

Our values are: honesty, respect, integrity, openness, inclusion, ambition



sportscotland

People Management Toolkit

Managing Flexible Working

1.0 Introduction

- 1.1 **sportscotland** acknowledges that flexible working arrangements can increase employee motivation, build better working relationships, increase staff retention, reduce absenteeism, attract new talent and promote work-life balance.
- 1.2 **sportscotland** also recognises that staffing levels must at all times be managed in line with the needs of the business.
- 1.3 In managing flexible working matters, **sportscotland** will not discriminate on the grounds of disability, age, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation (protected characteristics) and also gender identity, responsibility for dependents, political beliefs, trade union activity, socio-economic background, Looked After Children and Care Experienced Young People (LACY) or other relevant factors.

2.0 Scope of Policy

- 2.1 This policy applies to all **sportscotland** employees.
- 2.2 **sportscotland's** policy is:
 - to consider all statutory requests for flexible working.
 - to base any decision on business needs.
 - there is no automatic right for a flexible working request to be granted.
 - allow employees to apply for a flexible working arrangement once in any 12 month period.

3.0 Overview of Procedure

- 3.1 Flexible working describes any type of working arrangement that gives some degree of flexibility on how long, where and when employees work.
- 3.2 Every employee has the statutory right to ask to work flexibly after 26 weeks employment service and can only make a statutory request once in any 12 month period.

- 3.3 This policy is intended to help line managers deal with written requests made by employees to change their working hours or place of work under the statutory right in the Employment Rights Act 1996 to request flexible working.

Keys to handling requests in a reasonable manner

The Request

- 3.4 Employees may make a request to work flexibly to their line manager. Any request must be in writing and must include the following information to enable their line manager to make an informed decision:
- The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect.
 - What effect, if any, they think the requested change would have on **sportscotland** and how, in their opinion, any such effect might be dealt with.
 - A statement that this is a statutory request and if and when they have made a previous application for flexible working.

Role of the Employee

Any employee wishing to request flexible working should provide as much information as possible within their written flexible working application, consider the affects their application will have on their role, team and the organisation and consider any alternative options.

What happens to a request?

- 3.5 Once a written request is received the line manager must consider it. The line manager should arrange to talk with the employee as soon as possible after receiving their written request. If the line manager intends to approve the request then a meeting is not always needed.
- 3.6 The employee may be accompanied by a work colleague for this and any appeal discussion and the employee should be informed about this by their line manager prior to the discussion. It is the employee's responsibility to make any such arrangements.

Discuss with Employee

- 3.7 The line manager should discuss the request with the employee to get a better idea of what changes they are looking for and how they might benefit the team and the employee.
- 3.8 The discussion should take place in a private place where what is said will not be overheard. ***The employee should be advised, as part of this discussion, that there is no automatic right to a flexible working request being granted.***

Role of the Line Manager

The Line Manager is responsible for dealing with flexible working requests promptly, to consider flexible working requests on an individual basis in terms of what impact an application could have on their team, colleagues and the organisation and also to consider any alternative options.

Deal with any request promptly

- 3.9 The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless the line manager agrees to extend this period with the employee.
- 3.10 If a discussion meeting is arranged (including any appeal meeting) and the employee fails to attend both this and any rearranged meeting without a good reason, the request will be considered as withdrawn. In these circumstances the application will count as the employee's one permitted flexible working application for that 12 month period. If this occurs, the line manager must notify the employee.

