

# HR Policy & Procedure: Work Life Balance

Version: 3.10

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North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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## Version Control

Version Number	Effective Date	Details of Last Revision
2.0	24 August 2015	Updated onto new policy template
3.0	16 February 2016	Removal of reference to “Job-Share”
3.1	28 March 2017	Update to reflect changes due to Flexible Working Regulations 2014
3.2	3 July 2017	Update to correct links/numbering
3.3	26 February 2018	Updated application process – direct to line manager
3.4	16 April 2019	Updated to reflect change from “Connects” to HR Payroll System
3.5	16 July 2019	Reduced Hours due to Occupational Health to align with Pension (Scotland) Regulations 2019
3.6	15 July 2020	Transferred to Accessibility Template
3.7	1 August 2021	Updated to incorporate alternative Workstyle Requests
3.8	15 December 2021	Updated links to Connects and to include self-funded sabbaticals and appeal process updated
3.9	31 August 2022	Remove reference to “winding down”

Version Number	Effective Date	Details of Last Revision
3.10	6 April 2024	Updated to reflect new legislation

# Equality Impact Assessment: August 2023

Prepared by: HR Team

## 1. Scope and purpose

- 1.1 This policy and procedure applies to all employees within North Ayrshire Council and at the discretion of the appropriate Executive Director or Head of Service, can be applied from the point of recruitment.
- 1.2 All employees have the right to request flexible working and to have their request considered in a reasonable manner. An employee can only make 2 requests in any 12-month period.
- 1.3 Where there is reference to the title of Manager within this document, this should also read across to Head Teacher.
- 1.4 The purpose of the Work Life Balance Policy is to provide clear guidance to managers and employees on the:
  - flexible working options available
  - conditions affecting each arrangement
  - eligibility criteria
  - procedure to be followed in applying for and considering a flexible working arrangement
  - procedure to be followed when requesting consideration of an alternative Workstyle
- 1.5 The Council recognises that it is essential to recruit and retain a skilled and experienced workforce. Effective service provision can be enhanced by employees being able to work in more flexible ways to better balance home and work life. Different working arrangements can also enhance the efficiency of service delivery.
- 1.6 However, a key principle of the Work Life Balance Policy is that any changes to working patterns must allow the service to still be delivered effectively and be cost effective. As a publicly accountable body, the Council must ensure that the services it delivers are protected.

## 2. Work life balance options

- 2.1 The Council provides a range of flexible working options for all employees under the Work Life Balance Policy as detailed below:
  - annualised hours
  - compressed hours
  - reduced hours due to Occupational Health advice
  - career break
  - self-funded sabbatical (Teachers and associated professionals)
  - flexible working hours (flexitime)
  - time off in lieu (TOIL)
  - homeworking
  - part-time hours

- term-time working
- 2.2 The HR Guide: Work Life Balance Options, provides details on the operation of each work life balance option.
  - 2.3 The Council also offers retirement options to allow employees to reduce their working hours and receive pension benefits. Employees in the Local Government Pension Scheme can apply for 'flexible retirement', as set out in the Pension Policy & Retirement Procedures – Local Government Pension Scheme. Employees in the Scottish Teachers Superannuation Scheme can apply for 'phased retirement' as set out in the Retirement Policy & Procedure – Teaching Staff.
  - 2.4 Employees can apply for one or more of the work life balance options listed above. These options are intended for long term permanent changes to working patterns. However, a "pilot" arrangement can be agreed before confirming the change as permanent.
  - 2.5 In addition to the above, the HR Guide: Workstyles, provides details on different workstyles. This is where an employee may be permitted to work from a number of locations out with their usual base, or from home, where their line manager has given prior agreement. Unlike the other Work Life Balance options above, different Workstyles will not require a formal change to the contract of employment unless it is a change to a Homeworking Workstyle, where a homeworking agreement should be issued.
  - 2.6 Where a request for Work Life Balance is granted, employees are entitled to the same access to training, career opportunities and other work-related initiatives as employees working standard hours. Pay and terms and conditions of employment will be unchanged except where these are calculated on the basis of hours worked such as salary and holiday entitlement.
  - 2.7 Management will not authorise a change in working pattern until it has been considered and reviewed in the context of service provision and its cost effectiveness. No changes to existing working patterns will be authorised if the service cannot continue to be delivered at an appropriate level. Please see HR Guide: Considering Work Life Balance Requests for further guidance.

