afternoon basis or 2/3 days on alternate weeks. Other sharing arrangements or revision of existing arrangements may be permitted but they will be subject approval by the appropriate senior manager.

**5.4.7** Prior to recommending the filling of a post by 2 job sharers, the appropriate senior manager must ensure that agreement has been reached with the job sharers on the hours/cycle to be worked and the division of tasks to be undertaken to meet the requirements of the post. The agreed arrangements will be included in each job sharer's contract of employment.

**5.4.8** If necessary, overlap periods between job sharers will be decided by the appropriate senior manager having regard to the needs of the job and the sharing arrangements.

**5.4.9** If one job sharer leaves the service of the Council, subject to approval being obtained to fill the vacancy, the remaining partner will be offered the post being shared on a full time basis. If full time working is not acceptable to the remaining job sharer, the vacant job share post will be advertised following the usual procedure. The contract of the remaining job sharer will be protected until the above procedure is exhausted and in the event that it is accepted by management and Trade Union that a replacement job sharer is not available.

**5.4.10** If agreement is reached that no replacement is available and that the post has to be filled on a full-time basis, the Head of Service/Senior Manager will attempt to redeploy the job sharer in a suitable alternative capacity. In these circumstances, the remuneration and conditions of service relating to the alternative post will apply in accordance with the Deployment and Career Pathways Policy and Procedures.

**5.4.11** Job sharers will be graded according to the salary/wages applicable to the post and will be paid such proportion of the hours of the post relative to the number of hours worked. Where appropriate, incremental progression will be in accordance with the conditions applying to full-time employees.

**5.4.12** The normal hours of duty of a job sharer will be a pro-rata share of the total hours of the post as agreed with the Head of Service/Senior Manager.

**5.4.13** Enhanced rates for additional hours will be made for authorised additional hours which are worked outwith the normal working hours for the full-time post being shared (e.g. for standard hours posts additional work in the evenings or at weekends). In this connection enhanced rates will **not** be paid for additional hours worked to cover for an absent job share partner/vacancy even where the additional hours are worked outwith the normal working week until the individual job sharer exceeds the total weekly hours for the equivalent full-time post in terms of the Scheme of Salaries and Conditions of Service for the category of employee.

**5.4.14** Enhanced payments for working additional hours will be made only when an individual job sharer exceeds the total weekly hours for the equivalent full-time post as laid down in the Summary of Main Terms and Conditions of Employment for the category of employee. Where an employee holds two job share posts, then enhanced rates will be paid at the rate applying to the post against which the overtime working has been done.

**5.4.15** The annual leave entitlement for job sharers will be determined by their working pattern as a pro-rata share of the entitlement for full-time employees.

**5.4.16** Public holidays will be granted as a pro-rata share of the entitlement for full time employees. Heads of Service will review the pattern of public holidays within Job Sharing arrangements and where public holidays fall more favourably to one job sharer they will

switch the rotas at various times throughout the year, as close to the actual public holiday as possible, to correct the imbalance. Where this is not possible agreement may be given to increase/reduce annual leave balances to offset the imbalance of public holidays. Allocation of public holiday dates will be calculated in January of each year. Where job sharers commence their roles during a calendar year, they will be advised of their public holiday allocation for the remainder of that calendar year on commencement.

**5.4.17** Special leave will be granted in accordance with the conditions applying to full time employees and will be pro-rated where appropriate.

**5.4.18** Shift allowance will be paid to job sharers who satisfy the conditions laid down in the Summary of Main Terms and Conditions of Employment.

**5.4.19** Job sharers are entitled to Statutory Sick Pay and Sickness Allowances in accordance with the Summary of Main Terms and Conditions of Employment. The qualifying days, period of incapacity for work, notification and certification requirements job sharers will be the same as for full-time employees i.e. calendar days will be used.

**5.4.20** Where training must be attended on days that are not normally worked by a job sharer; they will be required to attend following receipt of reasonable notice. A minimum of 20 days' notice will normally be provided. An alternative rest day will be provided.

**5.4.21** Job sharers are covered by the same terms and conditions of employment and Policies and Procedures as all other Local Government employees.

