
Report to Partnership and Performance Committee

Date of Meeting: 16 January 2019

Subject: HR Policies

Report by: HR

1.0 Purpose

- 1.1. This paper seeks Committee approval of the undernoted policies:
- 1.1.1. Special Leave (Appendix 1);
 - 1.1.2. Adverse Conditions and Travel Disruption (Appendix 3);
 - 1.1.3. Worklife Balance and Flexible Working (Appendix 5)..

2.0 Recommendations

Committee is asked to:

- 2.1. Challenge and comment on the paper as appropriate.
- 2.2. Note that extensive discussions have taken place with Trade Unions and Management in the formation and development of these policies and associated procedures (Appendices 1-6).
- 2.3. Agree the policies listed at paragraphs 1.1.1, 1.1.2 and 1.1.3 subject to formal approval by Council.

3.0 Considerations

- 3.1 HR and Workforce Development continues, as part of its rolling programme, to review and update the Council's policies and procedures related to HR, H&S, OD and Payroll.
- 3.2 In order to ensure collaborative and partnership working, the Council's policy group meet regularly to review and agree new/revised policies and procedures.

Special Leave

- 3.3 The Special Leave Policy provides a centralised policy within which all types of special leave, whether paid or unpaid, are covered. This ensures managers

and staff have clear guidance for managing special leave requests in a fair and consistent way. The policy is intended to balance the needs of staff with the needs of the Council in terms of service delivery.

- 3.4 Following a request at the September meeting Tripartite further considered this policy at the December meeting together with the completed EQIA/Fair Scotland Impact Assessment.
- 3.5 Discussion at Tripartite focused on term time staff who may be excluded from being eligible to some forms of leave. It was highlighted, as outlined in the EQIA, that some categories of staff such as term time staff may not be able to take some categories of special leave. This does not amount to indirect discrimination as it is classed as a proportionate means of achieving a legitimate aim i.e. the contractual requirement for those staff to be in attendance during school time. Following this, and assurances that the introduction of the policy should ensure consistency in application, unions agreed to the policy.

Adverse Conditions

- 3.6 The Adverse Conditions policy is intended to provide guidance to managers and employees in the event of emergencies such as red weather warnings, or major incidents affecting travel or public safety. The policy is intended to balance the needs of staff whilst recognising that under the Civil Contingencies Act the Council is required to continue to operate essential services, even in adverse conditions.
- 3.7 The policy also embeds the principles of the Fair Work Charter for Severe Weather, developed jointly by the Scottish Government and the Scottish Trade Union Congress.
- 3.8 The policy has been discussed by policy group and Tripartite on a number of occasions. Full agreement had not been reached however further positive work took place throughout December and amendments, as highlighted in the attached procedure, have been adopted and agreement has now been reached with all parties.

Worklife Balance and Flexible Working Policy

- 3.9 Under the Children and Families Act 2014 all employees have a statutory right to request a change to their contractual terms and conditions of employment and to work flexibly. The Work Life Balance and Flexible Working policy builds on existing Council provisions but puts in place a clear procedure for staff and managers to follow when applications for flexible working are made.
- 3.10 Agreement in this policy was broadly reached with the exception of one area. Trade Unions indicated their wish that the maximum credit balance to carry over between flexi-time periods, for those staff within the scope of the flexi scheme, be 2 days rather than the existing 1.5 days. Following a benchmarking exercise it is proposed that the 2 days requested is adopted.

4.0 Sustainability Implications

4.1 There are no sustainability implications arising from this report.

5 Resource Implications

Financial Details

5.1 There are no financial implications arising from the recommendations set out in the report

Staffing

5.2 There are no implications of additional staff resource arising from the recommendations set out in this report.

6 Exempt Reports

6.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all

Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No (See Appendices 7,8 and 9).

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Special Leave Policy

Appendix 2: Special Leave Procedure

Appendix 3: Adverse Conditions and Travel Disruption Policy

Appendix 4: Adverse Conditions and Travel Disruption Procedure

Appendix 5 – Worklife Balance and Flexible Working Policy

Appendix 6 - Worklife Balance and Flexible Working Procedure

Appendix 7 - Special Leave EQIA/Fairer Scotland Assessment

Appendix 8 – Adverse Conditions and Travel Disruption EQIA/Fairer Scotland
Assessment

Appendix 9 - Worklife Balance and Flexible Working EQIA/Fairer Scotland
Assessment

11.0 Background Papers

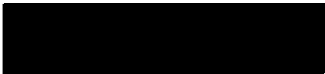
11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

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Stuart Crickmar	Strategic Director Partnership & Performance	

Appendix 1

SPECIAL LEAVE POLICY

Date: June 2018

Version: 0.2

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Special Leave Policy
Date Issued:	June 2018
Date Effective From:	
Version Number:	0.2
Document Type:	Policy draft
Document Status:	Draft
Author:	Diana Kerr
Owner:	Clackmannanshire Council
Approver:	Council
Approved by and Date:	
Contact:	Diana Kerr x2180

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	June 2018	Draft	D.K	N/A
0.2	November 2019	Format Changes	D.K	N/A

SPECIAL LEAVE POLICY

1. General Introduction

- 1.1 Clackmannanshire Council recognises the need for a Special Leave policy and procedure to support employees to have opportunity to apply for leave where necessary.
- 1.2 The special leave policy and procedure provides further support to employees in the management of leave.
- 1.3 The special leave procedure also clearly outlines to employees what leave is paid and unpaid.

2. Policy Statement

- 2.1 Clackmannanshire Council is committed to being a fair employer and will reasonably consider all requests under this policy.
- 2.2 Any requests should ensure they follow the process outlined in the procedure. This policy applies to single status/craft and Chief Officer staff within the Council.
- 2.3 The Council processes personal data collected during requests for domestic responsibilities in accordance with its Data Protection Policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to appropriate individuals in the management of this process. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data

Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council's disciplinary procedure.

3. Monitoring and Review

3.1 HR will monitor the effectiveness of the policy on an ongoing basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

Policy Name	Special Leave Policy
Department	HR
Policy Lead	HR
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	



SPECIAL LEAVE PROCEDURE

(Including paid and unpaid leave)

Date: September 2018

Version: 0.4

DRAFT

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Special Leave Procedure
Date Issued:	September 2018
Date Effective From:	
Version Number:	0.4
Document Type:	Procedure Draft
Document Status:	Draft
Author:	Diana Kerr
Owner:	Clackmannanshire Council
Approver:	Council
Approved by and Date:	
Contact:	<u>Diana Kerr x2180</u>

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	September 2018	Draft	D.K.	N/A
0.2	September 2019	Amendments made following policy group	D.K.	N/A
0.3	September	Update to formatting	D.K.	N/A
0.4	October	Update following completion of EQIA	D.K.	N/A

SPECIAL LEAVE PROCEDURE

1. Introduction

- 1.1 Special Leave is available to all employees of the Council for a wide range of reasons which may be with or without pay.
- 1.2 Special leave arrangements in relation to teachers is covered by the Leave of absence for teachers and associated professionals document as agreed at LNCT.
- 1.3 Where an employee is term time the outlined leave procedures will also apply.
- 1.4 The Special Leave Policy and procedure is divided into 3 sections.
 - Section 1 covers matters relating to balancing work and family life.
 - Section 2 covers leave for National, Public and Community Emergency Service.
 - Section 3 covers other leave.
- 1.5 When approving requests for special leave, managers must consider the operational requirements of the Service as well as any requests that have been previously granted, outstanding annual leave and requests governed by legislation.
- 1.6 Managers are encouraged to consider flexible methods of supporting employees and should consider the need to treat all employees fairly whilst balancing the needs of employees with the needs of the service.

- 1.7 Applications for Special Leave must be submitted to line managers giving as much notice as possible.
- 1.8 Appointment cards or other notification should be shown where available.

2. SECTION 1 – BALANCING WORK AND FAMILY LIFE

- 2.1 The Council recognises that the effectiveness of the Council depends on the motivation and commitment of its workforce. The Council fully appreciates the difficulties that many employees have in balancing work requirements and family/caring commitments.
- 2.2 All employees have the right to a reasonable amount of unpaid time off to deal with an emergency involving a dependant. A dependant is the employee's spouse or civil partner, child or parent; or a person who lives in the same household as the employee (other than individuals who live there because they are the employee's tenants, lodgers, boarders or employees).
- 2.3 The right to reasonable time off without pay should simply allow the employee to deal with the immediate problem and put necessary arrangements in place.
- 2.4 A family emergency can be anything from having to cope with a child being ill and not being able to attend nursery/school, to a close family member being involved in a serious accident or becoming ill and being admitted to hospital.
- 2.5 Events such as those outlined above can be traumatic situations for anyone to deal with. The Council therefore recognises that when its employees have to cope with any of these situations they will need the support of a caring and supportive employer.

- 2.6 For the purpose of council procedures, a carer is defined as someone who provides unpaid support to a dependant who is affected by long term illness, disability or addiction who could not manage without this help. Examples may include a dependant who is ill, older and/or frail or disabled; or where there is a change in circumstances or health of a dependant who is ill, older and/or frail or disabled.
- 2.7 If an employee has a family emergency and it does not appear that the Council has a policy/procedure in place to assist in that particular case, advice can be obtained from HR. Many of the policies allow a degree of flexibility for special arrangements to be made in certain circumstances.

3. FAMILY EMERGENCIES

- 3.1 If employees are required to be absent from work to make alternative arrangements arising from family emergencies, up to 1 day's leave with pay will normally be granted for each incident (subject to a maximum of 3 days in a 12 month period). Family emergencies may include incidents such as the sudden or unexpected illness of a relative, partner or child, disruption to the care of a dependent or an incident involving children at school/childcare.
- 3.2 All such requests will be subject to review and will be considered on a case by case basis. In the case of the emergency hospitalisation of a child, to allow an employee to remain with their child while in hospital, leave with pay for up to 3 days will normally be granted in line with but not in addition to the Carers Procedure.
- 3.3 In the case of a critically ill or injured partner, an employee may be granted up to 3 days leave with pay in a 12 month period for these unplanned circumstances.

