

# Flexible Working (Officers)

Procedure

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Contents

[1. Overview 3](#_Toc138660353)

[1.1. What is this about? 3](#_Toc138660354)

[1.2. Who is this for? 3](#_Toc138660355)

[1.3. Key information 3](#_Toc138660356)

[2. Officer 5](#_Toc138660357)

[2.1. What you need to do: 5](#_Toc138660358)

[2.2. Making a request 5](#_Toc138660359)

[2.3. Handling requests to work flexibly 6](#_Toc138660360)

[2.4. Cancelling and withdrawing a request 6](#_Toc138660361)

[2.5. Application outcomes 7](#_Toc138660362)

[2.6. Appeals 8](#_Toc138660363)

[2.7. Reviews 8](#_Toc138660364)

[3. Manager 9](#_Toc138660365)

[3.1. What you need to do: 9](#_Toc138660366)

[3.2. Receiving a request to work flexibly 9](#_Toc138660367)

[3.3. Handling requests to work flexibly 10](#_Toc138660368)

[3.4. Cancelling and withdrawing a request 12](#_Toc138660369)

[3.5. Reviewing flexible working 12](#_Toc138660370)

[3.6. Appeals 13](#_Toc138660371)

[4. Resources 14](#_Toc138660372)

[4.1. How to Guides 14](#_Toc138660373)

[4.2. Reference Documents 14](#_Toc138660374)

[4.3. Related Procedures 14](#_Toc138660375)

[4.4. Useful Links 14](#_Toc138660376)

[Appendix A 16](#_Toc138660377)

[The right to be accompanied 16](#_Toc138660378)

[Appendix B 17](#_Toc138660379)

[The different types of flexible working 17](#_Toc138660380)

[Appendix C 19](#_Toc138660381)

[How to conduct a flexible working appeal 19](#_Toc138660382)

## Overview

### What is this about?

Police Scotland is committed to assisting police officers work more flexibly. The information provided here gives guidance on how we can work together to find practical solutions to work/life balance.

### Who is this for?

This is for all officers.

### Key information

* There is no eligibility criteria for police officers to request flexible or reduced hours working. An approach that starts with `yes’ and moves to `no’ only where there are justifiable reasons is encouraged.
* There is no limit to the number of times an officer can apply for flexible working.
* There is no requirement to reduce hours to work flexibly.
* There is no minimum number of weekly hours that an officer must work. However, an officer’s working pattern should enable them to access training, undertake meaningful work, and demonstrate their performance.
* Whilst there may be occasions where business need restricts what can be approved, there is no specific service requirement for officers to:
  + follow a particular working pattern,
  + work alongside a particular shift, or
  + undertake a proportion of night shifts or weekend working.
* All requests should be considered in the order they are received. Where we get multiple applications from the same area, we will make no judgements about which is most deserving. Each one will be looked at against the circumstances that exist at the time.
* Agreeing one request will not set precedent for others.  Not all flexible working options can be approved, and any decision will be based on whether the business can support the change.
* Trial periods may be offered when we are not sure a flexible working request is practical, and we may require a change of post or transfer to another area in order to accommodate requests.
* Flexible working arrangements do not prevent an officer from having their duty changed. Resourcing plans should take personal needs into consideration as far as possible, but the chief constable can recall a constable to duty, or require them to work at any time.

## Officer

### What you need to do:

* Submit your request in good time, telling us what you need and when you want it to start.
* Outline what effect the flexible working pattern will have on service activities and/or colleagues, and how these might be dealt with.
* Recognise that there may be circumstances, and particular posts where flexible working is not possible, and that you may need to move to a new role and/or a new location for us to accommodate your needs.
* Appeal any decision you feel has been unfairly reached.
* Be aware that any reduction in hours will have an impact on your pay and pension.

### Making a request

Requests for flexible working should be made as soon as possible, ideally between 12 and 5 weeks before the required start date. The Flexible Working module in the System to Co-ordinate Personnel and Establishment (SCoPE) must be used. [There are guidance notes on how to use the module on the Intranet.](https://spi.spnet.local/policescotland/applications/n-scope/UserGuide/Help/ScopeHelpHome.htm) If you are unable to access SCoPE, contact your line manager who will be able to raise a request on your behalf.

