



Flexible Working Policy

Committee Personnel

Date of meeting 8 November 2024

Date of report 1 October 2024

Report by Director of Finance & Corporate Support

1. Object of report

To request the Committee approve the revised Flexible Working Policy, which has already been through formal consultation with the recognised Trade Unions.

2. Background to report

- 2.1 The Flexible Working Regulations (Amendments) 2024 came into force in Scotland, England and Wales on 6 April 2024.
- 2.2 SPT's Flexible Working Policy complies with the revised Flexible Working Regulations (Amendments) 2024.
- 2.3 SPT's recognised Trades Unions have been consulted on the new Flexible Working Policy and Guidance prior to implementation.

3. Outline of proposals

- 3.1 The Flexible Working Policy confirms that the policy and associated guidance apply to all staff.
- 3.2 The Flexible Working Policy confirms that, the right to request flexible working is now a day one right, rather than requiring 26 weeks' service, and that employees are now able to make two flexible working requests per year, as opposed to one.
- 3.3 Employees are no longer required to explain what effect, if any, the change applied for would have on their employer and how any such effect might be dealt with making the application process less onerous for employees.
- 3.4 Employers must consult with employees before rejecting any request and the timescale for employers to make a decision regarding an employee's application has been reduced from 3 months to 2 months.
- 3.5 A summary of the recommended changes is attached at Appendix 1 with the full revised Flexible Working Policy attached at Appendix 2.

4. Committee action

The committee is recommended to approve the attached Flexible Working Policy, which has already been through formal consultation with the recognised Trade Unions.

5. Consequences

Policy consequences	<i>The revised Flexible Working Policy and Guidance document to be implemented to ensure SPT complies with the Flexible Working (Amendment) Regulations 2024.</i>
Legal consequences	<i>Flexible Working Policy and Guidance complies with legislation.</i>
Financial consequences	<i>None.</i>
Personnel consequences	<i>HR to ensure the changes are communicated to all SPT employees.</i>
Equalities consequences	<i>None envisaged.</i>
Risk consequences	<i>Not introducing a revised Flexible Working Policy and Guidance may result in non-compliance with the Flexible Working (Amendment) Regulations 2024.</i>
Climate Change, Adaptation & Carbon Consequences	<i>None directly.</i>

Name Lesley Aird

Title **Director of Finance & Corporate Support**

Name Valerie Davidson

Title **Chief Executive**

For further information, please contact *Lesley Aird, Director of Finance & Corporate Support*, on 0141-333 3380 or *Janice Morgan, Head of HR*, on 0141-333 3414.

APPENDIX 1

Summary of Changes to Flexible Working Policy

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
1.		Introduction		
	1.	Statement of Policy		
			Update/Review	Line 1- removed “This right to request flexible working applies to all employees of Strathclyde Partnership for Transport provided they meet the eligibility criteria.” Updated to say “This right to request flexible working applies to all employees of Strathclyde Partnership for Transport, provided they meet the relevant criteria set out further below.”
2.		Reckonable Service		Sc
	2.	Scope Policy		
				Line 1 removed “SPT complies with the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders with regard to reckonable service”. Added “The policy and associated procedures applies to all employees. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns” 2.1 This policy and the associated procedure are designed to be consistent with the principles set out in the Employment Relations (Flexible Working) Act 2023 which took effect from 6 April 2024.

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
				2.2 This policy does not form part of any contract of employment or other contract to provide services, and SPT may amend it at any time following consultation with the recognised trade unions.
	3.	Legislation		
			Update/Review	<p>New Section:</p> <p>The following legislation and guidance are of relevance to the formulation and implementation of this policy:</p> <ul style="list-style-type: none"> • The Equality Act (2010) • The Employment Rights Act (1996) • Employment Relations (Flexible Working) Act 2023 • Data Protection Act (2018) • UK GDPR • The ACAS Code of Practice on Flexible working requests
3.	4.	Flexible Working Requests		

