



ORKNEY
ISLANDS COUNCIL

Item: 1

Human Resources Sub-committee: 1 September 2026.

Flexible Working Policy.

Report by Director of Infrastructure and Organisational Development.

1. Overview

- 1.1. This report presents the Flexible Working Policy, which has been comprehensively reviewed and updated, for approval.
- 1.2. The revised Flexible Working Policy, attached as Appendix 1 to this report, strengthens the Council's commitment to equality, inclusion, employee wellbeing and workforce sustainability whilst maintaining a clear and consistent framework for considering flexible working requests.
- 1.3. A summary of the principal changes is set out in section 4 of this report.

2. Recommendations

- 2.1. It is recommended that members of the Sub-committee:
 - i. Approve the Flexible Working Policy, attached as Appendix 1 to this report.

3. Background

- 3.1. The Council's current Flexible Working Policy was approved in 2016. Whilst statutory changes arising from the Employment Relations (Flexible Working) Act 2023 were incorporated into the policy, a wider review has been undertaken to ensure the policy reflects current best practice, organisational priorities and the Council's commitment to equality, inclusion and employee wellbeing.
- 3.2. The review has also enabled alignment with the Equally Safe at Work framework, the forthcoming changes contained in the Employment Rights Act 2025, and provided an opportunity to improve accessibility and employee experience through a comprehensive rewrite of the policy.
- 3.3. Flexible working has become an increasingly important tool for supporting employee wellbeing, recruitment, and retention. The Council also recognises the role that flexible working can play in addressing barriers to employment and progression experienced by some groups of employees, particularly those with caring responsibilities.

- 3.4. A key outcome of the review is the alignment of the policy with the principles of the Equally Safe at Work framework. The revised Policy recognises that flexible working can contribute to greater equality in the workplace and can provide practical support for employees experiencing gender-based violence, including domestic abuse.

4. Summary of Key Changes

- 4.1. The revised Policy introduces several updates including:
- i. **Promoting a Positive Flexible Working Culture** - The Policy adopts a "default yes" approach to flexible working requests where operationally possible, and places greater emphasis on collaborative discussions between managers and employees to identify workable solutions. Managers are expected to proactively explore options before considering refusal of a request.
 - ii. **Supporting Equality and Inclusion** - The Policy explicitly recognises flexible working as a mechanism for reducing structural inequalities and supporting employees with caring responsibilities. It also acknowledges the role that flexible working can play in helping to address gender inequality and support a more inclusive workplace.
 - iii. **Alignment with Equally Safe at Work** – The Policy recognises that flexible working can provide practical support to employees affected by gender-based violence, including domestic abuse, through adjustments to working patterns, hours or location where appropriate.
 - iv. **Supporting Wellbeing, Recruitment and Retention** - The Policy reinforces the Council's commitment to employee wellbeing and work-life balance and supports wider workforce objectives relating to recruitment, retention, engagement and attendance.

5. Consultation

- 5.1. The revised Policy has been developed by Human Resources and Organisational Development and has been undertaken in partnership with recognised Trade Unions. The policy reflects legislative requirements, current best practice and the Council's organisational commitments relating to equality, wellbeing and workforce development.

For Further Information please contact:

Andrew Groundwater, Head of Human Resources and Organisational Development, extension 2253, Email andrew.groundwater@orkney.gov.uk.

Implications of Report

1. **Financial** – There are no immediate financial implications arising solely from this policy change. However, the policy's "default yes" approach to flexible working requests could increase the number of approved arrangements and may lead to additional staffing, overtime, recruitment and administrative costs within individual services. These costs may be fully or partially offset by potential benefits arising from improved staff retention, reduced turnover and lower sickness absence.
2. **Legal** – Under the Employment Rights Act 2025 increased requirements are being placed on Employers in terms of responding to Flexible Working requests. The Act requires greater consultation with employees on individual requests and sets out 8 statutory business related grounds under which requests can be refused. These requirements come into force in 2027 and have been considered when reviewing the policy.
3. **Corporate Governance** – Not applicable.
4. **Human Resources** – HR implications are covered within the body of the report.
5. **Equalities** – An Equality Impact Assessment has been carried out and is attached as Appendix 2 to this report.
6. **Island Communities Impact** - As this policy is unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) within Orkney, a full Island Communities Impact Assessment has not been undertaken.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
 - ☐ Growing our economy.
 - ☐ Strengthening our communities.
 - ☐ Developing our Infrastructure.
 - ☒ Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
 - ☐ Cost of Living.
 - ☐ Sustainable Development.
 - ☒ Local Equality.
 - ☐ Improving Population Health.
9. **Environmental and Climate Risk** – Not applicable.
10. **Risk** – Not applicable.
11. **Procurement** – Not applicable.
12. **Health and Safety** – None arising directly from this report.
13. **Property and Assets** – Not applicable.

