



12.00 Flexible Working Policy



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1 Introduction

- 1.1. Our vision is a Scotland where people of all ages are respected, can make their own choices, and lead independent and fulfilling lives.
- 1.2. Our mission is to improve the quality of life of older people by offering a diverse range of housing, care, and other services
- 1.3. This policy embodies our values, which are:

Honesty
Dignity

Equality and Diversity
Integrity

Ambition
Caring

Kindness

2. Outcomes based approach

2.1. The purpose of this policy is to:

- Ensure compliance with legislative requirements
- Provide clarity to employees and our managers about how to make and respond to a flexible working request.

3. Equality, Diversity, and Inclusion

- 3.1. When carrying out this policy we will adhere to our Equality and Diversity Policy which aims to promote diversity, fairness, social justice, and equality of opportunity. An Equality Impact Assessment was carried out in relation to this policy, and this is included at [Appendix 1](#).
- 3.2. In addition to the points made above; to help promote equality and inclusion, the following steps will be taken for this policy:
 - Large print version
 - Translation and interpretation message on the back of the policy
 - Easy to read version for people with mental impairment

4. Definitions

- 4.1. A **statutory request** is a request for a change in employee's terms and conditions of employment relating to their hours, times, or place of work.
- 4.2. **Flexible working** is a broad term used to describe any working arrangement that meets the needs of both the employee and Bield regarding when, where and how the employee works. Examples include but are not limited to:

Part-time working	Homeworking
Hybrid working	Flexitime
Job-Sharing	Compressed Hours
Annualised hours	Term-time working



4.3. **“Must” and “Should”** Throughout the policy ‘should’ is used to reflect good employment practice. The word “must” be used to reflect where something is a legal requirement.

4.4. **“Rolling 12-month period”** is the 12-month period preceding the date you make your flexible working request



5. Flexible Working Policy

5.1. Purpose

This policy aims to encourage employees to consider flexible working. Bield believe that better work life balance can improve employee motivation, performance and productivity and enrich employee wellbeing. Therefore, we want to support our employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. Bield is open to all requests and through early and constructive conversations will seek to achieve the best outcome for Bield and employees in considering flexible working requests.

Flexible working can take many forms and not every kind of flexible working will be suitable for every role in Bield. Each request will be considered in line with the needs of the business area (this will include impact on other staff and service provision). In some cases, this may mean that it will not be possible to agree to a request. If a request cannot be accommodated, the manager considering the request will discuss alternative options with you before a final decision is reached.

This policy sets out our approach to flexible working requests under the statutory procedure and **must** be followed where an employee makes a statutory request for flexible working. It explains the legal rights, responsibilities and good practice of both employees and employers in making and responding to a statutory request for flexible working.

This policy does not form part of your contract of employment, and we reserve the right to amend or withdraw it at any time.

5.2. Legal/Regulatory Framework

The relevant legislation relating to flexible working is:

- Employment Rights Act (1996) (as amended) and associated regulations
- Equality Act 2010
- ACAS Statutory Code of Practice on requests for flexible working

5.3. Scope

This policy applies to all Bield employees.

5.4. Making a Statutory Request for Flexible Working

Every employee has a statutory right to request flexible working. The right applies from the first day of employment. An employee can make two statutory requests for flexible working within any rolling 12-month period.

A request must be made in writing and state that it is a statutory request for flexible working. It must include:

- The date of the request
- The change the employee is requesting to the terms and conditions of employment and specifically to their hours, times, or place of work
- The date the employee would like the change to take effect



- If and when the employee has made a previous request for flexible working.

An employee may only have one live request with their employer at any one time. Once a request has been made, it remains live until any of the following occur

- A decision about the request is made by the employer
- The request is withdrawn by the employee
- An outcome is mutually agreed
- The statutory two-month period for deciding request ends

A request continues to be live during any period of appeal or any extension to the statutory two-month decision period that may have been agreed with the employee.

