



FLEXIBLE WORKING POLICY

AND

PROCEDURE v.2

September 2012

*Version 3: Revised February 2024 – all staff now eligible to request flexible working
(Agreed at March 2017 Joint JNCC)*

Author:
Date:
Agreed:

Ann Connelly
September 2012

	EIS
	Management
	Unison

FLEXIBLE WORKING POLICY

1. Introduction

West Lothian College recognises the increasing demands placed on staff to combine full time work with undertaking domestic or other caring responsibilities. A range of provision has been developed over time to help staff balance their work and home life commitments. This includes the Family Leave Policy and the Maternity Policy.

This policy applies to all staff. There is no automatic right to work flexibly as there will always be circumstances when it will not be possible to accommodate the desired work pattern. However, West Lothian College has a statutory duty to consider such applications seriously and wherever possible it will endeavour to find satisfactory solutions which suit both the member of staff and the college.

Advice on this policy or related topics is available from your HR Representative.

West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Please see end of this document for EIA.

2. Why do people work part-time or flexible working patterns?

2.1 There are many reasons why some people might want to consider the option of working part-time or flexible patterns.

These include:

- childcare responsibilities or caring for dependant relatives
- healthcare problems or disabilities
- easing down to retirement
- further education or training
- pursuing other interests or activities.

3. What benefits are there for the college?

3.1 The benefits to the college can include:

- the retention of skilled and experienced members of staff and a more efficient and flexible use of staff resources
- better cover for sickness, annual and special leave
- access to a wider pool of potential employees and therefore a wider pool of experience and skill.

4. What types of part-time or flexible working arrangements are available?

- 4.1 **Permanent Part-time Working** is an arrangement where staff work less than the usual FTE hours.
- it can be any number and arrangement of hours
 - it can be worked in any grade of post.
- 4.2 **Job sharing** is a form of part-time working in which the responsibilities of one job are split between two (or more) people. The specific duties covered by the post can be shared between the job sharers or split so that each has slightly different responsibilities
- converting full-time posts into part-time job shared posts can help to provide opportunities for part-time work to all grades and groups
 - job share partners would be employed on the same grade but could be appointed and paid on different salary points within the grade depending on experience.
- 4.3 **Part year/Sessional Working** is an arrangement whereby staff are appointed to work less than a full year. The decision as to which weeks will be worked would be the subject of agreement between the Manager and the member of staff concerned
- This arrangement could suit those members of staff with school age children. Staff would work full-time or part-time during the 40 weeks of college term and not at all during the college holidays.
- 4.3 **Temporary Part-time Working** could assist staff returning to work after a period of ill health by allowing them to ease back to full-time duties gradually, probably increasing their hours over an agreed period until they are back working full-time. It could also suit a member of staff who needed to reduce their hours for a short period to care for a sick relative.
- 4.4 **Voluntary Reduced Time** would allow a member of staff to work less than the standard week, e.g. four days rather than five. This may suit a member of staff nearing retirement age or someone who wishes to pursue outside interests.
- 4.5 **Annualised Hours** is where a member of staff works an agreed number of hours during the course of a year, but those hours can be spread unevenly throughout the year
- This could be a mixture of part-time and full-time working (e.g. full-time during a department's busiest period and part-time for the remainder of the year).
- 4.6 **Flexi Time** allows staff more flexibility on a day to day basis. It also allows staff to accrue hours that can be taken off at an agreed time.
- 4.7 **Home working** this allows staff to work from home on a regular basis. Home working will only be considered and approved where it is considered appropriate to do so e.g. to work on a specific project or work activity can be carried out off site. Staff should only undertake home working when their application for Flexible working has been approved.

If there is a requirement to work from home on an ad-hoc basis this should only be carried out with the express approval and agreement of your Line Manager. Employees undertaking homeworking should also refer to the 'Lone Working Policy' and complete the necessary 'risk assessment' forms.

5. Applications to Work Flexibly

5.1 Eligibility

All staff have the right to request to work flexibly from day one, in order to help them balance work and family life.