14. Information Technology – Not applicable.

15. Cost of Living – Not applicable.

List of Background Papers

Human Resources Sub-committee – 28 January 2016 – Item 2: Flexible Working Policy.

Appendices

Appendix 1 – Flexible Working Policy.

Appendix 2 – Equality Impact Assessment.

Flexible Working Policy

Prepared by HR and Organisational Development

Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
March 2016	General Meeting of the Council	N/A	March 2016
April 2024	Andrew Groundwater	Head of HR and OD	2.0

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
March 2024	Craig Walker	2.0	Agreed	Inclusion of statutory changes from Employment Regulations (Flexible Working) Act 2023
June 2026	HR & OD	TBC	Draft	Updated to incorporate Equally Safe at Work requirements.

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Introduction

Supporting balance, inclusion and choice at work

At Orkney Islands Council, we're committed to being a supportive and inclusive employer. We know that life isn't one-size-fits-all, and we want our employees to feel empowered to shape working arrangements that help them thrive, at work and at home.

Flexible working is one of the ways we support you to balance your personal and professional responsibilities, including during times of significant personal challenge or change. Whether it's caring for others, managing health and wellbeing, or simply working in a way that suits your lifestyle, we're here to help make it work.

This policy sets out how you can request flexible working, what options are available, and how we'll work together to find solutions that support you and the needs of our services. We've developed this approach in partnership with our recognised trade unions and in line with our commitment to equality, inclusion.

Flexible working is an important part of our commitment to advancing equality, inclusion, and addressing structural inequalities. It is not only about when and where work is carried out, but also about removing barriers and supporting a diverse workforce. Evidence shows that access to flexible working can help reduce gender inequality, particularly by supporting those with caring responsibilities—who are more likely to be women—to remain in, progress in, and return to work.

It can also support you when facing challenging personal circumstances, such as gender-based violence, including domestic abuse, by providing greater autonomy, safety, and stability in your working arrangements. By embedding flexible working into our culture, we aim to create a more equitable and inclusive workplace where everyone has the opportunity to thrive.

Who this policy is for

This policy applies to all employees of Orkney Islands Council, whether you're in a permanent or temporary role. It covers staff employed under Scottish Joint Council (SJC), Scottish Negotiating Committee for Teachers (SNCT), UHI Orkney Academic (NJNC), and Chief Officials terms and conditions.

The aims of this policy are to:

- Enable employees to request changes to their working arrangements to help them balance their work and personal responsibilities, including caring responsibilities, health and wellbeing, and other individual circumstances.
- Support an inclusive and equitable workplace by promoting flexible working as a positive way of working that helps address gender inequality, reduces structural barriers, and supports employees experiencing challenging personal circumstances.
- Encourage a proactive, supportive approach to flexible working, where managers take a 'default yes' mindset and work collaboratively with employees to find solutions that meet both individual and service needs.
- Deliver positive outcomes for the Council by improving recruitment and retention, supporting employee wellbeing, reducing absence, and enhancing motivation, engagement, and performance.

What is flexible working?

Flexible working means any working arrangement that differs from the standard full-time pattern. For many roles at the Council, the standard is 35 hours per week, Monday to Friday, 09:00 to 17:00. Flexible working allows you to adjust this pattern to better suit your needs; while still ensuring we deliver high-quality services to our community.

There are lots of ways to work flexibly, including:

- **Part-time working** – working fewer hours or days than full-time.
- **Term-time working** – working during school terms only.
- **Flexible/Annualised hours** – working a set number of hours over the year, with flexibility in when those hours are worked.
- **Compressed hours** – working your usual hours over fewer days (e.g. a 4-day week).
- **Seasonal or part-year working** – working during specific times of the year, on a recurring basis.
- **Casual or relief working** – choosing when to accept work opportunities as they arise.
- **Location of work** – noting the Council has a separate linked policy covering hybrid and remote working.

Other relevant policies and support

There are other policies and procedures which may be relevant when considering flexible working options. These include:

- **Career Break Policy** – for extended periods away from work.
- **Carers Support Policy** – for employees with caring responsibilities.
- **Hybrid and Remote Working Policy** – for arrangements involving working from home or other locations.