Resource Deployment Units can provide general advice and support to anyone considering an application but cannot comment on whether it will be approved once formally submitted.

Salary, benefits, and allowances will be changed to match the new working pattern for all requests. These changes may not show in your pay straight away. There can be a delay depending on the start date, and the amount of notice given to payroll. Any corrections will be applied to your next pay. It is your responsibility to check your pay statement in the month(s) following any change, and to notify People Direct if changes have not been properly applied.

### Handling requests to work flexibly

We expect our managers to fully consider all applications received, and to deal with them in a fair and timely manner. When we get your request to work flexibly, your line manager will review it as soon as possible, and may discuss it with the leadership team. They will likely ask to speak to you so that they can talk about your needs in more detail. You should be ready to talk about, and consider, all options that will enable them to accommodate your needs and align them to the service’s requirements. This includes potential compromises which enable your request to be met in part, where it cannot be fully supported. Your line manager may offer a trial period to ensure that the flexible working request is suitable for both you and the organisation.

You can ask to take someone to the meeting with you if you want and further details about this are set out in [The right to be accompanied appendix.](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Flexible%20Working%20-%20The%20Right%20to%20be%20Accompanied.pdf)

### Cancelling and withdrawing a request

The processes for cancelling and withdrawing requests are distinctly different within the application process.

You can cancel a request to work flexibly yourself, so long as you have not submitted it. This means you have started to fill in an application, and saved it, but haven’t yet sent it to your line manager.

Once submitted, you can only withdraw a request by letting your manager know, and contacting People Direct, telling them the reason for your withdrawal. People Direct will mark the request as withdrawn on SCoPE.

### Application outcomes

Once your application has been reviewed, your line manager will let you know the outcome. All outcomes will be given in writing both through the flexible working module and letter. There are three possible outcomes:

1. Your application is agreed.

You will receive a letter updating your conditions of service. It will set out details of the change agreed with your manager, and relevant dates. If your hours/days of work have changed, please ensure your new pattern is correctly shown on SCoPE. You can view this by clicking on the Shift Pattern spyglass icon in your Personal Record Postings tab.

1. Your application is agreed on a trial basis.

You will receive a letter confirming the temporary amendment to your conditions of service. It will set out details of the change agreed with your manager and relevant dates. If your hours/days of work have changed, please ensure your new pattern is correctly shown on SCoPE.

Toward the end of the trial period, or sooner, if appropriate, your manager will talk to you about whether the new arrangement is working for you and the organisation. They will tell you what will happen at the end of the trial period (e.g. extension to trial, revert to your previous arrangements, try an alternative flexible working arrangement, or the flexible working becomes permanent). Again, please ensure your working pattern is correctly shown on SCoPE after the review period if it has changed.

Should the situation arise where the flexible working arrangement doesn't continue past the review date you can appeal against that decision.

1. Your application can’t be supported.

Sometimes it won't be possible to agree the change you've asked for, or any alternatives discussed during the process. Where this happens, your manager will explain why your request can't be supported.

### Appeals

If we turn down your request to work flexibly, you can appeal in writing to People Direct within seven days of getting our written decision. You have to give the reasons for your appeal and provide any new information that should be considered.

You will be invited to a meeting, normally within 14 days of the date we get your appeal. This will be held by an Area Commander not involved in the original decision.

You will get a decision, in writing, within seven days of the appeal meeting.

### Reviews

Flexible working plans should be reviewed annually to ensure they continue to meet individual needs. Other reviews can take place where there have been, or are likely to be, major changes to duty rosters, service delivery or personal circumstances.

Officers recruited in a full-time capacity can return to full-time duties (standard pattern) within three months of notifying the Service, and within one month if a suitable vacancy exists. This should be recorded on SCoPE by means of an annual review. This does not apply to officers recruited on reduced hours. If this applies to you then you need to apply to increase your hours through a flexible working application.

