

REPORT TO: East Lothian Council

MEETING DATE: 22 June 2021

BY: Executive Director for Council Resources

SUBJECT: HR Flexible Working Policies

1 PURPOSE

- 1.1 To seek approval from Council on the newly developed Homeworking Policy and revisions made to both the Flexible Working Hours and Worksmart policies, all of which outline arrangements for eligible Council employees.

2 RECOMMENDATIONS

- 2.1 That Council approves the policies attached at Appendices B, C and D, to be introduced with effect from September 2021, to allow time for full employee engagement, communications and management support.

3 BACKGROUND

- 3.1 A programme of HR policy review has been underway since January 2019, with recent focus on the three flexible working policies outlined above, prioritised due to the need to continue to evolve modern work practices, make best use of ongoing advancement in technology, the lessons learned during current pandemic working and need to ensure that the Council's flexible working policies meet new ways of working and future service needs, whilst also supporting our employees.
- 3.2 The **Homeworking Policy** is a newly developed policy, formerly a sub-set of the Worksmart Policy that fundamentally focuses on employees being contracted to work from home rather than office based. This better aligns with existing Council strategies including Asset Management and Climate Change whilst also recognising the Council's willingness to support more employees to homework. This policy is derived from the Society of Personnel and Development Scotland's draft policy which was shared with all local authorities in Scotland. This draft policy includes input from the Council's Working Differently Group, with full research and benchmarking undertaken

in regard to best practice and guidance from professional and advisory bodies including CIPD, ACAS and XpertHR.

- 3.3 The **Worksmart Policy** outlines other flexible working options open to employees including part-time working, compressed hours and ad-hoc homeworking, and has been refreshed to make it more concise, remove outdated terminology and with a view to making it more transparent and user friendly for employees and managers. Previously, contractual homeworking was covered briefly within this policy but now it is proposed to have a specific policy to support homeworking.
- 3.4 The **Flexible Working Hours Policy** has been revised to complement the Homeworking and Worksmart policies, recognising that together, this trilogy of policies offers considerable scope for flexible working options and arrangements for employees. The flexitime arrangements outlined within confirm the parameters relating to flexitime credit, debit and leave, with a focus on health and wellbeing and managing working time.
- 3.5 Following formal engagement with Trade Union colleagues and full employee consultation on original draft policies, all feedback received has been reviewed and considered with each policy further revised following consideration by CMT. Details of the significant changes made following the formal consultation process to all three policies are attached within Appendix A.
- 3.6 In broad terms, the consultation response was welcoming and relatively supportive of proposals made in respect of both Homeworking and Worksmart and therefore the extent of changes made to the final policy proposals are relatively modest.
- 3.7 However, in respect of the Flexible Working Hours Policy, the original consultative draft proposals generated a significant degree of concern and objection expressed both directly by employees and UNISON especially with respect to suggested restrictions to the amount of “flexi-leave” that could be taken. Current limitations on the availability of robust management information relating to the uptake and management of flexitime have prevented reliable conclusions being drawn in terms of existing staff practices. However, it is hoped that ongoing development of the HR iTrent system and proposals for an electronic flexitime module will address this gap going forward and will enable more effective annual monitoring and better support future review of the Flexitime working practices within the Council.
- 3.8 Having listened and considered the feedback very carefully, and also recognising the limitations of currently available management information to evidence and inform policy change, the final proposals in respect of the Flexible Working hours Policy have been significantly amended, reverting much more closely to the existing policy.
- 3.9 We will continue to develop and provide ongoing managerial guidance to ensure consistent and fair application of the flexitime policy for those covered by the scheme and their co-workers.
- 3.10 In accordance with our established working practices all new/revised HR employee policies are subject to review at any time. Given the current and

near future operating context, i.e. new ways of working and delivery in accordance with other relevant council strategies, it is proposed that there be a review of each policy towards the end of the first year following implementation.

4 POLICY IMPLICATIONS

- 4.1 If approved by Council, the revised policies will be implemented through publication on the Intranet, provision of guidance and briefings for managers as required, supported with all employee communications via Inform and MyHR.
- 4.2 Together, these policies support progressive cultural change and new ways of working, and will go some way to meet key aims within corporate strategies including asset rationalisation and Climate Change.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subjects of this report has been through the Council's Integrated Impact Assessment process, which has not highlighted any significant negative impacts that have not been remedied.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – costs identified as a result of introduction of this policy would be in relation to the provision of the annual homeworkers allowance and workstation set up, i.e. chair and desk where a need is identified through robust risk assessment processes. However, it is anticipated these costs will be offset by a reduction of office workstations for homeworkers. No further significant costs have been identified as a result of introduction of these policies.
- 6.2 Human Resources – HR will implement the policies once formally approved and provide communications, briefings and training as required. Systems and processes via iTrent will be developed to record and report annually on flexitime. This will be done within existing resources.
- 6.3 Other - n/a

7 BACKGROUND PAPERS

- 7.1 **Appendix A** Post Consultation Changes to Policies
- 7.2 **Appendix B** Homeworking Policy
- 7.3 **Appendix C** Worksmart Policy
- 7.4 **Appendix D** Flexible Working Hours Policy

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DATE	14 June 2021

Post Consultation Changes to Policies

Homeworking Policy

- 1 The draft Homeworking Policy has been amended as follows:
- 2 The Section 1 'Introduction' has been streamlined, with a notable clarification made at point 1.3 regarding contractual homeworking thresholds in light of queries and feedback received. This now outlines that homeworkers are expected to normally work at least 80% of their contracted hours at home.
- 3 Further to consideration of costings associated with the provision of chairs and desks to contracted homeworkers, CMT agreed that "where, as part of the risk assessment process, homeworkers do not have their own suitable workstation at home, i.e. desk and chair that meets full H&S assessment criteria requirements, a chair and/or desk will be provided by the council."
- 4 The Introduction to the policy at Section 1 has been concisely revised to remove repetition of aspects outlined in the sections that follow.
- 5 Changes in formatting and text placement have been made throughout the policy, with repetition removed where possible and to enhance the flow of the policy e.g. Introduction, Measuring Success, Equipment and Technology and Employee and Manager Responsibilities sections.
- 6 Section 4 has been renamed from Homeworking Values to Homeworking Ethos.
- 7 Section 8 Keeping in Touch now includes 4 bullets taken from other Considerations section and is renamed Keeping in Touch – Communications and Meetings. Additionally 8.2 now outlines that in-person business meetings must not to be undertaken at home with exceptions relating to Absence and H&S policy processes.
- 8 Point 10 which covers manager and employee responsibilities has been made more concise.
- 9 Point 12.2 now outlines considerations where breakdown in internet connection occurs and the homeworker cannot reasonably get to their administrative base or alternative council office, i.e. "...the employee will need to discuss alternative non pc work options and/or leave arrangements with their line manager."
- 10 Section 19 has been renamed from Other Considerations to Carbon Footprint given transfer of 4 bullets previously in this section to the Keeping in Touch section.
- 11 Point 24.1 has been updated to clarify the rationale for the £156 sum paid by the council towards homeworking expenses and the 50% alignment with HMRC limits.
- 12 Further additions to the Homeworking policy on the basis of feedback received include:

- 13 Point 2.4 confirms that only one request per 12 months is permitted to align with the current and the consultative draft of the Worksmart policies.
- 14 Point 2.5 now outlines that all requests should be considered, discussed and responded to within 28 days of the request being made.
- 15 Point 2.9 outlines arrangements where homeworking arrangements may be withdrawn without notice.
- 16 Point 5.6 outlines the need for hours worked to be recorded and monitored.
- 17 Point 16.5 refers to home visits by a manager or H&S Specialist where exceptionally this is required as part of risk assessment arrangements.
- 18 Point 18.7 outlines the need for application via Worksmart in circumstances where employees wish to cease homeworking, the accommodation of which cannot be guaranteed.
- 19 Section 25 outlines the Appeals Process, which mirrors the consultative draft Worksmart Policy process.
- 20 HR will continue to liaise with colleagues in H&S, Asset Management and IT, along with engagement with the Working Differently Group to ensure practical support is in place for successful implementation of the policy.

Flexible Working Hours

The draft Flexible Working Hours Policy has been amended as follows:

- 21 The Policy now refers and therefore applies to SNCT (52 week contracted) employees being included as having access to the policy. This actually reflects working practice although technically the policy did not previously support this.
- 22 References throughout, to the 5 weekly settlement period have been removed and replaced with 4 weekly settlement periods, with calculations and references referring to periods of 140 and 148 hours respectively per period (for 35 and 37 hour week employees).
- 23 Point 2.4 has been amended to confirm that employees do not need to accrue hours in previous settlement period for flexi leave to be taken in the next period.
- 24 Point 2.6 has been updated to refer to rationale for the 10 hours maximum cap per day on flexitime working hours.
- 25 Section 3 'Scope' at 3.2 and 3.3 has been updated to reflect compressed hours employees can access all elements of this policy.
- 26 Section 12 is renamed as Misuse of Policy.

Worksmart Policy

27 The draft Worksmart Policy has been amended as follows:

- 28 Appendix 1, point 2.5 has been amended to mirror the Flexible Working Time policy reference to compressed workers having scope to access to all elements of the Flexitime policy.