These policies are available on MyView and may be considered alongside a flexible working request where appropriate.

We'll always consider requests for flexible working in a fair and consistent way, balancing your needs with the operational requirements of your team and service.

Manager responsibilities

Managers play a key role in enabling flexible working and are expected to take a proactive, supportive approach. This includes adopting a 'default yes' mindset, promoting flexible working options within their teams, and supporting open, constructive conversations with employees.

Managers should explore all reasonable options to accommodate requests, including alternative arrangements where needed, and ensure decisions are fair, consistent, and based on clear service needs. In doing so, they help create an inclusive working environment where flexible working is accessible to all.

Requesting Flexible Working

We want flexible working to be accessible and straightforward. If you're thinking about changing your working pattern, we'll work with you to explore what's possible.

Who can request flexible working?

Everyone who works for Orkney Islands Council, whether you're permanent or temporary, has the right to request flexible working from day one of employment. You can make up to two requests in any 12-month period. If your request relates to a disability and reasonable adjustments under the Equality Act 2010, you can make additional requests.

How to apply

To request flexible working, complete the **Flexible Working Request Form (Appendix 1)** and send it to your manager. The form helps make sure we have all the information needed to consider your request properly.

You'll need to include:

- Your current working pattern and contracted hours.
- The type of flexible working you're requesting.
- Whether the change is permanent or temporary (and for how long).
- Your preferred start date (at least two months from the date of application).
- Whether you've made any previous requests in the last 12 months.
- Whether your request relates to a disability under the Equality Act.

You're welcome to include the reason for your request, although this isn't required. Sharing your reasons can help your manager understand your needs and explore options with you.

What happens next?

Your manager will acknowledge your request and arrange a meeting with you within two weeks to talk it through. You can bring a colleague or trade union representative to the meeting if you wish.

We'll aim to complete the process within two months of receiving your request. During this time, we'll work together to explore your proposal, consider any alternatives, and agree on the best way forward.

Flexible working can also provide practical support for employees experiencing gender-based violence including domestic abuse for example by enabling changes to working hours, patterns, or location to support safety, access to support services, or recovery.

Employees are not required to disclose personal circumstances, however, sharing relevant information can help managers better understand your situation and provide appropriate

support. Where information is shared, managers will respond sensitively and work with you to explore appropriate arrangements. Support will be handled confidentially and in line with wider organisational policies and support services.

How decisions are made

We're committed to supporting flexible working wherever we can. Our starting point is to say yes, unless there's a clear reason why the arrangement wouldn't work for the service.

If we can't agree to your request, we'll explain why in writing, based on one or more of the legal reasons for refusal. These include:

- Significant additional costs.
- Difficulty reorganising work or recruiting cover.
- Negative impact on quality or performance.
- Inability to meet service or customer needs.
- Insufficient work during the proposed hours.
- Planned changes to the service or team structure.

We won't refuse a request based on personal opinions, team culture, or assumptions about your circumstances. We'll always take a fair, transparent and inclusive approach.

If your request isn't approved, we'll explore other options with you first and only say no if there's no workable alternative.

What happens if your request is approved?

Understanding the impact on your contract and benefits

If your flexible working request is approved, it may lead to changes in your contract and working arrangements. Here's what you need to know:

Changes to your contract

Any agreed change to your working hours, pattern, or location is a formal change to your contract. Most flexible working arrangements are permanent, meaning you won't automatically revert to your previous pattern unless a temporary arrangement has been agreed.

If you request a temporary change (for example, for up to 12 months), this will be clearly recorded and reviewed regularly. After the agreed period ends, you'll return to your original working pattern unless a permanent change is agreed.

Once approved, your manager will send the completed Flexible Working Request Form to HR, who will issue a formal contract variation. The contract variation must be in place before the arrangement can commence.

Impact on pay

If your new working pattern affects your pay (for example, if you reduce your hours), your manager will complete a Notification of Change Form and send it to Payroll and HR to make sure your pay is updated correctly.

Changes to your team's staffing

If your new arrangement affects your team's staffing levels (for example, if you reduce your hours), your manager will also submit a Change in Establishment Form to keep the staffing structure up to date.

Annual leave and public holidays

Flexible working can affect your annual leave entitlement — especially if you change your hours, move to term-time working, or switch to a part-year or seasonal contract.

Your manager will calculate your leave entitlement in two parts:

1. Based on your current working pattern (up to the change date).
2. Based on your new working pattern (after the change date).

