

Flexible Working Policy

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1. Introduction

Purpose

We operate flexible working practices to provide an accessible and responsive service to stakeholders and to give you flexibility for you to plan your working pattern to assist in balancing work and personal responsibilities.

Scope

This policy applies to all permanent and temporary employees.

Legislation, codes of practice and guidance

This policy has also considered the following:

- Employment Relations Act 1999
- Employment Rights Act 1996
- Code of practice on handling in a reasonable manner requests to work flexibly
- Working Time Regulations 1998.

Data protection

We will process any personal data collected in relation to this policy keeping to our [Data Protection Policy](#) and will record only the personal information required and keep the information only for as long as necessary.

Monitor and review

Human Resources and the Partnership Forum are responsible for monitoring this policy to make sure that we are fairly and consistently applying it and that we meet the stated principles and values. We will review this policy every three years (or earlier if legislation changes) and make appropriate amendments in consultation with the Partnership Forum. We will outline minor amendments in the change log and update the version control. Where there are major changes, we will consult more widely and follow the consultation cycle.

2. Principles

Guiding Principles

In operating this policy, the following principles apply:

- we operate our flexible working practices fairly and consistently
- we seek solutions that work for all parties wherever possible
- our ability to meet operational requirements take precedence.

3. Values

In everything we do, we believe the people of Scotland have the right to be safe when accessing social care services. We do this by listening, learning and doing the right thing.

Work together

We treat each other with kindness and respect and value the contribution every member of staff makes.

- We make sure you have access to advice, support and guidance to help you understand this policy.
- We discuss and explore options with you to find mutually acceptable solutions.
- We recognise the value of positive and constructive involvement and participation from our recognised trade union. Our commitment to partnership working is integral to the development and maintenance of harmonious employee relations.

Accept responsibility and accountability

We recognise the trust placed in us to ensure the safety and wellbeing of people who use social services and that is our guiding mission.

- We maintain accurate records of your times, hours and days of work and details of any flexitime taken.
- We monitor and review your working hours and discuss issues that arise.
- We consider the operational impact when deciding how to use the flexibility under this policy.

Recognition and respect for others

We value the social service workforce and the life changing work they do. Our work increases recognition of and further develops their role. All our stakeholders contribute to our success and we recognise and respect their views.

- We consider the impact of your flexible working practises on other colleagues and our ability to meet customer demand.
- We make sure that you understand your entitlements under this policy and can exercise your rights.

4. Roles and responsibilities

4.1 Executive Management Team

The EMT is responsible for:

- approving this policy and procedure
- overall responsibility for the implementation of the policy and creating a culture in which employees can flourish through interesting and rewarding work
- delegating responsibilities related to the policy to Operational Management Team (OMT) and line managers
- making sure that managers and employees receive appropriate development, support and training to implement the policy appropriately
- making sure that the application of this policy and procedure does not breach any statutory requirement placed upon the SSSC
- setting a positive example to employees by following this policy
- treating complaints seriously and dealing with them promptly.

4.2 Operational Management Team

The heads of department are responsible for:

- making sure their managers and employees are aware of the required behaviours and the details of this policy
- signposting employees to relevant information
- dealing with issues kindly, sensitively and showing compassion
- respecting confidentiality and only sharing information, as appropriate, with relevant postholders
- setting a positive example to employees by following this policy
- monitoring and reviewing the hours employees work.

4.3 Employees

Employees are responsible for:

- considering the operational impact of the choices made when working flexibly
- complying with our [Code of Conduct for Employees](#). We expect the highest standards of integrity and conduct from all employees
- following the guidance in this policy
- communicating with your manager and colleagues when you will not be available
- acting appropriately and always keeping to our values treating one another with dignity and respect
- maintaining an accurate record of your hours worked.