- 29 Section 5 re. ad hoc Homeworking has been updated to confirm up to a maximum of 60% of contracted hours can be worked from home whilst being contracted to an office base.
- 30 The Flexible Working Request form (at page 15) has been updated to ask managers to confirm whether the Flexible Working Hours policy will apply to approved flexible working (Worksmart) requests.



Homeworking Policy

This policy outlines arrangements for Employees who are contracted to work from home

*Date Approved:

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review or amendment by the council will be following consultation with the Trades Unions.

Policy Title	Homeworking Policy
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 1.0
Equality Impact Assessment	Completed March 2021
Links to other Council Policies/ processes	Code of Conduct for Employees Policy Data Protection Policy Equal Opportunities Policy Flexible Working Hours Policy IT Acceptable Use Policy Information Security Policy Information and Records Management Policy Social Media Acceptable Use Policy The East Lothian Way Worksmart Policy
Corporate Strategy	East Lothian Council Plan 2017-2022 The Workforce Plan 2018 - 2022 Climate Change Strategy 2020 - 2025 Council Asset Strategy and Management Plan 2018-2023
Approved By	
Date Approved	
Review Date	
Date of next Review	
Policy Lead	HR Business Partner, HR & Payroll

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1. Introduction

- 1.1 **As part of the council's vision to embrace** cultural change and new ways of working to deliver the highest levels of service to our customers, the council aims to support contractual homeworking arrangements for employees wherever possible.
- 1.2 Homeworking **forms part of the council's range of flexible working** policies and potential benefits include flexibility of working times; improved service delivery; increased productivity, motivation and morale; potential for employee retention and recruitment; reduced travel time and costs; savings on office space and servicing all of which help achieve the aims of the East Lothian Council Plan [here](#) , the Council Asset Strategy and Management Plan [here](#) and the Climate Change Strategy [here](#) .
- 1.3 This policy outlines Homeworking as an ongoing contractual work arrangement whereby, normally **for at least 80% of the employee's contractual** hours, the **employee's home is their contractual** work base. All homeworkers will also have a designated administrative office base, although will not have a designated office desk or workspace. Access to shared office desks or workspace (e.g. hot-desking) will be available.
- 1.4 This policy does not cover arrangements for ad hoc homeworking i.e. situations where an employee has a confirmed contractual office base but occasionally **works from home with their manager's permission**. These ad hoc homeworking arrangements are set out in the **council's** Worksmart policy.

2. Scope of Policy

- 2.1 Contractual homeworking may be approved for full or part-time employees, at all grades, provided that full Health & Safety and homeworking assessments have been undertaken and all requirements are met **within the council's** budgetary constraints.
- 2.2 It is recognised that contractual homeworking will not be suitable for all types of job roles and types of work undertaken by the council, e.g. remote/mobile workers where jobs are predominantly carried out in the field (e.g. visiting customers' **homes or businesses**) nor will it be suitable for every employee or within every home setting.
- 2.3 The requirements of the role, employee health and wellbeing, needs of the service, impact on customers, service users and colleagues must all be considered by the line manager when assessing homeworking requests and arrangements with employees.
- 2.4 In the spirit of fairness and equality of access, there is no minimum continuous service requirement for employees who wish to request homeworking arrangements under the terms of this policy. However, only one request every 12 months is permitted.

- 2.5 Contractual homeworking will normally be at the request of the employee. However, there may be circumstances whereby the line manager or the council may offer employees the opportunity for contractual homeworking to support new ways of working and achievement of corporate strategies. All requests should be considered, discussed and responded to by the manager within 28 days of the request being made.
- 2.6 To apply for homeworking, the Homeworking Request Form must be completed (see Appendix 1) along with H&S risk assessment forms as outlined in Section 16 and Appendix 2 below. The outcome of the risk assessment process will be a key consideration as to whether contractual homeworking arrangements can appropriately and safely be approved.
- 2.7 All contractual homeworking arrangements will be subject to a minimum of 3 month and maximum of 6 months trial period in the first instance to ensure delivery and performance meets service needs and working effectively for all parties.
- 2.8 The council reserves the right to withdraw homeworking arrangements at any time with the provision of a minimum of 12 **weeks' notice**.
- 2.9 Contractual homeworking arrangements will be reviewed regularly and may be withdrawn without notice in full discussion with the employee if it is demonstrated that:
- The performance of an employee suffers as a result of homeworking;
 - The effectiveness of the team in which the employee works is compromised;
 - The business needs are not being met;
 - There is a detrimental impact on work due to repeated failures in technology which cannot be resolved.

3. Principles & Aims

- 3.1 The principles and aims of this policy include:
- To contribute to the reduction of **the council's Carbon Footprint, improving** sustainability and meeting our commitment to becoming a net zero council.
 - To support the reduction of **the council's** property and asset bases for savings and efficiency purposes; reducing maintenance, operational and refurbishment costs.
 - To maximise IT capabilities and the use of digitised processes to enable new ways of working in delivering excellent services to our customers.
 - To support our employees to achieve flexibility, within and outwith work whilst making best use and of **the council's** assets, property and resources.

- To foster effective working relationships that build trust and support for employees to work remotely.
- To enable managers, through training and development/guidance, to manage and support employees to ensure effectiveness and productivity whilst working from home, encouraging positive health and wellbeing.
- To support homeworking arrangements as far as possible, whilst prioritising the needs of service users and providing customers and service users with continuously improving services.
- To ensure homeworkers are supported with ongoing personal and career development opportunities.

4. Homeworking Ethos

- 4.1 *Supporting flexibility for personal needs;* where, employees need to block time in their calendars during their working day to focus on pressing household **needs, that's acceptable, provided it is in their diary** with meetings and availability planned around it and it is reflected in a record of their working time.
- 4.2 *Supporting non-camera ready moments;* video calls are encouraged at all times and particularly helpful to connect with our colleagues, however if this is not possible on occasion due to home circumstances, then audio only is acceptable.
- 4.3 *Being kind and considerate;* as business meetings will take place in employees own homes, no adverse comments should be made about the surroundings or relating to family members.
- 4.4 *Setting boundaries and preventing video fatigue;* face to face meetings in person will not be expected to take place in the home; these should be conducted virtually, via the platforms made available by the council (e.g. Business Skype, Microsoft Teams etc.). Full or half day meetings should be avoided where practicable, with the recommended maximum unbroken duration being 1.5 hours. Where longer meetings are required regular comfort breaks are recommended for all participants.
- 4.5 *Know when to step away from your desk;* whilst all employees are required to work their contracted hours, employees are encouraged to be clear about when their working day begins and ends and to take breaks to refresh. When the working day is over it is important that employees switch off and rest.
- 4.6 *Taking care of ourselves;* employees are encouraged to take care of their physical and mental health, take regular breaks and exercise regularly (see section 9).

- 4.7 *Staying connected at work*; employees are encouraged to interact with co-workers via the virtual platforms made available by the council to stay in touch and feel connected (e.g. Business Skype, Microsoft Teams etc.).
5. Factors for Success
- 5.1 Homeworking requires employees to utilise a number of skills to work effectively from home including time management, self-motivation, self-discipline, ability to work independently, meeting performance goals within set timescales and effective communication skills, all of which will be assessed as part of any homeworking arrangement being considered.
- 5.2 Managers must put in place any additional arrangements as required to ensure that homeworking colleagues are fully supported professionally and personally to deliver goals and outcomes.
- 5.3 Mutual trust, understanding and accountability between the employee and their line manager is essential for homeworking to be successful. Demonstration of core values as outlined in the East Lothian Way [here](#) , including integrity, trustworthiness and honesty are essential.
- 5.4 **Contractual homeworking arrangements should, with the manager's approval,** support employees to work flexibly during their normal working day. For example, by staggering **their daily hours work pattern or 'signing off'** for agreed short period(s) during the working day to attend to domestic matters or undertake minor elements of carer responsibilities, where not routinely required. Section 7 below outlines further information relating to caring responsibilities.
- 5.5 Measures should be in place to record and monitor hours worked in line with service needs **and/or the council's Flexible Working** Hours policy (where applicable). These must comply with the requirements of the Working Time Regulations.
- 5.6 New recruits, or those employees returning from extended periods of leave e.g. maternity, secondment, long-term sickness etc. who are contracted to work from home will require a robust induction/re-orientation plan, including completion of all H&S risk assessments (see Appendix 2). Consideration should be given to including scheduled time in the office upon commencement or return to connect in person with colleagues. Further induction guidance for homeworkers is available for managers on the Intranet [here](#) .
6. Measuring Success
- 6.1 The effectiveness of any working arrangements, particularly homeworking, should be measured in terms of outputs including meeting customer needs, delivery of key objectives and effective communications and relationships. This ensures a common understanding of the required quality and quantity of work, how that will be produced and in what timeframe.