Leave will be calculated in **hours**, not days, to make sure it's fair and accurate regardless of your working pattern. You can find more guidance in the Council's **Annual Leave and Public Holiday Policy** on MyView.

Pensions

Changing your working hours or pattern may affect your pension contributions and benefits. We recommend speaking to the Pensions service (Pensions@orkney.gov.uk) or your pension provider e.g. Scottish Public Pensions Agency (SPPA) to understand the impact before finalising your request.

Appeals and further support

Should your flexible working request be refused you have a right of appeal, should you wish. Your appeal should be submitted using the Flexible working request form within 14 days of receipt of your outcome. This should be submitted to a higher level of management than the manager who has turned down the original request. Appeals should be considered at the lowest level of management possible but as a minimum, be heard by a Service Manager. The decision of the appeal is final and there is no further right of appeal under this policy.

Review and Monitoring

This policy will be reviewed by Human Resources in conjunction with recognised Trade Unions in line with the Council's schedule for reviewing all Human Resources policies and procedures, normally every five years.

Where changes to employment law, best practice recommendations, or schemes of Conditions of Service require, a review may be undertaken within this timescale by agreement with the Head of Human Resources and Organisational Development.

Where provisions differ for teaching or other employee groups, this will be identified separately within the policy.



Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a proposal or changes by anticipating the consequences and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

Should you have any questions or wish for your draft EqIA to be reviewed by our Equality, Diversity and Inclusion Adviser, please contact OD@orkney.gov.uk.

1. Identification of the Proposal or Change

Name of proposal or change being assessed.	Flexible Working Policy
Responsible Service and Directorate.	HR and OD, Infrastructure and Organisational Development
Date of assessment.	February 2026
Is the proposal or change existing? (Please indicate if the service is to be deleted, reduced or changed significantly).	Revision of existing Flexible Working Policy to reflect current legislation, organisational priorities and best practice, including a strengthened focus on equality, inclusion, employee wellbeing and support for employees experiencing gender-based violence and domestic abuse.

2. Primary Information

What are the intended outcomes of the proposal or change?	The intended outcome is to provide employees with a clear, accessible and equitable framework for requesting flexible working arrangements. The revised policy seeks to support employees to balance their work and personal responsibilities, improve wellbeing, and remove barriers to employment and career progression. It promotes a positive and inclusive culture where flexible working is regarded as a normal way of working and encourages managers to adopt a 'default yes' approach when considering requests. The policy also seeks to advance equality by supporting employees with caring responsibilities, health conditions, disabilities and challenging personal circumstances, including those experiencing gender-based violence or domestic abuse.
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	In addition, the policy aims to improve recruitment, retention, employee engagement and workforce sustainability whilst ensuring operational service delivery requirements continue to be met.
Is the proposal or change strategically important?	Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans. Where a proposal is identified as strategic, evidence relating to socio-economic impacts and inequalities will be required in the relevant section No
State who is or may be affected by this proposal or change, and how?	All Orkney Islands Council employees, including permanent and temporary employees. The policy may particularly affect employees with caring responsibilities, disabled employees, employees experiencing health conditions, employees affected by gender-based violence, older workers, employees approaching retirement and employees seeking improved work-life balance arrangements.
How have stakeholders been involved in the development of this proposal or change?	The revised policy has been developed by HR and Organisational Development in partnership with recognised Trade Unions and informed by organisational equality priorities, Equally Safe at Work commitments, flexible working legislation and emerging best practice.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking.	National research consistently demonstrates that access to flexible working can improve employee wellbeing, recruitment, retention and inclusion. Evidence also shows that flexible working can help reduce workplace inequalities by supporting people with caring responsibilities, disabled employees, older workers and employees managing health conditions. Research further demonstrates that women disproportionately undertake unpaid caring responsibilities and can benefit significantly from increased access to flexible working arrangements. Flexible working is also recognised as an important support mechanism for employees experiencing domestic abuse or other challenging personal circumstances. The policy reflects current equality and inclusion good practice by promoting flexibility as a means of reducing structural barriers to employment and career progression.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise.	Evidence indicates that flexible working can help reduce some socio-economic barriers to employment by supporting employees with caring responsibilities, reducing travel requirements in some circumstances, improving work-life balance and helping individuals remain in work who may otherwise leave employment. Flexible working can