Employees can make two flexible working requests in any 12 month period. Additional requests within a twelve month period may be considered at the discretion of the Manager in conjunction with HR.

5.2 Scope of Flexibility

An eligible member of staff may request:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home

Applications for a change in working pattern will not always require a significant alteration. For example, a parent may simply wish to start work half an hour later to take their child to school and make up the time later in the day.

5.3 The Procedure

An eligible member of staff who wishes to apply for flexible working should submit a completed Flexible Working Application to their HR Representative outlining the reason for the request; the proposed start date and the changes requested.

A flexible working application should be completed and is available on the Staff Zone section, under the [College Internal Forms](#), of Sharepoint.

Within 14 days of receiving the written application, the HR Representative will arrange to meet with the member of staff and their Manager with the intention of discussing the desired work pattern and how best it might be accommodated. The meeting will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the member of staff's application.

The member of staff has the right to be accompanied by a trade union representative or a work colleague employed by the college.

The HR Representative will write to the employee within 14 days following the date of the meeting either to agree to a new work pattern, the date from which the variation will take effect and, where the change is time limited, the end date of the variation; or to provide a clear business ground(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances along with details of how an appeal can be made. Where a new work pattern is agreed this will be confirmed in writing by the HR and People Development Team.

A variation to a work pattern may be made on a permanent or time limited basis. A trial period in the new work pattern may be helpful. The intended duration of the change will be made clear and recorded at the time and may involve a change in the conditions of service of the member of staff.

An application may only be refused on one or more of the following grounds which are set out in the Employment Act 2002. Further advice on the application of these grounds within the college should be sought from your HR Representative:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality or performance
- Insufficient work during the hours the employee wants to work
- Planned structural changes

A member of staff who is dissatisfied with the outcome has the right to appeal to the Principal who may delegate authority within 14 days of the outcome being notified to them.

If an appeal is made the Senior Nominated Officer will arrange to meet with the member of staff within 14 days of receipt of the written notification of appeal and will notify the member of staff of the outcome within 14 days of the meeting.

The response times described in this policy are those required by statute. The member of staff and the HR Representative may jointly choose to vary from these.

6. What should I do if I am interested in changing my hours for other reasons?

- 6.1 If you are interested in changing your hours, either permanently or on a temporary basis, you should first talk to your Manager about the possibilities within your present post or work area. You will not be able to change your hours of work in your present post unless there is agreement by your Manager. Requests to reduce or change your hours of work can only be met if they suit the operational needs of your group. If it is not possible to accommodate your request within your current role then you may if you wish write to your HR Representative specifying the change you are seeking. The HR Representative will seek to match your request with suitable notified vacancies as they arise.
- 6.2 Before finalising any arrangement to reduce your hours you should make sure you are fully aware of the implications of part-time working on your salary and conditions of service. You can check this out with your HR Representative or your Trade Union.

Employee Details			
Name		Date Application Submitted	
Job Title			
Faculty			

Details of Application	
Please give the reason(s) for your flexible working application	
How many hours would you like to work each week?	
What is the work pattern being requested?	
Requested start date	
If requesting flexible retirement have you checked eligibility and a quote received?	
Any further information about the requested working arrangements?	
<p><i>Please note depending on the operational requirements of the service your line manager may not be able to agree to your preferred working arrangements, however, any problems with your preferences will be discussed with you.</i></p>	

Signed	Date
<p>Please email the completed form to HR@west-lothian.ac.uk and copy in your line manager.</p> <p>A member of the HR and People Development Team will then be in touch to arrange a meeting to discuss your request.</p> <p>After the meeting, you will receive a letter confirming the outcome. You will normally be told the outcome of your application within 4 weeks of the form being received by the manager.</p>	

Equality Impact Assessment

Before carrying out an EIA, you should familiarise yourself with the College's EIA Policy Statement and Guidance, along with further information and resources which are available on iShare.

EIA covers **strategies, policies, procedures, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services**, but will be referred to hereinafter as 'policy/practice'.