4.0 Guidelines

CONSIDERING A REQUEST

- 4.1 Where an instance of flexible working is proposed by an employee, Line Managers should consider the request carefully against any potential impact of implementing the changes, (see paragraph 4.7). In considering the request line managers must not discriminate unlawfully against the employee.
- 4.2 Once the line manager has made a decision, the employee must be notified as soon as possible. This should be done in writing as this will help avoid future confusion on what was decided.
- 4.3 If the line manager accepts the employee's request, or accepts it with modifications, it should be discussed with the employee how and when the changes might best be implemented.
- 4.4 It may be permissible to approve a flexible working application on a trial basis to ensure there is no impact on business needs. The trial period will not be for longer than three months and will not count towards the 12 months statutory request timeline (see 3.2).
- 4.5 Flexible working arrangements will normally be in place for a minimum of 12 months (See 3.2).
- 4.6 Should the needs of the business change or the arrangement proves problematic then a review will take place with a view to resolving any issues. Resolution may include further changes to flexible working arrangements and, where necessary, the organisation may withdraw or amend arrangements to address the ongoing needs of the business. In these circumstances, the change will be discussed with the employee and written notice given to the employee advising of the change.

Role of Human Resources

HR will support line managers in considering flexible working requests by providing guidance, advice and support to managers on the application of the policy throughout the process.

Considerations in relation to establishing flexible working practices

- 4.7 With any prospective change to working practices there are issues that need to be considered before action is taken. The considerations line managers should think about before agreeing a flexible working request are:
- potential operational impact of the proposed changes
 - possible additional pressure placed on other workers who aren't requesting flexible working
 - potential impact on customer service and quality of work
 - whether there could be resistance from managers or other team members
 - impact on work schedule and work load
 - any additional costs associated with the request or any additional technology that would be required (e.g. Laptop or mobile phone)
 - potential issues in relation to communicating with employees (e.g. homeworkers not being in the office)
 - potential reduction in overall employee flexibility.
- 4.8 While these concerns may mean that it is not possible or not appropriate to make the changes originally proposed, with due consideration, there are often ways to resolve the issues faced. A line manager may also decide that some of the issues cannot be resolved but are worth accommodating to harness the benefits that the flexible working change could bring.

Rejecting a Request

- 4.9 Line managers have the right to reject a flexible working request. If a request is rejected it must be for one of the following business reasons as set out in the legislation:
- the burden of additional costs
 - an inability to reorganise work amongst existing staff
 - an inability to recruit additional staff
 - a detrimental impact on quality
 - a detrimental impact on performance
 - detrimental effect on ability to meet customer demand
 - insufficient work for the periods the employee proposes to work
 - a planned structural change to your business.
- 4.10 It can be helpful to allow an employee to discuss the line manager's decision with them as part of the process as this may reveal new information or an omission in following a reasonable procedure when considering the application.

Notifying the Employee of the Outcome of their Request

- 4.11 The line manager should notify the employee in writing of the outcome of their application within 14 days of the meeting. The notification will either:
- approve the application and establish a start date and any other action
 - confirm a compromise agreed at the meeting
 - decline the application and set out clear business reasons for the rejection together with notification of the appeals process

- 4.12 If the Flexible Working application is approved, the line manager should gain final approval for the change from the Senior Management Team (SMT) via a completed Position Change Request (PCR) form. Any reduction in hours is regarded as a permanent change for the purposes of **sportscotland's** staffing establishment and headcount and any balance of hours cannot be held for future staffing needs.

APPEALS PROCESS

- 4.13 If an employee is unhappy with the outcome of their flexible working application, they can appeal using **sportscotland's** Appeals process.

RECORD KEEPING

- 4.14 It is important that all parties keep clear, written records of any flexible working applications made. **sportscotland's** records will include:
- details of the application, including the date it was made, and any previous applications
 - details of the outcome of the application
 - the reasons for the outcome
 - details of any appeal and the appeal outcome
 - relevant subsequent developments.
- 4.15 These records will be treated as confidential and kept in accordance with the Data Protection Act 1998.

5.0 Compliance

- 5.1 Employees who do not support this policy and procedure may be subject to disciplinary action.
- 5.2 Compliance with this policy will be monitored by the Senior Management Team.