## 3. Work life balance request procedure

### 3.1 Informal discussion

- 3.1.1 Employees in the first instance should discuss informally the possibility of a change in working pattern with their line manager to check whether the service is likely to be able to accommodate the particular arrangement. The HR Guide: Considering work life balance requests is a useful reference document in understanding the impact that a change may have on business operations.

- 3.1.2 After informal discussions with their manager, employees should complete the Work life balance application form and return it to the line manager for approval.

## 3.2 Formal Application and Meeting

- 3.2.1 The Work life balance application procedure can take up to 8 weeks therefore sufficient notice of the proposed start date should be given to allow time for the application to be considered and any impact on the service and other employees to be considered.
- 3.2.2 Employees can submit two applications in any 12 month period for each individual post. Where an application applies to more than one post this should be stated on the form. The application may be approved against one post and not another.
- 3.2.1 Employees can withdraw an application during any stage of the application procedure by informing their line manager in writing. Line managers should confirm the receipt of the withdrawal.
- 3.2.2 The manager should acknowledge the work life balance application and arrange to meet with the employee and discuss it within 14 days from the date the work life balance application was received. Managers can use the “Initial Meeting Letter” to invite the employee to the meeting. This timescale may be extended by the manager or employee because of practical difficulties and the employee will be informed of this using the “Defer decision letter”.
- 3.2.3 There may be occasions where the application is straightforward and the manager is comfortable with it, the application may be approved straightaway without the need for a formal meeting (see informal process).
- 3.2.4 Employees applying may bring a colleague or trade union representative to the meeting (where an employee is under 18 years old, one or both parents may also be present at the meeting).
- 3.2.5 If an employee fails to attend the meeting, the meeting should be rearranged at a mutually agreeable time. If an employee fails to attend the rearranged meeting without prior notification and does not provide a reasonable explanation, the application should be treated as having been withdrawn. The manager will send confirmation of the withdrawal in writing using the “Application withdrawal” letter.
- 3.2.6 The HR Guide: Considering work life balance requests, provides guidance on the information which should be considered before accepting or declining a work life balance application.
- 3.2.7 A summary of the application procedure in flowchart form is attached at Appendix 1.

## 3.3 Application Accepted

- 3.3.1 If the change meets the work-life balance principles and is supported by the manager, there are two possible courses of action. The new working pattern can be agreed by the manager on a permanent or pilot basis.
- 3.3.2 The manager may agree to a change in working pattern on a permanent basis. This is most likely to occur when the request does not vary greatly from the current arrangement, i.e. requesting a change from full-time to requested working pattern.
- 3.3.3 If agreed, the manager will send the employee the “permanent acceptance letter” within 14 days following the work life balance meeting, confirming the work life balance arrangement and from when it will commence. If there are any salary or terms and conditions of service changes (e.g. reduction in hours), the manager must complete a Contract Amendment Form (if appropriate) through the employee account, and this will then notify the Resourcing Team to issue a contract and Payroll will make the changes on HR Payroll System. Where the request is within Education, Education Resources will complete any Contract Amendments and the appropriate paperwork once notified.
- 3.3.4 Once a permanent change has been approved the new work pattern will become the employee’s contracted hours and they will have no right to return their previous work pattern or hours. An employee could however apply to return to full time hours where a suitable vacancy arises by applying through the normal recruitment processes.
- 3.3.5 Where possible if there is a reduction in working hours, these will be removed from the employee costs budget as an efficiency saving. Future changes to a work pattern may be permitted, but a reduction in hours cannot normally be reversed.
- 3.3.6 Where appropriate, the manager may agree to a change in working pattern on a pilot basis, in order to demonstrate in practice that:
- Service delivery is maintained
  - that it meets the individual’s needs and
  - that it is fair to colleagues
- 3.3.7 If the request is agreed on a pilot basis the manager will write to the employee within 14 days of the meeting, confirming the work life balance arrangement and when it will commence using the “Pilot acceptance letter”. As a guide, pilots should run for a period of 3, 6, 9 or 12 months.
- 3.3.8 If there are any salary or terms and conditions changes the manager must complete a Contract Amendment Form through the employee account. Where the request is within Education, all contact amendments and appropriate paperwork are issued by Education Resources once notified of the change.