## **5.5 Flexible Working Hours**

**5.5.1** Where appropriate, taking into account the nature of the role being carried out, employees can have flexibility in the way they work their hours. This arrangement is a move away from a formal flexitime system to a more informal approach with greater flexibility in how hours are worked.

**5.5.2** The fundamental principle of this way of working is to enable employees to have the flexibility to vary their individual day to allow them to achieve a better work-life balance. This is dependent upon co-operation between employees and their line managers to ensure provision of the service at all times throughout normal office hours. Therefore employees should have the needs of the business in mind and should only vary their working hours with prior agreement with their line manager and colleagues where appropriate. This arrangement for working hours flexibly is not designed for employees to build up time to take off as an extension to their annual leave entitlement.

**5.5.3** Employees will ordinarily work their contracted hours each working week, working flexibly if agreed with their manager. Working long hours on a regular basis is not good for wellbeing, so employees would generally not be expected to exceed their contracted hours.

**5.5.4** Hours worked must meet with Service needs, building access where relevant, and security requirements.

**5.5.5** Normal Office Hours are: -  
Monday –Thursday (9.00am – 5.00pm), Friday (9.00am – 4.00pm)



**5.5.6** However, if working flexibly, hours should normally be worked between 7.00am and 8.00pm. Care must be taken to ensure that employees meet the requirements of the Working Time Regulations and do not work for long periods that may lead to excessive fatigue, accidents, sickness and reduced productivity. In addition to rest breaks at the end of the day, employees should also ensure that they take a minimum rest break of 30 minutes away from their workstation during the day where the working day exceeds 6 hours (4.5 hours for those employees under the age of 18). The standard lunch break is 50 minutes (40 minutes on a Friday).

**5.5.7** Where possible, lunch breaks should normally be taken between 11.30 am and 2.30 pm. If this is a peak period for the service, then these times can be altered locally to ensure there is sufficient cover within the service at all times.

**5.5.8** Whilst there is no formal recording system to record hours worked and no requirement to submit a record of those hours for sign off by line managers, sections will have an appropriate mechanism in place which enables employees to log their hours each day. As there may be more variation in the way hours are being worked on a day to day basis this allows employees to keep a record of the hours they are working to ensure they are meeting their contractual requirements and not working excessive hours. A template is available for use for this purpose where there is no other mechanism in place. **(Appendix 3)**.

**5.5.9** The absence of a formal flexitime recording system, enabling retrospective monitoring of time, should not in and of itself give rise to abuse of working hours. Managers should agree the methods of communication with employees when working remotely and ensure that employees are clear on standards of performance expected.

**5.5.10** Abuse of the system may result in employees being required to work at a fixed base and/or hours, as well as it potentially being dealt with as a disciplinary matter.

**5.5.12** Under this informal approach there is no fixed organisation-wide core times during which all employees must work. However, services will identify their own requirements, ensuring that minimum levels of cover are in place in order to maintain service delivery.

**5.5.13** A minimum of three hours must normally be worked in any one day. However, this will depend on each individual role and their workload, and will require agreement with the line manager to ensure work performance and service delivery is maintained.

**5.5.14** Employees should ordinarily complete, but not exceed, their contracted hours on a week to week basis.

**5.5.15** Where an employee wants to start or finish earlier/later one day or, for example, attend an appointment during the day, existing local communication/approval arrangements would apply, and they would work the hours back at another time, ordinarily that same week. Time off during the working day may include but is not limited to doctor/dental appointments or private appointments/business.

**5.5.16** There may be ad hoc occasions where an amount of time off is required, where the hours cannot be worked back that same week, in these instances the employee would work the hours back at another time, as agreed with their manager. Alternatively additional time may have been accrued in advance.

**5.5.17** A key principle of the revised arrangements is that employees do not ordinarily exceed their contracted hours, thereby supporting an effective work/life balance. However, where there are occasions when additional hours are accrued as a result of a particular business need then these can be taken in agreement with the employees line manager.

**5.5.18** On those occasions where the additional hours accrued equate to one day, the request for time off should be done via HR21. HR21 will send an electronic request for approval to the employee's Line Manager on each occasion when leave is requested and the employee will receive an e-mail indicating if their request has been approved or denied. Employees who do not have access to HR21 should comply with local procedures.