Appendix 1 - Glossary

Part-time work

This is when an employee is contracted to work less than the normal full time number of hours per week i.e. 37. This can be either on the basis of a reduced number of days or on a five day week, reduced hours basis (e.g. to fit in with school hours).

The benefits to employees are:

- they can fit paid work around childcare and other commitments
- it allows them to become accustomed to increased leisure time such as in the run-up to retirement.

*The benefits to **sportscotland** are:*

- this can be used to retain the skills of employees who wish to change their working pattern e.g. following maternity leave
- key knowledge and skills can be retained to allow for succession planning.

Key points to consider are:

- reduced pay may not make it feasible for all employees
- there must be no less favourable treatment of part-time workers
- overtime rates will be payable only when employees have worked beyond the normal full-time contractual hours for the position (Grade 1 only – see Pay Policy for more information).

Job-Sharing

This is when two (or more) employees share the responsibility for one role. Pay and benefits are shared in proportion to the number of hours worked by each employee.

The success of job-sharing depends upon the willingness of the job-sharers to co-ordinate their work and to collaborate to ensure that the whole job is done. The job-sharers will work closely together to share the full range of duties related to the post they hold jointly.

Job-sharing may be permitted in any practicable way which satisfies the needs of the business e.g.:

- shared day
- shared week
- alternate week (normally mid-week to mid-week)
- alternate days.

The benefits to employees are:

- flexibility to permit more time for caring responsibilities or other commitments
- working at regular, defined times, permitting arrangements in their free time to be made in advance
- facilitation of a phased retirement.

*The benefits to **sportscotland** are:*

- two employees are likely to bring increased skills and expertise to the position
- peak periods of demand can be covered by hours when the two employees work simultaneously.

Key points to consider are:

- potential increased costs resulting from training, overlap time and equipment where it cannot be shared
- the arrangement is likely to be unsuccessful unless regular communication and handovers take place between the employees
- account must be taken of what happens if one employee leaves
- issues when covering holidays/sickness absence
- additional demands on Line Managers by having additional employees to manage
- the impact of prolonged sickness, absence or an issue with conduct on the other employee in the arrangement.

Compressed Hours

This is when the number of hours an employee works is compressed into fewer days i.e. 37 hours per week over 4 instead of 5 days.

The benefits to employees are:

- extra time i.e. day per week/fortnight is freed up for an employee to pursue a hobby, further education or spend time with dependants
- no reduction in pay.

*The benefits to **sportscotland** are:*

- quiet periods of work can be used more effectively if the employee's time off is arranged to coincide with them
- cover can be extended beyond the normal hours of work.

Key points to consider are:

- working long hours can cause fatigue and affect performance, cancelling out the advantages of this option
- where cover has been extended by longer hours, consideration needs to be given to what will happen if the employee no longer wants to continue with the arrangement
- where more than one employee within a team wishes to work compressed hours then a rota may be necessary to ensure fairness. Some days (usually a Monday and Friday) will be more popular choices for time off.

Remote Working

This is when employees work from a different location(s) within the **sportscotland** estate or working from home. This is also known as mobile working or hot desking.

Home-working is only permitted where the role allows or to facilitate specific tasks to be carried out.

The benefits to employees are:

- travel time and costs are reduced, often resulting in a reduction in stress
- the ability to start work earlier as a result of a shorter commute to work.

*The benefits to **sportscotland** are:*

- a wider catchment area for recruitment is created
- employees who move out of the immediate vicinity of the HQ may be retained
- productivity can be increased by reducing working time lost to traffic jams and train and bus delays
- employees who do not have to commute to work may start their working day more mentally alert.

Key points to consider are:

- a higher degree of trust may need to be placed in the employee as direct supervision of their activities will no longer be possible
- employee motivation may be an issue
- the employee may begin to feel isolated and out of touch with the workplace and the rest of the team
- communication may deteriorate, particularly if the employee rarely visits their base of work
- the impact of the employee's absence from the workplace on other employees in the team should be considered.