- 6.2 An assessment can then be made as to how well the homeworking arrangement is operating, allowing for any additional support and adjustments to be put in place. As with all council employees, the need for ongoing and proactive use of the council's Performance Review and Development (PRD) framework alongside planned, regular one-to-one meetings; support and supervision meetings are essential in agreeing goals and measuring the **employee's** outputs, ongoing performance and general wellbeing.
7. Caring Responsibilities
- 7.1 Homeworking must not be seen as an alternative to making the usual day care arrangements for childcare and dependant responsibilities. Any arrangements that an employee would normally require to have in place to enable them to attend an external workplace e.g. office/site must remain in place throughout the **homeworker's** hours of work. Carer responsibilities for short periods may be undertaken during the working day with the line manager's **permission, which** would require the homeworker to sign off and record non-working time (see section 5.4).
- 7.2 Employees requiring time off to undertake substantial carer responsibilities should request time off under the appropriate policy including Family leave, Special Leave, annual leave or other leave provisions as appropriate.
8. Keeping in Touch – Communications and Meetings
- 8.1 It is important to agree the methods and timing of communications between the homeworking employee and the line manager and/or colleagues in order to ensure that workflow is smooth, timescales are met and the employee does not feel isolated or cut off from the rest of the team.
- 8.2 A variety of communication methods might be used in line with the IT Acceptable Use and Data Protection policies (e.g. virtual calls and meetings, telephone, e-mail, text messages etc.). However, homeworking employees should be prepared with reasonable notice and as required, taking into account their home and administrative base locations, to attend face to face meetings or attend training/development courses i.e. within council offices/sites or externally as appropriate to their job role. In person business meetings at home should not take place with the possible exceptions relating to reasons of Health and Safety and/or health and wellbeing and absence management.
- 8.3 The council actively supports employees to ensure they are protected from harassment and abuse from **co-workers and service users. The council's** Domestic Abuse Workplace policy also outlines additional support available to our employees. Employees should discuss concerns in this regard with their manager or HR.
- 8.4 Line managers should be aware that misuse of communication tools, such as video-conferencing and instant messaging could facilitate forms of bullying, harassment and potentially sexual harassment. Line managers should therefore make every effort to ensure employees understand the conduct that is

acceptable over these forms of communication, in line with the council's Code of Conduct for Employees policy which can be found [here](#) and the East Lothian Way [here](#) .

- 8.5 All participants should behave appropriately and professionally during virtual meetings with covert recording, screenshots or photographing of the meeting and/or participants strictly prohibited for personal or business use, unless prior consent is provided by all participants.
- 8.6 Formal requests regarding any type of covert surveillance must be submitted and approved **in line with the Council's Regulation of Investigatory Powers** (Scotland) Act (RIPSA) Policy and associated procedures.
9. Health & Wellbeing
 - 9.1 It is recognised that homeworking can lead to loneliness and feelings of isolation if carried out for prolonged periods of time, which, if overlooked, can lead to feelings of stress and anxiety. Therefore, line managers play a key role in ensuring that they regularly check in with employees. Inclusion of a health and wellbeing goal or development of a Wellness Action Plan, which can be found [here](#) as part of the annual PRD process is encouraged to support this.
 - 9.2 Additional health and wellbeing support is available for all employees and **information can be found on the council's Well at Work page on the Intranet [here](#) with details of the council's Employee Assistance Programme available [here](#)**. Your line manager and HR Adviser can also advise.
 - 9.3 Whether contractual homeworking is at the request of the employee or the manager/council, consideration must be given to the type of home environment employees will work in. Caring responsibilities, multigenerational households, space constraints and noise levels are just some of the considerations that need to be taken into account when reviewing the Homeworking Request Form (see Appendix 1) and carrying out the homeworking H&S risk assessments for every employee.
10. Responsibilities
 - 10.1 Key Responsibilities of Managers Include:
 - The health, safety and welfare of all employees as far as is reasonably practicable.
 - Regular communication and information sharing, one-to-one meetings and support and supervision meetings undertaken.
 - Robust annual Performance Review and Development processes, including provision of appropriate training and development.
 - All appropriate risk assessments are to be effectively carried out, putting in place appropriate controls and remedies as required and prior to homeworking commencing.
 - Seeking advice from Health and Safety and Human Resources to deal with problems identified in the risk assessment.

- Ensuring regular, appropriate contact to ensure that standards of health and safety are being maintained in line with risk assessment arrangements.
- Maintaining regular contact during the working week with homeworkers.
- Taking action or seeking advice to support homeworkers displaying symptoms or behaviours that may be indicative of physical health, mental health and/or wellbeing challenges.

10.2 Key Responsibilities of Homeworking Employees Include:

- To work in a way that aligns with our Code of Conduct for Employees which can be found [here](#) , and uphold and demonstrate **the council's** values and behaviours as outlined in the East Lothian Way which can be found [here](#) .
- To be contactable for service users, colleagues and customers during the working day; keeping electronic calendars up to date to show availability.
- To undertake all training and direction received and to actively engage in regular, robust support and supervision meetings and Performance Development and Review processes.
- To work in line with the Data Protection Act 2018 the General Data Protection Regulations; keeping confidential and secure all council information electronically or in hard copy; ensuring sensitive and confidential video calls/meetings and conversations cannot be overheard.
- To ensure that all council records are managed and stored in approved council systems. This applies to all recorded information created and received in the course of council business.
- In line with the Health and Safety at Work Act 1974, ensure health, safety and welfare of self and others whilst working at home, see section 14 below.
- To report any problems immediately to the line manager where unable to continue to follow the agreed homeworking arrangements, training and direction.
- Maintain regular contact with the line manager and colleagues.
- Follow all council policies and procedures under which all employees will be held accountable.

11. Technology and Equipment

11.1 Homeworking Technologies

- Employees should only use council-issued devices for homeworking. Use of personal devices is not permitted, except in exceptional circumstances and with the agreement of the Head of Service. Please refer to the **council's IT Acceptable Use and Information Security Policies** for more details.
- IT Services offer a number of evolving hardware and software solutions to support employees who are homeworking and already have suitable broadband connectivity at home. Full details can be discussed with your line manager and IT and include:
 - Accessing the full functionality of the corporate and schools networks, as required, over home broadband:

- Connecting a council laptop over direct access - this is available to all laptop users
- Video conferencing through **the council's approved** telecommunications systems for licenced employees
- All equipment provided must be used in accordance with instructions, safe methods and systems of working and must be returned at the end of employment, or at the end of the homeworking arrangement.
- Equipment provided by the council to homeworkers should only be used for work purposes by the employee and should not be used for household or personal purposes.

11.2 Workspace equipment

- The council is committed to providing employees with the necessary IT equipment to facilitate homeworking e.g. laptop, mouse, docking station, large screen, earphones etc.
- Where, as part of the risk assessment process, homeworkers do not have their own suitable workstation at home i.e. desk and chair that meets H&S assessment criteria requirements, a chair and/or desk will be provided by the council.
- Homeworkers should ensure that all provided equipment is well maintained.

11.3 Electrical Testing of Equipment

- All homeworkers must ensure that their council provided electrical and IT equipment is made available for PAT (portable appliance testing) as required.

12. Working Securely

- 12.1 Homeworkers will require access to the **council's networks when working from home** and it is the responsibility of the employee to provide and pay for a suitable internet connection.
- 12.2 In the event that the employee's internet connection ceases to work then the employee will be required to work from another suitable location, most likely the administrative base stated in the employment contract or alternative council office or site. Where this is not possible, the employee will need to discuss alternative non-pc work options and/or leave arrangements with their line manager.
- 12.3 In the event that there is a problem with **a homeworker's** council supplied hardware then the employee is responsible for reporting the fault to the IT Service Desk and may be required to take the hardware into the office to be fixed. Where it is not possible to fix the faulty equipment or immediately provide a suitable replacement the employee will be expected to work from the

administrative base stated in their contract or another agreed location, until such time as a working device can be provided.

- 12.4 Personal/home telephone numbers and/or contact details of homeworkers must not be given out to service users or members of the public for use relating to work and council business. Homeworkers requiring support to enable them to make calls via council devices and systems, should discuss this with their manager and contact the IT Service Desk.

13. Data Protection (GDPR)

- 13.1 Employees working from home must continue to actively observe the principles of the Data Protection Act and General Data Protection Regulations (GDPR). Changes in the way information is being processed and accessed introduces privacy risks to our service users and employees personal data.
- 13.2 Employees must consider the same kinds of security measures for homeworking that they would use in normal circumstances and make themselves aware of their responsibilities as outlined within the Data Protection Policy and Information and Records Management Policy. Further information can be found on the Intranet [here](#) and [here](#) respectively.
- 13.3 **It's essential that all data** breaches continue to be immediately reported to the Data Protection Officers mailbox at DPO@eastlothian.gov.uk or the IT Service Desk within 24 hours, as there is a requirement to report certain incidents to **the Information Commissioner within 72 hours. It's also important that** the council responds to requests for information from the public by following our Subject Access and Freedom of Information guidelines.

14. Health & Safety Requirements

- 14.1 All employees have a duty of care regarding their own health & safety and that of others, therefore must:
- Complete a Display Screen Equipment (DSE) personal work station assessment, **with their manager's support** (see 15.2 below).
 - Comply with all Health & Safety practices relating to their role and working environment.
 - Ensure that they follow all procedures related to their work activities.
 - Act in such a way as not to put themselves or anyone else affected by their work at home at risk (see 16.3).
 - Take reasonable care of their own safety and that of others and must co-operate with the council so far as necessary to enable them to meet their own obligations.
 - Ensure that they report all faults or hazards which may put them and others at risk.
 - Ensure that they report all accidents and near misses.
 - Notify their line manager should any musculoskeletal, health, or mental health and wellbeing issues arise during or as a result of homeworking.