## Manager

### What you need to do:

* Consider all requests fairly and objectively from a position of how can this be made to work, balancing the needs of the individual, and the business.
* Deal with requests quickly, and keep applicants informed.
* Consider all solutions, promote cooperation and compromise so that individual, and business needs are met.
* Complete the administration at each stage of the process, and fully evidence any decision or recommendation.
* Review plans as necessary.

### Receiving a request to work flexibly

When you get a request to work flexibly you should tell the applicant that you have received it, review its contents, and make arrangements to discuss it with them further.

You should allow them to explain what changes they need, give their reasons, and tell you how they think the request can be met. This is your opportunity to talk about any issues there may be, and to explore options, compromises or adjustments that deliver both their needs while aligning to service requirements. This is a chance to check for underlying issues that could be better supported in a different way, or in addition to the flexible work plan. It can also be helpful to make sure the individual knows how their request will affect their pay, pension and allowances.

Any queries over pension impact should be directed to the Scottish Public Pensions Agency (SPPA).

You don’t need to have an in-depth discussion if it’s not necessary, but applications made using SCoPE do require you to enter some details of the things discussed, and the date this happened.

Where a more detailed discussion is needed, you should agree a suitable time and place, and let the applicant know that they can bring someone along if they want to. [The right to be accompanied is set out within the appendices.](https://spi.spnet.local/commonservices/people-and-development/policy-hub/ToolsResources/Flexible%20Working%20-%20The%20Right%20to%20be%20Accompanied.pdf)

### Handling requests to work flexibly

[Determination 21](https://pnb.scot/wp-content/uploads/2020/09/Annex-21-Flexible-Working-and-VSAs.pdf) under [Regulation 14](https://pnb.scot/wp-content/uploads/2020/08/PSoS-Reg-14.pdf) of the Police Service of Scotland Regulations 2013 provides that constables are able to apply individually to work a flexible working pattern, and for such applications to be considered fairly and transparently.

Each application must be considered on its own merits, and an unreasonable refusal to allow flexible working could result in direct or indirect discrimination against officers with protected characteristics under the Equality Act 2010.

Part-time working arrangements are subject to annual review, but once agreed, the average number of hours worked cannot be altered without the officer’s agreement. A police officer who was recruited as a full-time officer can return to full time working within three months of notifying the Service; and within one month if a suitable vacancy is available. This should be recorded on SCoPE by means of an annual review. Returning to anything other than the standard shift pattern for the posting requires a new flexible working application.

Flexible working arrangements do not prevent an officer from having their duty changed. Where it is necessary to alter the duty roster due to the exigencies of duty, the person making the change should take personal needs into consideration as far as possible, and where a there is a change, the officer should be notified in line with police regulations. All officers, whether full or part time, can be instructed to work their hours whenever and wherever required by the Chief Constable. Officers may be recalled to duty at any time if there is a pressing policing need, or they are required to appear in court or similar.

#### Process

As part of our efforts to create a positive environment for our people, an approach that starts with `yes’ and only moves to `no’ when it is justified is encouraged.

You must consider requests carefully looking at the benefits for the individual and the business. Weigh these against any harmful business impacts and decide how to progress the request. You may need to discuss this with your leadership team.

Requests should ideally be completed within three months, and where delays occur, an extension to timescales should be discussed with the applicant.

If the request is to support a disability or any of the protected characteristics under the Equality Act then you should seek advice from a People Services Advisor or an Equality Advisor.

Unlike Staff, there is no list of specific reasons for refusing an officer’s flexible working request. All refusals must be justified through an evidenced, well-reasoned, and proportionate response. You need to be able to:

* identify the reason - which must not be discriminatory.
* show how it is legitimate, i.e. that it is real and evidenced, for example;
  + Health, safety, or welfare
  + Efficiency of service
  + Requirements of business
* demonstrate that you understand the applicant’s needs; and
* balance any discriminatory impact on the applicant. This means checking to see if there is any other way the aim can be achieved, and looking to see whether the officer’s needs can be met in some other way.

When you have reached one of the flowing decisions you must let the officer know.