Policy/Practice (name or brief description):	Flexible Working Policy
Strategy/Policy includes Equalities Statement of Inclusiveness? Yes	Text to be included in strategy/policy: Statement of Inclusiveness West Lothian College is an inclusive organisation and all policies, procedures, strategies, plans, provisions, criteria, functions, practices and activities, including decisions and the delivery of services are assessed to consider the impact on staff and students covered by the Equalities Act 2010 by the completion of an Equalities Impact Assessment (EIA). Protected characteristics are defined as age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex, sexual orientation. Please see end of this document for EIA.
Reason for Equality Impact Assessment (choose from the following options):	
<ul style="list-style-type: none"> • Proposed new policy/practice • Proposed change to an existing policy/practice • Undertaking a review of an existing policy/practice • Other (please give detail): 	Undertaking a review of an existing policy

Person responsible for the policy area or practice:	
Name:	Derek O’Sullivan
Job title:	Head of HR and People Development
An Equality Impact Assessment must be carried out if the policy/practice:	
<ul style="list-style-type: none"> • affects operational or strategic functions of the College • is relevant to the promotion of equality (in terms of the Public Sector Equality Duty ‘needs’ as set out in the Policy and Guidance) 	
Why the EIA is being carried out	The policy directly affects the operational & strategic functions of the College
Equality Groups	
Relevant to the Policy/Practice, identify which of the undernoted equality groups are impacted upon:	
<ul style="list-style-type: none"> • Age • Disability • race (including ethnicity and nationality) • religion or belief • sex • sexual orientation • gender reassignment • pregnancy and maternity • marriage or civil partnership 	The Policy applies across all staff. In particular the option and approach for flexible working can, in particular support staff in employment who may benefit from this due to disability, pregnancy or age.

Record your assessment against the following statements:

Statement	Equality assessment
Detail the evidence of the needs of the identified equality groups and any gaps in information	The purpose of the Policy is to provide a clear approach to how the college manages flexible working requests.
Will application of this policy/practice lead to discrimination (direct or indirect), harassment, victimisation, less favourable treatment for particular equality groups?	No – the Policy applies across all staff and no impact on any equality group with protected characteristics has been identified. The policy provides clear guidelines on how flexible working request decisions should be handled fairly and transparently.
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	N/A
State how this policy/practice will foster good relations:	The policy will ensure that the college will handle flexible working requests effectively and decisions are communicated in a clear and supportive manner so that employees are well supported and the college maintains service delivery.
Will the policy/practice create any barriers for any other groups?	No
If yes, how will the policy/practice be changed to contribute to advancing equality of opportunity	N/A
Which equality groups or communities have been consulted in the development and review of this policy/practice?	Update to reflect organisational terminologies for postholders and digital systems and to ensure gender-neutral language.

<p>Equality Impact Assessment Outcome</p> <p>Select one of the four options below to indicate how the development/review of the policy/practice will be progressed and state the rationale for the decision. (Delete the options that do not apply):</p>	
<p>Option 1: No change required – the assessment is that the policy/practice is/will be robust.</p> <p>Option 2: Adjust the policy or practice – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.</p> <p>Option 3: Continue the policy or practice despite the potential for adverse impact, and which can be mitigated</p> <p>Option 4: Stop the policy or practice as there are adverse effects cannot be prevented/mitigated against.</p>	<p>Option 1</p>
<p>Monitoring</p>	
<p>When will the policy/practice next be reviewed?</p>	<p>The Policy is reviewed every three years.</p>
<p>Publication of EIA</p>	
<p>Can this EIA be published in full, now? Please state Yes or No</p> <p>If No – please specify when it may be published or indicate restrictions that apply:</p>	<p>Yes</p>
<p>Sign-off</p>	
<p>EIA undertaken by</p>	

<p>Name: Date:</p> <p>Accepted by person responsible for the policy/practice named above:</p> <p>Name: Date:</p> <p>Approved by Equalities Committee</p> <p>Date:</p>	<p>Derek O'Sullivan 25th May 2023</p>
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