Requests for flexible working may be for a temporary or permanent arrangement. Unless specified it will be assumed the request is for a permanent change in your role

5.5. Considering a request for Flexible Working

Every statutory request for flexible working must be handled in a reasonable manner and must be accepted unless there is a genuine business reason(s) not to.

The consideration should include:

- Carefully assessing the effect of the requested change for both the employee and for Bield
- Considering the impact for other staff and service provision for the area of the business
- Consideration of the potential benefits or other impacts of accepting or rejecting it

A decision to reject a statutory request for flexible working must be for one or more of the following business reasons which are set out in the Employment Rights Act:

- 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
- A detrimental impact on ability to meet customer demand
- Insufficient work available for the periods the employee proposes to work
- Planned structural changes to the employer's business

In handling a request, and any information an employee discloses as part of that request, employers must not discriminate unlawfully against the employee in relation to any of the protected characteristics set out in the Equality Act 2010.

The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex



- Sexual orientation

If an employee seeks a reasonable adjustment for their disability through a request for flexible working, we must consider this in line with our legal obligations under the Equality Act 2010. Bield must make reasonable adjustments to remove any disadvantage related to a person's disability. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.

5.6. Consulting an Employee

Bield must not reject a request without first consulting the employee. Unless we decide to agree to the employee's written request in full, we must consult the employee before we decide. Normally, this should include inviting the employee to a consultation meeting to discuss the request. A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place. This should be shared with the employee.

A consultation meeting helps to make sure that all relevant information is understood before a decision is made. It can also help to clarify whether a request may relate to a reasonable adjustment for a disability (see 5.5 above)

The meeting should be held without unreasonable delay. It should allow both the employee and line manager reasonable time to prepare for the discussion, while considering the statutory two-month period for deciding requests and concluding any appeal.

The employee should be informed about the time and location in advance of the meeting. It should be held privately and can be held in person, remotely via on-line video conferencing or via telephone.

The content of the meeting and way that it is conducted should allow for a reasonable discussion and consideration of the request. It will usually be helpful to discuss:

- The potential benefits or other impacts of accepting or rejecting the request
- The practical considerations involved in implementing the request

If the original request cannot be accepted in full there should be discussion about:

- Any potential modifications to the original request
- Alternative flexible working options that may be available and suitable for both the employee and for Bield.
- If a trial period would be appropriate to assess the feasibility of the arrangement

The person holding the meeting should have sufficient authority to decide. In Bield this normally means the direct line manager as outlined in tables below. If the decision is likely to have an impact on resourcing or budgets (i.e. for resourcing) they are required to allow sufficient time to seek approval in line with relevant internal procedures.

Office-based roles (including BR24)

Employee making Request	Manager Considering Request	Manager Considering Appeal
Chief Executive	Vice Chair of Board	Chair of Board
Chief Operating Officer and Directors	Chief Executive	Office Bearers
Office Grade 1 (Head of Service)	Director	Chief Operating Officer or Chief Executive



Office Grade 2 (Service Manager)	Head of Service	Director
Office Grade 6 to Office Grade 3	Reporting Manager	Head of Service or Director

Development Based Roles

Employee making Request	Manager Considering Request	Manager Considering Appeal
Manager	Housing Services: Housing Services Supported Living Services: Supported Living Services Manager	Housing Services: Head of Service Supported Living Services: Head of Service
Deputy Manager Team Leader Care Assistant Assistant Cook	Housing Services: Area Housing Manager Supported Living Services: Manager	Housing Services: Housing Services Manager Supported Living Services: Supported Living Services Manager

5.7. Communicating a decision about a request

Once a decision has been made about the request, the manager considering the request is responsible for informing the employee of their decision. They should confirm the decision in writing without unreasonable delay.

If the request is approved:

- If the request is approved, or, following consultation, a modified or alternative arrangement is agreed, the written decision should confirm the details of the agreed arrangement and when it will be implemented.
- The written decision should offer the employee an opportunity for a discussion to clarify any areas that may be helpful in implementing the agreed arrangement. This may include agreeing dates to review how the arrangement is working.