- 3.4 Where the illness of a dependant is of a serious nature and an employee wishes time off to care for that person, employees should refer to the Carers Procedure for more details on this.

4. URGENT DOMESTIC DISTRESS

- 4.1 Where an employee is required to be absent from work to make special domestic arrangements arising from experiencing domestic abuse, leave with pay for up to 1 day will normally be granted.
- 4.2 Where an employee as a result of domestic distress requires time off for example for such things as a serious house fire, break-in, burglary or a burst water pipe. Please note this is not an exhaustive list.
Leave with pay for up to 1 day will normally be granted for each incident.
- 4.3 Due consideration would need to be given to the circumstances arising.

5. MEDICAL TREATMENT

- 5.1 Staff will be granted such reasonable time off without loss of pay as is required for the purpose of preventative medical examination at hospital. Reasonable notice and service needs must be taken into consideration wherever possible when appointments are being made.
- 5.2 Employees requiring non-emergency medical treatment from opticians, dentists or GPs should arrange the appointment for the beginning or end of the working day or arranged on days off.
- 5.3 Employees should provide their line manager with reasonable notice of any appointment taking into consideration the needs of the service. Only where service needs will be impacted negatively will time off for appointments be

refused. Where line managers need to discuss further they should contact their service HR Business Partner.

- 5.4 Where an employee has to attend a hospital appointment, they should provide their line manager with as much advance notice as possible, no less than one week for non emergency hospital appointments.
- 5.5 A copy of the hospital appointment card will be required to be given to the line manager to ensure payment for attendance at the hospital appointment.
- 5.6 Where employees have to take a dependent to a pre planned doctors or hospital appointment then this should be made where possible out with working hours. Should this not be possible then unpaid leave may be agreed.
- 5.7 In emergency or other circumstances where a line manager is satisfied that an employee can't get an appointment outwith normal working hours they should allow reasonable time off with pay for the employee to attend an appointment with a dependant.
- 5.8 In such cases, employees should, wherever possible arrange appointments at a time which will minimise disruption to their working day and the time off required, e.g. early morning, lunch time or late afternoon.
- 5.9 Confirmation of medical appointments or notification for other medical treatment must be provided to support the request for time off.

6. BEREAVEMENT

- 6.1 Reasonable time off with pay will be granted in the case of the death of a near relative. Line Managers should be sympathetic to the situation faced by

the employee. For relationships such as Parent(s), Sibling(s), Child/ren, Spouse or Partner the amount of time paid will be up to five days.

- 6.2 Alternatively in other circumstances not covered by the above where an employee is conducting business in connection with the funeral the employee will be granted three working days with pay, this also includes time for attending the funeral.
- 6.3 In other cases, an agreement should be reached between the manager and the employee about time off to attend a funeral service. This will not normally be more than one day with pay, unless the employee has a significant distance to travel. In these circumstances the line manager has discretion to allow an additional day off with pay. In normal circumstances it is expected that the employee will attend work before and after the funeral service

7. LEAVE TO BE SET AGAINST ANNUAL LEAVE

- 7.1 The following requests for leave should normally be set against annual leave entitlement.

8. VISITING RELATIVES OVERSEAS

- 8.1 An employee visiting relatives overseas must use their annual leave entitlement. Employees may also wish to consider applying for additional leave under the Council's Additional Leave Scheme.

9. WEDDINGS AND CIVIL PARTNERSHIPS

- 9.1 Leave for weddings and civil partnerships, including an employee's own marriage or civil partnership, must be set against annual leave entitlement. For term time employees arrangements should be made outwith the school

term for their own marriage. Only in very exceptional circumstances (e.g. where a husband/wife to be is in the armed forces and is only able to take leave at a specific time that coincides with the school term) a limited amount of unpaid leave without pay will be granted.

10. MOVING HOME

- 10.1 Leave required in connection with moving home will normally be set against an employee's annual leave entitlement. Where an employee has exhausted their full annual/flexi leave entitlement, they may be granted 1 day's leave without pay. For term time employees arrangements should if possible be made outwith the school term or a request should be made for 1 day's leave without pay.

11. TIME OFF FOR JOB INTERVIEWS

- 11.1 Should an employee be called to attend a job interview for a post outwith Clackmannanshire Council, the employee will be required to use annual leave or flexi time if appropriate.
- 11.2 Where an employees is called to attend a job interview for a post within Clackmannanshire Council they will be granted reasonable time to attend the interview.
- 11.3 Employees who are on the Council's redeployment register as a result of TVR will be allowed reasonable time to attend for interviews external to the Council.

12. SECTION 2 – NATIONAL, PUBLIC AND COMMUNITY EMERGENCY SERVICE

- 12.1 The Council is committed to providing support to employees who have chosen to support their country or community in any way, to accommodating those employees who are called on to carry out public duties. Accordingly the following leave arrangements will apply.

13. RESERVE FORCES

- 13.1 An employee of the Council who is a member of the reserve forces and attends an annual training camp for a period of one week or more will be granted up to 10 days special leave with pay. This will be subject to the deduction of service pay and allowances received in respect of the period of special leave. Employees who are members of the reserve forces and who are called up for national service will be granted unpaid special leave.

14. JURY AND WITNESS SERVICE

- 14.1 An employee who receives a summons to appear on a jury or as a witness should attend unless exemption is secured.
- 14.2 In every instance staff must obtain a form from the courts for expenses and loss of earnings which is completed by the Payroll Section detailing the level of pay of the member of staff.
- 14.3 Loss of earnings, equivalent to that received from the Court, will be deducted from salary following conclusion of jury attendance.
- 14.4 The jury citation letter will be required to be produced and verified by the line manager before authorisation of leave.

15. PUBLIC DUTIES

15.1 Where an employee undertakes one of the undernoted roles they must make their line manager aware to ensure there is no conflict of interest with their current role in the council.

- a school governor
- a member of any statutory tribunal (for example an employment tribunal)
- a member of the managing or governing body of an educational establishment
- a member of a health authority
- a member of a school council or board in Scotland
- a member of the Environment Agency or the Scottish Environment Protection agency
- a member of the prison independent monitoring boards (England or Wales) or a member of the prison visiting committees (Scotland)
- a member of Scottish Water or a Water Customer Consultation Panel

15.2 Request for time off should be made to their line manager.

15.3 Employees undertaking these roles will be granted a reasonable amount of unpaid time off.

15.4 Services will consider all requests in line with the individuals personal needs and those of the service.

15.5 A maximum of 5 days unpaid special leave days will be calculated in one leave year.

16. CHILDRENS PANEL/JUSTICE OF THE PEACE

- 16.1 Where individuals wish to apply for Volunteering for the Children's Panel they should submit a written request to their Strategic Director or equivalent for approval for this.
- 16.2 It should be noted that consideration will be given to the impact this will have on the service and any potential conflict of interest that may arise between the employees role in the Council and undertaking a role on the children's panel.
- 16.3 If appointed to Children's Panel then the employee must provide written documentation to confirm appointment.
- 16.4 An employee who serves on a Children's Panel or as a Justice of the Peace will be granted up to a maximum of 5 days unpaid leave per annum to attend hearings.

17. INTERNATIONAL AND SPORTING/CULTURAL EVENTS

- 17.1 An employee representing their country in an amateur international sporting event may be granted up to 5 days paid leave in any annual leave year.
- 17.2 Where an employee has an dependent under the age of 16 who they are required to accompany while participating in the sporting event they will have to apply for annual leave or alternative appropriate leave such as unpaid leave.

18. COMMUNITY VOLUNTEERING

- 18.1 The Council will support unpaid leave for employees who participate in community volunteering e.g. to assist at Youth Organisation Holiday Camps. This will be subject to the exigencies of the service.

19. COMMUNITY EMERGENCY SERVICES

- 19.1 Employees who are members of a community emergency service, for example retained fire fighters should make their line manager aware and provide appropriate documentation to confirm.
- 19.2 Employees will be granted paid leave to attend emergencies during working hours as part of their role within a community emergency

20. SECTION 3 – OTHER LEAVE

21. EXAMINATION LEAVE

- 21.1 Employees will be granted paid time off to sit examinations as part of a work related course of study. Employees who undertake a course of study, either self funded or sponsored by the Council will be required to use annual leave, flexi leave or unpaid leave for the purposes of study leave.
- 21.2 Please refer to the Continuing Further Education Policy regarding time off for studying and exams.

22. RELIGIOUS HOLIDAYS OR FESTIVALS

- 22.1 Employees who observe religious holidays or festivals on days other than those allocated by the council and who have fixed annual leave (term time) will be allowed, subject to the requirements of the service a maximum of two of their working days, with pay to observe such religious holidays or festivals.

23. CAREER BREAK

- 23.1 Please refer to separate HR procedure xxx for information on career breaks.

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24. TIME OFF FOR FERTILITY TREATMENT

24.1 Please refer to the Family Friendly Procedure for more information on this.

25. TIME OFF FOR TRADE UNION DUTIES

25.1 Trade union representatives must ensure that they request time appropriately with discussion with their line manager. The time requested should also be recorded on itrent. For further guidance on time off for trade union duties please refer to HR.

26. PROCESS TO REQUEST TIME OFF

- 26.1 Employees must follow the guidelines outlined regarding requesting appropriate leave.
- 26.2 Each request will take into consideration the needs of the employee and the requirements of this service as to whether this request can be accommodated.
- 26.3 The outcome of the request will be communicated to the employee by their line manager.
- 26.4 It should be noted while individual circumstances will be looked on sympathetically service requirements have to be given appropriate regard.
- 26.5 Where employees fail to follow this process to request time off under this procedure then any time you take off work will be treated as unauthorised absence, and may be dealt with under the Councils disciplinary procedure.

- 26.6 Should concerns arise about abuse of this procedure then line manager should in the first instance discuss their concerns with the employee, following this where appropriate a disciplinary investigation may be instigated.
- 26.7 Employees should keep in mind that taking time off under this policy does not affect their right to request time under other leave policies.
- 26.8 Where employees need advice on which leave is appropriate they should speak to their line manager in the first instance.
- 26.9 Managers must ensure that they record the absence from work appropriately.
- 26.10 Where an employee has a concern that the procedure has not been followed they should discuss with their manager in the first instance, where appropriate this should be escalated to HR.