* Accept the request, confirm a start date, and any other actions.
* Confirm a trial period or compromise.
* Deny the request, telling them why, and detailing the appeal process.

If you are unsure how to proceed, please contact [People Direct](https://spi.spnet.local/policescotland/applications/Pages/People-Direct.aspx).

### Cancelling and withdrawing a request

The processes of cancelling and withdrawing requests are distinctly different within the application process. Neither restrict an officer’s ability to make another application later.

An officer can cancel a request to work flexibly using SCoPE, so long as they have not formally submitted their application to you.

Once submitted, a formal request can only be withdrawn by letting you know, and contacting People Direct, telling them the reason for the withdrawal. Try to find out why the applicant wants to do this, and work to overcome any organisational barriers.

### Reviewing flexible working

You will need to review flexible working arrangements:

* where a trial period has been applied.
* where an officer’s flexible working pattern requires review in line with Police Regulations.
* where an officer is moving post (a new application will be required).
* where there has been, or is likely to be, major changes to duty rosters, service delivery or personal circumstances; or
* where an officer needs changes to a reasonable adjustment.

You should meet with the officer before the end of any trial period to look at the arrangements, and any success criteria before updating SCoPE. [There are guidance notes on how to use the module on the Intranet.](https://spi.spnet.local/policescotland/applications/n-scope/UserGuide/Help/ScopeHelpHome.htm)

### Appeals

Appeals can be raised if:

* there are details that were not available when the original decision was made;
* the officer thinks their request was not handled fairly or reasonably in line with this process; or
* the decision reached is in some way discriminatory.

Appeals must be submitted within 7 days of the date the applicant receives notification of the outcome, and their appeal meeting should be held within 14 days from the date they submit any appeal.

The entire flexible working application process, inclusive of appeal, should be completed within three months of the original request date, unless an extension has been agreed with the officer.

All outcomes must be recorded on SCoPE by People Services using the Work Life Balance tab in the applicant’s personal record.

## Resources

### How to Guides

* [How to Conduct a Flexible Working Request Appeal](#appeal)

### Reference Documents

* [The Different Types of Flexible Working](#Types)
* [The Right To Be Accompanied](#Accompanied)

### Related Procedures

* [Annual Leave and Public Holidays (Officer)](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Annual-Leave-and-Public-Holidays-(Officers).aspx)
* [Career Breaks](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Career-Breaks.aspx)
* [Disability in Employment](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Disability-in-Employment.aspx)
* [Special Leave](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Pages/Special-Leave.aspx)

### Useful Links

* [ACAS code of practice on handling in a reasonable manner requests to work flexibly.](https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html)
* [Menopause Toolkit](https://spi.spnet.local/commonservices/people-and-development/Documents/Menopause%20toolkit.pdf?csf=1&e=eHpg8J)
* [SCoPE Help Pages](https://spi.spnet.local/policescotland/applications/n-scope/UserGuide/Help/ScopeHelpHome.htm)
* [The Police Service of Scotland Regulations 2013, Annex 5, Regulation 14, Hours of Duty](https://pnb.scot/handbook/1-publication-of-duty-rosters/)
* [Working Time Regulations – Workforce Agreement, Federated Ranks](https://pnb.scot/wp-content/uploads/2020/08/PSoS-Workforce-Agreement.pdf)
* [Police Negotiating Board Handbook](http://www.pnb.scot/)

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| 1.00 | Interim version. Officers were previously covered under a converged procedure for Staff and Officers [V5.00 Flexible Working Procedure](https://spi.spnet.local/commonservices/people-and-development/policy-hub/Procedure%20Version%20Documents/Flexible%20Working%20V5.00.pdf). | 21/11/2022 |
| 2.00 | Post consultation text simplification. Clarification that:   * Work plans do not prevent an officer from having their duty changed. * Reduction in hours will result in reduction of pay. * All plans should be discussed with management. * Homeworking type removed to reflect service’s hybrid guidance. | 24/03/2023 |

**Feedback**

All Police Scotland People Policies and Procedures are subject to regular reviews. It is important that user feedback is considered when documents are reviewed.