If the request is rejected:

- The written decision should clearly explain the business reason(s) (see 5.5 above) and it should also set out any additional information which is reasonable to help explain the decision.
- The written decision should make it clear that the employee has the option to appeal the decision and explain how to appeal if they wish to do so, and the time limit for submitting an appeal.



5.8. Handling an Appeal

If an employee wishes to appeal the decision about their request, they should inform Bield of the reasons for their appeal in writing within 10 working days (Monday to Friday) of receipt of the decision. The reason for appeal may be:

- There is new information they wish to be considered
- They believe their request has not been handled in a reasonable manner

If notification of an appeal is received, the manager considering the appeal is responsible for arranging an appeal meeting without unreasonable delay following the same steps as they would for arranging the consultation meeting. A written record of the appeal meeting should be kept which provides an accurate reflection of the discussion that has taken place. This should be shared with the employee.

The appeal should be dealt with impartially and wherever possible by a manager not previously involved in considering the request (please refer to the tables at 5.6 above). The person holding the appeal meeting should have sufficient authority to decide.

Once a decision is made about the appeal the employee must be informed of that decision. This should be confirmed in writing without unreasonable delay, considering the statutory two-month period for deciding requests. The decision should make clear what has been decided and why. If the decision is rejected there are no further internal routes for review of the decision.

5.9. Allowing an employee to be accompanied

Bield recognises that allowing an employee to be accompanied is good practice. It can be helpful in giving employees confidence to make requests and support both parties to find a mutually agreeable solution.

Employees may make a reasonable request to be accompanied by a trusted work colleague or Bield Employee Representative at consultation and/or appeal meetings to discuss their flexible working request and will be informed prior to the meeting that they may request a companion.

Employees are responsible for ensuring that their request for a companion is clearly understood and allows sufficient time for the necessary arrangements to be made for their attendance at the meeting. Employees should confirm they have chosen to be accompanied and by whom to the manager holding the meeting in advance of the meeting.

5.10. Employee does not attend Consultation or Appeal Meetings

The arrangements for the meeting should provide reasonable opportunity for the employee to attend. If a consultation or appeal meeting is arranged to discuss the request and the employee fails to attend the meeting and a rearranged meeting without good reason, Bield will consider the request withdrawn. If a request is considered withdrawn the employee will be informed in writing.

5.11. Deciding a request within the statutory decision period

All requests, including appeals, must be decided, and communicated to the employee within a period of two months from when the request is first received by Bield. Both parties may agree to extend this period. If an extension is mutually agreed, this should be confirmed in writing to the employee.



5.12. **Protection from detriment and dismissal**

An employee must not be subject to any detriment or dismissal because of the following:

- The employee has made or intends to make a request for flexible working
- The employee has issued legal proceedings against Bield in relation to their right to request flexible working or has stated that there are circumstances which would constitute a ground for them doing so.



6. Publicising and Accessibility

- 6.1. The Flexible Working Policy will be available to all staff through the Employee Handbook.
- 6.2. We are happy to translate any of our policies and provide an interpreter if our customers need help.

7. Training and Competence

- 7.1. The Flexible Working Policy is supported by employee and manager guidance to enable them to effectively request and consider requests for flexible working.
- 7.2. Further support for managers is provided through our policies, learning & development activities and from the Human Resources Team.