27. PENSION CONTRIBUTIONS

- 27.1 Employees should note that where they take unpaid leave there will be an impact on pensions. For more information on this and how to make up pension contributions then Falkirk Council Pension Fund should be contacted directly on 01324 506 329.

28. PROCESSING OF PERSONAL DATA

- 28.1 The council processes personal data collected as part of the Special Leave Procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

29. MONITORING & REVIEW

29.1 HR will monitor the effectiveness of the procedures on an ongoing basis. Revisions and updates will be implemented by the Council following, if appropriate, consultation with recognised Trade Unions.

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Policy Name	Special Leave Procedure
Department	HR
Policy Lead	HR
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	

DRAFT



Appendix 3

ADVERSE CONDITIONS AND TRAVEL DISRUPTION POLICY

Date: November 2018

Version:0.3

Review Date:

Version Control

Key Information:

Title:	Adverse Conditions and Travel Disruption Policy
Date Issued:	<u>2018</u>
Date Effective From:	
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Approver:	Council
Approved by and Date:	
Contact:	<u>Cheryl Dennington 2183</u>

Revision History:

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0.1	2018	Cheryl Dennington	Ongoing Development
0.2	2018	Kimberley Dickson	Policy Group
0.3	2019	Diana Kerr	Following Policy Group

ADVERSE CONDITIONS AND TRAVEL DISRUPTION

POLICY

1 Introduction

1.1. This policy provides guidance on appropriate procedures in the event of:

- Extreme adverse weather defined as red warnings by the Met Office (Appendix 1).
- Transport disruption, including strike action, fuel shortage and flight delays; or
- Major incidents affecting travel or public safety.

2 Disability

2.1. The Council recognises that it may be more difficult for some employees to get to work during periods of adverse conditions and travel disruption. Reasonable adjustments will be made to accommodate difficulties. This is highlighted in the EQIA.

3 Scope and Responsibility

3.1. This policy applies to all employees of Clackmannanshire Council.

4 Processing of Personal Data

- 4.1 The Council processes personal data collected as part of this procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

5 Monitoring and Review

- 5.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this policy on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

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6. Equality Impact Assessment

Policy Name	Adverse Conditions and Travel Disruption Policy
Department	HR
Policy Lead	HR
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	

APPENDIX 1 – Weather Warning Guide – Met Office

Yellow Warning: Yellow warnings can be issued for a range of weather situations. Many are issued when it is likely that the weather will cause some low level impacts, including some disruption to travel in a few places. Many people may be able to continue with their daily routine, but there will be some that will be directly impacted and so it is important to assess if you could be affected. Other yellow warnings are issued when the weather could bring much more severe impacts to the majority of people but the certainty of those impacts occurring is much lower. It is important to read the content of yellow warnings to determine which weather situation is being covered by the yellow warning.

Amber Warning: There is an increased likelihood of impacts from severe weather, which could potentially disrupt your plans. This means there is the possibility of travel delays, road and rail closures, power cuts and the potential risk to life and property. You should think about changing your plans and taking action to protect yourself and your property. You may want to consider the impact of the weather on your family and your community and whether there is anything you need to do ahead of the severe weather to minimise the impact.

Red Warning: Dangerous weather is expected and, if you haven't already done so, you should take action now to keep yourself and others safe from the impact of the severe weather. It is very likely that there will be a risk to life, with substantial disruption to travel, energy supplies and possibly widespread damage to property and infrastructure. You should avoid travelling, where possible, and follow the advice of the emergency services and local authorities.



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Comhairle Siorrachd
Chlach Mhanann

Appendix 4

ADVERSE CONDITIONS AND TRAVEL DISRUPTION PROCEDURE

Date: Jan 2019

Version: 0.4

Review Date: TBC

Key Information:

Title:	Adverse Conditions and Travel Disruption Procedure
Date Issued:	<u>2018</u>
Date Effective From:	
Version Number:	
Document Type:	Procedure
Document Status:	Draft
Author:	Cheryl Dennington
Owner:	HR
Approver:	Council
Approved by and Date:	
Contact:	Cheryl Dennington 2183
File Location:	

Revision History:

Version:	Date:	Author:	Changes:
0.1	2018	Cheryl Dennington	Ongoing Development
0.2	2018	Kimberley Dickson	
0.3	2019	Cheryl Dennington	Policy Group
0.4	2019	Diana Kerr	Amendments made following policy group

Adverse Conditions and Travel Disruption Procedure

1. Introduction

- 1.1. This procedure should be read in conjunction with the Council's Adverse Conditions and Travel Disruption Policy.
- 1.2. Employees should be aware that in a crisis the Council moves into an emergency role and that by attending work they play a part in supporting that role. In exceptional circumstances employees may be asked to work in other suitable roles depending on the prevailing situation and in line with the Council's Business Continuity Plan.

2. Purpose

- 2.1. To provide guidance in the event of the following emergencies:
 - Extreme adverse weather defined as red warnings by the Met Office
 - Transport disruption, including strike action and flight delays; or
 - Major incidents affecting travel or public safety.

3. Extreme Adverse Conditions – Business Closure

- 3.1 In the event of adverse conditions, normal operating hours will remain unless informed otherwise.

- 3.2 When in exceptional circumstances your place of work is closed, those who have the facilities and appropriate Council equipment to work from home will be expected to do so.
- 3.3 You may also be asked to work from an alternative Council location if this is feasible. The Council's Excess Travel Policy may apply in these circumstances.
- 3.4 The Chief Executive taking into account MET office and Scottish Government advice will make a decision and authorise a communication to be sent out, this could provide corporate advice on issues such as building closures and the issue of sending identified employees home early where possible, and/or the early closing of premises. This communication will include advice on the need to take into consideration the home address of employees, their mode of travel, service delivery needs and whether there is clear evidence that the individuals will encounter substantial difficulty in reaching their work location and or own home safely and/or at a reasonable time.

4. Essential Services

- 4.1 Under the Civil Contingencies Act the Council is required to continue to operate essential services, even in adverse conditions. All services are required to retain sufficient staff to support these services.
- 4.2 In such circumstances the Council will consider both the needs of those requiring continued provision of essential services and their duty of care for essential workers providing these services, mitigating risks as much as possible
- 4.3 Employees working in any role that is deemed essential must endeavour to get to work and should liaise with their manager for assistance with transportation where necessary.
- 4.4 Employees should make themselves aware of the Business Continuity Plan for their service which will be communicated and made accessible by their manager.

- 4.5 In the event of an incident employees should seek information through the Council's website where information from Met Office, Roads and Emergency Planning departments will be placed.

5. Attendance At Work

- 5.1 You are expected to make every reasonable effort to get to work on time. This may include leaving extra time for your journey and/or taking an alternative route or means of transport.
- 5.2 If bad weather or travel disruption is forecast, think about your commute in advance and the potential to leave early to arrive at work in time. Public transport may be operating different timetables and some journeys may take longer.
- 5.3 You should use a common sense approach and should not put your personal safety at risk, however essential services must continue to operate.
- 5.4 Your line manager will consider all the circumstances including the distance you have to travel, local conditions in your area, the status of roads and/or public transport.

6 Advance Notice Of Travel Difficulties

- 6.1 If you become aware in advance that circumstances may make it difficult for you to attend work, you should inform your line manager as soon as possible. Your line manager will discuss the options available to you and agree how to manage any such absences.
- 6.2 If you consider that you may need to leave work early, you should ask your line manager for permission as far in advance as possible. In deciding whether to allow this, managers will consider your safety, the needs of the business and personal circumstances. Any request will not be unreasonably refused.

7 Alternative Working Arrangements

- 7.1 In some circumstances, employees may be required to work from home or from an alternative place of work. Your line manager will advise you of any such requirement. Should you work your normal hours from home or an alternative location, you will be paid as usual.
- 7.2 Should you have a Council laptop, you should take this home with you, this is to allow you to be able to work from home if required. You should test your remote working systems regularly to ensure you are able to use them in the event of an emergency. If you experience any problems with these, you should advise IT by email (it@clacks.gov.uk) immediately to allow issues to be resolved in advance.

8 Procedure If You Are Unable To Attend Work

- 8.1 Should you be unable to attend work, or to arrive on time, you should telephone your line manager before your normal start time on each affected day. You should alert your line manager to any work that should be completed in your absence. Where your line your manager is not available, all reasonable attempts to alert the Council e.g. another manager, contact centre etc. should be made.
- 8.2 You should monitor the situation throughout the day in case it improves. Information may be available from local/national radio and/or television, the police, transport providers and the Council's website and social media accounts including Facebook and Twitter. Should conditions improve sufficiently, you should report this to your line manager and attend work unless told otherwise.
- 8.3 Should you fail to contact your line manager/Council in line with this procedure without good reason, you may be subject to the Council's Disciplinary Policy and Procedure for misconduct.
- 8.4 In these circumstances, you will be asked to meet with your line manager on your return to work to discuss the reasons for your absence.

9 Options Where You Are Unable To Attend Work

9.1 For any other absences, the following options should be discussed with your line manager:

- Treat the absence as annual leave;
- Use flexitime to cover the absence;
- Make up the lost hours within a reasonable time, to be agreed with your line manager;
- Treat the absence as unpaid special leave as a last resort.

9.2 Term time employees should discuss their options with their line manager.

9.3 You should agree with your line manager which option is most appropriate.

9.4 Managers should ensure that all absences are recorded appropriately through the Council's HR and Payroll system for monitoring and recording purposes.

10 School Closures, Care Of Children And Other Dependants

10.1 If bad weather or travel disruption is forecast you should consider whether there is likely to be disruption to care arrangements for your children, or other dependants and where possible put alternative arrangements in place in advance.

10.2 In some circumstances, you may be entitled to time off under the Council's Special Leave Policy. You should speak to your line manager in the first instance to determine whether this would be applicable.

10.3 Managers should ensure that all absences of this type are recorded through the Council's HR and Payroll system for monitoring and recording purposes.