15. Display Screen Equipment (DSE) Assessment
 - 15.1 Assessments will be required for all homeworkers who use display screen equipment. This must cover all display screen equipment used at their homeworking location for work purposes including the use of any portable devices used such as laptops.
 - 15.2 Homeworkers should complete the council's DSE Personal Assessment Form which can be found [here](#) and the DSE Workstation Assessment Form which can be found [here](#) . Further helpful information regarding DSE and homeworking can be found on the Health & Safety Executive site [here](#) .
 - 15.3 DSE Assessments may require photographs of workstation set up to be taken for review by local DSE Assessors.
16. Risk Assessment
 - 16.1 All Risk Assessments should be undertaken and discussed between the employee and line manager.
 - 16.2 The council is required to assess the risks of work activities carried out by homeworkers (see 14.1) including lone working in line with the Health & Safety Management Arrangements – Lone Working the form for which can be found by logging on to the Sphera system [here](#) .
 - 16.3 Employees who homework also have a duty to take reasonable care for their own health and safety and that of others. This includes other people in the home workplace such as family members, neighbours and visitors.
 - 16.4 Homeworkers must complete the H&S Assessment Checklist which can be found [here](#) and return this to their line manager for review and discussion.
 - 16.5 In some circumstances, a home visit by the manager or H&S specialist as part of the risk assessment process may be required and would be arranged in consultation with the employee.
 - 16.6 These risk assessments should be revisited as required, and should there be any changes to ongoing homeworking arrangements. These must always be signed off by both the employee and their line manager.
 - 16.7 The council is committed to its duty to fulfil the requirements of the Equality Act 2010. Where reasonable adjustments are already in place, e.g. at an employee's workstation, such as ergonomic and/or personalised equipment, that same help, support and protection shall be afforded to homeworkers.
 - 16.8 Additionally, line managers should consider whether further assessments are required via Sphera **Cloud, the council's Health and Safety Management System**. Further information on Sphera Cloud can be found [here](#) .

17. Working Time

- 17.1 For the purposes of health and wellbeing, it is essential that the limits of working time are established to ensure that employees do not work in excess of their maximum working hours, also that they take minimum work breaks as set out under the Working Time Regulations 1998. Working time should be recorded on the appropriate Flexi Recording Sheet [here](#) , or other appropriate record sheet.
- 17.2 A minimum break of 30 minutes must be taken by all employees who work more than 6 hours per day.
- 17.3 Line managers are required to make it very clear to their homeworking employees that employees are responsible for regulating their own working time and taking appropriate breaks.
- 17.4 Click [here](#) for further information on the Working Time Regulations 1998.

18. Important Terms and Conditions

- 18.1 The contract of employment for homeworkers, will reflect two bases; the **employee's** normal place of work i.e. their home address, and an administrative base i.e. the council office address which will be used for the purposes of business travel expense claims, any remote working/hot-desking as required and for any postal mail.
- 18.2 Employees whose normal place of work is at home, will be expected to attend council offices or other work settings from time to time as required (e.g. to attend work related and/or team meetings, training etc.).
- 18.3 In line with council policy, business journeys should be kept to a minimum and alternatives actively considered such as virtual meetings using IT platforms provided e.g. Business Skype, Microsoft Teams etc.
- 18.4 Travel expenses incurred for journeys from home to the designated administrative office base, where required, cannot be claimed as travelling expenses as this is regarded for tax purposes as personal commuting. Any additional costs of approved business journeys to other work locations will be reimbursed in line with relevant Council travel and subsistence policies; see [here](#) . Work bases are determined in relation to the place where the service and fixed based colleagues work from.
- 18.5 It is recognised that contractual homeworkers may incur additional one-off or ongoing household costs as a result of their contractual homeworking arrangements. Therefore, employees who are contracted to work from home can claim £156 tax free per year (pro-rata) directly from the council towards homeworking expenses. This will normally be paid in monthly instalments.

- 18.6 All homeworking arrangements must be regularly reviewed to ensure mutual benefit to the council, service users and the employee and arrangements may **be withdrawn with the provision of 12 weeks' notice** by the council (see 2.8).
- 18.7 Homeworkers who wish to cease contracted homeworking arrangements must make an application under **the council's Worksmart** policy for consideration, understanding that any such request may not be supported and reverting to or commencing office based working cannot be guaranteed.
- 18.8 Employees can make applications for contractual homeworking using the form in Appendix 1. All other flexible working requests e.g. compressed hours, part-time working or ad hoc homeworking etc. should be made via the Worksmart Policy, see [here](#) .
- 18.9 All other terms and conditions of employment as outlined in employment contracts remain unchanged by homeworking arrangements.
19. Carbon Footprint
- 19.1 The council encourages home workers to consider their home energy use and carbon footprint. The following links provide information on saving energy and reducing home energy costs, as well as additional ways to reduce your carbon footprint:
- [Home Energy Scotland](#)
 - [Net Zero Nation](#)
20. Insurance
- 20.1 Prior to commencing contractual homeworking, employees are advised to notify their household insurers for buildings and **contents, as it may be a 'material fact' that the insurers** need to know about their policy-holders working from home arrangement. Employees should make clear that they are homeworking and not running a business from home. Additional premiums may be incurred, but, in the main, this is unlikely. Any additional costs will be the responsibility of the employee.
- 20.2 Homeworkers will not be asked to insure any council equipment provided and must adhere at all times to the relevant guidance issued to ensure that council equipment and data is secure at all times. Damage to council equipment will **normally be covered by the council's own insurance**.
21. Mortgage, Lease or Tenancy Agreements
- 21.1 Homeworking sometimes has implications for mortgage, lease or tenancy agreements. In most cases there is no issue, however it is the **homeworker's** responsibility to check if there are any restrictions that might prevent them from working from home, prior to commencing homeworking.

22. Moving Home

- 22.1 Homeworkers must give advance notice to advise their line manager if they are moving home, due to the home address being named as the contracted place of employment. The line manager will then decide if the homeworking arrangement can continue from the new location subject to new risk assessments being satisfactorily completed.
- 22.2 Where agreement is reached to continue homeworking the employee is expected to take due care in moving and re-installing any equipment provided. Any costs connected with moving the equipment would be the responsibility of the employee.

23. Planning Permission

- 23.1 Planning permission may need to be considered by homeworkers in relation to working from home. There may be a planning condition imposed on the original planning permission for the property, which could prevent homeworking that the employee needs to check prior to commencing homeworking.
- 23.2 Otherwise, planning permission would only need to be sought if the change of use to working from home would change the overall character of the property e.g. a marked rise in traffic or people calling, or disturbance to neighbours at unreasonable hours. All of these situations are highly unlikely given the nature of council roles suitable for homeworking and where the guidance in this policy is adhered to.

24. Tax & HMRC

- 24.1 The council pays an annual amount equivalent to 50% of the HMRC maximum allowance for homeworkers which is currently £156 (pro rata for part-time employees) in recognition of homeworking expenses i.e. additional costs such as heating, lighting, home contents insurance or new broadband connection, which is non-taxable. This payment will be reviewed in line with any increases made by HMRC.
- 24.2 HMRC state the employees cannot claim tax relief if they choose to work from home. For further detailed information regarding homeworking and tax relief visit: <http://www.hmrc.gov.uk/incometax/relief-household.htm>.
- 24.3 Employees are advised to contact HMRC in regard to queries relating to their personal homeworking arrangements and tax implications.

25. Appeals Process

- 25.1 The employee may formally appeal against the Homeworking application decision in writing to their Head of Service within 14 days of receiving the notification of the decision from their manager. The reasons for any appeal should be clearly outlined.

- 25.2 A hearing will normally be convened within 14 days of the appeal being received. The Appeal Panel will normally consist of a manager more senior than the line manager who made the original decision and a member of the HR Team, neither of whom should have been involved in the original decision making.
- 25.3 The employee may be accompanied by a work colleague or Trade Union Representative at the hearing. The hearing will be chaired by Head of Service (or their nominated senior manager representative).
- 25.4 The final decision will be given in writing within 14 days of the appeal being heard. Following which, there will be no further right of appeal.

26. Review

- 26.1 This Policy is a formal council policy and may be reviewed by the council, in consultation with the Trade Unions, at any time and in the light of operational requirements.

Head of Corporate Support
June 2021



HOMEWORKING REQUEST FORM

This form should be completed by the employee and discussed fully with the line manager. **In line with the council's** Homeworking Policy full consideration will be given to each application and a response will be provided within 28 days.

Section 1 Employee Details			
Name		Job Title	
Payroll No.		Dept./Division	
Business Unit		Line Manager	
Weekly Hours		Temp or Perm	

Section 2 Employee Information (to be completed by employee)	
1.	<p>Describe how your job role, and ability to effectively deliver work performance goals would be suited to homeworking?</p> <p>Give examples of how you have ensured the following in your working day: time management, self-motivation, self-discipline, ability to work independently, meeting performance goals within set timescales and effective communication skills.</p> <p>How will you ensure your ongoing positive health and wellbeing whilst homeworking. Are there any underlying health and wellbeing concerns that you require support with e.g. reasonable adjustments? (Consider OH referral)</p>
2.	<p>What arrangements, if any, will you make to ensure that there are no competing demands on your home and work responsibilities?</p>

3.	Is there adequate/suitable/confidential space within the home office, which meets with health and safety standards for home-working? Please describe the space available.
4.	How will you have the ability to manage the technology required, on a day to day basis, and to deal with minor problems?
5.	Do you have a broadband connection at home? Does your broadband ever crash – if so, how often and for how long?
6.	Is there anyone else at home who will be accessing your broadband during your normal working hours, if so, how often and for how long?
7.	Your attendance may be required from time to time at Council Offices or other locations for essential interaction with colleagues, meetings or any training/development courses. Please indicate if there would be any difficulties in you being able to get to other work locations during your normal working hours within a reasonable journey time.

