

Human Resources
Goireasan Daonna

Flexible Working Guidance

Contents

Clàr-innse

Introduction	3
Guidance	3
Definitions	3
What is Flexible Working?	3
Flexible Working Requests	5
Roles and Responsibilities	6
Flexible Working application procedure	7
Homeworking considerations	10
Completing a Homeworking Agreement and Checklist	11
Quick Links	13

Introduction

Flexible Working, Hybrid/Mobile Working and the Flexi-Time scheme create the 3 Flexible Working Strands which sit under the [Flexible Working Arrangements Policy](#).

Flexible Working determines **when** an employee works. Hybrid/Mobile Working relates to **where** an employee works and the Flexi-Time scheme provides an employee with the ability to **vary** their hours around core business hours each day.

This guidance should be implemented for any employee who wishes to take advantage of any form of Flexible Working. This guidance outlines expectations, considerations and process with regards to defining working arrangements to achieve a balance between an employee's preferences and service provision.

This guidance is closely linked to the [Hybrid/Mobile Working Guidance](#) and the [Flexi-Time Scheme](#).

Note: Implementing a Flexible Working agreement will constitute a permanent contractual change.

Guidance

Definitions

Please see the [Flexible Working Arrangements Policy](#) for definitions of key terms.

What is Flexible Working?

A Flexible Working arrangement should be used to implement a permanent work pattern that supports service delivery and an employee's individual needs, for example employees may:

- adjust the number of hours worked (part-time working, term-time working or annualised hours)

- adjust the start and finish times or the days they work, (variable or compressed hours)
- request to change their work location.

Where an employee does not wish a permanent change to their work location, [Hybrid/Mobile Working](#) may be considered where managers and employees wish to adopt a fluid approach to work locations.

Flexible Working types

Flexible Working Type	Description
Annualised hours	The employee works a set number of hours over the course of a year, rather than a set number of hours weekly. These hours are planned throughout the year to align with service needs.
Compressed hours	The employee works their full contracted hours over fewer days with fixed start and finish times. For example, a 35-hour week may be worked over 4 days instead of 5.
Part-time working	The employee works less hours than the standard full time equivalent.
Term-time working	The employee works during school term periods and takes planned paid or unpaid time off during school holidays.
Variable Hours	The employee works the same number of hours or days overall, but the specific start and finish times may vary. These variations should be agreed in advance.

Flexible Working strands in practice

Employees may utilise different Flexible Working strands at the same time as outlined in the table below.

Each application must be assessed individually against service requirements, in accordance with this guidance and the [Flexible Working Arrangements Policy](#).

Scenario	Flexible Working Agreement	Hybrid / Mobile Working	Flexi-Time Scheme
Employee wants to vary their start and finish times	✗	✓	✓
Employee wants to work between home and their normal workplace	✗	✓	✓
Employee wants to work from home permanently	✓	✗	✓
Employee wants to permanently reduce their hours without fixing their start and finish times	✓	✓	✓
Employee wants to permanently reduce their hours with fixed start and finish times	✓	✓	✗
Employee wants to compress their hours over 4 days	✓	✓	✗
Employee wants to work 7am – 3pm every day	✓	✓	✗

Flexible Working requests

An informal discussion is a helpful first step for employees wishing to submit a Flexible Working application. This allows the employee and manager to explore different options, understand how the request might work in practice and to overcome any potential challenges that may arise as a result of the request.

Flexible Working could be considered as a reasonable adjustment, supporting employees in returning to work or remaining in work.

Legislative requirements

It is a legislative requirement for managers to **consult with employees** on alternative options if a Flexible Working request cannot be accommodated and to ensure the full process (including any appeal) is concluded **within 2 months**, unless an extension is mutually agreed in writing. Please refer to the [Flexible Working Arrangements Policy](#) for further details.

Flexible Working request to work outside the Highland Council boundary

Working from a base out with the Highland Council boundary (but within the UK) on a permanent basis may be considered where:

- the Service needs are met
- there are no practical issues impacting negatively on service delivery.

All employees should have a notional base within the Highland Council boundary where travel expenses should be claimed from when work-related travel takes place. Employees who work out with the Highland Council boundary will travel to their notional base within the Highland Council boundary at their own cost.

Where an employee relocates without an approved Flexible Working agreement in place and this change has a detrimental impact on their ability to effectively undertake their job role, The Highland Council may consider this action as a breach of contract.

