

HR Policy & Procedure: Work Life Balance

Version: 3.9

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North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Related HR links

Workstyles, work life balance, and flexible working

Pensions

Annual and special leave

Health and safety guidance

Employee account

Version Control

Version Number	Effective Date	Details of Last Revision
2.0	24/8/15	Updated onto new policy template
3.0	16/2/16	Removal of reference to "Job-Share"
3.1	28/3/17	Update to reflect changes due to Flexible Working Regulations 2014
3.2	3/7/17	Update to correct links/numbering
3.3	26/2/18	Updated application process – direct to line manager
3.4	16/4/19	Updated to reflect change from "Connects" to HR Payroll System
3.5	16/7/19	Reduced Hours due to Occupational Health to align with Pension (Scotland) Regulations 2019
3.6	15/12/20	Transferred to Accessibility Template
3.7	1/8/21	Updated to incorporate alternative Workstyle Requests
3.8	15/12/21	Updated links to Connects and to include self-funded sabbaticals and appeal process updated
3.9	31/08/22	Remove reference to "winding down"

Equality Impact Assessment: 1 August 2019

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 who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered in a reasonable manner. An employee can only make a request once 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 service it delivers is protected.

2. Work life balance options

- 2.1 The Council provided 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

- 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 Unsuccessful applications for flexible working should not affect an employee's ability to apply for a flexible/phased retirement and equally an unsuccessful application for flexible/phased retirement should not influence or affect a work life balance application.
 - 2.5 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.
 - 2.6 In addition to the above, the HR Guide: Workstyle, provided details on different workstyles. This is where an employee may be empowered 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.
 - 2.7 Furthermore, the Special Leave Scheme may apply where short term emergency leave is required.
 - 2.8 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.
 - 2.9 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.

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.

3.2 Application and Meeting

- 3.2.1 After informal discussions with their manager, employees should complete the Work life balance application form and return it to the line manager for approval.
- 3.2.2 If the proposal is to work from home, the relevant DSE assessment and Homeworking focus points should be adhered to.
- 3.2.3 The Work life balance application procedure can take up to 12 weeks or longer 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.
- 3.2.4 Employees who are seconded or acting up or have more than one post can only submit one application in a 12-month period relating to any post. Therefore, if the application is to be applied to more than one post, then this must be specified highlighting which options apply to which post. The application will be considered against the current business requirements of each post and may be approved against one post and not another.
- 3.2.5 Employees can withdraw an application during any stage of the procedure by informing their line manager using the Application withdrawal form. Employees who withdraw an application will not be eligible to submit another application for 12 months from the date the application was made. Confirmation of withdrawal should be sent to the employee using the Application withdrawal confirmation letter.
- 3.2.6 If the application is straightforward and the manager is comfortable with it, the application may be approved straightaway. In most cases, however, 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 Initial Meeting Letter. This timescale may be extended by the manager or employee because of practical difficulties and the employee will be informed of this Defer decision letter.
- 3.2.7 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).
- 3.2.8 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 meeting more than once 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 Application withdrawal letter.
- 3.2.9 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.
- 3.2.10 A summary of the application procedure in flowchart form is attached as [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 permanent acceptance letter within 14 days following the work life balance meeting, confirming the flexible working arrangement and from what 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 HR Payroll 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.
- 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 within the department 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 department budget as an efficiency saving. Future changes to 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 flexible working 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 (e.g. reduction in hours), these will require to be agreed with the employee involved prior to the commencement of the pilot. The manager must complete a HR payroll 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 the HR Payroll System.
- 3.3.9 The manager will review and assess the success of the flexible working arrangement near 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 most 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 Extension to pilot letter.
- 3.3.11 If the change to the flexible working arrangement is demonstrated not to be feasible, the pilot will be brought to an end. 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 End of pilot letter.
- 3.3.12 The Manager must complete a HR payroll 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.
- 3.3.13 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.

3.4 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 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 Decline application letter. The Work life balance application should be submitted to the Resourcing Team to confirm that the request has been declined.

3.5 Appeal

- 3.5.1 The Council's policy is that any employee may appeal against the decision taken by the manager to reject their work life balance request.
- 3.5.2 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. The appeal will normally be arranged within 14 days of receipt of the appeal using the Request to appeal form.

- 3.5.3 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.
- 3.5.4 The appellant 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.
- 3.5.5 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).
- 3.5.6 The outcome of the appeal hearing shall be notified in writing to the appellant 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 Resourcing team to record the details on the HR payroll system.
- 3.5.7 In the circumstance where an employee fails to attend the appeal hearing on more than one occasion, they will be considered to have withdrawn their application except in cases where there are exceptional circumstances. The withdrawal will be confirmed using the Application withdrawal confirmation letter and the Resourcing team will be informed of the outcome.