I wish to work my normal contracted hours and work pattern Yes/No *OR*
 I wish to request a change to my work pattern as follows:

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
A.M.							
Total Hours							
P.M.							
Total Hours							

Section 3 Suitability of The Post/ Employee/Management Arrangements (to be completed by the line manager)	
1.	Is face to face contact with customers' core to the role? If so, can this face to face continue via homeworking? If not what arrangements could be put in place to ensure good service to customers?
2.	What impact would there be to the cost and/or level of service?
3.	Does this job have clearly defined areas of individual work – what are they?
4.	What type of sudden changes in priorities could apply to this job where homeworking would have an adverse impact on service provision?
5.	What objectives and measurable outputs have you or will you establish with the employee if the application is successful? Note Performance Review Development and regular support and supervision arrangements must be in place prior to homeworking being approved.
6.	What arrangements would be in place for providing supervision and guidance?
7.	Is information available electronically and can systems be remotely accessed whilst homeworking?
8.	If applicable, what arrangements would you make to enable access to physical resources that are necessary to perform duties, particularly where those resources are shared and/or confidential?
9.	Is the employee currently involved in any ongoing disciplinary proceedings, not yet concluded, relevant to their performance or conduct? If so please outline the key issues.
10.	Has the employee got any "live" disciplinary warnings on their personnel record? Please outline.
11.	What security and confidentiality issues have been considered, discussed and addressed with the employee (for both manual and computerised information and if relevant in relation to the GDPR, Data Protection Act and Freedom of Information Act)?
12.	What arrangements will be in place for the employee to record hours worked?
13.	What arrangements will be put in place for employees who live a significant distance from local authority offices should the homeworking arrangements break down e.g. broadband, electricity outage, etc.

14.	Have training needs been identified and arranged (e.g. homeworking induction; time management, communications), that should take place before the employee can undertake this role at home?
15.	Have you considered any non-office related responsibilities of the employee that need to be re-assigned, e.g. fire warden, first aider duties?
16.	Can you confirm that there is no overall increase in workload for any other colleagues as a result of the employee working from home?
17.	Have other team members been consulted with regard to the impact that a successful application would have for them/the service? What response did you receive?
18.	Would the Flexible Working Hours (Flexitime) Policy be applicable to this post if the homeworking application is approved?

Employee Declaration and Signature

I have fully read and understood the council's Homeworking Policy. I confirm my understanding that should my application for contractual homeworking be successful, this will be a permanent arrangement resulting in the issue of a variation of employment contract.

I understand these homeworking arrangements may be subject to change (e.g. **change of contractual base) by provision of 12 weeks' notice by the council or a successful application by me to cease contractual homeworking arrangements via the council's Worksmart Policy.**

Name:

Designation:

Signed:

Date:

Application Recommended for Approval by Line Manager:

YES/NO (please circle)

Name:

Designation:

Signed:

Date:

Reasons for Decision:

Application Approved by Service Manager:	
YES/NO (please circle)	
Name:	Designation:
Signed:	Date:
Reasons for Decision:	

*Line Managers must forward a copy of this signed form to Human Resources for retention on the **employee's** personal file.*

Where homeworking has been approved, a Change of Contract Form will also be required in advance of commencement of homeworking by the employee.

DRAFT

Health and Safety Information and Forms for Homeworkers

- **East Lothian Council's Health and Safety policy can be found [here](#)**
- Full access to all Health and Safety forms, guidance and information can be found [here](#)
- Access to Sphera Cloud - this can be accessed by managers via Sphera Cloud by logging on [here](#)

All other Health and Safety information, including guidance, forms and risk assessments can be found [here](#) including:

- (1) Health & Safety Management Arrangements – Display Screen Equipment: DSE Workstation Assessment Form is here [here](#)
- (2) Health & Safety Management Arrangements – Lone Working: Sphera this can be accessed by managers via Sphera Cloud by logging on [here](#)
- (3) Health & Safety Management Arrangements – Incident reporting and investigation [here](#)
- (3) Health & Safety Management Arrangements – Assessing risk [here](#)
- (4) Personal Assessment form [here](#)
- (5) Management Arrangements for DSE Equipment – [here](#)
- (6) H&S Induction Checklist for new (employees [here](#)



Worksmart

This policy applies to all Employees including Teachers and outlines a range of Flexible Working Options

*Date Approved:

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review of amendment by the council will be following consultation with the Trades Unions.

Policy Title	Worksmart
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 1.0
Equality Impact Assessment	Under development
Links to other Council Policies/ processes	Code of Conduct Policy Equal Opportunities Flexible Working Hours Policy Health and Safety legislation Homeworking Policy Managing Attendance Policy Recruitment and Selection Policy The East Lothian Way Working Time Regulations
Approved By	
Date Approved	
Review Date	
Date of next Review	
Policy Lead	HR Business Partner, HR & Payroll

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1 Introduction

- 1.1 East Lothian Council recognises the mutual benefits of having a flexible, effective workforce to deliver the best services to our customers, whilst enabling employees to balance their personal, home and work responsibilities more effectively, with a view to achieving greater job satisfaction, motivation, morale and productivity.
- 1.2 This Policy, refers types of *contractual* flexible working arrangements regarding **a change to the employee's** work pattern, hours or location of work which is different from their existing one, appreciating that homeworking arrangements can be both contractual (see Homeworking Policy) and ad-hoc, non-contractual (see Worksmart Policy).
- 1.3 This Policy also refers to the concept of hot-desking. Hot-desking arrangements will be made available subject to local arrangements. Trade Union colleagues should be consulted as early as possible where service changes involve hot-desking arrangements being planned.
- 1.4 This policy outlines how the council will manage employee requests for flexibility in working arrangements, taking into account of the demands of the service, customer needs and job roles requirements and limitations.

2 Scope

- 2.1 This policy applies to all current and new council employees including those posts covered by the Scottish Negotiating Committee for Teachers, regardless of length of service, who, in line with the Flexible Working Regulations 2014, are entitled to make a written request to work flexibly, with only one request every 12 months permitted.
- 2.2 In the spirit of fairness and equality of access, there is no minimum continuous service requirement for employees who wish to request flexible working.
- 2.3 All approved arrangements will be reviewed as required to ensure the needs of the service continue to be met, **as well as the employee's**, and may be subject to change giving 12 **weeks' notice** either by the council or employee.

3 Purpose and Aims

- 3.1 The purpose of this policy is to outline the range of flexible working options aimed at retaining, attracting and supporting a skilled, effective workforce to deliver all East Lothian Council services.
- 3.2 The aims of this policy are to enable continuous improvement and promote new ways of working which align with the East Lothian Council Plan, the Asset Strategy and Management Plan and Climate Change strategy. For example reducing office accommodation costs through home working and hot-desking, which may also reduce travel and heating/lighting costs.

4 Legislation

- 4.1 Under the under the statutory right in the Employment Rights Act 1996 and Flexible Working Regulations (2014), all employees have a statutory right to request flexible working; not only those who are parents and carers.
- 4.2 Additional legislation relating to flexible working includes Health and Safety at Work Act 1974; Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), Working Time Regulations 1998 (SI 1998/1833) and The Working Time Regulations 1998.

5 Principles

- 5.1 This policy will be applied fairly and transparently to all employees, and all requests fully and objectively considered in relation to the employee, colleagues and service users. The approach will focus on how services can be maintained or improved through the specific Worksmart arrangement requested, with due consideration given to the reason for the request.
- 5.2 All flexible working arrangements, can be approved on a temporary (e.g. 6 or 12 months) or permanent basis, and will be subject to a trial period of up to a maximum of 12 weeks.
- 5.3 There is no contractual entitlement for employees to have their request approved. Where however a request is approved, the agreed changes will **constitute a variation to the employee's contract of employment.**
- 5.4 The line manager will be responsible for deciding whether a request for Worksmart arrangements can be supported on a temporary or permanent **basis, taking into account such factors as the employee's role and performance, the line manager/supervisor's support, and the operational needs of the service.** If a permanent change cannot be supported, the line manager should consider if the request can be supported on a trial basis. If successful, this may subsequently be made permanent by agreement between the employee and line manager.
- 5.5 Any flexible working arrangement approved on a trial basis should not be extended beyond 12 weeks.
- 5.6 Any flexible working arrangement approved on a temporary basis should not be for a period of less than 12 weeks or more than 12 months, following which the employee will revert to previous contractual arrangements or have the temporary arrangement agreed on a permanent basis.
- 5.7 All individual Worksmart contract variations will be subject to review in light of changing operational service needs or if the working arrangement is becoming detrimental to service delivery. At such time, the council will reserve the right, following employee consultation and a minimum of **12 weeks' notice, to end the existing arrangement and may explore other possible working arrangements.**

5.8 Regular one to one supervision and support and Performance Review and Development arrangements must continue to be in place to ensure satisfactory work performance is maintained, employees are supported, and that appropriate training and development is undertaken.

