



Workforce

**Flexible Work Location Policy:
guide for employees**

This guide will help employees to understand the Flexible Work Location Policy. The policy provides a framework to support:

- employees to consider and request options for flexible work locations
- managers to consider, agree or propose options for flexible work locations

The following guide forms part of the standard for workforce policies. These policies apply to all eligible staff within NHSScotland, regardless of the board they are employed by.

NHSScotland wants to create an inclusive workplace where employees can thrive and feel confident about their ability to balance their personal and professional responsibilities.

It is recognised that policies to support this are particularly important in NHSScotland given the predominantly female workforce who largely take on primary caring roles within the family. The guide covers:

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What is the purpose of the Flexible Work Location Policy?

The Flexible Work Location Policy provides a supportive and person-centred response for employees who request changes to their work location to achieve this balance. Employees have a statutory right to request flexible working. The Flexible Work Location Policy provides the framework to let this happen.

Possible benefits

A flexible work location may bring benefits for the organisation and employees. These may include:

- increased loyalty from employees who value being able to work from another location
- supporting a diverse workforce, for example, staff with disabilities or caring responsibilities
- reducing the impact of bad weather or travel disruption
- attracting a wider pool of candidates
- improved working environment where employees may benefit from experiencing fewer interruptions than in the office
- improved employee retention
- increased staff motivation
- improved staff health and wellbeing
- financial benefits for the organisation
- better work and life balance
- less commuting for employees
- supporting employees with long-term health conditions

Who is covered by this policy?

This policy applies to all employees, bank and sessional workers from their start date.

Flexible work location considerations

Your manager may need to consider and agree on options for flexible work locations in response to a request from you.

There are 3 categories of work location:

Fixed – where roles and duties have to be undertaken at one or more specified locations and not at home.

Home – where roles and duties are undertaken at home. The employee may also be required to attend specified locations, for example, for training.

Hybrid – where roles and duties have a combination of home and specified locations.

Home or hybrid working arrangements can be agreed for a period of up to 2 years for each application. You and your manager may wish to consider a trial period.

It is recognised that not all roles within NHS Scotland are appropriate to be delivered on a flexible work location basis at this time. However, the impact of new digital technologies over time will increase the range and number of roles. Advances in technology and changed working practices have shown that aspects of patient-facing roles can be delivered from home or other remote locations. However, this is restricted to working within the United Kingdom.

Flexible work locations should be considered as part of service or role redesign. There will need to be initial consideration as to whether some or all elements of a role can be performed in a flexible way.

You may request flexible working as a reasonable adjustment for a disability. Although you have a statutory right to request flexible working, there is an additional legal requirement to consider reasonable adjustments on the basis of disability. In such cases, you may wish to take advice from occupational health or your GP.

Flexible work location request

Initial conversation

If you decide to request a change of work location, arrange to have an initial conversation with your manager. This conversation is an opportunity to explore the various issues related to your role. Your manager should not use it to pre-determine the outcome of any formal request you submit.

Receiving a request

When you formally request a location change, you should make sure you have completed a [Flexible working request form](#). If the request includes home as a location, you must also complete a [Health, safety, and wellbeing self-assessment](#). You may require assistance to complete the health, safety, and wellbeing self-assessment. This can be done by contacting your manager, staff side organisation or human resources.

Your manager will review these documents along with other available information, which may include the following:

- your job description
- standard operating procedures
- risk assessments
- information and data security arrangements

Your manager will acknowledge receipt of the flexible working request form within 7 calendar days. If home working is requested, they will also acknowledge the health, safety, and wellbeing self-assessment at the same time. Your manager should arrange a meeting and discuss this with you within 14 calendar days of receiving the request.

Considering an employee request

Your request for home or hybrid working should be supported where possible. You can make 2 flexible work pattern or location requests within 12 months. Your manager should only refuse a request for valid service or organisational reasons. These are detailed below, under reasons for refusal.

In making a flexible working request, you may ask for a change in work location and work pattern. Your manager should consider the location request first. If an agreement is reached with you, they should then consider your flexible work pattern request.

The roles and responsibilities section of the policy sets out areas that all parties must consider as part of a flexible work location request or review. Your manager should consider:

- suitability
- safety
- practicalities

Suitability

Can all or some of the duties be delivered at the requested location? Do you have access to adequate infrastructure to work from the requested location, such as internet connectivity? Where required, do you have suitable caring arrangements in place throughout your agreed hours of work?