3.3.9 The manager will review and assess the success of the work life balance arrangement before the end of the pilot. The pilot will then be either:

- accepted on a permanent basis
- extended
- ended

3.3.10 A pilot can be extended for a fixed period up to a maximum pilot period of 12 months. This is most likely where the manager needs more time to evaluate all influencing factors, where there are proposed changes to the organisation structure and ways of working, where there is higher staff turnover and flexibility needs to be continually adjusted etc. The manager will confirm the decision in writing within 14 days following the review using the “Extension to pilot” letter. The new working arrangement should be reviewed throughout the pilot to ensure that employees are aware of what is/isn’t working.

3.3.11 If the work life balance arrangement is demonstrated not to be feasible, the pilot will be brought to an end. Employees should be provided with reasonable notice to ensure they are able to put arrangements in place and revert to the previous working pattern. The manager will confirm the decision in writing to the employee within 14 days following the pilot review including the reasons why the pilot has been unsuccessful using the “End of pilot” letter.

3.3.12 Where an employee has benefited from the full 12-month pilot and wishes to request a further work-life balance, this can be requested where the 12-month period has lapsed, and the request differs to the original request. Where the request remains the same, this will normally only be considered on a permanent basis, no further pilots will be offered.

3.3.13 The Manager must complete a Contract Amendment Form (if appropriate) through the employee account, and this will then notify the Resourcing team to issue an amended contract and Payroll will make the changes on the HR payroll system.

3.3.14 Where the manager agrees to accept the pilot on a permanent basis, the process in paragraphs 3.3.3 to 3.3.5 above must be followed.

3.3.15 Where the request is for homeworking, a Work-Life Balance Application Form will be required. To determine the suitability of homeworking the manager must ensure the Homeworking Checklist is completed. In the event the request is approved, the Homeworking Agreement should be issued to the employee.

## 3.4 Application Declined

3.4.1 Not all individuals, positions or business areas are conducive to flexible working. If the request is to be rejected, it must be for one of the following business reasons:

- the burden of additional costs
- an inability to reorganise work against existing staff

- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee chooses to work
- a planned structural change to the business

3.4.2 Where this is the case, the manager must meet with the employee to discuss if alternative arrangements would be feasible. If an alternative is agreeable the manager should follow the Application Accepted Process in 3.3. If no alternative solution can be agreed the manager will provide the employee with a written explanation within 14 days following the work life balance meeting, as to the reasons for declining the application and their right of appeal using "Decline application letter".

## 3.5 Application Decision Deferred

3.5.1 There may be occasions where the manager is unable to approve the work life balance application within the timeframes set out above. Where the decision is reliant, for example, on the service being able to recruit to the vacant hours the decision may be deferred to allow the recruitment process to be completed.

3.5.2 Where this is the case, the service should progress the recruitment as soon as possible. As soon as the recruitment process is completed the manager should confirm the outcome of the Work Life Balance request.

3.5.3 Where there are any delays with the recruitment process managers should keep the applicant up to date.

## 3.6 Appeal

3.6.1 The Council's policy is that any employee may appeal against the decision taken by the manager to reject their work life balance request.

3.6.2 Where an employee's request is rejected and he/she believes their application has not been properly considered, there is the right to appeal within 14 days of the date of the decision letter. The appeal should be made to their Head of Service using the Work Life Balance Appeal form. The appeal will normally be arranged within 14 days of receipt of the appeal.

3.6.3 The appeal should be heard by the Head of Service. In the case of an appeal application from a Head of Service or Executive Director, the appeal shall be heard by the Chief Executive or nominated Executive Director.

3.6.4 The employee should be given 7 days advance written notice of the time and place of the appeal hearing unless otherwise mutually agreed using the "Appeal hearing" invite letter.

- 3.6.5 Employees may bring a colleague or trade union representative to the appeal meeting (where an employee is under 18 years old, one or both parents may also be present at the meeting).
- 3.6.6 The outcome of the appeal hearing shall be notified in writing to the employee within 14 days from the date of the appeal hearing using the “Appeal outcome” letter. A copy of the Appeal outcome letter must also be sent to the relevant Resourcing team (see section 3.9) to record the details on the HR payroll system.
- 3.6.7 In the circumstance where an employee fails to attend the appeal hearing without prior notification, they will be considered to have withdrawn their application unless there are exceptional circumstances. The withdrawal will be confirmed using the “Application withdrawal” confirmation letter and the relevant Resourcing team should be informed of the outcome.