11 Processing Of Personal Data

11.1 The Council processes personal data collected as part of this procedure in accordance with its data protection policy. In particular, data collected as part of this process is held securely and accessed by, and disclosed to,

individuals only for the purposes necessary to action and manage this procedure.

12 Monitoring And Review

12.1 HR shall monitor the effectiveness of these procedures on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

13. Equality Impact Assessment

Policy Name	Adverse Conditions and Travel Disruption Procedure
Department	HR
Policy Lead	HR
Equality and Fairer Scotland Impact Assessment	
Full Assessment Completed	Yes
Date Approved	
Review Date	



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Appendix 5

WORK LIFE BALANCE AND FLEXIBLE WORKING POLICY

Date: January 2019

Version: Draft 1

Review Date: TBC

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Work Life Balance and Flexible Working Policy
Date Issued:	
Date Effective From:	
Version Number:	0.1
Document Type:	Policy
Document Status:	Draft
Author:	Sarah Farmer
Owner:	HR
Approver:	Council
Approved by and Date:	
Contact:	Sarah Farmer x2172
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	January 2019	Draft	SF	N/A

1. POLICY STATEMENT

- 1.1 Clackmannanshire Council has always encouraged flexible working and fully supports the provisions set out in legislation, which allow all employees the statutory right to request a change to their contractual terms and conditions.
- 1.2 This policy sets out the Council's approach to flexible working arrangements, which is in accordance with the ACAS code of practice "The right to request flexible working: an ACAS Guide".
- 1.3 As a Council we continue to transform the way in which we provide services and, as part of this transformation, recognise the need to move to more modern ways of working, which includes both the hours that are worked and the locations in which work takes place.
- 1.4 Increased flexibility has the potential to provide greater opportunities to support those members of staff seeking to have a greater degree of work/life balance, by integrating home and work life more successfully.
- 1.5 The over arching principle of the flexible working policy is that the working pattern must maintain or improve service delivery and be cost effective. No changes to existing working patterns will be authorised if it can be evidenced that it will be detrimental to service delivery.
- 1.6 It is envisaged that increased flexibility and the introduction of flexible ways of working will contribute to the following:
 - For the Council
 - a) Productivity improvements.
 - b) Reduction in absenteeism.
 - c) Reduction in recruitment and retention costs.
 - d) Reduction in required office space.
 - For staff
 - e) Increased motivation.
 - f) Improved work satisfaction.
 - g) Improved work life balance.
 - h) Reduced levels of stress.
- 1.7 This policy and procedure aims to support all staff working in this environment and foster meaningful and sustainable ways of working smarter and more effectively.

2. SCOPE

- 2.1 This policy applies to all staff of Clackmannanshire Council who have worked for more than 26 weeks continuously, at the date an application is made, and who have not made another request under the policy in the preceding 12

month period. Separate arrangements also exist for those employed under SNCT conditions of service.

- 2.2 Under the Children and Families Act 2014, all employees now have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly, subject to the eligibility criteria set out above.
- 2.3 Requests for flexible working may be for any reason and are not restricted to employees with family care commitments.
- 2.5 Separate retirement options to allow staff to reduce their working hours and receive pension benefits are also available. Information on these options is available from LGPS (Falkirk) or STSS (Teachers).
- 2.6 Requests for flexible working are separate and distinct from the Council's special leave arrangements.

3. MONITORING AND REVIEW

- 3.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of these procedures on a ongoing basis. Amendments will be made as and when deemed necessary and after consultation with recognised trade unions.

Policy Name	Work Life Balance and Flexible Working Policy
Department	HR
Policy Lead	Sarah Farmer
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
* In no please provide rationale Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics	
Date Approved	
Review Date	



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Appendix 6

Work Life Balance and Flexible Working Procedure

Date: January 2019

Version: Draft

Review Date: TBC

DOCUMENT CONTROL SHEET:

Key Information:

Title:	Work Life Balance and Flexible Working Procedure
Date Issued:	
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Version Number:	0.1
Document Type:	Procedure
Document Status:	Draft
Author:	Sarah Farmer
Owner:	HR
Approver:	Council
Approved by and Date:	
Contact:	Sarah Farmer x2172
File Location:	

Revision History:

Version:	Date:	Summary of Changes	Name:	Changes Marked:
0.1	January 2019	Draft	SF	N/A

1. INTRODUCTION

- 1.1 The Council recognises that a better work-life balance can improve employee motivation, performance and productivity and reduce stress. Therefore the aim is for the Council to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The Council is committed to supporting flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

2. PURPOSE

- 2.1 To provide guidance on the required actions and responsibilities of the Council, line managers and employees in regard to Flexible Working.
- 2.2 To set out the procedural steps necessary for an employee's application to be considered.
- 2.3 This procedure applies to all staff employed with Clackmannanshire Council.

3. THE RIGHT TO REQUEST FLEXIBLE WORKING

- 3.1 All employees with 26 weeks continuous service have the right to request flexible working, regardless of personal circumstances.

4. KEY POINTS

- 4.1 Requests must be in writing stating the date of the request, whether any previous application has been made and, if so, the date of that application.
- 4.2 Requests and appeals legally must be considered and decided upon within three months of the receipt of the request.
- 4.3 Employers must have a sound business reason for rejecting any request.
- 4.4 Employees can only make one request in any 12 month period.

5. MAKING A REQUEST

- 5.1 To make a request for flexible working employees must complete a pro forma (appendix 1) stating:
- The date of the application, the change to the working conditions they are seeking and when they would like the change to come into effect. This should generally be for no more than 6 months in advance of the proposed change start date.

- What effect they think the requested change will have on the Service and how, in their opinion, any negative effect might be dealt with.
- If they have made a previous application for flexible working, the date of that application.
- If they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disabled employee.

6. HANDLING REQUESTS FOR FLEXIBLE WORKING

- 6.1 Once a request has been received, the line manager should arrange a meeting to discuss the request, wherever possible within two weeks from the date of the request. Whilst a meeting is considered good practice, it may not always be needed where the Service is happy to accept the request. It is helpful to have this discussion to ensure that the proposal being put forward meets both the needs of the Council and the needs of the member of staff.
- 6.2 Where a delay arises (for example due to annual leave), the member of staff should be informed as to the reasons for the delay and provided with an expected timescale by which their request will be discussed with them.
- 6.3 Staff will have the right to be accompanied by their trade union representative or a work colleague of their choice at the discussion meeting.

7. CONSIDERING A REQUEST FOR FLEXIBLE WORKING

- 7.1 It is important that any requests are considered carefully with the benefits and consequences of the requested changes in working conditions for the employee and the Council being considered.
- 7.2 When considering an application for flexible working managers should consider:
- **Customer Factors** (including other teams/sections and partners) - Can service provision be maintained/improved. Is demand tied to certain times of the day?
 - **Job/Location Factors** - Can all of the duties be performed effectively from the location/in the working pattern envisaged? Are there information security issues? Is access to specialist information/equipment/reference materials or significant face to face contact with colleagues or customers required? Is access to premises available at the proposed times, if needed?
 - **Cost/Saving Factors** - Including those associated with ICT equipment, travel, time/expenses, workplace priorities.
 - **Team Factors** - Including morale; productivity; whether sufficient team members are available for cover if required
 - **Employee Factors** - Including satisfaction, motivation, commitment, morale and productivity; initiative; time/workload management; communication and supervision arrangements; social isolation; reduction in travel time/cost; requirement for on-the-job training; health and safety issues that may apply to

the employee such as lone working, working pattern, length of work periods/rest breaks and suitability of IT equipment.

- **Environmental Factors** - Reductions in energy consumption, carbon footprint. (e.g. reduced travel).

7.3 Managers should also take into account the following:

- The Council is under no statutory obligation to grant a request to work flexibly and the Council's ability to provide an effective service will be paramount.
- Where agreement is reached with one member of staff this will not set a precedent or create a right for another member of staff to be granted a similar change to his/her working pattern.
- There is no contractual entitlement to have a flexible working request approved.

7.4 There may be occasion when a service needs to consider more than one request. In doing so the following should be considered:

- Requests should be considered in the order they are submitted.
- Having considered and approved requests, managers should remember that the business context has changed and can be taken into account when considering the subsequent request.
- Where more than one request is received there is no requirement to make value judgements about the most deserving request. Managers should consider each application on its merits looking at the business case and the possible impact of refusing a request.
- Any changes to a staff member's working hours as a result of a request for flexible working is regarded as a permanent variation to contract, unless agreed otherwise. With the exception of trial periods, once a change to a staff member's hours or place or work has been implemented, the employee has no automatic right to revert to their previously pattern of working at a future date.
- Variations may be considered in light of changing operational service needs or where the member of staff wishes to apply for a review. Appropriate arrangements will be made to discuss the impact of further changes and reasonable notice to end or amend the existing arrangement will be given.
- Flexible working offers staff benefits but it is not intended to give the opportunity to increase salary. For example, where an employee has a request granted under this policy to change to working in a period or pattern for which an enhancement that they do not currently receive (e.g. unsocial hours, night work, weekend work, shift allowance).
- Only where a requirement to work shifts etc is set by management will any time based enhancements be paid.
- Where a request is refused the member of staff should also be informed of their right of appeal.

8. WHY REQUESTS MAY BE REFUSED

8.1 Line managers must consider all requests in a reasonable manner and can only legally refuse them if there is a business reasons for doing so, this reason must be from the following list:

- The burden of any additional cost is unacceptable to the Council.
- There is an inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- The Council considers the change will have a detrimental impact on quality.
- The Council considers the change would have a detrimental effect on the Council's ability to meet customer demand.
- There will be a detrimental impact on performance.
- There is insufficient work during the periods the member of staff proposes to work.
- Planned structural changes e.g. where the Council intends to reorganise and considers the flexible working changes may not fit with these plans.

8.2 If an employee has indicated that the request is being made as a reasonable adjustment for a disability under the Equality Act 2010, you must discuss this with your Service HR Business Partner if you are unable to accommodate this request.

8.3 Line managers must ensure that they are careful not to directly or indirectly discriminate against employees, for example when dealing with requests from employees with childcare responsibilities. It may be helpful to discuss any request they are not intending to approve with their Service Manager or Service HR Business Partner.