6 Responsibilities

6.1 The *line manager* is responsible for:

6.1.1 Fostering a culture of trust in working relationships.

6.1.2 Fully, fairly and objectively considering all flexible working requests and seeking to accommodate employees wherever possible, subject to service provision requirements and implications for customers, department, team and co-workers.

6.1.3 Ensuring frank, open and honest discussion in relation to flexible working requests, to reach mutual understanding and beneficial solutions.

6.1.4 Considering alternative options which may provide some level of flexibility requested by the employee in cases where the original flexible working request cannot be justifiably supported.

6.1.5 Seeking approval from the Service Manager in relation to their decision to support or deny a request.

6.1.6 Providing a written response to the flexible working request within 12 weeks, providing a clear and detailed explanation of the reasons for the decision, whether approving or denying the request.

6.1.7 Ensuring robust management arrangements are in place for employees who work flexibly ensuring inclusion in communications, business and team meetings as required.

6.1.8 Advising employees of any difficulties arising from their Worksmart arrangements, so that these can be addressed.

6.2 The *employee* is responsible for:

6.2.1 Working with management to facilitate a culture of trust.

6.2.2 Outlining and discussing flexible working requests frankly, openly and honestly with their manager to reach mutual understanding and beneficial solutions.

6.2.3 Fully considering the implications of any flexible working request in relation to effective service provision and impact on their own and their team's performance.

- 6.2.4 Actively engaging in team, individual and corporate communications, regular one to one support and supervision meetings, Performance review and Development (insert PRD link) meetings and attending regular team and business meetings as required.
- 6.2.5 Advising their manager of any difficulties arising from their ongoing approved flexible working arrangement, so that these can be addressed and remedied.
- 6.2.6 Making themselves aware of the terms of this policy recognising flexible working arrangements may require to be amended/ withdrawn subject to the needs of the Service, and following full discussion and notice.

7 Requesting Flexible Working

- 7.1 All Requests for flexible working must be submitted in writing by the employee, by completing the Flexible Working Request Form at Appendix 3.
- 7.2 The line manager will be responsible for deciding whether a request for flexible working can be supported taking into account factors, as outlined in Appendix 2, including **requirements of the employee's job role**, employees performance within their role, supervision and support available by the line manager, impact on co-workers and service users and operational needs of the service.
- 7.3 All flexible working requests supported by the line manager will require to be formally approved by the Service Manager.
- 7.4 Employees have the right of appeal against the line **manager's decision**. Any appeal against a refusal to agree to a flexible working request will be to the Head of Service who may nominate another senior manager e.g. Service Manager or Head of Service not previously involved to hear the appeal on their behalf.
- 7.5 All individual contract variations made under the terms of this policy will also be subject to review in light a service review or changing operational service needs or where the flexible working arrangement is becoming detrimental to service delivery and the needs of the service.
- 7.6 At such time, the council will reserve the right, following discussion with the employee and up to a maximum of **12 weeks' notice, to end the existing** arrangement and to explore other possible working arrangements, which may involve the redeployment process.

8 Procedure

- 8.1 This procedure will apply to all employees requesting a flexible working arrangement. The specified timescales may only be varied by mutual agreement with both parties.

- 8.2 The employee will outline the request, in writing, completing the Flexible Working Request form attached at Appendix 3 and submit this to their line manager.
- 8.3 The line manager will arrange for the request to be initially discussed with the employee within 28 calendar days of receipt of the request; and concluded at this point, wherever practicable.
- 8.4 The Line Manager will provide a written response to a request within 14 days of the final meeting. This notification will advise: -
- 8.4.1 Support of the request or modifications (as discussed with the employee) along with details of the conditions attached to the offer of alternative working arrangements; or
- 8.4.2 Not supporting the request when the Line Manager will provide an explanation of the following business reasons for the request not being supported.
- These may include:
- o Burden of additional costs
 - o Detrimental effect on ability to meet service need and customer demand
 - o Inability to re-organise work among existing employees
 - o Detrimental impact on work colleagues
 - o Inability to recruit additional employees e.g. backfilling reduced hours
 - o Detrimental impact on work quality and/or performance
 - o Insufficiency of work during the period the employee proposes to work
 - o Proposed or planned structural changes (e.g. where a service review is about to commence)
- 8.5 There may be circumstances where a line manager requires more time in order to make a decision with regard to an application request e.g. where a service review is imminent or underway or where there are multiple requests or changes to staffing. Having been discussed and agreed with the employee, any delay will be confirmed in writing by the manager outlining the revised timescales for the decision and notification arrangements.
- 8.6 **Should an employee's request be refused**, by both the line manager and Service Manager, before progressing to formal appeal, the manager and employee can seek advice on resolving the matter from an appropriate member of the HR Team.
- 9 Appeal Process
- 9.1 The employee may formally appeal against the decision in writing to their Head of Service within calendar 14 days of receiving the notification of the

decision from their manager. The reasons for any appeal should be clearly outlined.

- 9.2 A hearing will normally be convened within 14 days of the appeal being received. The Appeal Panel will normally consist of a manager more senior than the service manager who made the original decision and a member of the HR Team, neither of whom should have been involved in the original decision making.
- 9.3 The employee may be accompanied by a work colleague or Trade Union Representative at the hearing. The hearing will be chaired by a Head of Service (or their nominated senior manager representative).
- 9.4 The final decision will be given in writing within 14 days of the appeal being heard. Following which, there will be no further right of appeal.

10 Withdrawal of Application

- 10.1 The council will treat an application as withdrawn if the employee has:
- Notified their line/service manager in writing that their application is being withdrawn;
 - Failed, without reasonable cause, to attend a meeting/Appeal Hearing convened under the procedure on more than one occasion; or
 - Refused, without reasonable cause, to provide information which the line manager considers necessary to assess whether the **employee's** request to work flexibly can be granted.
 - The line manager will confirm the withdrawal of the application in writing to the employee, unless the employee has provided written notice of the withdrawal.

11 Review of Policy

- 11.1 This is a Council Policy which is subject to review and amendment by the Council following consultation with the recognised Trade Unions.

Head of Corporate Support
June 2021

TYPES OF FLEXIBLE WORKING

1 Annualised Hours

- 1.1 Annualised hours refers to all contracted hours, full or part-time, being worked over a whole year rather than per week. The hours may be varied across 52 weeks of the year or hours may be reduced to zero in some weeks with additional hours worked in other weeks.
- 1.2 Salary will normally be paid in equal monthly or weekly payments by averaging the annual salary over the year, with annual and other forms of leave calculated on an annual basis, according to hours to be worked.
- 1.3 Approved overtime working would apply only once the contractual hours for that particular time period having been worked.
- 1.4 Should the employee leave the post held during the working year, their working hours, leave provision and other relevant conditions of service will be reconciled based on the actual hours worked during the period and any monies will be adjusted accordingly.

2 Compressed Hours

- 2.1 Compressed hours is defined as a working pattern that reallocates the normal weekly hours of work and 100% of the work activity into fewer, longer blocks of time, taking account of health and safety and Working Time Regulations.
- 2.2 **The nature of the employee's work activity, the operational** needs of the service and service users, the impact on other employees and the impact **on the employee's health, safety and wellbeing as a consequence of working** longer periods of time are all key considerations.
- 2.3 The pattern of work will be agreed by the Line Manager to meet the needs of the service and must not result in increased cost to the council in terms of allowances for unsocial hours, overtime payments etc.
- 2.4 Annual and other forms of leave will be calculated on the basis of hours/minutes to accommodate variations in the length of the working day and the number of days worked.
- 2.5 Employees working or seeking to work compressed hours may request to **work flexibly in accordance with the Council's Flexible Working Hours Policy** either at the time of application under the terms of this Policy or at a later date, by submitting an application under this Policy.

3 Variation in Hours

- 3.1 This arrangement adjusts the normal contractual hours of work and/or varies an existing work pattern (e.g. adjust the start/finish times), depending on the operational needs of the service, with costs of any

increase in working hours to be contained within the existing staffing budget.

3.2 Where contractual hours are reduced or **increased, the employee's salary,** terms and conditions e.g. annual and other types of leave and will be applied pro-rata from the date the revised working hours are implemented.

3.3 Employees working specific fixed hours as a result of an agreed variation in hours will not normally be eligible to participate in the [Flexible Working Hours Policy](#).

4 Part-time working

4.1 A part-time worker is someone who works fewer hours than a full-time worker. There is no specific number of hours that makes someone full or part-time, but a full-time worker within the council will usually be contracted to work 35 or 37 hours per week depending on terms and conditions of service. Part-time working hours vary substantially and these can be arranged into work patterns that suit service delivery needs.

4.2 All conditions of employment, including salary, annual and other forms of leave will be applied pro-rata dependent on the number of hours worked.

5 Contractual Homeworking

5.1 Contractual homeworking is a flexible working arrangement whereby employees have an employment contract stating home as their base of employment. It is a work arrangement whereby the employee conducts most of their work from home, recognising the need for occasional remote working at alternative council offices, work locations and the need to attend external meetings as required.

5.2 Contracted homeworkers do not therefore have a designated office desk or workspace, however may arrange access to shared office desks with the approval of their line manager.

5.2 The option to be contracted to work from home may be also confirmed at recruitment stage, and can be requested by the employee or suggested by the manager as part of new ways of working to align with the East Lothian Council Plan, the Asset Strategy and Management Plan and the Climate Change strategy.

5.3 The Homeworking policy, which outlines the process and arrangements specifically for *contracted* homeworkers can be found [*insert link here](#).