Flexible Working request to work abroad

The Highland Council is **unable** to approve Flexible Working applications involving remote working from abroad due to the significant implications for both the Council and employees. These include concerns related to data and ICT security, immigration, taxation, pensions and employment legislation.

However, a short-term arrangement requested for a significant, critical and time-limited situation may be permitted as an exceptional and temporary arrangement via [Hybrid/Mobile Working](#), where discussion and prior approval has taken place with ACE/CO, HR Manager or above and CO Business Solutions.

Roles and Responsibilities

When considering Flexible Working, employees are encouraged to read all relevant policies and guidance before having an open conversation with their line manager about their practical needs.

Managers should approach these conversations in a positive and constructive manner, applying the related policy and guidance fairly, openly and consistently to create a supportive environment where both the needs of the employee and the operational requirements of the service can be considered and planned collaboratively.



Employees should be aware that an approved Flexible Working Application will result in a permanent change to an employee's contract. This means they will not automatically be able to return to their previous working arrangements.

Employees should also be aware that changing contractual hours will affect their salary, annual leave entitlement and pension contributions.

Requesting an employee attend the office to work, attend meetings, training or collaboration with team members is considered a reasonable management request and employees are expected to attend the workplace when requested.

All employees should be reminded of their [Right to Disconnect](#) outside their working hours.

When a Flexible Working application to work from home is approved, employees should review the section on [Homeworking Considerations](#) below.

Flexible Working application procedure

Please see the [Flexible Working Application Process](#) for an overview of the full procedure.

Submission of a Flexible Working Application Form

Once the employee has discussed their preferences with their manager, they should complete a [Flexible Working Application Form](#), submit to their line manager and send a copy to [HR](#).

Employees have the right to be accompanied by a colleague or Trade Union representative at any meeting held during this process.

Managers should arrange a meeting with the employee to discuss the proposal in more detail, including the operational impact of the request and how it might be implemented in the workplace. Where there are concerns about service delivery, a [trial period](#) may be considered.

If the original request cannot be agreed, managers should consult with the employee to explore suitable alternatives.

Managers have **10 working days** to respond to a Flexible Working application to ensure the legislative timescale is met. Possible decision outcomes include:

- approved
- amended (as determined during the meeting)
- refused.

Flexible Working application - approved

If approved, the line manager will notify the employee in writing using the [Flexible Working Decision Form](#). A copy of this form will also be sent to [HR](#).

The employee will receive an amendment to contract detailing the contractual changes and effective date. Where an employee does not change the number of contracted hours per week or base location, an amendment to contract will not be issued.

Amended Application

If the original request cannot be approved, the manager and employee must discuss suitable alternative arrangements. If an alternative arrangement is agreed, the manager will notify the employee using the Flexible Working Decision Form. A copy of this form should also be sent to [HR](#).

The form should clearly state that the initial request was not approved and outline the details of the amended arrangement that has been mutually agreed.

Trial Period

There may be instances where a trial period is required to determine if the requested arrangement is sustainable. A trial period should not last longer than 12 weeks.

The outcome of the trial should be confirmed in writing to the employee using the Flexible Working Decision Form. A copy of this form should also be sent to [HR](#).

Flexible Working application - refused

Flexible Working applications **must** only be refused when a manager has consulted with an employee to exhaust all suitable alternative arrangements **and** where there are legitimate business grounds for doing so.

The legislated business grounds for refusal are:

- the burden of additional costs
- a detrimental impact on quality

- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- insufficient work for the periods the employee proposes to work
- planned structural changes to the business.

If an application is refused, the decision including the relevant key facts should be confirmed to the employee in writing **within 10 working days** of receiving the application using the [Flexible Working Decision Form](#). A copy of this form will also be sent to [HR](#).

Flexible Working application - withdrawn

An application may be considered withdrawn by the line manager if the employee has:

- provided notice of withdrawal (verbally or in writing),
- failed to attend a meeting on more than one occasion without reasonable justification or
- declined to provide the necessary information required to assess the application.

The line manager should confirm the withdrawal to the employee in writing.

Appeals procedure

If the application is refused, the employee may appeal the decision to the next level of management if:

- they believe the outcome is deemed to be unfair
- there is new information that was not available at the time of the original decision, or
- the procedure was not followed appropriately.

The appeal should be submitted using the [Flexible Working Appeal Form](#) **within 10 working days** of receipt of the Flexible Working Decision form.