Safety

Your manager should discuss with you whether the health, safety, and wellbeing self-assessment indicated anything which could prevent you from working at the requested location. In some circumstances, alternative work locations or adjustments may need to be considered.

Your manager should sensitively discuss any external factors in the requested location that may negatively impact on your wellbeing or safety. These might include:

- mental health
- gender-based violence
- coercive control

If issues are identified, you should be supported. If your manager is concerned that the requested location is unsafe, they should obtain further information to inform the acceptance or refusal of your request.

Practicalities

There are many practical arrangements that your manager should consider and put in place where required. These include:

- arrangements for the supply and maintenance of equipment
- how you will be supported to maintain confidentiality, including the provision of equipment such as headphones and security screen covers
- arrangements for the storage and security of information

- how you can work across different locations and be supported to communicate effectively
- how clear communication lines be established and maintained to support and manage you
- how you and your colleagues will be supported to continue to deliver work effectively
- how to reduce the risk of you feeling isolated or overlooked
- how your team can be supported to continue to deliver work effectively
- how you access technical systems and relevant training from the requested location
- how you access relevant induction materials and learning support from your peers

Your manager may wish to consider longer or more regular check-ins, one-to-ones, or virtual coffee breaks to ensure you feel supported by them and your colleagues.

A change of work location may also require a more flexible approach to the working day. It requires a level of trust between you and your manager, given the change to supervision arrangements. There should be an emphasis on outputs as opposed to presenteeism.

Agreeing a flexible work location request

When you and your manager agree to a change, you should both sign a [Flexible work location agreement](#).

The written agreement should confirm the change of your work location. For contractual purposes, if you have requested home or hybrid working, you will continue to have a designated employer work base. The designated employer work base will be used to determine any travel expenses due.

Your manager will make sure the relevant HR systems are updated.

Your manager should make sure that you are aware of the terms of the agreement. They should focus on:

- all legislative requirements, such as General Data Protection Regulations, Working Time Regulations, and Health & Safety Regulations, continue to apply in the new work location
- your home should not be used for in-person work meetings

- you should make sure care arrangements are in place during agreed hours of work
- your agreed work pattern to ensure availability during work period
- assurance that equipment will only be used by you and strictly for work purposes
- informing your manager of any concerns or changes in personal circumstances at the earliest opportunity
- reporting any accident or injury that occurs during work time, regardless of the work location, using existing arrangements

Refusal of a flexible work location request

Your request for home or hybrid working should be supported where possible. If your specific request is not agreed upon after full consideration, your manager should explore other suitable options. These may include:

- hybrid working in response to a home or fixed location request
- other employer locations

Your manager should only refuse a request for valid service or organisational reasons where one or more of the following apply:

- adverse impact on service delivery or quality
- adverse impact on your work colleagues
- the outcome of the health, safety and wellbeing self-assessment

Within employment law, acceptable reasons for turning down a request are:

- extra costs that will damage the organisation
- the work cannot be reorganised among other staff
- people cannot be recruited to do the work
- flexible working will affect quality and performance
- the organisation will not be able to meet patient demand
- there's a lack of work to do during the proposed working times
- the organisation is planning changes to the workforce

A request to work from outside the UK will not be approved.

Where your manager does not agree to your request, they must confirm their decision in writing within 7 calendar days of the meeting.

The letter will include:

- the reasons for not agreeing to the request, detailing the rationale for the decision
- an outline of any points and alternative options discussed
- your right to appeal the decision within 14 calendar days
- that you will need to set out your appeal in writing to the appropriate manager

Appeal process

You have the right to appeal the decision within 14 calendar days of receiving the outcome letter. You must provide the reason for your appeal in writing.

It would normally be your manager's manager who will hear the appeal, supported by an HR adviser who has not been involved in the process to date. They will inform you that your appeal has been received.

The appeal panel will consider the following:

- the reasons your manager gave for refusing the request
- any alternative options explored
- other points discussed and documented in the outcome letter

The Chair will make sure you and your manager are advised in writing of the arrangements no later than 14 calendar days before the hearing date.

Your manager will be asked to provide a written statement detailing their considerations and decision. If you have not provided your statement of case when you lodged your appeal, you should provide this also. These documents should be submitted no later than 7 calendar days before the appeal hearing. They will be shared with all other parties.

The hearing and outcome must take place within 3 months of the application being submitted.

Appeal outcome

Following the hearing, the Chair will write to all parties with the outcome of the appeal hearing. This letter will be issued within 7 calendar days following the appeal hearing.

