

## Annex A

### Flexible working

Flexible working covers a range of options designed to let you work in a way that suits you and the organisation's needs. Anyone employed by the Scottish Government or associated bodies can apply to work a flexible work pattern or flexibly in and across teams and locations.

If you wish to apply for formal or informal flexible working, you should talk to your manager. Options may not be suitable for all posts. They will consider your application while considering the needs of the department.

Any formal arrangements will result in a new contract of employment and you will need to apply officially to change your hours. Where hours have been altered a revised job description should be drawn up and objectives agreed at the outset. These should be achievable within your new agreed hours.

Formal changes can take up to 14 weeks to be considered, and this may be longer if any problems are found. Any agreed change in hours will usually be permanent. You can formally apply for a change of hours only once in any 12-month period. Changing your hours will affect your annual public and privilege holiday entitlement.

### Application process

Once you have discussed your options, you should formally apply to your manager, stating the following:

- your current working pattern
- the flexible working pattern you're applying for - noting the hours and days you wish to work (excluding any lunch breaks)
- the date you wish the change to take effect
- if a previous application has been made and when
- whether your application is for caring purposes
- for home working, highlight which hours you will be working from home

Your application must be in writing (email or letter) and dated. You should explain what effect, if any, your request would have on business, and how this could be dealt with. Senior civil servants should also advise the senior staff team of their plans. If your application is approved by your manager, you will need to update eHR to formalise the request.

### How to approve or refuse a flexible working request

As a manager you should:

- advise the individual of the outcome
- agree the effective date of the change
- if relevant, make staff aware of the effects of working long hours

Your colleague will then need to update their own eHR record with their change of hours. The effective date is the first working day of the new pattern. They will also receive a new contract letter.

### **Refusing a flexible working request**

A manager can only refuse an application on one or more of these business grounds:

- potential for additional costs
- adverse effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- adverse effect on quality
- adverse effect on performance
- lack of work during the periods the applicant proposes to work
- planned structural changes

You should discuss the reasons for refusing a request with your colleague and provide a letter of explanation, providing:

- the date on which the decision was made
- the business ground(s) for rejecting the request and why they apply
- details of the appeals procedure

The letter should clearly relate to the situation in the business area in which the applicant works.

Letters to rejected applicants in Bands A to C should be copied to the diversity team. Letters to rejected senior civil servant applicants should also be copied to the senior staff team.

### **Appealing a refused application for flexible working**

You can make an appeal within 14 days of receiving a refusal. The appeal should be heard within 14 days of receipt of your letter of appeal. You can ask a colleague or union representative to attend the appeal meeting with you.

For reasons of fairness and independence, the colleague appointed to consider your case will not have been involved in the original decision (this will normally be your countersigning officer).

An appeal by a senior civil servant will normally be considered by a senior manager one grade above them who will not have been involved in the original decision.

### **The appeal decision**

This will be issued to you within 14 days of the hearing. Where an appeal is upheld, steps will be taken to enable you to put in place your flexible working pattern with your manager.

If an appeal is dismissed, you will receive a copy of the report prepared by the colleague who considered the appeal. This will explain the reasons for the decision.

There is no appeal procedure beyond the decision made by the appointed deciding officer.

If your appeal is dismissed, but you're still interested in job reshaping leading to partial retirement, you should email HR to discuss your options. Senior civil servants can approach the senior staff team.

### **Guidance for managers – flexible working**

Managers are responsible for approving any changes to working patterns. You must consider all flexible working requests objectively and with sensitivity, and treat all applicants equally and fairly. It may not be possible to accommodate every flexible working request.

For each applicant, you should think about:

- whether the work can be carried out in a more flexible way
- the likely effects on customer service
- if the benefits will outweigh any additional costs
- how to supervise the new pattern
- how the change will affect the rest of the team
- if and when you will review the arrangement

For home working requests, you must also:

- consider the costs and risk assessments involved
- arrange for the health and safety team to do a risk and workstation assessment
- address any health and safety risks

### **Job sharing**

Job sharing enables two people who work part-time to share the responsibilities of one job.

It has benefits for both colleagues and management:

- access to a larger number of posts
- access to a wider pool of talent
- less impact during periods of annual/special leave and sick absence
- pairing of complementary skills
- fewer absences and more flexibility

### **How job sharing works**

The shared workload and hours should be agreed at the outset. Two separate job descriptions and objectives should be drawn up to provide a clear understanding of responsibilities. Both colleagues should talk to each other regularly.

### **Time off**

The job-sharing colleagues can take leave at the same time, or agree to co-ordinate their time off.

### **When one job sharer leaves**

If a job sharer leaves, their hours can be offered to their job-sharing colleague. If this colleague wants to stay part time, a new job-share partner should be recruited. HR Help can help with this.