6 Ad-hoc Home Working

6.1 This non-contractual flexible working arrangement refers to employees who have a contracted office base however are authorised to work at home on an informal, ad hoc basis for periods of their contracted working hours, up to a maximum of 60% of their contracted working hours subject to agreement with the line manager.

- 6.2 This arrangement will require an initial H&S risk assessment, with homeworking being considered and agreed locally by the relevant line manager on a day by day or week to week basis, taking account of impact on colleagues and service delivery. No variation of employment contract will be required in relation **to the employee's contractual terms and conditions** of employment.
- 6.3 Employees who are supported by their line manager to undertake any ad hoc homeworking must all complete the Personal Assessment Form and return to their line manager prior to undertaking any ad hoc homeworking. The Personal Assessment form can be found [here](#)
- 6.4 Additionally, line managers should consider whether further assessments are required **via Sphera Cloud, the council's Health and Safety Management System**, for example lone working assessment. Further information re Sphera Cloud can be found [here](#)
- 7 Flexible Working Hours (Flexitime)
- 7.1 The Flexible Working Hours Policy [here](#) outlines Flexitime arrangements that provides flexibility by enabling eligible employees to vary their daily working hours and by allowing them, subject to the needs of the service and with the agreement of their line manager, to take time out of their normal working day to deal with personal matters.

Flexible Working Requests - Considerations for Managers

This list is not extensive but includes:

- 1 Service Users & Customer Factors (including other teams/sections, and service users)
 - Can customer service focused provisions be maintained or improved by implementing the requested flexible working arrangements?
 - Is customer demand tied to certain hours of the day?
 - Does the proposal fit with current and foreseeable needs of the service?
- 2 Employee Related Factors
 - Is work performance satisfactory, personal motivation to deliver under new arrangements, commitment, morale and productivity; initiative;
 - Time/workload management; communication, supervision arrangements and implications for monitoring of work performance;
 - Performance related issues previously discussed between employee and their manager; social isolation; lone working; reduction in travel time and or costs;
 - Requirement for on-the-job training;
 - Health, safety and wellbeing issues that may apply to the employee such as lone working, working pattern and length of work periods/rest breaks, suitability of work station.
- 3 Team Factors
 - Including morale and impact on other team members;
 - Productivity;
 - Whether sufficient team members are available at all times;
 - Requirement for regular joint working;
 - Requirement for regular informal supervision.
- 4 Job/Location Factors
 - Can all of the duties be performed effectively from the location/in the work pattern envisaged?
 - Are there information security issues, for electronic/non- electronic data?
 - Is access to specialist information/equipment/reference materials or significant face-to-face contact with colleagues or customers required?
- 5 Cost/Saving and Service Improvement Factors
 - Including those associated with ICT equipment; travel time/expenses; workplace properties;
 - Increased service availability to customers
- 6 Environmental Factors
 - Reductions in energy consumption, carbon footprint (e.g. through reduced travel).



FLEXIBLE WORKING REQUEST FORM

**Please Note: As only one request every 12 months permitted, there should be at least 12 months between subsequent applications (see 2.1 above)*

Full Name of Employee:	
Employee Number	
Job Title and Work Location	
Line Manager Name and Title	
Business Unit and Department	
Start date with East Lothian Council:	
Date request submitted:	
<p><i>Please give details of the following in support of your application:</i></p> <p>1. Your current work pattern/arrangement:</p>	
<p>2. The date on which you are requesting that the change take effect:</p>	

3. The benefits of this new working arrangement:

4. How any detrimental implications of this requested change could be mitigated:

5. Effects the changes requested may have on your Team /Department

6. The change being requested i.e. the pattern of working you wish to apply for:

7. How any such effect might be dealt with by your Business Unit/Department:

Statement of Line Manager (providing a clear and detailed reasons for the decision):

Where application supported: confirm whether the Flexible Working Hours (Flexitime) Policy will be applicable to the new arrangements:

Name of Employee: Designation: Signature of Employee: Date:	
Application Recommended to be supported by Line Manager	
YES/NO (please circle)	
Name:	Designation:
Signed:	Date:
Reasons for Decision:	
Application Approved by Service Manager:	
YES/NO (please circle)	
Name:	Designation:
Signed:	Date:
Reasons for Decision: <i>(Note: Written response to the employee is also required - see 6.1.6)</i>	

Line Managers must forward a copy of this signed form to Human Resources at hr@eastlothian.gov.uk for retention on the employee's file, along with a Change of Contract form, where a flexible working request has been supported and approved.



Flexible Working Hours Policy

This policy outlines Flexitime arrangements and applies to the Local Government Employee Group and relevant SNCT Associated Professionals

*Date Approved:

This is an East Lothian Council Policy which has been subject to consultation with employees and the Joint Trades Unions. Any review of amendment by the council will be following consultation with the Trades Unions.

Policy Title	Flexible Working Hours Policy
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V3 Draft
Equality Impact Assessment	
Links to other Council Policies/ processes	Worksmart Policy Homeworking Policy Management of Overtime Policy East Lothian Way Code of Conduct Disciplinary Procedure
Approved By	
Date Approved	
Review Date	
Date of next Review	
Policy Lead	HR Business Partner, HR & Payroll

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1. Introduction

- 1.1 East Lothian Council aims to put our customers at the heart of everything we do, whilst recognising that our employees have to manage the balance between work commitments, family responsibilities and lifestyle choices. The Council supports the principle of flexible working practices subject to service needs.
- 1.2 The Flexible Working Hours policy forms part of a range of flexible working policies e.g. Homeworking and Worksmart and the aim of this policy is to enable a more flexible approach day to day in delivering customer focused council services whilst balancing the personal needs of employees within and outwith work.
- 1.3 Managers are responsible for overseeing employees to ensure the delivery of services and therefore, to determine the working hours of employees on the basis of customer and business need; employees cannot dictate their own working hours and any employee requiring the additional flexibility afforded within this policy must get approval in advance.
- 1.4 Fair access in the application of this policy is dependent on the co-operation and goodwill of employees working together.
- 1.5 All employees are expected to consider the broader needs of the service, service users and the potential impact on colleagues when arranging working time adjustments under this policy, consulting with their colleagues and line manager as required.

2. Principles

- 2.1 Flexible working hours under the terms of this policy must support and enable delivery of key business objectives and outcomes which support all customers and service users.
- 2.2 Employees are generally expected to meet the requirements of their roles within their normal daily contracted hours wherever possible.
- 2.3 Employees should only accrue flexi credit whilst undertaking core work priorities and supporting customer needs.
- 2.4 Flexi-leave half or whole days can be requested by employees.

- 2.5 The opportunity to deviate from standard office hours and operate a pattern of flexible working hours across the extended bandwidth of working hours between 7am to 9pm will be determined by the appropriate line manager in line with needs of the service.
- 2.6 Under the terms of the Flexible Working Hours policy, for reasons of health, safety and wellbeing, accrual of flexitime working hours should normally be limited to 10 hours maximum per day, other than where exceptionally required.
- 2.7 Access to the flexi-time policy is not a contractual right for any employee and the line manager will be responsible for determining which posts may be eligible to operate under this policy.
- 2.8 It is recognised that not all roles will be suited to flexitime working due to the requirements of that role e.g. some front-line services or where specific work patterns are required.

3. Scope

- 3.1 This policy can be applied to eligible full and part-time employees, subject to the suitability of the job, post-holder and approval by the line manager.
- 3.2 Employees working or seeking to apply to work on a compressed hour's contract will also be eligible to request access to 'Flexitime' working under this Flexible Working Hours Policy. This would be done at the time of applying for compressed working under the council's Worksmart policy.
- 3.3 This policy will **not** normally apply to:
- Employees contracted to work hours outside the flexitime bandwidth of 7.00 am to 9.00 pm
 - Employees whose start and finish times are fixed for the purposes of service delivery e.g. employees in Customer Services, Refuse Collection, Teachers etc.
- 3.4 This policy supports flexibility of working time, including scope to take time out of the normal working day, therefore all routine appointments including Dental, Optician, Doctors' (excluding ante

natal appointments which fall within the maternity provisions) and those related to managing personal matters should be arranged in the employee's own time.

- 3.5 Where required and in order to meet the requirements of the service, Heads of Service, following consultations with Human Resources and Trade Union representatives, may implement temporary restrictions on the operation of the Policy or the temporary suspension of the Policy.

4. Standard Working Hours

- 4.1 Depending on the service, Standard Working Hours for full-time employees will normally be either 35 or 37 hours per week in line with employee handbook conditions. This will be pro rata for part time employees.

5. Hours of Work

5.1 Bandwidth

- 5.1.1 This is the maximum daily period during which employees may have their working hours recorded for the purposes of flexitime; the earliest starting being 7am and the latest finishing time 9.00pm.

5.2 Working Hours

- 5.2.1 Whilst the normal standard working day is determined within each service, e.g. 9am to 5pm for some office based employees, any recorded working hours for the purposes of flexitime can fall between 7.00am to 9.00pm, with working hours normally limited to 10 hours maximum per day under the Flexitime Scheme (see 2.6).

- 5.2.2 However, service managers are responsible for outlining any set core time periods necessary to ensure customer focused, service delivery requirements. Any set core hours should be approved by the Head of Service, following appropriate employee consultation.