**5.5.19** Any period of paid overtime must be arranged and approved as normal and in accordance with Council procedures.

**5.5.20** If employees are leaving the service/Council their hours should be balanced before they leave i.e. they should not have any hours outstanding.

**5.5.21** A list of Frequently Asked Questions has been developed to provide further clarification on the informal approach to flexible working hours (**Appendix 4**). A copy is also available on the human resources pages on the intranet.

## **6. APPLYING FOR FLEXIBLE WORKING**

- 6.1** The onus is on the employee to make their application for variable working/reduced hours, compressed hours, job share or a change in work-style it should set out the desired working pattern and the reasons why it can be implemented. The application must be in writing, using form FLEX1 (**Appendix 1**) or FLEX2 (**Appendix 2**), as appropriate.
- 6.2** An application must be made at least 8 weeks in advance of any commencement of flexible working. Managers must complete Part B of the form and forward it to the appropriate senior manager/Head of Service for approval/rejection as appropriate.
- 6.3** Line managers must hold a meeting with the employee within 28 days after the application has been received and must write to the employee informing them of the decision within 14 days of the meeting, including details of the employee's right of appeal. Any appeal would be through the Council's Grievance Procedure.
- 6.4** In exceptional circumstances, meetings may not be able to take place within the designated timeframes. Where this is the case, and only with the consent of both parties, meeting dates and times may be agreed outside the recommended timeframe.
- 6.5** An employee will have the right to be represented at the meeting by a representative who must be a trade union representative or work colleague.
- 6.6** In the case of compressed hours, once an application has been approved a trial period of 3 months may be undertaken. During this time the flexible hours working will be monitored and reviewed. At this stage a letter detailing the agreed working arrangements for the trial period will be issued to the employee.
- 6.7** At the end of the trial period, the employee, line manager and colleagues will review the arrangement. The line manager will complete Part D of form FLEX2 and decide whether or not the employee will continue to work flexible hours on a temporary or permanent basis.

The form will then be forwarded to the appropriate senior manager for final approval/rejection.

- 6.8** A revised contract of employment will be issued where it is agreed that flexible hours working is appropriate on a temporary or permanent basis.
- 6.9** It is recognised that there may be occasions when due to unforeseen circumstances, employees may request a shorter notice period to terminate these arrangements. Managers should give such exceptional requests serious consideration; but any agreement to a shorter notice period is dependent upon the exigencies of the service.
- 6.10** Employees do not have an automatic right to work flexibly as there will always be circumstances when it may not be possible to accommodate the employee's desired work pattern. However, all requests will be considered seriously.
- 6.11** Where a request is rejected, the decision to reject must be based on one or more of the following business criteria:
- additional costs;
  - an effect on the ability to meet customer demand;
  - inability to reorganise work among existing employees
  - inability to recruit new employees
  - a detrimental impact on quality;
  - a detrimental impact on performance;
  - insufficiency of work during period of work proposed by the employee;
  - planned structural changes.

## **7. REVIEW**

- 7.1** The Policy and Procedures will be subject to an annual desktop review to assess whether a more detailed review is required. The desktop review will take account of operational experience or impending legislative changes. Otherwise, the Policy and Procedures will have a full scheduled review on the three year anniversary of the date of approval by Cabinet.

People and Culture  
March 2022



# APPENDICES

## FLEXIBLE WORKING APPLICATION

### PART A – To be completed by the employee

<b>Name:</b> .....	<b>Designation:</b> .....
<b>Service:</b> .....	<b>Section:</b> .....
<b>Employee Number:</b> .....	
<b>Existing Working Pattern (including hours of duty) / Work-style:</b>	
<p><b>Please indicate the category you are applying under:</b></p> <p>Variable <input type="checkbox"/>    Reduced Hours <input type="checkbox"/>    Job Share <input type="checkbox"/>    Work-style <input type="checkbox"/></p> <p><b>Proposed Working Pattern(including hours of duty)/ Work-Style:</b></p>	
<p><b>For Variable/Reduced Hours applications only please complete the following:</b></p> <p><b>Temporary Change /Permanent Change*</b> *delete as appropriate</p> <p><b>If temporary please indicate period requested:</b> _____</p>	
<p><b>Reasons to support your application:</b> (Including consideration of work performance/service delivery/ impact on colleagues). Continue on a separate sheet if necessary.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	

I wish to apply to work variable/reduced hours/job share/ change my posts work-style under the terms of East Ayrshire Council's Flexible Working Scheme. I accept and will abide by the Conditions of the Scheme.