4.4 Human resources (HR)

Human resources are responsible for:

- updating this policy and procedure in line with the agreed schedule or as changes occur to comply with employment and other relevant legislation, best practice and the SSSC People Strategy
- developing this policy and procedure collaboratively to meet legal and business requirements
- developing template letters, forms and guidance if required
- offering advice on how to apply the policy and procedure
- making sure employees follow the process in line with the policy
- reminding employees and managers of their responsibilities under the policy, if required
- monitoring use of the policy and processes and reporting any non-compliance to heads of department / directors.

5. Policy

This policy supports our commitment to support you in achieving a healthy work life balance. We are flexible in our work practices as we recognise the benefits for you as an employee and for ourselves. Where possible, we maximise the flexibility offered subject to meeting our operational requirements.

6. Procedure

6.1 Overview

We take a flexible approach to how, when and where you work. This policy describes how we achieve this using flexitime and how you can request to change some of your contractual terms. We use these terms throughout this policy:

Accounting period	A four-week period defined on our flex sheets.
Flex credit	When you work more than your contracted hours this creates an excess of time that you can use to take time off later.
Flex debit	When you work less than your contracted hours this creates a shortfall of time that you need to work later.
Carry forward limit	This is the maximum flex credit or flex debit that you can carry into the next accounting period.

6.2 What is flexitime

In your contract of employment, we specify your contractual hours, days and times of work. Our flexitime rules give you the flexibility to temporarily change your times of work each day to meet your personal requirements. You can use or accrue up to half a day as flexi on any day without requesting time off from your manager but you must always plan time off in discussion with your manager.

We operate a standard working week of 35 hours that is pro-rated for part-time employees. We do not define organisational core hours to maximise the flexibility we offer but we do expect hours to (normally) be worked on weekdays only. Certain roles require a continual customer service presence (either from an individual or a team) and where this is the case your manager will explain any additional restrictions that apply to you (for example specifying core hours, requiring authorisation before changing your times of work).

We trust you to manage your time and to consider the operational impact on both delivery and your colleagues when deciding when you work and the tasks you perform. Where your use of flexitime causes difficulty, we will discuss this with you to determine how this can be avoided in future. Where a satisfactory resolution is not achieved your manager can put in place additional restrictions or rules regarding your use of flexitime. Flexitime is intended to be a benefit; it is not a right and your manager can remove your use of the scheme where your use of the scheme is causing operational difficulties.

Where you do not want to participate in the flexitime scheme and work fixed times you can notify your manager of this who will maintain a record of your position. Where you wish to

return to the scheme you can similarly notify your manager of this. Both notifications must be made in writing.

6.3 Core hours

We do not operate with core hours to our scheme so you can start and finish flexibly (on weekdays) so long as this continues to meet our operational requirements. When you are choosing when you work, you need to consider the suitability of those times for others and in particular our customers and colleagues. It is essential that your working times are suitable to meet our operational requirements – you can be asked and required to work to set times.

6.4 Breaks

When you are working, we encourage and require you to take regular breaks. This helps to look after your health and well-being. At a minimum you must take 30 minutes break if you work beyond six hours. You are entitled and required to take at least 11 hours break between days and must not work 7 consecutive days in a row without your manager's agreement.

6.5 Flexitime

Flexible working enables you to work varying times of the day eg to allow you to arrange personal appointments during office hours. Where appointments are made during office hours you must seek approval from your line manager. You must try and make personal appointments to minimise disruption. You are responsible for making sure that any time you take is balanced out in the flexi period.

Where you require more time off you can request flexidays or paid time off under our [Special Leave Policy](#) or our [Annual Leave Policy](#).

6.6 Flexitime and flexidays

Where you wish to take half a day or more as flexi you must seek and receive approval from your manager before taking the time off. This will help your manager to make sure that workload is managed within the team and to know when you are away from work.

Once accrued, you can take up to 2 flexidays (based on your having a five-day week - part-time employees can take a pro-rata of 2 days rounded up to the nearest whole day) in any accounting period.

You can only add flexitime to annual leave to make a complete day in exceptional circumstances and not as a routine practice. This practice falsely increases your annual leave allocation beyond your contractual entitlement and has the potential to create inequality in the granting of time off and disruption of service.