On receipt of the Flexible Working Appeal Form, a hearing will be arranged with the next level of management, the line manager who refused the application, a representative from HR and the employee. The employee is entitled to be accompanied to this hearing.

The appeal hearing outcome will be communicated to the employee. This hearing ends the Flexible Working application process.

Homeworking considerations

Homeworking approved via a Flexible Working application constitutes a permanent, contractual change.

Employees should undertake work effectively regardless of their work location ensuring they have a safe, secure and private space to work.

Managers and employees must establish clear expectations for contact during working hours, using tools like Microsoft Teams and Outlook calendars to support visibility, coordination and responsiveness. Managers should ensure they have access to contact details for employees in case of emergency.

Standard procedures for reporting sickness or any other type of absence continues to apply, regardless of work location.

To ensure safety and compliance, [Risk Assessments](#) should be reviewed and updated to reflect revised working arrangements, including lone working. It is also essential to follow health and safety related guidance.

A reliable internet connection is essential to support digital systems. Any issues with connectivity must be reported to the line manager promptly. Managers should implement a plan for when faced with issues of poor internet connectivity during home working.

Employees are reminded to comply with the [Code of Conduct](#) and [ICT Acceptable Use Policy](#) at all times, regardless of their work location.

When working from home, employees must complete the [Homeworking Risk Assessment](#) and the [Display Screen Equipment \(DSE\)](#) module and self-assessment. Further information and advice on working from home can be found on the [Health and Safety Executive website](#).

Employees who are working from home should check that their home contents insurance provides adequate cover for work-related equipment and activities.

Equipment and ICT

Employees will be provided with any workplace equipment required to set up their home workstation. Employees should ensure they have the ICT Helpdesk phone number and know their laptop asset number. Where an employee's circumstances change and working from home no longer applies, they are expected to return any equipment issued.

Information security

Discussions will take place between the manager and the employee to ensure suitable arrangements are in place at home to mitigate any risk of breaches of confidentiality or security. For additional information please see [Information Security Guidance](#).

Travel

In line with the [Travel and Subsistence Policy](#), an employee's 'base' location is the workplace from which they can claim travel expenses. When working from home the employee's contract is formally changed and their home will become their base unless they live out with The Highland Council boundary.

Changes to home location

Employees must tell their line manager of any proposed change to their home location as there may be implications for personal safety and service delivery.

Wellbeing

Managers have a duty of care to ensure the health, safety and wellbeing of employees and must ensure employees have sufficient support and access to the range of wellbeing resources offered by Highland Council, such as the [Employee Assistance Programme \(EAP\)](#).

Completing a Homeworking Agreement and Checklist

Following approval of a Flexible Working application for homeworking, employees should meet with their manager to discuss the points outlined in the [Homeworking Considerations](#).

This includes reviewing:

- suitability of tasks for homeworking

- 
- agreeing on working hours
 - communication methods
 - equipment needs
 - arrangements for health and safety
 - plan for continuity of internet connection
 - risks associated with data legislation and security.

All arrangements must be clearly documented in the [Homeworking Agreement and Checklist](#).

Once the agreement is finalised, it must be signed and a copy retained by both parties.

Employees must follow the terms set out in their Homeworking Agreement and Checklist. If circumstances change or concerns arise, employees should promptly raise these with their manager and request any necessary adjustments. Maintaining open communication ensures that the agreement continues to support both operational needs and employee wellbeing.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

[HR Microsite](#)

[Flexible Working Arrangements Policy](#)

[Flexible Working Arrangements Guidance for Managers](#)

[Flexible Working Application Process Flowchart](#)

[Flexible Working Application Form](#)

[Flexible Working Decision Form](#)

[Flexible Working Appeal Form](#)

[Flexi-Time Scheme](#)

[Homeworking Agreement and Checklist](#)

[Homeworking Risk Assessment](#)

[Hybrid/Mobile Working Guidance](#)

Additional Resources

[Code of Conduct](#)

[Display Screen Equipment \(DSE\)](#)

[Employee Assistance Programme](#)

[Homeworking Risk Assessment](#)

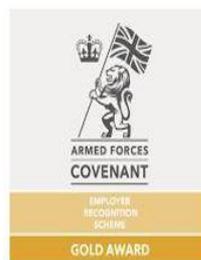
[ICT Acceptable Use Policy](#)

[Information Security Guidance](#)

[Right to Disconnect](#)

[Risk Assessment](#)

[Travel and Subsistence Policy](#)



myjobscotland