E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.	also improve employment opportunities for those experiencing financial pressures or challenging personal circumstances. The policy aims to make flexible working accessible to all employees from day one of employment, helping to reduce inequalities of opportunity.
Could the proposal or change have a differential impact on any of the following equality areas?	Please provide any evidence – positive impacts / benefits, negative impacts and reasons: The policy is expected to make a positive contribution to advancing equality of opportunity for women, carers and disabled employees, which directly aligns with the Public Sector Equality Duty.
1. Race: this includes ethnic or national groups, colour and nationality.	Positive: supports employees from all ethnic backgrounds by providing greater flexibility to balance work and cultural, family or community commitments.
2. Sex: a man or a woman.	Significant positive impact. Flexible working is recognised as an important tool in reducing gender inequality and supporting employees with caring responsibilities, who are more likely to be women. The policy also supports employees experiencing gender-based violence and domestic abuse.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	Positive: offers flexibility that may support individual wellbeing and work-life balance while promoting an inclusive workplace culture.
4. Gender Reassignment: the process of transitioning from one gender to another.	Positive: may assist employees who require flexibility for appointments, support services or other matters relating to gender reassignment.
5. Pregnancy and maternity.	Positive: supports employees during pregnancy, maternity and return-to-work periods by enabling flexible arrangements that may help balance family responsibilities and work commitments.
6. Age: people of different ages.	Positive: may support younger employees with childcare responsibilities and older employees seeking phased retirement, caring responsibilities or improved work-life balance.
7. Religion or belief or none (atheists).	Positive: may enable flexibility around religious observance, festivals or faith-related commitments where operationally feasible.
8. Disability: people with disabilities (whether registered or not).	Significant positive impact. Flexible working can form an important reasonable adjustment and support disabled employees, neurodivergent employees and those managing long-term health conditions. The policy explicitly recognises that additional requests linked to disability may be considered

9. Marriage and Civil Partnerships.	Positive: increased flexibility may assist employees in balancing work and family commitments.
10. Caring responsibilities	Significant positive impact. The policy is specifically designed to support employees balancing caring responsibilities and reduce barriers to remaining in employment
11. Socio-economic disadvantage.	Positive: may improve access to employment and retention for individuals facing financial pressures or other socio-economic challenges.
12. Care experienced	Positive: greater flexibility may support employees who lack wider family support networks and help improve work-life balance and wellbeing.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	Yes. The policy has a number of positive differential impacts, particularly for women, employees with caring responsibilities, disabled employees, employees experiencing health conditions, and employees experiencing gender-based violence or domestic abuse. Consideration should be given to ensuring equitable access to flexible working opportunities across all services where operational requirements allow.
Does the analysis above identify any potential negative impacts?	There is a potential risk that some employees working in operational, frontline or customer-facing roles may have fewer flexible working options available due to service delivery requirements. There is also a risk of perceived inequity if employees are unable to access the same arrangements as colleagues in different roles.
Do you have enough information to make a judgement? If no, what information do you require?	Yes. Sufficient information is available through national evidence on flexible working, equality impacts, organisational experience and existing workforce policies. Ongoing monitoring will be used to assess uptake and outcomes across different employee groups.

4. Equality Impact Assessment Action Plan

Please complete the following action plan where you have identified any differential impacts or potential negative impacts in Section 3 of the Equality Impact Assessment.

Impact Identified	Action to be taken	Owner	How will it be monitored	Date Action to be completed
Potential inconsistency in access to flexible working across different services and job roles.	Provide clear guidance for managers and promote consistent application of the policy and 'default yes' approach.	HR and OD / Service Managers	Monitor flexible working applications, outcomes and employee feedback.	Ongoing
Potential perception of inequity where operational requirements limit available options.	Ensure decisions are evidence-based, transparent and clearly communicated, including consideration of alternative arrangements where possible.	HR and OD / Service Managers	Monitor appeals and employee feedback.	Ongoing
Risk of re-traumatisation during reporting or investigation processes.	Promote trauma-informed approaches within manager guidance and access to specialist support and counselling services.	HR and OD / Service Managers	Review feedback and training uptake.	Ongoing
Need to maximise equality benefits for protected groups.	Promote awareness of flexible working opportunities and links to disability support, carers support and wellbeing initiatives.	HR and OD	Annual review of workforce equality and wellbeing data.	Ongoing

Need to understand uptake across different groups.	Collect and review available workforce data on flexible working requests and outcomes to identify any disproportionate impacts.	HR and OD	Annual EDI reporting and policy review process.	Ongoing
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5. Sign and Date

Signature:	
Name:	Nicola Fyffe
Date:	12 February 2026