The purpose of flexidays is to allow you greater flexibility to take time off on an irregular basis. Where you want to routinely take the same days off then you must make a request to change your contracted days and times of work (see section 7 below).

6.7 Recording your time

It is important that you maintain accurate and timely records of the hours, days and times that you work or take as a flexi (rounded to the nearest 5 minutes). You must maintain this record each day to maintain it as accurate. We publish a timesheet for you to complete that you must send to your manager at the end of the accounting period (or on their request). You must make sure that your MyView and time recording match one another for days taken as leave.

When travelling to and from meetings, your day begins at the start time of the meeting unless the time taken to travel to the meeting exceeds the normal time taken to travel from home to office. In this case, the additional time taken is included in the working day. When working away from your normal place of work you must record your working day to reflect your working requirement eg travel from hotel to meeting place and return is included.

Any time spent in a hotel overnight not working is not eligible to be recorded, as job requirements reflect occasional overnight stays. Time spent overnight attending learning and development opportunities is not eligible to be recorded as this is regarded as being of mutual benefit and part of an employee's continuous professional development.

6.8 Carry forward

We limit the number of flex credit or debit that you can carry into the following accounting period to 14 hours. Where you have a flex credit or debit that is greater than this you and your manager must discuss why this has occurred, the actions to prevent this from occurring again and how to address the excess.

Where you have worked excess hours **at our request** that cannot be taken as flexitime or flexidays or carried forward these can be paid to you as additional hours or overtime where the [Additional and Overtime Hours Policy](#) permits. Where you have worked excess hours **not at our request** these excess hours will be lost.

Where you have worked fewer hours, you are required to make up the shortfall in the following accounting period. Where you repeatedly have a debit shortfall we will address this under our conduct and performance policies.

6.9 End of period review

At the end of each period you must review your records for accuracy and submit to your line manager for approval. You are both responsible for making sure that you are working in accordance with our operational priorities and policies. Your manager will discuss any concerns they have with you. Line managers are responsible for authorising any breaches of our policies and submitting flexi sheets to Business Improvement for recording using the automated process.

6.10 Changing roles or leaving employment

When you change roles, teams or leave employment we expect you to address any credit or debit prior to that change occurring. Your new manager can allow you to carry forward any credit or debit up to a maximum of two days where they agree to do so.

When your employment with us ends we do not adjust your pay to account for any flexi credit or debit and you are responsible for balancing your flexitime before you leave.

7. Flexible working arrangements

You can request a contractual change to your terms and conditions of employment to help you manage an ongoing commitment or to maintain a work life balance. Specifically, the number of hours that you work, the days that you work and the location that you work in. You can request to make a change on a temporary or permanent basis. Your normal place of work is our office in Dundee. Our [Agile Working Policy](#) provides a high degree of flexibility that allows you to frequently work in different work locations without changing your contractual place of work.

By changing one or more of these terms the following options become available to you:

- part-time working
- term-time working
- annualised hours
- compressed hours
- flexitime
- homeworking
- job-sharing.

Appendix 1 describes these in more detail.

We recognise the benefits of flexible working and seriously consider all flexible working requests in a reasonable manner. We balance your request against its effect on our needs and requirements including the impact on other employees. You have the right to make 4 applications each year. Where you wish to make a further request we will consider this under the informal process only.

7.1 Making an informal request

You can make an informal request to work flexibly to your manager. This request can be made verbally or in writing. Your manager will discuss your request with you, the reasons for the request and whether they are able to agree to it. Where you both agree to the change your manager will notify HR of the specifics and a contract change issued. Where agreement cannot be reached you can still submit a formal request where you meet the criteria.

7.2 Making a formal request

To make a request you must be a current employee or have received a formal offer of employment from us. We do not require a qualifying period to make a request but please note that you can only make 4 request per calendar year. Your request must:

- be made in writing to your manager
- state that it is a flexible working request
- be dated
- explain the changes that you are requesting
- state the proposed start date
- specify the dates of any previous request in the previous 12 months.