8. Scheme of Delegation

- 8.1. As the governing body with responsibility for overseeing our work, our Board provides leadership and strategic guidance. It also ensures compliance with our policies and procedures. Concerning the Flexible Working Policy, its role is twofold:
 - *to approve the adoption of the Flexible Working Policy*
 - *to ensure that staff keep to this Policy and Procedure and associated internal processes*
- 8.2. The Chief Executive provides leadership and direction in ways that guide and enable us to perform effectively across all services.
- 8.3. This includes ensuring that there ~~are~~ is an effective Flexible Working Policy
- 8.4. The **Leadership Team** is responsible for monitoring the policy ensuring compliance with the procedures.
- 8.5. All **colleagues** should be aware of the Flexible Working Policy

9. Monitoring, Reporting, and Review

- 9.1. The effectiveness of the Flexible Working Policy will be assessed through:
 - Analysis of numbers of flexible working requests and their outcomes.
 - Review of time taken to reach decision in relation to flexible working requests
 - Monitoring and review of employee and manager feedback about the process and guidance
 - Feedback from the Human Resources Team based on their experience of supporting managers to apply the Flexible Working Policy.
- 9.2. A formal review of the policy will be undertaken every 5 years



10. Complying with the Law and Good Practice

10.1. As a provider of care, we are regulated by the Care Inspectorate. The Care Inspectorate uses Health and Social Care Standards to assess the performance of care providers. The key standards that have been considered in the development of this policy are: [delete as appropriate]

Standard 3 I have confidence in the people who support and care for me

Standard 4 I have confidence in the organisation providing my care and support

11. GDPR

11.1. We will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how all data will be used and the basis for processing your data is provided in our Employee Fair Processing Notice.

12. Risk management

12.1. Several risk management activities have been identified to ensure this policy is adhered to and that Bield customers experience the best possible experience

- Bield colleagues, Board members, and volunteers are made aware of this policy on publication and during induction of new colleagues.



Appendix 1 Equality Impact Assessment

1	Title of Policy to be assessed: Flexible Working Policy
2	Date: 27 February 2024
3	Lead Officer/Manager: Nikki Ritchie, Director of People and OD
4	EQIA Team (who will be involved): N/A
5	Director/Manager: Keren Faulds, Head of HR
6	Is the function or policy existing, new, or review: Review
7	<p>Set out the aims/objectives/purposes/outcomes of the function or policy, and give a summary of the service provided:</p> <p>The policy sets out the process for employees to request flexible working by way of either a temporary or permanent change to hours of work, place of work or times of work. This is in line with, and goes beyond, our statutory obligations in terms of flexible working. Anticipated outcomes of the policy include better work life balance for employees, improved health and wellbeing, reduced sickness absence, improved employee engagement and employees feel supported and valued by the organisation.</p> <p>The policy applies to all Bield colleagues</p>
7a	<p>Who should benefit from the policy (target population): Bield employees from and across all the protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion/belief, sex, and sexual orientation).</p>
7b	<p>Linked policies, functions: Are there any other functions, policies, or services, which might be linked with this one for this exercise? Please list.</p> <ul style="list-style-type: none"> • 12.01.02 Career Break Policy • 12.01.03 Time off in Lieu (TOIL) Policy • 12.01.04 Job Share Policy • 12.01.05 Homeworking Policy • 04.02 Flexitime Policy
8	<p>State whether the policy will have a positive or negative impact across the following factors and provide initial comments/observations.</p> <p>Age: Older people, people in the middle years, young people, and children.</p> <p>Disability: includes physical disability, learning disability, sensory impairment, long-term medical conditions, mental health problems.</p> <p>Marriage and civil partnership The policy will have no impact on people because they are married or within a civil partnership</p> <p>Maternity and Pregnancy The policy will have no impact on people expecting or recently giving birth</p> <p>Race: Minority ethnic people (includes Gypsy/Travellers, non-English speakers).</p> <p>Religion or belief includes people with no religion or belief.</p>