- 5.2.3 Under the terms of this policy, employees are required to attend work on each of the working days where specified in their contract of employment or as agreed with line manager.

- 5.2.4 Employees are required to arrange their working times e.g. start and end times, in consultation with colleagues and their manager with

advance approval required from their line manager to take either a half or whole day flexi-leave.

5.3 Normal Working Day

5.3.1 Services to members of the public and all service users must be available throughout the normal working day. The time period that will be defined as the normal working day will be subject to local agreement to suit the specific service delivery requirements in each Section/Unit/Division.

5.3.2 Arrangements will be made, as appropriate, to ensure that staffing levels are maintained during the locally agreed service delivery times.

5.4 Breaks/Rest Periods

5.4.1 A minimum unpaid break of 30 minutes per day must be taken for full time employees and those working 6 hours or more per day. Where service delivery permits lunch breaks, these will normally be taken between 12.00 noon and 2.00pm and will not normally exceed 2 hours, but the timing and duration of lunch breaks may be varied in advance by agreement with the line manager and colleagues. Services may operate local arrangements.

5.4.2 In line with Working Time Regulations, a rest period of at least 11 hours must be taken between an employee's finishing time on one day and their starting time on the next day.

5.5 Settlement Period

5.5.1 A Flexitime settlement period is four weeks.

5.6. Credit Hours

5.6.1. Credit Hours are the number of hours worked in excess of the standard hours for the flexitime settlement period i.e. for full-time employees, more than 140 (148) hours. This will be pro-rata for part-time employees. The calculation will be as follows:

$$\frac{\text{Total contractual hours over four week settlement period} \times 15 \text{ (max credit hours)}}{140 \text{ (148) hours}}$$

5.6.2 A maximum credit balance of 15 hours may be carried forward to the next settlement period (pro-rata for part-time employees). Any

credit balance above 15 hours cannot be carried forward into the following flexitime period and will be lost.

5.7 Debit Hours

5.7.1 Debit Hours are the number of hours worked below the standard contracted hours for the settlement period i.e. for full-time employees, below 140 (148) hours. This will be pro-rata for part-time employees. The calculation will be as follows:

$$\frac{\text{Total contractual hours over four week settlement period}}{140 (148) \text{ hours}} \times 7 \text{ (max debit hours)}$$

5.7.2 A maximum debit balance of 7 hours (pro-rated for part-time employees) is allowed at the end of the settlement period.

5.7.3 An employee presenting any amount of debit balance for 3 consecutive settlement periods will normally be removed from the provisions of this Policy and placed on fixed hours of work.

5.7.4 Any debit of more than the maximum permitted amount of hours at the end of the settlement period will be regarded as unauthorised absence. This will normally result in use of annual leave entitlement or a deduction from salary in the following pay period and may lead to disciplinary action.

5.8 Credit/Debit Balances on Leaving

5.8.1. Upon leaving East Lothian Council, employees should ensure flexitime is managed as any credit balance will be forfeited, with debit balances resulting in deduction from the employee's final salary payment.

6. Flexi-Leave

6.1 Flexi leave must be requested and approved in advance of the leave being taken.

6.2 Line managers reserve the right to decline requests for flexi-leave, particularly for any working day that requires increased cover, this includes Fridays and Mondays.

6.3 During any one flexitime settlement period, flexi-leave may be authorised either as full or half days, up to a maximum of 2 days per

settlement period, pro-rata for part-time employees. This limit must not be exceeded under any circumstances.

- 6.4 Approval of a flexi-leave request is at the discretion of the line manager and subject to the needs of the service. Where possible five days' notice of requests would assist in managing services, however it is recognised that employees may ask for flexi-leave at short notice, which managers may authorise subject to service needs.
- 6.5 Flexi-leave will not be approved substantially (e.g. months) in advance of the half or full days requested as service requirements need to be assessed close to the time.
- 6.6 Circumstances may arise whereby annual leave requests for blocks of time will be given priority over flexi-leave requests.
- 6.7 Employees may apply to use flexi-leave to supplement or replace annual leave when booking holidays, subject to having sufficient flexi credit available.

7. Other Authorised Absences

- 7.1 The Policy allows for considerable flexibility and therefore employees are expected to plan and arrange ***routine*** personal appointments or business in their own time see 3.4 above. However, time credit will be given for the following, in line with council policies, which should be recorded on flexitime sheets:
 - Annual Leave
 - Public Holidays
 - Sickness Absence
 - Approved Special Leave including Maternity Leave, Maternity Support Leave/Paternity Leave, Parental Leave, Adoption Leave, Bereavement Leave, Leave for Illness of a Dependent, Hospital appointments
 - Authorised Trade Union Duties
 - Approved Time Off in Lieu of Additional Hours Worked
 - Jury Duty
 - Other authorised absences under council policies.
- 7.2 Time required to attend an approved learning/development activity, either in house or external, will be considered as working time and should be recorded accordingly. An employee may undertake their

normal duties before and/or after learning/development activities and record their total working hours for the day in the normal way.

8. Overtime

- 8.1 Hours worked during the course of the working week and recorded as flexi-time would not normally trigger overtime payments as working beyond contractual hours would have to be pre-authorized for overtime payments to be applicable.
- 8.2 Very exceptionally, however, circumstances may arise where particular working arrangements need to be applied e.g. where staffing levels in a team/service have fallen below minimum levels required to maintain services to an acceptable level or where short-term work demands require a substantial increase in staffing resources.
- 8.3 An employee with a debit flexitime balance must not be offered paid overtime until the debit is cleared.
- 8.4 Hours worked as overtime should be recorded separately on the normal Overtime Working Claim Form. Payment will be made in accordance with the employee's terms and conditions of employment.
- 8.5 Employees should refer to the Management of Overtime Policy, the terms of which apply to overtime working.

9. Employees' Responsibilities

- 9.1 Employees are responsible for managing their own time within the rules of this Policy and are required to co-operate with colleagues and their line manager to ensure that appropriate staffing levels and good team-working relationships are maintained at all times.
- 9.2 Employees must only accrue flexi credit time to deliver work priorities, avoiding unnecessarily accruing flexi credit hours.
- 9.3 Employees must ensure that they record their time accurately and honestly. This should be done on the standard Flexitime Recording form [here](#) then electronically on the MyHR portal once fully operational.
- 9.4 Employees must ensure they have the support of their supervisor/line manager and have consulted with colleagues to ensure relevant cover

etc. if varying their standard working hours e.g. a later start, an earlier finish, time away from work during normal working hours.

- 9.5 Employees must ensure that their line manager approves flexi-leave from work prior to taking the flexi-leave.
- 9.6 Travel to and from work is an employee's personal responsibility. In circumstances where an employee either arrives late or leaves early because of bad weather, public transport difficulties etc., credit will not normally be given, unless at the direction of the Head of Service/CMT, and actual starting/finishing times will be recorded.
- 9.7 Approved flexi credit may be applied where the council decides to close establishments, for example due to exceptional weather conditions. This arrangement would be confirmed by the line manager.

10. Line Managers' Responsibilities

- 10.1 Line Managers must ensure appropriate staffing levels are maintained to meet the needs of the service and ensure cover is available at all times to meet the demands of the service.
- 10.2 Line Managers must ensure fairness and consistency for all employees in relation to applying the benefits of the Policy, particularly in regard to consideration of flexi-leave requests.
- 10.3 Line Managers must monitor time recorded by employees and ensure that all employees are complying with the rules and obligations of the Policy.
- 10.4 Line Managers must ensure that all employees are made aware of the Policy.

11. Supervision

- 11.1 All employees participating in the Flexible Working Hours policy will have their records checked and signed off by their manager with records held by departments. Any discrepancies found will be investigated as required and appropriate action taken.

12. Misuse of the Policy

12.1 This Policy is based on mutual trust. Any misuses of the policy will be considered to be misconduct and will be treated as a disciplinary matter in accordance with the council's relevant Disciplinary Procedure.

12.2 The result of any such proceedings may result in withdrawal of the employee from the policy, either temporarily or permanently, or further disciplinary action up to and including consideration for dismissal.

12.3 Examples of misuse of the policy may include:

- Not adhering to times agreed with line management for attending work.
- Building up credit during periods when there is little or no work required or available.
- Being present at work and not being productive.
- Taking flexi-leave without prior approval

13. Young Workers

13.1 This refers to someone above the minimum school leaving age but below the age of 18 years. In order to ensure compliance with the Working Time Regulations, a Young Worker may not ordinarily work more than 8 hours per day and 40 hours per week. These hours cannot be averaged out and there is no opt-out available.

13.2 A Young Worker must also have 30 min break after a 4.5 hour period and have a minimum rest break of 12 hours between consecutive days of work.

13.3 Line managers must ensure that these provisions are applied to any Young Worker.

14. Appeals

14.1 Employees have the right of appeal should they wish to appeal a decision to withhold or withdraw participation in the Policy. The following procedure will be followed:

- An employee may lodge an appeal with the Head of Service within 14 days of the date on which the manager's decision is given;

- The appeal must be in writing, set out grounds of the appeal, and be dated;
- The Head of Service, or nominated senior officer, will aim to hear the appeal within 14 days of the date of the employee lodging the appeal.

15. Review

15.1 This Policy is a formal council policy and may be reviewed by the council, in consultation with the Trade Unions, at any time and in the light of operational requirements.

Head of Corporate Support

June 2021

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