If anyone wants to provide comment or make suggestions for improvements to this or any associated document, please email **[REDACTED]**.

Appendix A

The right to be accompanied

You have the right to bring someone with you to any formal meetings e.g. disciplinary, grievance, capability etc. This could be a work colleague or a representative of a Trade Union, Staff Association, Scottish Police Federation or Association of Scottish Police Superintendents. You have to make your own arrangements if you want to bring someone with you.

You have to tell us the name of the person at least 24 hours before the meeting.

The work colleague or representative is entitled to take a reasonable amount of paid time off to attend the meeting. They should also be allowed time off to get to know the case and discuss any related matters before and after the meeting.

The work colleague or representative can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with you during the meeting or ask for a break. They cannot answer questions on your behalf.

Sometimes, you may be able to bring a work colleague or representative to an informal meeting; however, talk this over with your manager before any arrangements are made; as you could make the meeting seem more formal than it has to be.

At times, you might be able to bring a non-work colleague. This could be if you need additional support because of a disability or you might need an interpreter if there are difficulties with understanding or language. You would have to talk this over with your manager before any arrangements are made.

If the work colleague or representative is unable to attend, the meeting can be rearranged. This will normally be within five working days of the original date.

If they are unable to attend the re-arranged meeting, you might have to ask someone else.

Appendix B

The different types of flexible working

There are many different forms of flexible working. Flexible working can cover the way our working hours are organised during the day, week, or year. It can also describe the place of work- such as different office – or the kind of contract - such as a part time contract. Here are some examples, but this is not an exhaustive list, nor does it illustrate that different forms of flexible working can be combined. E.g. Part time, compressed.

#### Part Time Working

This covers any setup where you are contracted to work anything less than full time hours.

#### Compressed Hours

This is where you work your usual hours in fewer and/or longer blocks during the week. Through starting early and/or finishing late, you can build up additional hours which are taken as alternative time away from work.

#### Fixed Shifts

Fixed shifts are where you work either:

* A fixed pattern of days/shifts every week; or
* A set shift rather than working a rotating or alternating pattern.

#### Term Time Working

Term-time working gives you the opportunity to reduce your hours or take time off, usually unpaid, during any school holidays. Salary can be paid either in 12 equal monthly instalments or for time worked and when annual leave is actually taken.

#### Change of Location

This is where you work at a different location from colleagues on a part time or full-time basis.

Appendix C

How to conduct a flexible working appeal

#### Introduction

* You should open the meeting by thanking those present for attending and confirming their right to be accompanied.
* If accompanied, you should confirm the role of the work colleague or representative i.e. they can address the meeting to: sum up the case; respond to any views discussed at the meeting; confer with the officer during the meeting or ask for a short break. They cannot answer questions on behalf of the officer.

#### Format of the meeting

* Provide an overview of the structure for the meeting and any provisions there are for consideration, intermissions and providing a response.
* In respect of structure, as there are no specific grounds of appeal under the Flexible Working Procedures it is recommended that you consider any appeal in its broadest terms but with particular reference to:
* Each party’s compliance with the procedures
* The evidence in respect of each party’s contribution to finding a mutually agreeable solution.
* The reasonableness upon which the rejection was reached.
* Any further information that could not have reasonably been known at the time of the decision.
* Ask specific questions with reference to the appeal text to extract the relevant information you need to make a decision. You should let them know that if at any point during the proceedings either party wishes to have an adjournment then they should say so and identify any provisions made for breakout rooms.

#### Ending the meeting and confirming your decision

* At conclusion of meeting state that you have three options available to you:
* Uphold the appeal and allow the flexible working proposal to progress.
* Support a trial period of the proposal but state that if approved this would not guarantee a permanent solution. State that the trial may be extended, removed at the end of the trial, or substantiated with the pattern reviewed annually with no guarantee of retention.
* Reject the appeal. State that even if it is your decision to do this that there are no restrictions in respect of further applications being lodged at a future date.
* Give an indication of when you will have made your decision and the process by which they will be informed.

The outcome must be reported to People Services who will record it on SCoPE using the work life balance tab.