8.4 Within a team or Service area, a previous flexible working arrangement which has been agreed will not automatically be approved for a subsequent employee. For example, if a team has already accommodated a number of part time workers, it may not be possible to support future requests or a compromise may have to be reached around days/ hours worked to ensure adequate operational cover.

9. FOLLOWING THE MEETING

9.1 Once a decision is reached and has been approved, the employee should be advised in writing within two weeks of the meeting (appendix 2). The decision may be:

- That the Council agrees to the new work pattern and confirm the start date.
- That the Council agrees to a compromised flexible working arrangement.
- That the Council does not agree to the request and provides clear business reasons as to why the application cannot be accepted.

9.2 A start date for any arrangements should be mutually agreed.

- 9.3 It is the line manager's responsibility to ensure all the relevant paperwork is completed and sent to Human Resources, for example a work pattern change form or change form, to ensure i-Trent is updated correctly for leave and pay purposes. Once these changes have been processed this be confirmed in writing to the employee as an amendment to their current Statement of Particulars.
- 9.4 Any request that is accepted will make a permanent change to the employment contract. However, a trial period for a minimum period of 12 weeks and maximum period of 6 months can be utilised to see if the request works for both the Service and the employee. This should be confirmed in writing. At the end of the trial period a review meeting should be held and again the employee can choose to be accompanied by a work colleague or trade union representative. It should then be confirmed in writing that the arrangement is either now a permanent contractual change or the employee reverts to their previous working arrangements.

10. APPEALS PROCESS

- 10.1 Wherever possible it is better to reach agreement on flexible working within the workplace. However, if the application is refused the following appeal process should be followed. Firstly, hold an informal discussion wherever possible - there may be some simple misunderstanding which can be resolved in an informal way.
- 10.2 If the member of staff still wishes to appeal against a manager's decision they must do so within 10 working days of being notified of the outcome of their request.
- 10.3 The appeal should be in writing and outline the grounds for making the appeal and submitted to the HR Service lead.
- 10.4 An appeal meeting will be organised with the relevant Senior Manager within 10 working days of receipt of the appeal. Normal working practices will continue until the appeal is concluded. If the meeting is delayed for any reason (for example annual leave) this will be clearly communicated to the employee and a date set.
- 10.5 If the Senior Manager has been previously involved in the decision made, an independent Strategic Director should hold the meeting to review the business rationale provided to ensure fairness and transparency
- 10.6 If the appeal is upheld, the Senior Manager will liaise with the original decision maker who will communicate the new working pattern and start date of the new arrangements to the individual and their line manager.
- 10.7 There is no further right of appeal.

11. OTHER FORMS OF WORKING FLEXIBLY

- 11.1 Working from home, mobile or peripatetic working and other forms of flexible working such as Flexi-time are covered under the Alternative Ways of Working section of this procedure.

12. EXAMPLES OF FLEXIBLE WORKING

- 12.1 All forms of flexible working can be requested and considered, on the basis that this is suitable for operational needs. Some common examples are outlined below.
- 12.2 **Part Time Working** - This is an agreed regular pattern where a member of staff works fewer hours per week than a full time employee.
- 12.3 **Job Sharing** – When two members of staff share the duties and responsibilities of one post. As with part time working, job sharing can allow you to work fewer hours in a day or fewer days in a week, which may suit your domestic circumstances. The Council can benefit from retaining experienced staff who may otherwise leave. Job sharing can provide the Council with the skills, knowledge and expertise of two people for the costs of just one post. The job share arrangement can be established from the creation of a new post or can be requested by the current post holder. The Council does reserves the right to refuse a request for job sharing where it may be/ proves to be difficult to recruit a job share partner to the other part of the role or where the nature of the role means it cannot be undertaken effectively on a job share basis. In addition, if a job share partner resigns or moves to another post etc the Council reserves the right to end the arrangement if a new job share partner cannot be found.
- 12.4 **If job sharing is agreed** - See Appendix 3
- 12.5 **Temporary Change of Hours** -This is where there is an agreed temporary change to a staff members work pattern. In most cases, changes to hours will be on a permanent basis. However, it may be possible to agree this on a temporary basis (for a maximum period of 12 calendar months) if this suits service needs.
- 12.6 **Term Time Working** – This is where an employee reduces the total number of days they work overall in the year by not working during pre defined school holidays. Term time working must commence at the start of a Clackmannanshire Council School term. In order to agree this pattern there must be a significant reduction in workload during the school holiday periods or sufficient resources in the team to accommodate the extended periods of non working.

- 12.7 **Annualised Hours Working** - Annualised hours are where the period of time an employee works is defined over a whole year. Staff should agree with their line manager and commit to a number of hours and pattern of working over a 12 month period as determined by the needs of the service. Salary is paid in equal monthly instalments regardless of the number of hours worked in a specified period.
- 12.8 **Seasonal Hours Working** – Similar to the above arrangement, employees may work seasonal work patterns. This may include a period of zero hours working and the salary will be pro-rated and paid annually for all hours worked over a 12 month period.
- 12.9 **Compressed Hours** – Working compressed hours allows a member of staff to work fewer days overall by working longer hours on the days that they do attend. This can mean for example that they work a 9-day fortnight or a 4.5/4 day week. This pattern can be agreed between employee and manager to ensure the work pattern meets service delivery needs and that the agreed working day is not excessive for the employee to manage.
- 12.10 **Employment/Career Breaks** - Subject to the needs of the service a member of staff may take a break in employment (without pay and benefits) to look after family, to travel, do voluntary work or undertake training. The Employment/Career break will not affect continuous service calculations or entitlement. This is covered under the Council's Career Break procedures.
- 12.11 **Buying Annual Leave** - Members of staff may, subject to the needs of the service, buy additional annual leave with a reduction in monthly salary. Further details are available in the Scheme of Enhanced Leave procedures.

13. Responsibilities

13.1 Managers are expected to:

- Foster a culture of trust in working relationships.
- Consider current and foreseeable operational needs of the service and how different working arrangements could affect these.
- Consider the potential impact on other employees, internal and external customers and clients.
- Continue to measure the performance and output of all employees to maintain service standards.
- Decide whether flexible working arrangements can be supported, taking into account such factors as the staff members role and operational needs of the service.
- Determine whether the flexible working arrangement can be agreed on a temporary or permanent basis.
- Confirm any changes to the service HR Business Partner
- Deal with all requests on a consistent and fair basis.
- Explain and evidence the reasons for refusal.

13.2 Employees are expected to:

- Co-operate with management to facilitate a culture of trust.
- Outline, in their request, how they see their role and duties being fulfilled under the proposed flexible working arrangements.
- Collaborate with their line manager during the request process.
- Ensure the timing of their request allows sufficient opportunity for the line manager to fully consider the request.

15. ALTERNATIVE WAYS OF WORKING

15.1 When considering alternative ways of working for employees, this includes both looking at where work is carried out and also considering how work is carried out.

16. HOMEWORKING – KEY POINTS

16.1 Homeworking is one alternative way of working which may be suitable for some job roles within the Council. There are different degrees of homeworking – this could be working almost entirely at home while others work from home only occasionally. In most job roles, it would be very unlikely that homeworking on a permanent full-time basis is the most effective way of working for both the employee and the Council. Research by ACAS has also found that mix of working from the office and home gives the best results in job satisfaction, work performance and reducing stress.

16.2 Line managers must consider if both the job role and the job holder are suitable for homeworking (as outlined below). It should also be remembered that homeworking may be considered as a reasonable adjustment to allow a disabled employee to continue working or be able to work more effectively. If this is the reason for a homeworking request, this should be discussed with your Service HR Business Partner.

17 CONSIDERATION OF ROLE

17.1 Many roles may be suitable for home working, but others may not. Consideration should include:

- Team working
- Face-to-face supervision
- Equipment (and will it be cost-effective to install in the home?)
- Equipment which can only be in the office location

17.2 Whilst homeworking can be seen as an attractive option, it will not suit everyone. A homeworker needs to be able to cope with working on their own with little supervision. Homeworkers ideally need to be:

- Able to spend long periods on their own and be confident working without supervision
- Self-disciplined and self-motivated
- Able to separate work from home life

17.3 Homeworking can present challenges to both managers and employees. For line managers, this can include effectively managing staff who work away from the main work location. For employees, it can include feelings of isolation and managing the boundaries between home and work life.

18. GETTING STARTED

18.1 A Checklist is available for both manager and employees in setting up home working (Appendix 3). A start date should be mutually agreed and a review date or trial period if the manager feels this would be helpful, to review how the arrangements put into place are working in practice for both parties. Homeworking is a privilege, not a right, and as such even if agreed on a permanent basis the employee should be made aware that if business needs change or any issues arise, this can be withdrawn. However this should be with notice and reasons given, and line managers must ensure fairness at all times.

19. MANAGING HOMEWORKERS

19.1 Line managers may find managing homeworkers more difficult than managing office-based staff. Some key areas for managers to be aware of are:

- Building trust between manager and homeworker
- Agreeing how work performance and output will be supervised and measured
- Communicating effectively

19.2 A lack of trust can be the biggest barrier to achieving successful homeworking. It can be challenging for managers who prefer face-to-face supervision.

19.3 Managers should make sure the employee knows what is expected of them within their role and how they are expected to work in sharing information and ideas with both managers and colleagues.

19.4 At regular one to ones progress should be discussed and this is also an opportunity for line managers or employees to raise any concerns.

19.5 If homeworking is agreed on an “ad-hoc basis” as mentioned before rather than a fixed work pattern, it should be agreed how this will be requested or utilised, for example if an employee is required to meet a deadline for a piece of work which requires concentration for longer periods of time, this may be an ideal time for homeworking to come into effect. Equally, if within a team there are issues around cover or service delivery needs, for example at peak holiday

times or at a particularly busy time of year, employees would be expected to be flexible with any homeworking arrangements which are in place.