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
			Update/Review	<p>Paragraph 1 changed to read:</p> <p>Flexible working requests must be made in writing. The application must be related to a form of flexible working. Flexible working can incorporate several possible changes to working arrangements, such as:-</p> <ul style="list-style-type: none"> (a) Reduction or variation of working hours; (b) Reduction or variation of the days or times worked; and/or (c) Working from a different location (for example, from home).
			Update/Review	<p>Paragraph 2 changed to read:</p> <p>SPT will deal with all applications reasonably. Employees will be notified of the decision within 2 months following receipt of the request in writing, unless a longer time period is agreed between SPT and the employee.</p>
			Update/Review	<p>Paragraph 3 changed to read:</p> <p>Unless otherwise agreed, and subject to any trial/review period, where an application for flexible working is granted this is a permanent change to the employee's contractual terms. These arrangements may be subject to a review period or a right to end arrangement.</p>
			Update/Review	<p>Paragraph 4 changed to read:</p> <p>Where an application is refused the decision will then be confirmed in writing to the employee and an alternative to the flexible working application will be explored.</p>

Current Section No.	New Section No.	Contents	Reason for Changes	Revised/Key features
				Paragraph 5 changed to read: No more than two requests will allowed within a 12 months period. Only one request can be considered at any one time. Refer to SPT's Flexible Working Guidance, Section 2, for further details.
4.		Appeals		
				Heading removed amalgamated with Section 3.
	5.	Data Protection and UK GDPR		
				Paragraph Added SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing them as part of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with SPT's Information Security Incident reporting process immediately
6.	6.	Review and Update		
			No changes	Changed to Director of Finance and HR and Corporate Support
7.	7.	Approval (Signature and Date)		
			Update/Review	Change from "Neil Wylie" to "Lesley Aird"

APPENDIX 2

STRATHCLYDE PARTNERSHIP FOR TRANSPORT

FLEXIBLE WORKING POLICY

Version Number	Purpose/Change	Author	Date
0.03	Updated to reflect current legislation and organisational changes.	Janice Morgan, Head of HR	01/04/2018
0.04	Updated to reflect changes to legislation	Audrey Kelly, HR Advisor	10/07/2024

1. Statement of Policy

This Policy sets out Strathclyde Partnership for Transport's Flexible Working Policy. This policy complies with relevant legislation.

This right to request flexible working applies to all employees of Strathclyde Partnership for Transport, provided they meet the relevant criteria set out further below.

All employees have the right not to be subjected to a detriment by exercising their rights under this policy.

Further information on flexible working can be found in SPT's Flexible Working Guidance which is available at <http://spt.intranet.uk/library/policies-guidance/> or from the Human Resources Department.

2. Scope of Policy

The policy and associated procedures apply to all employees. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

2.3 This policy and the associated procedure are designed to be consistent with the principles set out in the Employment Relations (Flexible Working) Act 2023 which took effect from 6 April 2024.

2.4 This policy does not form part of any contract of employment or other contract to provide services, and SPT may amend it at any time following consultation with the recognised trade unions.

3. Legislation

The following legislation and guidance are of relevance to the formulation and implementation of this policy:-

- The Equality Act (2010)
- The Employment Rights Act (1996)
- Employment Relations (Flexible Working) Act 2023
- Data Protection Act (2018)
- UK GDPR
- The ACAS Code of Practice on Flexible working requests

4. Flexible Working Requests

Flexible working requests must be made in writing. The application must be related to a form of flexible working. Flexible working can incorporate several changes to working arrangements, such as:-

- (d) Reduction or variation of working hours;
- (e) Reduction or variation of the days or times worked; and/or

(f) Working from a different location (for example, from home).

SPT will deal with all applications reasonably. Employees will be notified of the decision within 2 months following receipt of the request in writing unless a longer time period is agreed between SPT and the employee.

Unless otherwise agreed, and subject to any trial/review period, where an application for flexible working is granted, this is a permanent change to the employee's contractual terms. These arrangements may be subject to a review period or a right to end arrangement.

Where an application is refused the decision will then be confirmed in writing to the employee and an alternative to the flexible working application will be explored.

No more than two requests will be allowed within a 12 month period. Only one request can be considered at any one time. Refer to SPT's Flexible Working Guidance, Section 2, for further details.

Employees have the right to appeal against the decision to refuse an application. Refer to SPT's Flexible Working Guidance, Section 3, for further details.

5. Data Protection and UK GDPR

SPT will comply with the principles for processing personal data in line with its Data Protection Policy and applicable Data Protection legislation. Any data collected will be held securely and accessed by, or disclosed to, individuals only for the purpose of managing them as part of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with SPT's Information Security Incident reporting process immediately.

6. Review and Update

This policy will be reviewed and updated as appropriate by the Director of Finance and Corporate Support after consultation with our recognised trade unions.

7. Approval (Signature and Date)

Signature: _____

Print: **Lesley Aird**

Date: _____

Designation: **Director of Finance
& Corporate Support**