Employee's Signature: .....                      Date: .....

**PART B – To be completed by the Line Manager**

**LINE MANAGER**

I support this application. I am satisfied that the granting of:

Variable     Reduced Hours     Job Share     Work-style change

will not result in a detrimental effect on customer service, the work group or additional costs. Where reduced hours are agreed, a part-time/job share post for the balance of the hours will be created within current budgetary constraints where required.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Designation \_\_\_\_\_

**PART C – To be completed by the appropriate senior manager**

**SENIOR MANAGER**

Approved/Rejected \* (delete as appropriate)

If rejected give reasons:

Signed \_\_\_\_\_ Date \_\_\_\_\_

Designation \_\_\_\_\_

Please return completed form to: [Human.Resources@east-ayrshire.gov.uk](mailto:Human.Resources@east-ayrshire.gov.uk)

## FLEXIBLE WORKING APPLICATION – COMPRESSED HOURS

### PART A – To be completed by the employee

<b>Name:</b> .....	<b>Designation:</b> .....
<b>Service:</b> .....	<b>Section:</b> .....
<b>Employee Number:</b> .....	
<b>Existing Working Pattern: (including hours of duty)</b>	
<b>Proposed Working Pattern: (including hours of duty)</b>	
<b>Reasons to support your application:</b> (including consideration of work performance/service delivery/ impact on colleagues). Continue on a separate sheet if necessary. ..... ..... ..... ..... ..... ..... ..... ..... ..... .....	

I wish to apply to work compressed hours under the terms of East Ayrshire Council's Flexible Working Scheme. I accept and will abide by the Conditions of the Scheme.

Employee's Signature: ..... Date: .....

**PART B – To be completed by the Line Manager**

**LINE MANAGER**

I support this application. I am satisfied that the granting of compressed hours working will not result in a detrimental effect on customer service, the work group or additional costs.

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

Date of Trial Period: From \_\_\_\_\_ To \_\_\_\_\_

Approved/rejected (delete as appropriate)

If rejected give reasons:

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Designation** \_\_\_\_\_

**PART C – To be completed by the appropriate senior manager**

**SENIOR MANAGER**

Approved/Rejected \* (delete as appropriate)

If rejected give reasons:

**Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**Designation** \_\_\_\_\_



Part D

**FLEXIBLE WORKING APPLICATION – COMPRESSED HOURS**

**Results of Trial Period**

<b>Name of Employee:</b>		<b>Designation:</b>	
<b>Service:</b>		<b>Section:</b>	
<b>Employee Number:</b>			
<b>Compressed Hours Trial Period</b>		<b>From:</b>	<b>To:</b>
<b>Line Manager's Comments:</b> ..... ..... ..... ..... ..... .....			
<b>Recommendation:</b>		Continue on Permanent Basis/Temporary Basis/Return to Normal Working* (delete as appropriate)	

Line Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

<b>To be completed by the appropriate senior manager</b>	
I agree/do not agree that the working arrangements continue on a permanent basis/temporary basis/return to normal working* (delete as appropriate). If rejected give reasons ..... ..... .....	
Signature: _____	Date: _____

Please return completed form to: [Human.Resources@east-ayrshire.gov.uk](mailto:Human.Resources@east-ayrshire.gov.uk)

## Flexible Working Hours

**Name:**   
**Section:**   
**Service:**

Enter times in 24 hour format

Carry forward from prev. period (H/M):