20. HEALTH AND SAFETY FOR HOMEWORKERS

- 20.1 Employers have a duty of care for all their employees, and the requirements of the health and safety legislation apply to homeworkers. The employer is responsible for carrying out a risk assessment to check whether the proposed home workplace's ventilation, temperature, lighting, space, chair, desk and computer, or any kind of workstation, and floor are suitable for the tasks the homeworker will be carrying out.
- 20.2 The employer is responsible for the equipment it supplies, but it is the employee's responsibility to rectify any flaws in the home highlighted by the assessment. Once the home workplace has passed the assessment, it is the employee who is responsible for keeping it that way.

21. STORAGE OF CONFIDENTIAL DATA AND TRANSPORTATION OF DOCUMENTS

- 21.1 Confidential documentation, wherever possible, should not be removed from the office location. Where this is required to be transported or stored in another location, it is the employee's responsibility to ensure this is handled in a secure manner and in compliance with GDPR and data protection. Any loss of data, or potential data breaches MUST be reported immediately.

22. MOBILE/PERIPATETIC WORKERS – WORKERS WITH NO FIXED WORK BASE

- 22.1 There are a number of employee/employer relationships which are now different from the traditional 9-5 job. A person's employment status will determine their rights and their employer's responsibilities.
- 22.2 A peripatetic worker is someone who works in multiple locations. It refers to someone who works away from their normal work base, or can also refer to someone who has no fixed work base. For example a peripatetic teacher will travel from school to school providing a service.

23. KEY POINTS FOR CONSIDERATION

- 23.1 A health and safety risk assessment for these workers should be undertaken, taking into account the fact that they will be working away from the normal work base, or will have no base, and also what types of work will be carried out.
- 23.2 Time on-call can be classed as working time in certain circumstances.

23.3 Time spent travelling from home to the place of work (both at the beginning and end of the work day) would usually count as working time under this type of contract.

24. WHEN WE CONSIDER HOW WORK IS CARRIED OUT:

24.1 **Flexi-Time:** Flexi time is a form of flexible working that allows employees to accumulate additional hours that can be exchanged (with the prior agreement of their line manager) for the equivalent amount of time off.

This can work very well to motivate employees to cover business needs even outwith their fixed work pattern “core hours” and improve flexibility and service delivery. Equally it allows the employee in quieter times to enjoy additional leave for improved work/ life balance.

The band for flexible working allows you **1 hour of flexibility** at the beginning and at the end of your working day.

If you work in an office which operates standard opening times for example 9am to 5pm, the band will be 8am to 6pm. Note: Where the standard hours are 9am to 5pm an employee would be unable to accrue any hours prior to 8am or after 6pm unless prior agreement reached with their line manager.

Flex days should be requested in the same manner as annual leave through the i-Trent system and can be refused for business reasons/ office cover etc.

24.2 However. Flexi-time is not suitable for all roles, for example a customer-facing role with fixed hours of cover, and therefore must be agreed between line manager and employee. A maximum of 13 flexi days, or combination of full and half days, can be taken in a full year. Flex sheets must be kept up to date and can be checked by line managers at any point. Any abuse of the flex-time scheme may result in this being withdrawn or in a formal Disciplinary process for the employee for a serious abuse of the scheme.

Credit hours are the times worked in excess of contractual hours within the settlement period. Debit hours are the number of hours worked less than the normal contractual hours.

Within the scheme the maximum credit balance which you can normally carry into the next settlement period is 2 working days.

The maximum debit which you may normally carry forward is 1 working day. With prior agreement, your Service Manager may allow a greater deficit to accrue up to 2 working days, for example severe weather or to assist you with urgent childcare problems. Your manager will only consider allowing a carry over debit of more than 2 working days in exceptional circumstances.

The above times are pro-rata for staff who work non standard working hours.

Routine GP appointments or dental treatments should normally be arranged at the beginning or end of the working day, whenever possible. No credit will be received for these appointments.

Non-routine appointments should be agreed with your manager, in advance where possible and may count as a credit under the scheme, for more details please refer to the Special Leave procedures.

25. TOIL – TIME OFF IN LIEU

- 25.1 There may be times when it is appropriate for time off in lieu to be granted (for example for an employee working overtime). This must be pre-authorized by the line manager and the compensatory time off requested in the usual manner, in line with service requirements. All TOIL must be calculated on the same equivalent basis as payment would have been made.

26. PROCESSING OF PERSONAL DATA

- 26.1 The Council processes personal data collected as part of this procedure in accordance with its data protection procedure. In particular, data collected as part of this process is held securely and accessed by, and disclosed to, individuals only for the purposes necessary to action and manage this procedure.

27. MONITORING AND REVIEW

- 27.1 Both Senior Management and Trade Union Representatives shall monitor the effectiveness of this procedure on an ongoing basis. Amendments will be made as and when deemed necessary and, where appropriate, after consultation with recognised trade unions.

Equality Impact Assessment

Policy Name	Work Life Balance and Flexible Working Procedure
Department	HR
Policy Lead	Sarah Farmer
Equality Impact Assessment	
Stage 1 EQIA completed	Yes
Stage 2 EQIA completed	No
<p>* In no please provide rationale</p> <p>Policy applies equally to all Council employees and does not negatively impact on any group which falls within any of the 9 protected characteristics</p>	
Date Approved	
Review Date	

Equality and Fairer Scotland Impact Assessment - Screening Appendix 7

Title of Policy:	Special Leave Procedure
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	Yes
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

<p>Purpose of the proposed policy or changes to established policy</p>
<p>This Procedure aims to ensure that staff who are genuinely in need of time off to deal with an emergency or to carry out a public or civic duty are treated fairly. The Procedure describes three different types of Special Leave which relate to Balancing Work and Family Life; National, Public and Community Emergency Service; and Other Leave, which includes leave for religious worship and exam leave. It sets out the circumstances in which leave is paid or unpaid, and should make managers and employees aware of what leave arrangements may be available to them. It states that operational requirements may impact on approval, and refers staff to other relevant policies such as the Continuing Further Education Policy.</p>
<p>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</p>
<p>General Equality Duty -</p>
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>The provision of Special Leave could assist with the elimination of discrimination for protected groups who may require leave which is associated with their protected characteristic(s). For example, in the UK, many public holidays are scheduled around the Christian calendar, and people with other religions or beliefs may be treated unfairly if they are unable to request leave to celebrate their religious festivals. Other examples include single parents, where, nationally, <u>92% are female</u>. Single parents may not have alternative caring arrangements and are at more risk of being in poverty, and therefore a Procedure to allow for special leave could assist in the elimination of barriers.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The Council's proposals for the provision of Special Leave should assist with minimising disadvantages for employees who share protected characteristics. For example, an employee may be responsible for caring for a family member with a disability, and this Procedure sets out arrangements which could minimise disadvantages which they may face. This element of the Duty also involves taking steps to meet the needs of protected groups where these are different to the needs of other people, and this Procedure provides particular provisions which are relevant to the needs of protected groups. The last element of this part of the Duty is encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low. The promotion of the availability of Special Leave for national, public or community emergency service could increase the diversity of protected groups who participate in public life.</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>While it is noted that the availability of leave for public service could indirectly assist with the promotion of understanding between different groups, this element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular Procedure.</p>
<p>Fairer Scotland Duty -</p>
<p>➤ Reducing inequalities of outcome caused by socioeconomic disadvantage</p>
<p>This Procedure should assist with the retention of staff, and maintaining employment can be extremely important for protected groups who have a higher level of poverty. For example, <u>poverty rates are higher for households with a disabled adult</u>, and the <u>employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability</u>. Levels of socioeconomic disadvantage are also more frequent for other protected groups including <u>lone parents who are predominantly female</u>, and <u>Black, Asian or Minority Ethnic (BAME) groups</u>.</p>

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	<p>Older people are more likely to have long term health conditions which may mean that they need to attend preventative medical appointments. The Council's staff data shows that the age group with the highest number of incumbents is 51-60 (31.9%), and that 8.2% of staff are aged 60 and over.</p> <p>The Procedure also allows for reasonable time to attend interviews for those who are on the Council's redeployment register, which should assist in reducing barriers for older people who have a higher unemployment rate. The Procedure should also assist staff who are caring for older people and require emergency leave.</p>
Disability	Yes	<p>Staff data shows a relatively high "Compare Not to Say" response in relation to disclosure of a disability (39.5%). At a national level, it is estimated that <u>1 in 10 people who are economically active have a disability or long term health condition</u>.</p> <p>This Procedure should assist with the mitigation of discrimination by association, as some long-term health conditions or disabilities can present acutely, and may constitute emergencies, such as an epileptic episode. The approach which is outlined includes the Council's commitment to being a caring and supportive employer, which should remove or minimise disadvantages. The Procedure also encourages staff to obtain advice from HR as a degree of flexibility for special arrangements can be made in certain circumstances. This demonstrates that the Council is paying due regard to meeting the needs of protected groups.</p> <p>The Procedure also allows for reasonable time off without loss of pay for the purpose of preventative medical examination at hospital, which should assist with mitigating the risk of unfair treatment of staff with a disability.</p>
Gender Reassignment	No	<p>There is limited relevance with Special Leave and this particular characteristic. It is noted that trans people who are receiving medical treatment may apply for Special Leave for medical appointments. It is also noted that this Procedure could cover employees who are carers of trans people and who are attending medical appointments.</p>
Marriage and civil partnership	No	<p>It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.</p>
Pregnancy and Maternity	No	<p>Time off for ante natal appointments can be accommodated through the Council's [Maternity] Policy.</p>
Race	Yes	<p>4% of staff have indicated that they are BAME. There can be a cross over with race in that <u>BAME groups in Scotland are more likely to affiliate with minority religions</u>. This Procedure allows for paid leave for employees who observe religious holidays or festivals other than those allocated by the Council, which complements the Council's duty to pay due regards to the need to minimise discrimination.</p> <p>The Procedure also states the Council's aim of accommodating employees who are called on to carry out public duties. This complements the General Equality Duty as it could increase the number of staff who carry out such duties, and the <u>EHRC's How Fair is Britain's Report</u> shows that BAME groups are less likely to</p>

		take part in civic activity.
Religion and Belief	Yes	1.2% of staff have indicated that they affiliate with a minority religion. (9.7% of staff Preferred Not to Say). As referred to above, some national public holidays are centred around the Christian faith, and this Procedure allows for paid leave for observants of other faiths.
Sex	Yes	<p>Special Leave is available to those who work part time, which should assist with minimising discrimination against women, who more frequently work part time compared to men (in Scotland, <u>86.9 per cent of men in employment are in full time employment compared to 57.5 per cent of women</u>) There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men).</p> <p>It is recognised for those some categories of staff such as term time staff it may not be possible to agree to some categories of special leave. This does not amount to indirect discrimination as it is classed as a proportionate means of achieving a legitimate aim i.e. the contractual requirement for those staff to be in attendance during school time.</p> <p>Lone parents are more frequently female and face a higher level of poverty, and this Procedure could assist with their retention. Special Leave can also be granted in the event of disruption to the care of a dependent or an incident involving children at school/childcare.</p> <p>The Procedure notes that Special Leave is available for those who have experienced domestic abuse, and this is experience is more <u>prevalent for females</u>. The provision of Special Leave in these circumstances also complements the Council's commitment to supporting the national priority of preventing gender based violence. The overall commitment to support staff who have family/caring commitments which the Council express also demonstrates paying due regard to the General Equality Duty as more women than men are primarily responsible for arranging childcare, which can contribute to the gender pay gap.</p>
Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people related to their sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