7.3 Responding to your request

We deal with flexible working requests reasonably. We consider your request weighing up the benefits to you and to us against any negative impact that granting your request will reasonably have. Your request is considered on its own merits and does not set a precedent for other employees. This applies particularly where others in the same team subsequently make the same request.

Where your manager can agree your request without meeting you they may do so and you will receive a written response within two weeks of the request. Where your manager needs to discuss your request they will invite you to a meeting (usually by email) and will conduct this meeting within 28 days of your request. We will always try to make this at a time and place that is convenient to everyone (eg manager, employee and where applicable, HR and your companion).

Where you cannot attend the meeting we will reschedule it once only unless there are very good reasons to reschedule a second time. Where you do not attend a rearranged meeting without good reason we will treat your application as withdrawn.

7.4 Companions

You can be accompanied by a trade union representative or a co-worker (known as a companion) at any meetings under this policy. Please confirm to your manager prior to any meeting who your companion is and make sure that you have briefed them.

Your companion can, at your request, explain your key points and can respond on your behalf. You can also confer with them during the meetings. They must not answer questions put directly to you or try to prevent us asking questions or outlining our points.

7.5 Discussing your request

At the meeting your manager will discuss the working arrangements you have requested, how this meets your requirements, the impact of the request on you and us and any alternatives that may be mutually agreeable. Your manager will respond to your request in writing within two weeks of this meeting and will confirm:

- whether we accept your proposal in full, in part or not at all
- details of any counterproposal
- details of any agreed change
- state whether any change is temporary or permanent
- details of any trial period
- reasons for any rejection
- details of the appeals process.

A copy of the letter will be sent to HR who will issue a letter changing your contract where required. Where we cannot meet your request or a modified version of it, we will reject your request.

Our letter will identify and explain which of the following statutory reasons apply (see Employment Rights Act) in our response to you:

- the burden of additional costs.
- detrimental effect on our ability to meet customer demand.
- inability to reorganise work amongst existing employees.
- inability to recruit additional employees.
- detrimental impact on quality.
- detrimental impact on performance.
- insufficiency of work during the periods you propose to work.
- planned structural changes.

7.6 Appeal

Where your manager rejects or modifies your request you can appeal the decision they have made. Your appeal must be in writing to HR within one week of the date of the original letter and detail the grounds of appeal and your preferred outcome.

You will be invited in writing to an appeal meeting with a more senior manager within two weeks of our receiving the appeal, wherever possible. A representative from HR will attend and you have the right to be accompanied as detailed under 7.4.

Where you cannot attend the meeting the manager will reschedule it once only, unless there are very good reasons to reschedule a second time. Where you do not attend a rearranged meeting without good reason the manager will treat your appeal as withdrawn.

At the meeting the manager will review the original decision and whether this was a reasonable decision for the original manager to make. The manager will notify you of our decision in writing within one week of our meeting. This marks the end of the appeal process.

7.7 Timescales

We seek to progress each stage of this process in a timely manner to minimise any delays. Where we or you require more time we will work together to agree mutually acceptable extensions. Any agreement will be confirmed in writing.

8. Further information

8.1 Learning and development

To support the fair and consistent application of this policy, we will identify the opportunities and implications for managers. We will do this by incorporating training on this policy within line management development programmes. We will consider the implications for employees and make sure that they receive suitable training. We will also provide refresher training.

8.2 Sources of support

Further sources of support include:

- day to day support from line managers
- the employee assistance programme

- help advice and support from recognised trade union representatives
- ACAS
- Health and safety
- Human resources.

8.3 Related documents

This policy has strong links to other people management policies and guidance. We have listed these below.

- [Agile Working Policy](#)
- [Annual Leave Policy](#)
- [Code of Conduct](#)
- [Equality, Diversity and Inclusion Policy](#)
- [Special Leave](#)



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