**TOTALS**

	Date	Time		LUNCH		Xtra Time Off		Authorised Leave		Daily		Overall		Contract		+/-	
		Start	Finish	H	M	H	M	H	M	H	M	H	M	H	M	H	M
M	29/08/2011									00	00	00	00	07	10	-07	10
T	30/08/2011									00	00	00	00	14	20	-14	20
W	31/08/2011									00	00	00	00	21	30	-21	30
Th	01/09/2011									00	00	00	00	28	40	-28	40
F	02/09/2011									00	00	00	00	35	00	-35	00
M	05/09/2011									00	00	00	00	42	10	-42	10
T	06/09/2011									00	00	00	00	49	20	-49	20
W	07/09/2011									00	00	00	00	56	30	-56	30
Th	08/09/2011									00	00	00	00	63	40	-63	40
F	09/09/2011									00	00	00	00	70	00	-70	00
M	12/09/2011									00	00	00	00	77	10	-77	10
T	13/09/2011									00	00	00	00	84	20	-84	20
W	14/09/2011									00	00	00	00	91	30	-91	30
Th	15/09/2011									00	00	00	00	98	40	-98	40
F	16/09/2011									00	00	00	00	105	00	-105	00
M	19/09/2011									00	00	00	00	112	10	-112	10
T	20/09/2011									00	00	00	00	119	20	-119	20
W	21/09/2011									00	00	00	00	126	30	-126	30
Th	22/09/2011									00	00	00	00	133	40	-133	40
F	23/09/2011									00	00	00	00	140	00	-140	00

**You must take a minimum of 30 minutes lunch per day**

Carry forward to next period:

**Frequently Asked Questions**

	Question	Answer
1	What has changed?	<p>The new policy introduces the following key changes in relation to working hours:</p> <ol style="list-style-type: none"> <li>1) Removal of the formal flexi time recording system;</li> <li>2) Removal of standard core times, although services may determine appropriate times to suit their operational requirements</li> <li>3) Removal of the 4 weekly credit/debit accounting periods with contracted hours generally being worked within the week resulting in full flexi days being less of a regular occurrence.</li> <li>4) Removal of the requirement to formally apply for periods of time off e.g. for appointments unless a full day is being requested.</li> </ol>
2	Does this mean there will be less flexibility?	<p>You will have greater flexibility to work your hours to suit your personal circumstances, whilst ensuring you are available at times required by the service.</p> <p>In addition, rather than having to apply for half day to attend a private appointment or arrange doctors/dentists appointments outwith core hours you will now have greater flexibility to attend such appointments during the working day and work the time back in the course of the week.</p> <p>As outlined above other policies remain in place to provide support for employees where time off is required for specific circumstances e.g. <a href="#">Special Leave</a>, <a href="#">Career Break</a> or <a href="#">Carer's Leave</a>. Where a permanent or longer term change to working hours is required the relevant section in the Flexible Working Policy should be referred to.</p>
3	Can I just decide to work the hours I want or from the location I want without consulting my manager?	<p>No.</p> <p>Whilst we wish to allow employees flexibility in their working hours/location, communication with the line manager is essential to ensure there is no impact on service delivery.</p> <p>Discussions should take place at team level to agree how this work will in practice.</p> <p>Employees should also ensure they update their outlook calendar/out of office message to reflect their availability.</p>

4	Are there a minimum number of hours I should work in one day?	Normally you would be expected to work a minimum of three hours each day. However, this will depend on each individual role and their workload, and will require agreement with the line manager to ensure work performance and service delivery is maintained. (Refer to Q8 for guidance on full days off).
5	What is the maximum time I could work in one day?	<p>You should generally not exceed your contracted daily hours and the hours should normally be worked between 7am and 8pm. You should also ensure that you take a minimum rest break of 30 minutes away from your workstation where the working day exceeds 6 hours (4.5 hours for those employees under the age of 18).</p> <p>As above, working hours should be determined based on the needs of the service and agreed with your manager. It is important that you do not work excessively long hours in the interests of your wellbeing.</p>
6	What is the minimum/maximum time I could work in one week?	Employees should ordinarily complete, but not exceed, their contracted hours on a week to week basis.
7	How would this work in practice?	<p>It may be that you want to start or finish earlier/later one day or attend an appointment during the day. Existing local communication/approval arrangements would apply, and you would work the hours back at another time, ordinarily that same week.</p> <p>There may be ad hoc occasions where an amount of time off is required, where the hours cannot be worked back that same week, in which case you would work the hours back at another time, as agreed with your manager. Alternatively additional time may have been accrued in advance. The key factor here is that these instances should be the exception, rather than the norm, and require to be agreed with your line manager in advance.</p>
8	Can I still take a day off, if required?	<p>Yes. As stated above, whilst there will no longer be a facility to regularly take flexi-days, there will still be scope to take ad hoc time where there are occasions when additional hours have been accrued as a result of a particular business need.</p> <p>In all instances, this should be discussed with your line manager and will be subject to their approval. In these cases a request for time off should be done via HR21.</p>
9	Does this mean that I will end up working additional hours, but not have the benefit of time off at another	<p>No.</p> <p>A key principle of the revised arrangements is that employees do not ordinarily exceed their contracted hours, thereby supporting an effective work/life balance.</p>