## 3.7 Final appeal

- 3.7.1 Should the employee be dissatisfied with the outcome of the appeal they may appeal to the Head of Service with the remit for HR within 14 days of the date on their appeal outcome letter, using the Work Life Balance appeal” form.
- 3.7.2 The appeal should be heard by the Head of Service with the remit for HR or by a designated Senior HR Manager. In the case of an appeal application from a Head of Service or Executive Director, the appeal shall be heard by the Chief Executive or nominated Executive Director.
- 3.7.3 The employee should be given 7 days advance written notice of the time and place of the appeal hearing unless otherwise mutually agreed using the “Appeal hearing” invite letter.
- 3.7.4 Employees may bring a colleague or trade union representative to the appeal meeting (where an employee is under 18 years old, one or both parents may also be present at the meeting).
- 3.7.5 The outcome of the appeal hearing shall be notified in writing to the employee within 14 days from the date of the appeal hearing using the “Appeal outcome” letter. A copy of the Appeal outcome letter must also be sent to the relevant Resourcing team to record the details on the HR payroll system.
- 3.7.6 In the circumstance where an employee fails to attend the appeal hearing without prior notification, they will be considered to have withdrawn their application unless there are exceptional circumstances. The withdrawal will be confirmed using the “Withdrawal of Application confirmation “letter and the Resourcing team should be informed of the outcome.
- 3.7.7 The decision of the final appeal hearing is conclusive. There is no further right of appeal.

## 3.8 Monitoring and recording

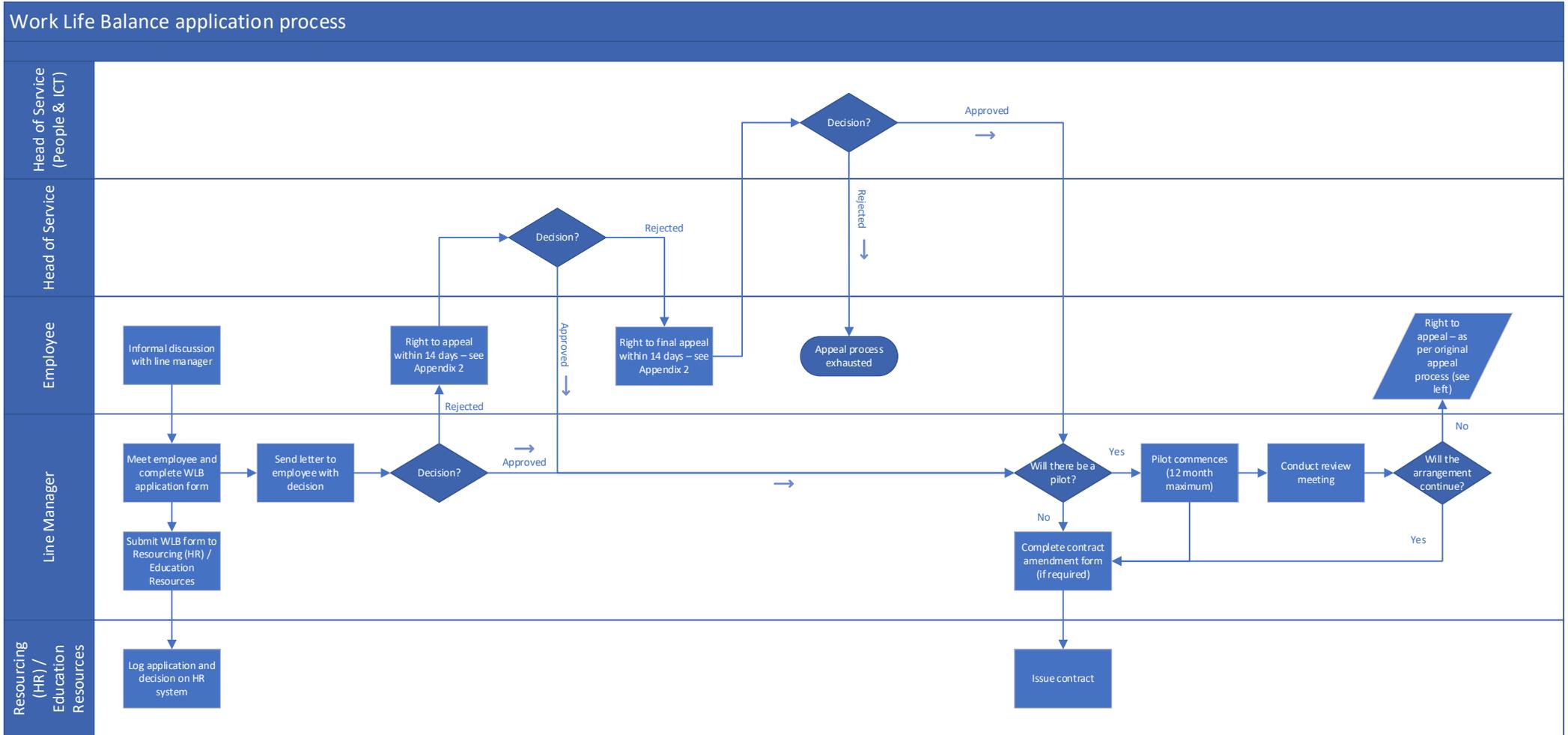
- 3.8.1 The Employee Services Resourcing team (People & ICT) or Education Resources (Communities & Housing) as appropriate, will record all applications and work life balance arrangements agreed. HSCP Business Support record all applications and work life balance arrangements agreed for the Partnership.
- 3.8.2 The impact of the work life balance policy and procedures on the team or service should be monitored by line managers on an ongoing basis. Senior management throughout the Council will also be expected to review regularly the uptake and consistency of applications across their service. Managers are responsible for sending work life balance applications and agreed arrangements to the relevant Resourcing or Business Support Team.
- 3.8.3 Line managers are responsible for ensuring the requests are properly considered and where appropriate discussed with their Head of Service and, that the relevant Resourcing team are informed of all decisions arising from the procedure.
- 3.8.4 Standard letters and forms are available from Connects.