With reference to gaps, there is currently no equality data relating to grievances by staff who allege that their application for Special Leave has not been allowed. There is also a high rate of staff who responded "Prefer Not to Say" in relation to whether they have a disability.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Given that this Procedure applies to staff, management and union representatives have been involved in the development of the policy.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Procedure is applied fairly. These steps will include:

- Encouraging staff to disclose a disability, in order to assist with monitoring the impact of this Procedure
- Raising awareness with managers of the need to act fairly and impartially
- Monitoring grievance data relating to the implementation of this Procedure
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence shows there are circumstances in which the reason for an application for Special Leave can be related to protected characteristics, and that the Council's approach demonstrates that it has taken steps to meet the needs of protected groups. The provision of paid leave in applicable circumstances should also assist with minimising disadvantages faced by protected groups. The overall commitment to support employees who may need this leave should assist the Council in demonstrating that it has paid due regard to the General Equality Duty. The Procedure should support the retention of staff, and mitigate the potential for reduced income, which complements the Council's Fairer Scotland Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This Procedure has been developed in consultation with recognised trade unions, and has been reviewed by the strategic leadership group and will be reviewed for final consideration for approvals by tripartite.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick	Option 1: No major change	
✓	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.	
	Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.	
	Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.	
Justification for decision		
<p>This assessment finds no indication that the Procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the Procedure conscientiously takes into account diverse needs and circumstances. Steps to monitor the equality impact have been agreed, along with practice to promote fair use.</p>		
APPROVAL		
NAME	DESIGNATION	DATE

Equality and Fairer Scotland Impact Assessment - Screening Appendix 8

Title of Policy:	Adverse Conditions and Travel Disruption Policy
Service:	Partnerships and Performance
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	Yes
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

<p>Purpose of the proposed policy or changes to established policy</p>
<p>The purpose of the procedure is to provide guidance in the event of the following emergencies: Extreme adverse weather defined as red warnings by the Met Office. Transport disruption, including strike action and flight delays; or Major incidents affecting travel or public safety</p> <p>It sets out circumstances where business closure will take place and clearly outlines under the Civil Contingencies Act that the council is required to continue to operate essential services and makes reference to employees making themselves aware of the business continuity plan.</p> <p>The procedure makes reference to alternative working arrangements and notes a number of options regarding when individuals are unable to attend work to ensure no one is at a financial disadvantage.</p>
<p>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</p>
<p>General Equality Duty -</p>
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>The procedure provides advice for employees in the event of school closures, care of children and other dependants. It is noted that individuals may be entitled to time off in certain circumstances under the Urgent Domestic Distress.</p> <p>This ensures that employees with children who have caring responsibilities are not discriminated against and provided with opportunity to deal with domestic situations within this procedure. This provision within the procedure could assist with the elimination of discrimination given that caring responsibilities often fall to females taking into account for example single parents, where nationally, 92% are female.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>Having due regard to advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The procedure should minimise disadvantages as it allows for consideration for individual circumstances and not just for individuals who have a protected characteristic.</p> <p>The procedure covers options for employees should they be unable to attend work such as an alternative place of work or home working. The procedure also provides for a number of options for consideration to ensure that employees are not put a disadvantage from a financial perspective should they not be able to utilise options such as working from home or alternative place of work.</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>All employees will be treated in the same way in terms of the way the procedure is implemented but employees who do have a disability will be considered in terms of difficulties that they may encounter as will other individuals who do not such as employees who are pregnant, have caring responsibilities or responsibilities for elderly parents.</p> <p>The consideration of individuals circumstances along with a number of alternative options to be considered where employees can not attend work ensures that employees who share a protected characteristic and those who do not will not be subject to a financial determinant. This helps assist in fostering good relations between people who share a protected characteristic and those who do not.</p>

Fairer Scotland Duty -

➤ Reducing inequalities of outcome caused by socioeconomic disadvantage

The procedure takes into consideration socioeconomic disadvantage by considering such things as when an individual may be asked to work from an alternative council location that the Council' Excess Travel Policy may apply. This ensures that no individual is at a financial determinant because of the procedure in place.

Where individuals are working within an role which is deemed essential to ensure the continued running of essential services under the Civil Contingencies, they are guided to liaise with their line manager for assistance with transportation where necessary, this again ensures no disadvantage is experienced.

Options are noted within the procedure of how absences from work due to adverse weather can be dealt with, all the options noted ensure that there is no financial determinant to staff.

The above noted points are extremely important as for protected groups who have a higher level of poverty. For example, poverty rates are higher for households with a disabled adult, and the employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability. Levels of socioeconomic disadvantage are also more frequent for other protected groups including lone parents who are predominantly female, and Black,Asian or Minority Ethnic (BAME) groups.

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	Yes	<p>It applies to all employees of the Council irrespective of their age. The council's data shows that the age group with the highest number of incumbents is 51-60 (31.9%), and that 8.2% of staff are aged 60 or over.</p> <p>The procedure allow for individuals irrespective of age access to potential options to continue to work where they are unable to get to their place of work.</p>
Disability	Yes	<p>It applies to all employees of the Council whether they have a disability or not. Consideration would be given to individuals own circumstances regarding attending work.</p> <p>Managers will take into consideration if the employees disability is providing further difficulties on them attending work due to adverse conditions and travel disruption.</p> <p>Staff data shows a relatively high "Compare Not to Say" response in relation to disclosure of a disability. At a national level, it is estimated that 1 in 10 people who are economically active have a disability or long term condition.</p> <p>Where appropriate PEEPs will be in place for staff with certain disabilities that may come into place in some of the given situations covered in the Adverse Conditions and Travel Disruption Policy.</p> <p>The procedure ensure that individuals with a disability are not disadvantaged, the fact that there are alternatively options for consideration ensure employees who have further difficulty to attend work will have the ability to still work. Another important point to note that the council is ensuring that other options can be considered regarding covering the time lost ensures no one with a disability is unfairly treated and at a financial determinant.</p>
Gender Reassignment	No	<p>Employees who are undergoing gender reassignment would also be covered by this procedure.</p> <p>Information is not collected in relation to Gender Reassignment within the Mainstreaming Equality and Diversity Report, however upon further investigation GIRES estimated that between 0.6% and 1.0% of the population were trans. As of 2011, 12,500 adults in the UK had sought medical interventions related to their gender dysphoria. The number of trans people accessing Gender Identity Clinics each year is increasing. Trans people seek medical assistance with their transition at any age. The median age is 42.</p> <p>While we do not record whether individuals identify as transgender in the mainstreaming report this is an area that we record information on our HR information system.</p> <p>Although this procedure is of limited relevance to individuals undergoing gender reassignment, as all employees have the option to ensure they are not at a financial determinant there will be no disadvantage to individuals going through gender reassignment.</p>
Marriage and civil partnership	No	<p>All individuals regardless of relationship status are covered by this procedure. It is however submitted that this protected characteristic is not directly relevant to this procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.</p>
Pregnancy and Maternity	Yes	<p>The procedure applies to individuals who are pregnant but not on maternity leave. Where individuals are pregnant then appropriate risk assessment will take place by the individual and the Council. Risk assessment will take place with the manager and employee on the given circumstances.</p>
Race	No	<p>The procedure applies to all employees of the Council. 4% of staff have indicated that they are BAME. The procedure is of limited relevance to this protected characteristic given it applies to all employees.</p>
Religion and Belief	Yes	<p>The procedure applies to all employees of the Council. The procedure is of limited relevance to this protected characteristic given it applies to all employees.</p>
Sex	Yes	<p>The procedure applies to all employees of the Council regardless of whether they are male or female. There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men).</p> <p>Lone parents are more frequently female and face a higher level of poverty. The procedure ensures that females are not disadvantaged by specifically having reference to childcare and care of dependants. The procedure ensures no financial determinant</p>
Sexual Orientation	No	<p>The procedure applies to all employees of the Council regardless of their sexual orientation. It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people related to their sexual orientation.</p>

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

In reference to gaps, there is currently no equality data relating to individuals raising issues on being discriminated against due to the situations outlined in the adverse conditions policy/procedure.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Representatives of different areas of the Council as well as trade union representatives from a number of recognised unions have been involved in the development of the policy and procedure to ensure it meets the needs of the employees of Clackmannanshire Council.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure the procedure is applied fairly: These steps will include:

Encouraging staff to raise where they may have concerns regarding childcare/dependant care responsibilities.

Raising awareness with managers of the need to act fairly and impartially.

Encouraging managers to be mindful of the Council's commitment to support staff and take into account the needs of protected groups.