	time, as per current arrangements?	Where there are occasions when additional hours are accrued as a result of a particular business need then these can be taken in agreement with your line manager.
10	If I am working outwith normal business hours or working remotely what happens if the systems go down and ICT support is not available/can't immediately resolve the issue?	If you are unable to undertake other meaningful work in the absence of the system (as you would do if systems went down when at your normal base during normal business hours), then you should amend your planned working hours or base that day accordingly, seeking advice from your manager as appropriate. This should be done at the earliest opportunity.
11	I know of people in other teams who are able to work more flexibly than I am.	There are some roles where flexibility over working hours and location is not possible due to service requirements.  For the same reasons, the degree of flexibility which exists may legitimately vary across different service areas.
12	Does this mean that there will be a risk to service delivery?	No. Managers will plan and put in place required staffing levels just as they do at present, with existing local communication/approval arrangements applying as normal in relation to employees looking to work their hours flexibly.
13	Is there a risk in terms of cover by removing organisational core hours?	Core time is the period of the working day during which all employees must work.  Whilst there is no longer any fixed organisation-wide core times, services will identify their own requirements, ensuring that minimum levels of cover are in place in order to maintain service delivery.
14	If my team are working flexibly in terms of times and locations, how will I know that they are working during those hours and doing so effectively?	The removal of the formal flexitime recording system, enabling retrospective monitoring of time, should not in and of itself give rise to abuse of working hours.  Managers should agree the methods of communication with employees when working remotely and ensure that employees are clear on standards of performance expected.  There are a number of options that can be used to communicate whilst working away from the main work location. Free and virtual means of communication e.g. BT Conferencing, Microsoft Teams, should be used where this is possible. These are currently being used widely across the Council as an alternative to standard telephone calls and provide audio and/or video communication.  If someone is not working their contracted hours, then this is likely to be apparent to the manager. However, it will also be evident in terms of performance outputs.

		Abuse of the system may result in employees being required to work at a fixed base and/or hours, as well as it potentially being dealt with as a disciplinary matter.
15	Is there scope for an informal recording mechanism to capture employee working hours?	<p>Whilst the formal recording system is being removed and employees will no longer need to submit a flexi sheet for sign off by their managers, sections should agree an appropriate mechanism which enables employees to log the daily hours they work. A template is available for use in the absence of any other mechanism. A copy is available <a href="#">here</a>.</p> <p>As there may now be more variation in the way hours are being worked on a day to day basis this allows employees to keep a record of the hours they are working to ensure they are meeting their contractual requirements.</p>
16	How will implementation of the revised arrangements be supported and monitored?	<p>HR will support the rollout of the revised Flexible Working Policy and will build on these FAQs if further questions arise in relation to the new flexible working hours arrangements.</p> <p>HR will also maintain communication with managers and trades unions to identify and resolve any issues which subsequently arise.</p>
17	What happens to the flexi time I had already accrued prior to the introduction of working from home on 23 March 2020?	The FAQs issued on 22 July 2020, confirmed that you were able to apply for flexi leave using the balance you had accrued up to 23 <sup>rd</sup> March 2020. If you have not already done so you must apply by 15 June 2022 to take this leave. If you do not apply by this date then any hours accrued will be lost. Applications will be considered according to the exigencies of the Service in the normal way. Applications can only be submitted if you had the full amount of credit prior to 23 <sup>rd</sup> March 2020 for the leave you are requesting.