3.6 Final appeal

- 3.6.1 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 the outcome letter using the Request to appeal form
- 3.6.2 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.
- 3.6.3 The appellant 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.
- 3.6.4 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).
- 3.6.5 The outcome of the appeal hearing shall be notified in writing to the appellant 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 Resourcing team to record the details on the HR payroll system.
- 3.6.6 In the circumstance where an employee fails to attend the appeal hearing on more than one occasion, they will be considered to have withdrawn their application except in cases where there are exceptional circumstances. The withdrawal will be confirmed using the Application withdrawal confirmation letter and the Resourcing team will be informed of the outcome.

3.6.7 The decision of the appeal hearing is final. There is no further right of appeal within internal procedures.

3.7 Monitoring and recording

3.7.1 The Employee services resourcing team (People & ICT) or Education resources (communities & education) as appropriate, will record all applications and work life balance arrangements put in place. 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 to the Employee services resourcing team (People & ICT) or Education resources (communities & education) as appropriate.

3.7.2 Line managers are responsible for ensuring the requests are properly considered and that the Resourcing Team are informed of all decisions arising from the procedure.

3.7.3 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 complete the Alternative workstyle request e-form. 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.

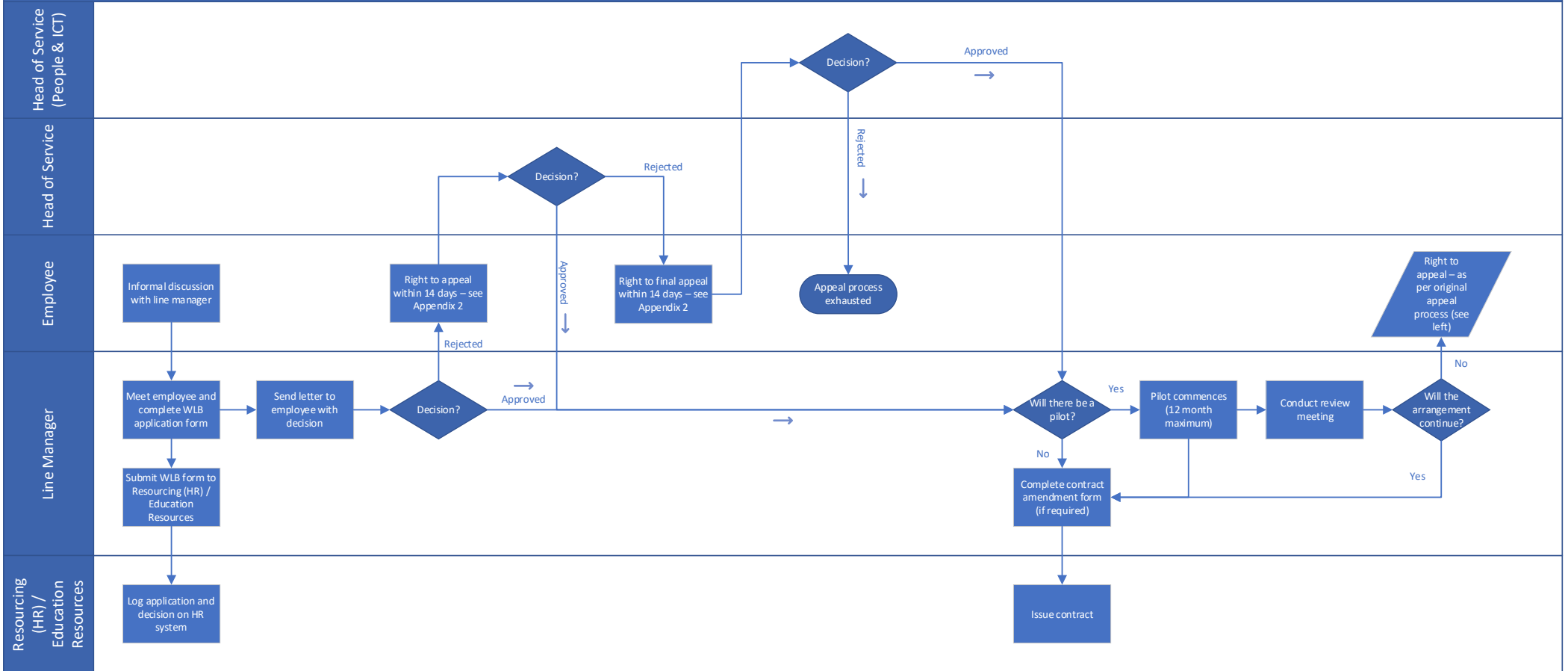
4.3 On receipt of an alternative workstyle request the line manager should give consideration as to whether the employee's request can be better accommodated through the work life balance policy and advise the employee accordingly.

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 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 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

Work Life Balance application process



Appendix 2

Work Life Balance appeal process