## 4. Alternative workstyle request

- 4.1 Each post within North Ayrshire Council has been allocated a workstyle (either in building, mobile, agile or homeworking). The workstyle allocated has been made with consideration given to the requirements of the role and the needs of the service.
- 4.2 If an individual considers that their post is more suited to a different workstyle then they should discuss with their Line Manager in the first instance and request Alternative workstyle request e-form from the HR Operations Team. Please note that should an individual wish to make specific requests as part of the workstyle change, such as a change to hours or place of work on a fixed basis, then this should be requested via the normal work life balance application, as this would constitute a contractual change. For example, if a post has been allocated the workstyle agile but the employee in that post would like to work from home on set days of the week then this should be approached through the work life balance policy.
- 4.3 On receipt of an alternative workstyle request the line manager should give consideration as to whether the employee's request can be better accommodated through the work life balance policy and advise the employee accordingly.
- 4.4 If the line manager agrees that the post can be considered for an alternative workstyle on an individual basis then this can be agreed at a local level and confirmed by returning the e-form. Please note that the designated workstyle of the post will remain unchanged, but the individuals request will be accommodated. This agreement will not constitute a contractual change.

- 4.5 If the line manager, following discussion with the employee, does not agree that the post can be considered for an alternative workstyle then they should return the e-form to the employee confirming this.
- 4.6 The employee can appeal this decision to their Head of Service outlining their grounds for appeal on the Alternative workstyle appeal e-form.
- 4.7 On receipt of the form, the Head of Service should meet with the employee to consider their appeal. The Head of Service should either accept or reject the employee's request and confirm this to them on the appeal form.
- 4.8 Where an employee's request is rejected and he/she believes their application has not been properly considered, there is a final right to appeal within 14 days of receiving notice of decision. The appeal should be made in writing to the Head of Service with the remit of HR. The appeal will normally be arranged within 14 days of receipt of the appeal final letter.
- 4.9 The appeal should be heard by the Head of Service with the remit of HR or a nominated senior member of HR. In the case of an appeal application from a Head of Service or Executive Director, the appeal shall be heard by the Chief Executive or nominated Executive Director.
- 4.10 There is no further right to appeal this decision and it is important to recognise that the allocation of a particular workstyle or to request an alternative one is not a statutory right.

# Appendix 1



# Appendix 2