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings	
<p>The findings show that we are ensuring that unlawful discrimination is eliminated by reviewing individuals who are covered by the Equality Act and ensuring that we consider options such as adjustments for disability for example, further flexibility and understanding of those with caring responsibilities.</p> <p>Advance equality of opportunity as the procedure applies to all employees equally but there is awareness of appropriate steps to be taken in relation to certain protected characteristics.</p> <p>Foster good relations between those that do share a protected characteristic and those that do not as we have ensured we have followed a robust consultation process to take on board comments from different staff groups.</p>	
Details of engagement undertaken and feedback received	
<p>The policy and procedure has been to policy group which is comprised of management representatives and trade union representatives. Noted comments have been considered and discussed and changes made where appropriate. Comments made and responses are contained within the summary response documents saved alongside this document.</p>	
Decision/recommendation	
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>	
Tick	<p>Option 1: No major change The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>
✓	<p>Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>
	<p>Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>
	<p>Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>
Justification for decision	
<p>Option 1 – Given that consultation has taken place with relevant parties in terms of representatives of areas of the council as well as trade union representatives as well, the Council has ensured appropriate consultation. As outlined previously evidence is provided to show how the procedure addresses areas where discrimination could arise and ensure equality of opportunity among employees.</p>	

APPROVAL		
NAME	DESIGNATION	DATE

Equality and Fairer Scotland Impact Assessment - Screening Appendix 9

Title of Policy:	Work Life Balance and Flexible Working Procedure
Service:	Human Resources
Team:	Human Resources

Will the policy have to go to Council or committee for approval	Yes
Is it a major policy, significantly affecting how functions are delivered?	No
Does it relate to functions that previous involvement activities have identified as being important to particular protected groups?	No
Does it relate to an area where the Council has set equality outcomes?	No
Does it relate to an area where there are known inequalities?	No
Does it relate to a policy where there is significant potential for reducing inequalities or improving outcomes?	No

IF YES TO ANY - Move on to an Equality & Fairer Scotland Assessment

IF NO - Explain why an Equality & Fairer Scotland Assessment is not required

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APPROVAL

NAME	DESIGNATION	DATE

NB This screening exercise is not to be treated as an assessment of impact and therefore does not need to be published. However, if you decide not to assess the impact of any policy, you will have to be able to explain your decision. To do this, you should keep a full record of how you reached your decision.

Equality and Fairer Scotland Impact Assessment - Scoping

<p>Purpose of the proposed policy or changes to established policy</p>
<p>This Procedure aims to support employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The Council is committed to supporting flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.</p>
<p>Which aspects of the policy are particularly relevant to each element of the Council's responsibilities in relation to the General Equality Duty and the Fairer Scotland Duty?</p>
<p>General Equality Duty -</p>
<p>➤ Eliminating unlawful discrimination, harassment and victimisation and other prohibited conduct</p>
<p>The provision of flexible working and flexible ways of working could assist with the elimination of discrimination for protected groups who may require more flexibility which is associated with their protected characteristic(s). For example, returning from maternity leave. Other examples include single parents, where, nationally, 92% are female. Single parents may not have alternative caring arrangements and are at more risk of being in poverty, and therefore a Procedure to allow for flexible working could assist in the elimination of barriers.</p>
<p>➤ Advancing equality of opportunity between people who share a relevant protected characteristic and those who do not</p>
<p>Having due regard for advancing equality involves removing or minimising disadvantages suffered by people due to their protected characteristics. The Council's proposals for the provision of flexible working should assist with minimising disadvantages for employees who share protected characteristics. For example, an employee may be responsible for caring for a family member with a disability and therefore need a more flexible working pattern, and this Procedure sets out arrangements which could minimise disadvantages which they may face. This element of the Duty also involves taking steps to meet the needs of protected groups where these are different to the needs of other people, and this Procedure provides particular provisions which are relevant to the needs of protected groups.</p> <p>It is recognised for those some categories of staff such as term time staff it may not be possible to agree to alternative ways of working this does not amount to indirect discrimination as it is classed as a proportionate means of achieving a legitimate aim i.e.g the contractual requirement for those staff to be in attendance during school time.</p>
<p>➤ Fostering good relations between people who share a protected characteristic and those who do not.</p>
<p>This element of the Duty is more relevant to the Council's role as a service provider, and there is relatively limited direct relevance to this particular Procedure.</p>
<p>Fairer Scotland Duty -</p>
<p>➤ Reducing inequalities of outcome caused by socioeconomic disadvantage</p>
<p>This Procedure should assist with the retention of staff, and maintaining employment can be extremely important for protected groups who have a higher level of poverty. For example, poverty rates are higher for households with a disabled adult, and the employment rate for people with a disability is significantly lower than the employment rate for people who do not have a disability. Levels of socioeconomic disadvantage are also more frequent for other protected groups including lone parents who are predominantly female, and Black, Asian or Minority Ethnic (BAME) groups.</p>

To which of the equality groups is the policy relevant?		
Protected Characteristic	Yes/No*	Explanation
Age	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of age.
Disability	Yes	Staff data shows a relatively high “Prefer Not to Say” response in relation to disclosure of a disability (39.5%). At a national level, it is estimated that 1 in 10 people who are economically active have a disability or long term health condition. The approach which is outlined includes the Council’s commitment to being a caring and supportive employer, which should remove or minimise disadvantages. The procedure in particular references changes to working patterns to be considered as a reasonable adjustment for this purpose and makes clear if a manager cannot accommodate this, this must be discussed first with HR. This demonstrates that the Council is paying due regard to meeting the needs of protected groups.
Gender Reassignment	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of gender reassignment
Marriage and civil partnership	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds that they are married or in a civil partnership.
Pregnancy and Maternity	Yes	Time off for ante natal appointments can be accommodated through the Council’s Family Friendly policies and procedures. However, this procedure may support those who need to reduce or amend work patterns due to pregnancy and more commonly will positively promote and encourage consideration of flexible working, which should assist those returning from maternity leave who may have new or different childcare needs than before maternity.
Race	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of race.
Religion and Belief	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people on the grounds of religion and belief.
Sex	Yes	This procedure opens up flexible working to all staff with the required service and includes example options such as job share and part time working, which should assist with minimising discrimination against women, who more frequently work part time compared to men (in Scotland, 86.9 per cent of men in employment are in full time employment compared to 57.5 per cent of women) There are more women than men who are employed by the Council (71.3% of staff excluding teachers are female compared to 28.7% of men).

		<p>Lone parents are more frequently female and face a higher level of poverty, and this Procedure could assist with their retention. Flexi time and home working which are included as alternative modes of working could also assist with travel time and work/ life balance and allow flexibility, which may particularly support female workers as above.</p> <p>The overall commitment to support staff who have family/caring commitments which the Council express also demonstrates paying due regard to the General Equality Duty as more women than men are primarily responsible for arranging childcare, which can contribute to the gender pay gap.</p>
Sexual Orientation	No	It is submitted that this protected characteristic is not directly relevant to this Procedure and it is not anticipated that there could be any differential impact on people related to their sexual orientation.

* Delete as required

What evidence is already available about the needs of relevant groups, and where are the gaps in evidence?

The evidence referred to above includes evidence from Scotland's Census Results, the Equality and Human Rights Commission, regional employment patterns, publications on poverty and income inequality, the Scottish Health Survey and statistics published by Police Scotland.

In terms of internal evidence, reference has been made to the most recently published staff equality data.

With reference to gaps, there is currently no equality data relating to grievances by staff who allege that their application for alternative ways of working has not been allowed. There is also a high rate of staff who responded "Prefer Not to Say" in relation to whether they have a disability.

Which equality groups and communities might it be helpful to involve in the development of the policy?

Union engagement has been undertaken in the formation of this policy and procedure.

Next steps

In order to better meet the General Equality Duty, the Council will take steps to ensure that this Procedure is applied fairly. These steps will include:

- Encouraging staff to update their sensitive personal information, in order to assist with monitoring the impact of this Procedure
- Raising awareness with managers of the need to act fairly and impartially
- Monitoring grievance data relating to the implementation of this Procedure
- Encouraging managers to be mindful of the Council's commitment to support staff and to take into account the needs of protected groups

Equality and Fairer Scotland Impact Assessment - Decision

Evidence findings		
<p>The evidence shows there are circumstances in which the reason for an application for alternative ways of working can be related to protected characteristics, and that the Council's approach demonstrates that it has taken steps to meet the needs of protected groups. The provision of different ways/flexible working should also assist with minimising disadvantages faced by protected groups. The overall should assist the Council in demonstrating that it has paid due regard to the General Equality Duty. The Procedure should support the retention of staff, and mitigate the potential for reduced income, which complements the Council's Fairer Scotland Duty.</p>		
Details of engagement undertaken and feedback received		
<p>This Procedure has been developed in consultation with recognised trade unions as part of its Policy Group, In addition it will be reviewed by Tripartite and thereafter, if agreed, considered by the Partnership and Performance Committee for formal adoption.</p>		
Decision/recommendation		
<p>Having considered the potential or actual impacts of this policy, the following decision/ recommendation is made:</p>		
Tick	Option 1: No major change	
✓	<p>The assessment demonstrates that the policy is robust. The evidence shows no potential for unlawful discrimination and that all opportunities have been taken to advance equality of opportunity and foster good relations, subject to continuing monitoring and review.</p>	
	<p>Option 2: Adjust the policy – this involves taking steps to remove any barriers, to better advance equality or to foster good relations. It may be possible to remove or change the aspect of the policy that creates any negative or unwanted impact, or to introduce additional measures to reduce or mitigate any potential negative impact.</p>	
	<p>Option 3: Continue the policy – this means adopting or continuing with the policy, despite the potential for adverse impact. The justification should clearly set out how this decision is compatible with the Council's obligations under the duty.</p>	
	<p>Option 4: Stop and remove the policy – if there are adverse effects that are not justified and cannot be mitigated, consideration should be given to stopping the policy altogether. If a policy leads to unlawful discrimination it should be removed or changed.</p>	
Justification for decision		
<p>This assessment finds no indication that the Procedure will unlawfully discriminate against protected groups, and that a systematic approach has been taken to ensure that the Procedure conscientiously takes into account diverse needs and circumstances. Steps to monitor the equality impact have been agreed, along with practice to promote fair use.</p>		
APPROVAL		
NAME	DESIGNATION	DATE