



The Scottish Parliament
Pàrlamaid na h-Alba

Flexible Working Procedure

Dòigh-obrach airson Obair Shùbailte

31 July 2018



Introduction

This procedure applies to all formal applications for flexible working arrangements. The procedure is non-contractual but incorporates your statutory rights.

Making a Request

You must submit your request to formally change your working arrangement, take a Career Break or partially retire to your Head of Group/Office well in advance and **at least three months** prior to the date you propose the new working arrangement or Career Break to start. It is important that you provide as much detail as possible about your proposed new working arrangement or Career Break. Before making a request to change your working arrangement or take a Career Break, you should consider carefully how the proposed change can meet the needs of the business and how it might affect your colleagues and customers.

Your request must be made in writing. Please provide the following information:

- specify the flexible working arrangement you are requesting;
- confirm your reasons for making your request and whether or not you are making the request under the statutory right to request flexible working;
- explain the effect, if any, you consider the proposed change will have on the business and how you believe this might be accommodated and addressed;
- state the date on which you would wish the proposed change to take effect.

Incomplete requests will not be considered and will be returned to you for completion and resubmission. In these circumstances, your request for a Career Break will be considered from the date your fully completed request is received.

You may only withdraw your request prior to it being considered at the formal meeting referred to in Paragraph 5 below. If you do decide to withdraw your request, you must advise your Head of Group/Office in writing as soon as is reasonably practicable of your decision.

Consideration of a Request

Your Head of Group/Office will arrange to meet with you, normally within 28 working days of receipt of your request. This meeting will allow for further exploration of any issues relating to your request and consideration of how it might be accommodated. You may be assisted at this meeting, if you wish, by a trade union representative or work colleague. Your Head of Group/Office may consult with the Human Resources Office in considering any specific issues relating to your request.

Your Head of Group/Office will normally write to you within 14 working days of the meeting to advise you of his or her decision. In circumstances where he or she requires more time to reach a decision, he or she will seek your agreement to extending this timescale.

If your request has been accepted, this notification will include the agreed start date of the arrangement and any particular conditions which apply. In relation to a request for a Career Break, you and your Head of Group/Office should complete and sign a [Career Break Agreement \(Word 93KB\)](#) in order that responsibilities are clear for all parties.

Should your request be denied, this notification will state the business reasons for refusing your request (see page 4 of [Flexible Working Arrangements](#)) and will explain why the business reasons for refusal apply in your circumstances.

Should a request concerning a formal change to your working arrangements be denied, you will have the right to appeal this decision in accordance with the section - Right to Appeal - set out later in this document. This excludes requests for Career Breaks where there is no right of appeal.

Your Head of Group/Office's decision at this stage in relation to a request for a Career Break represents the final position of the SPCB. Such a decision will not prejudice any future requests you may wish to make.

Right of Appeal

If you wish to appeal a decision to deny your request for a flexible working arrangement, you must set out the reasons for the appeal in writing and submit it to the relevant Assistant Clerk/Chief Executive within 14 working days of the date of written confirmation of the decision. The Assistant Clerk/Chief Executive will act as Appeal Manager.

You will be invited to attend an Appeal meeting within 14 working days of receipt of your appeal at which you may make oral and/or written representations. The Appeal Manager will consider whether your Head of Group/Office's decision was reached fairly and if the proper facts were taken into consideration.

You may be assisted at the Appeal meeting by a trade union representative or work colleague. A representative from the Human Resources Office will be in attendance to assist the Appeal Manager and provide procedural advice.

Having heard your representations and consulted your Head of Group/Office, the Appeal Manager will adjourn to consider the outcome of the appeal. The Appeal Manager may decide to uphold or dismiss the appeal.

When a decision is made, the Appeal Meeting will be reconvened, on the same day if possible, and you will be informed of the decision and the reasons for it. You will receive confirmation of the decision and reasons for it in writing within 14 working days of the meeting. The decision of the Appeal Manager is final.

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For further information contact:

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