If the appeal is successful, the outcome letter will specify the agreed changes and the date these will take effect. You and your manager will be responsible for completing the [Flexible work location agreement](#). If your designated base changes due to this agreement, it may be a contractual change. This is subject to review every 2 years. Your manager must make sure the relevant HR systems are updated.

Where the appeal is unsuccessful, the outcome letter will provide a clear and detailed explanation of the reasons for the decision. The outcome of the appeal will be final for this application.

Withdrawal of application

The organisation will treat an application as withdrawn if you have:

- notified your manager in writing or by email that you are withdrawing your application
- failed, without reasonable cause, to attend a meeting or an appeal hearing convened under the procedure on more than one occasion
- refused, without reasonable cause, to provide information which is necessary to assess the application

Your manager should write to you to confirm the withdrawal of your application.

Flexible work location review

On an annual basis, the flexible work pattern location should be reviewed with your manager. Where your home is one of your work locations, you and your manager should also review your completed [Health, safety, and wellbeing self-assessment form](#).

In addition, your manager should formally review the agreement every 2 years. This is to allow them to review your situation and consider other employee requests which may have been submitted in the previous 2 years. By taking this approach, the aim is to make a change of work location more accessible to all.

For medical and dental staff, the review could form part of the job planning process. For all other employees, it could form part of the appraisal process.

You or your manager can request a review at any point. A review should also take place where circumstances or requirements change.

The review of working arrangements should also cover points described under considering an employee request. In addition, you and your manager should explore and discuss:

- physical and mental wellbeing, this may include any agreed 'check-in' times
- any change in personal circumstances, health, or domestic arrangements
- requirements of the job role, workload, and any impact on work-life balance

If you are requesting a change through the review process, you should complete a new [Flexible working request form](#).

Where the agreement is being ended, your manager will discuss with you and agree a reasonable period of notice of the date of the change to your work location. Where agreement cannot be reached, you will be given 3 months' notice of the change.

Request by the employer

Where a manager or the organisation requests that you change your work location, there should be a conversation with you in the first instance.

The Staff Governance Standard covers proposed changes like this. It requires full engagement and involvement with affected staff. Read more about the [Staff Governance Standard](#).

If some or all of your duties can be done from home, then the discussion should consider:

- the needs of the service
- your health, safety, and wellbeing

The board's Organisational Change Policy should be followed to introduce the change. The local policy ensures the protection of terms and conditions and no detriment to you.

When your manager requests that you work all of your contracted hours at home, your home will become your contractual base.

On an annual basis, the flexible work pattern location should be reviewed with your manager. Where your home is one of your work locations, you and your manager should also review your completed [Health, safety, and wellbeing self-assessment form](#).

In addition, your manager should formally review your agreement every 2 years.

Reasonable refusal of an employer request

You can reasonably refuse an employer request to change your work location to your home.

Contractual issues

Travel expenses

Employees who request to work from home

If you have requested to work from home, you will continue to have a designated employer work base. Any travel undertaken will be reimbursed as the excess above your normal return travel between home and base.

Employees who are required to work from home

If you are required by your employer to work from home, as there is no designated base available, you will have your home as your designated place of work. As such, you are entitled to claim travel expenses and travel time from your home. Your manager will be required to agree on a limit for any expenses payable for required visits to a Board premise.

Employees who request hybrid working

If you have requested hybrid working, you will continue to have a designated employer work base. As a hybrid worker, you are only entitled to claim travel expenses from your designated employer work base if you are required to undertake additional travel whilst working. There is no entitlement to travel expenses or travel time for additional days worked at the designated employer work base.

Employees who are required to undertake hybrid working

If you are required by your employer to be a hybrid worker, you are entitled to claim travel expenses and travel time if required to work at the designated employer work base on normal home working days.

Additional expenses

If you request to work from home for some or all of your contracted hours, you will be responsible for any additional costs incurred.

Equipment

If you work from home as part of your contracted hours, your manager must ensure that you have everything you need to work safely and effectively.

Liability

The employer will only be considered liable for any accidents or incidents in the home where it is seen to be negligent, for example, faulty equipment. You should not use your home for in-person work meetings. If you do, you may be liable for any accidents, as the employer will be unable to ensure other employees' safety in your home.

Given the safety and liability issues, any difficulties with home office set up would require either a remote solution or attendance at an employer work base.

You should inform your insurer that you are working from home to cover any liabilities not related to the employer's negligence.

Tax relief

You may be entitled to tax relief directly from Her Majesty's Revenue and Customs (HMRC) for some bills. However, you cannot claim tax relief if you choose to work from home. [Find out more about tax relief.](#)