Flexible Working Policy

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1. Introduction

1.1 This policy and procedure/guidance sets out Children's Hearings Scotland's (CHS) approach to flexible working arrangements and the procedure/guidance details the application process.

2. Scope of Policy

2.1 This policy applies to all CHS employee.

3. Aims of Policy

3.1 To ensure compliance with the legislative requirements;

3.2 To enable employees with caring responsibilities to balance them with their role at CHS;

3.3 To accommodate where possible the desire of employees to balance their role at CHS with other commitments or interests;

3.4 To facilitate flexible retirement, if appropriate.

4. General Principles

4.1 At CHS, we recognise that a good work-life balance supported by flexible working arrangements can, provide benefits to both our people and our wider organisation

4.2 The policy does not provide an automatic right to work flexibly, however, CHS is committed to agreeing to any flexible working arrangements, providing that there is no detrimental impact on organisational operations. In cases where such impact may occur, we will aim to reach a compromise that suits both the employee and the organisation.

4.3 Any employee that thinks they may benefit from flexible working is encouraged to contact their line manager or member of the People and Culture team to arrange an informal discussion to talk about the options and identify which working pattern would be most suitable for them.

4.4 The standard full time working week is 35 hours, and the working day for full-time staff is 7 hours. In accordance with the EU Working Time Regulations, staff should not work more than 48 hours per seven-day period, calculated over an average period of 17 weeks.

4.5 The policy covers the following flexible working options: Part-time working /Change of hours; Job share and job splitting; Term-time only working; Voluntary reduced working time for a specific period; Unpaid Leave; Career Breaks; Staggered Hours and Flexible retirement. This list is not exhaustive, and we recognise that there may be alternatives to these options, and that a combination of options may be the best workable solution for some people.

4.6 Besides the ability to apply for flexible working, CHS also operates a flexi time scheme and further details on this scheme can be found in the Flexi Time Policy

4.7 Any flexible working requests will be considered with due regard to our commitment to promoting equality, diversity and inclusion among employees.

5. Application Process

5.1 Any CHS employee can apply for flexible working from day one of employment if:

a) They have not applied for flexible working during the last 12 months more than once;
b) They currently don't have other open flexible working requests

CHS will consider additional applications where employee is requesting flexible working arrangements to support with a disability.

5.2 The CHS flexible working application form is available here and Appendix 1. In line with statutory requirements, the application must:

a) be in writing;

b) state the date of their application, the change to working conditions they are seeking and when they would like the change to come into effect;

c) state what effect, if any, they think the requested change would have on CHS as the employer and how, in your opinion, any such effect might be dealt with;

d) include a statement that this is a statutory request and if and when they have made a previous application for flexible working

e) note if they would like the arrangement to be temporary

5.3 The employee should submit the application to their line manager and CC in HR@chs.gov.scot

5.4 The final decision will be made by the applicants line manager within 1 month of receiving the application. The applicant will be notified of the outcome in writing by People and Culture team.

5.5 CHS and the employee may agree to extend this period. If an extension is agreed, CHS will confirm in writing to the applicant.

5.6 A line manager may consider an application to have been withdrawn if the employee without good cause:

a) fails to provide them with information that has been appropriately requested.

b) fails to attend two meetings that have been appropriately arranged to discuss the request.

In these circumstances the line manager should write to the employee(s) confirming that the application has been considered to be withdrawn.

5.7 If the application is approved, the contractual change will come to an effect no later than 28 days from the original decision.

5.8 If there is a trial period for the new working pattern, this will be clearly stated in the outcome notification.

5.9 Each request will be dealt with individually, taking into account the likely effects on CHS, the relevant team and the employee's colleagues. Agreeing to one employee's request will not therefore set a precedent for another employee to be granted a similar change to their working pattern.

5.10 Line managers must not reject a request without consulting the employee first. Unless the line manager decides to agree to the employees flexible working application in full, they must consult the employee before they make a decision. Where a consultation meeting is needed, the line manager will request this. The meeting should be held privately, and both parties must be given reasonable time to prepare, while considering the statutory two-month period for deciding requests including any appeal (see section 6).

5.11 A consultation meeting will ensure that all relevant information is understood before a full decision is made. This can include potential benefits or other impacts of accepting/rejecting the request and any practical considerations involved implementing the request. It can also establish whether a request may relate to a reasonable adjustment for an employee.

5.12 If the original request cannot be accepted in full, the line manager and employee should discuss if it is possible to secure some of the benefits that the original request sought. This can include; any potential modifications to original request or any alternative flexible working options that may be available/suitable for both parties. This can also include a trial period to assess the feasibility of an arrangement.

5.13 A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place.

5.14 If a flexible working request is declined, the reason must be one or more of the following:

- extra costs caused will damage the business
- the work cannot be reorganised among other existing employees
- people cannot be recruited to do the work
- flexible working will affect quality and/or performance
- the business will not be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

6. Appeal

6.1 An appeal of the final decision can be made in writing within 14 days from the date of notification of the final outcome. An appeal should be sent to HR@chs.gov.scot

6.2 The timescales in the appeal procedure may be extended by written agreement, for example where annual leave occurs, or where the person chosen to accompany the employee(s) is not available, or to enable CHS to investigate further before notifying the employee of the final decision. However, a decision will not be unduly delayed.

6.3 An appeal meeting will be organised with the line manager of the manager who made the original decision within a further 14 days. An alternative manager may be used if, for example, there is a conflict of interest or they are not available.

6.4 Employees are entitled to be accompanied at the appeal meeting by a CHS colleague or a trade union representative.

6.5 The appeal decision is final. A further flexible working request may not be made within 12 months of the date of the appeal, or, where no appeal was submitted, of the date of the decision letter.

7. Policy Approval

7.1 This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment or withdrawal.

7.2 For any changes to the policy, the CHS Team Forum will be consulted.

Appendix 1: Flexible Working Application

Name		Employee Number	
Team		Line Manager	

Describe your current working pattern:

Describe your preferred new working pattern:

Date you'd like the change to be effective from:	
I would like the change to be:	Permanent / Temporary

Please describe (if any) the impact of the new working pattern (e.g. on your work, team...)

Please describe any ways to mitigate the above impact

Signed		Date	