<p>Sex: Women, men, and transgender people (include issues relating to pregnancy and maternity).</p> <p>Gender reassignment: The process of changing or transitioning from one gender to another.</p> <p>Sexual orientation: Lesbian, gay, bisexual, and heterosexual people.</p> <p>People in remote, rural, and/or island locations</p> <p>People in different work patterns: e.g. part-/full-time, short-term, job share, seasonal</p> <p>People who have low literacy</p> <p>People in different socio-economic groups (includes those living in poverty/people on a low income)</p>				
	Population groups	Positive Impact	Negative Impact	Comments
	Age	√		This policy is intended to ensure fair treatment for young or older people who may experience the need to apply for flexible working to manage caring responsibilities and work life balance. The impacts are likely to be positive
	Disability	√		Potential positive impact for employees with disabilities where adjusting their work pattern might help them to continue to work. The policy is clear that where flexible working requests seeks a reasonable adjustment for their disability, we must consider this in line with our legal obligations under the Equality Act 2010.
	Marriage and civil partnership			It is not considered that the flexible working policy would have any impact on people because of their marriage or civil partnership status.
	Pregnancy and Maternity	√		Potential positive impact for employees who are pregnant or returning from period of maternity leave to request permanent or temporary changes to working arrangements to support their changing circumstances.
	Race	√		It is not considered that the flexible working policy would have any impact on people of different racial groups. However, where different racial groups face specific cultural necessities which may require a different working pattern, the flexible working policy will provide a mechanism to consider meeting this need
	Religion or belief	√		Potential for positive impact on employees who may wish to work flexibly to observe religious practices.
	Gender reassignment	√		Potential positive impact for employees undergoing gender reassignment process



				where adjusting their work pattern might help them have time to undergo treatment.
	Sex	√		Research shows that women are more likely to request flexible working patterns.
	Sexual orientation			It is not considered that the flexible working policy would have any impact on people due to their sexual orientation.
	People in remote, rural, and/or island locations	√		Potential positive impact for employees who live in remote locations as the policy provides a mechanism for alternative working arrangements to be considered.
	People in different work patterns			It is not considered that the policy will impact people with existing alternative working patterns.
	People who have low literacy	√		The reduced requirement for information to provide as part of the application process may make it easier for those with low literacy to submit a request.
	People in different socio-economic groups			It is not considered that the policy will impact people within different socio-economic groups.
9	What evidence do you have for the statements you have made above? Focus on: Consideration of our workforce demographics and existing flexible working requests. Research in employment trends around Flexible working			
10	From the evidence set out what actions, if any, will you take where the negative impact has been identified:			
	Population groups	Proposed action		How will it address the negative impact?
	Age	N/A		N/A
	Disability:	N/A		N/A
	Maternity and civil partnership	N/A		N/A
	Race	N/A		N/A
	Religion or belief	N/A		N/A
	Sex and Gender reassignment	N/A		N/A
	Sexual orientation	N/A		N/A
	People in remote, rural, and/or island locations	N/A		N/A
	People in different work patterns	N/A		N/A
	People who have low literacy	N/A		N/A
	People in different socio-economic groups	N/A		N/A



Briefly explain how the policy contributes to our equality and diversity values by answering the following questions:

How will it provide equality of access to services, information, and employment?

The flexible working policy provides all employees with the right to request flexible working from their first day of employment, giving increased choice and the chance for employees to improve their work-life balance. Making flexible working more accessible and inclusive and encouraging discussion about alternatives available my help address barriers to employment that any groups of people may experience

Any additional information, questions, or actions required? Please explain.

Sign off:

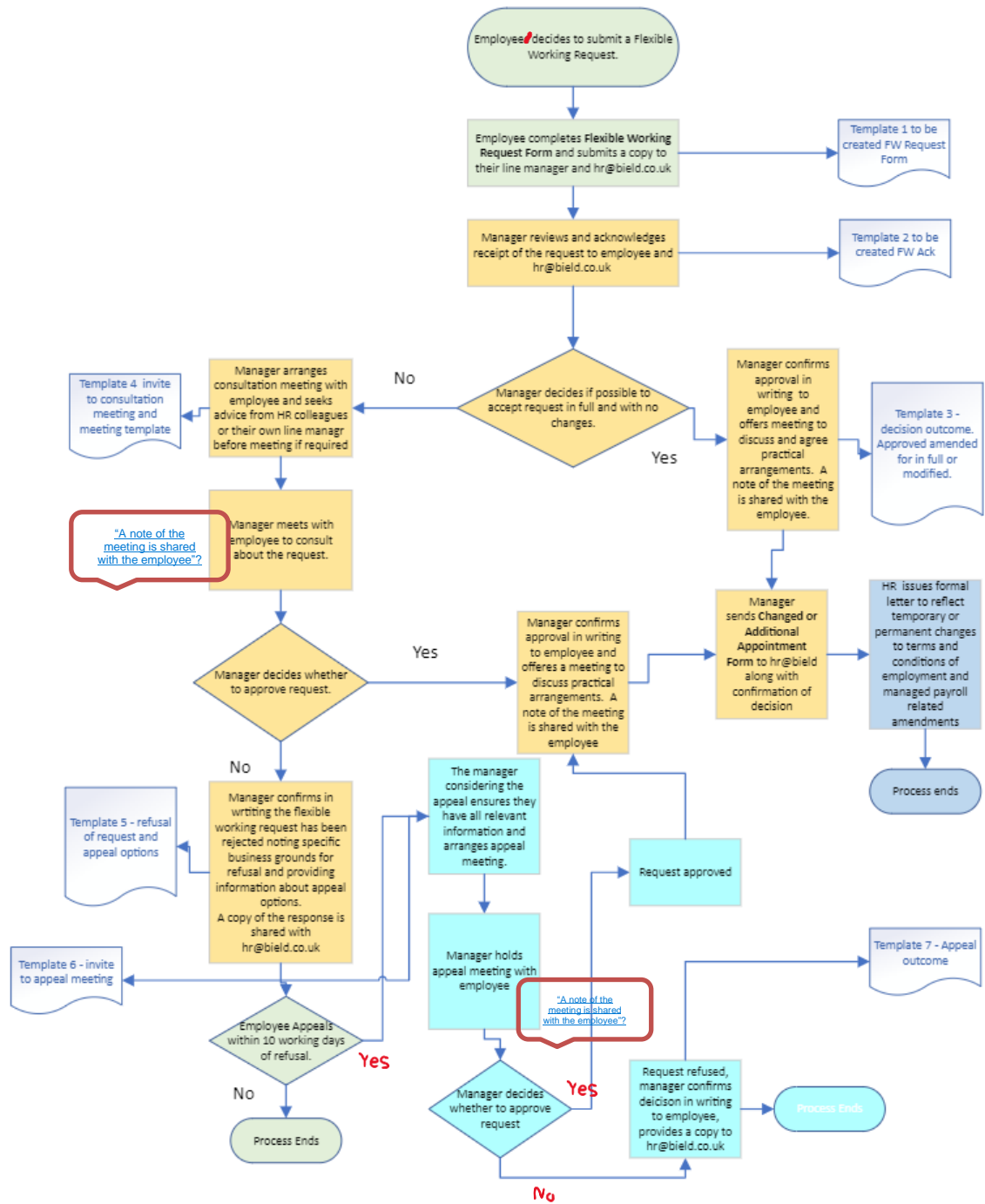
**As Director I am satisfied with the results of this EIA
The findings will be referred to within Service Plans and target set. The Action Plan will be reviewed annually within Business planning reporting.**

Signature:

Date:



Appendix 2 – Flexible Working Procedure at a Glance





Speaking your language - we are happy to translate our policies on request.

يمكن ترجمة سياساتنا عند الطلب
إذا كنت بحاجة إلى مساعدة ، فيمكننا توفير مترجم

**Nasze zasady mogą być przetłumaczone na żądanie.
Jeśli potrzebujesz pomocy, możemy zapewnić tłumacza**

我们的政策可以应要求翻译。
如果您需要帮助，我们可以提供翻译

ہماری پالیسی کا درخواست پر ترجمہ کیا جاسکتا ہے۔
اگر آپ کو مدد کی ضرورت ہو تو ہم ایک ترجمان فراہم
کرسکتے ہیں