



Workforce

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

This guide will help managers 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:

What is the purpose of the Flexible Work Location Policy?	4
Possible benefits	4
Who is covered by this policy?.....	4
Flexible work location considerations	4
Flexible work location request.....	5
Initial conversation.....	5
Receiving a request.....	6
Considering an employee request.....	6
Agreeing a flexible work location request	8
Refusal of a flexible work location request.....	9
Appeal process	10
Appeal outcome	10
Withdrawal of application.....	11
Flexible work location review.....	11
Request by the employer	12
Reasonable refusal of an employer request	13
Contractual issues	13

Travel expenses	13
Additional expenses	13
Equipment	14
Liability	14
Tax relief	14

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

As a manager, you may need to consider and agree on options for flexible work locations in response to the following:

- an employee request
- an employer request

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 employee 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.

An employee may request flexible working as a reasonable adjustment for a disability. Although all employees 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.

Flexible work location request

Initial conversation

When an employee has indicated that they wish to request a change of work location, you should arrange to have an initial conversation with them. This conversation is an opportunity to explore the various issues related to the employee's role. It is not to be used to pre-determine the outcome of any formal request that is then submitted.

Receiving a request

When an employee's request for a location change is received, you should make sure that the employee has completed a [Flexible working request form](#). If the request includes home as a location, the employee must also complete a [Health, safety, and wellbeing self-assessment](#). The employee may require assistance to complete the health, safety, and wellbeing self-assessment.

As a manager, you must review these documents along with other available information, which may include the following:

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

You must acknowledge receipt of the flexible working request form within 7 calendar days. If home working is requested, you must also acknowledge the health, safety, and wellbeing self-assessment at the same time. You should arrange a meeting with the employee within 28 calendar days of receiving the request.

Considering an employee request

An employee's request for home or hybrid working should be supported where possible. The employee can make 2 flexible work pattern or location requests within 12 months. A 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, an employee may ask for a change in work location and work pattern. You should consider the location request first. If an agreement is reached with the employee, you should then consider their 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. As a manager, you should consider:

- suitability
- safety
- practicalities

Suitability

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

Safety

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

You should sensitively discuss any external factors in the requested location that may negatively impact the employee's wellbeing or safety. These might include:

- mental health
- gender-based violence
- coercive control

If issues are identified, the employee should be supported. If there is a concern that the requested location is unsafe, you should obtain further information to inform the acceptance or refusal of the request.

Practicalities

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

- arrangements for the supply and maintenance of equipment
- how can the employee 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 can employees working across different locations be supported to communicate effectively
- how clear communication lines be established and maintained to support and manage the employee
- how the employee and their colleagues will be supported to continue to deliver work effectively

- how to reduce the risk of the employee feeling isolated or overlooked
- how can the team be supported to continue to deliver work effectively
- can the employee access technical systems and relevant training from the requested location
- how will employees access relevant induction materials and learning support from peers

You may wish to consider longer or more regular check-ins, one-to-ones, or virtual coffee breaks to ensure the employee feels supported. These will have no more impact on productivity than the time taken with daily conversations when working in a specified location.

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 the employee, 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 the employee agree to a change, you should both sign a [Flexible work location agreement](#).

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

You must make sure the relevant HR systems are updated.

As the manager, you should make sure the employee is aware of the terms of the agreement. You 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
- the employee's home should not be used for in-person work meetings
- the employee should make sure that care arrangements are in place during agreed hours of work
- the agreed work pattern to ensure availability during work period

- assurance that equipment will only be used by the employee and strictly for work purposes
- the employee informing you of any concerns or changes in personal circumstances at the earliest opportunity
- the reporting of any accident or injury that occurs during work time, regardless of the work location, using existing arrangements

Refusal of a flexible work location request

An employee's request for home or hybrid working should be supported where possible. If their specific request is not agreed upon after full consideration, you should explore other suitable options. These may include:

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

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

- adverse impact on service delivery and quality
- adverse impact on 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

Requests to work from outside the UK should not be approved.

Where you do not agree to the employee's request, you must confirm your decision in writing within 7 calendar days of the meeting. The letter must include:

- the reasons for not agreeing to the request, detailing the rationale for the decision
- an outline of any points and alternative options discussed

- the employee's right to appeal the decision within 14 calendar days
- that the employee needs to set out their appeal in writing to the appropriate manager in line with the Scheme of delegation principles

Appeal process

The employee has a right to appeal the decision within 14 calendar days of receiving the outcome letter. The employee must provide the reason for their appeal in writing.

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

The appeal panel will consider the following:

- the reasons you 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 the employee are advised in writing of the arrangements no later than 14 calendar days before the hearing.

As the manager, you must provide a written statement detailing your considerations and decision. If the employee has not done so, they should provide their case document. 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. The manager will be responsible for completing the [Flexible work location agreement](#). If the employee's base changes due to this agreement, it may be a contractual

change. This is subject to review every 2 years. You 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 the employee has the following:

- notified you in writing or by email that they are withdrawing their 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

As the manager, you should write to the employee to confirm the withdrawal of their application.

Flexible work location review

On an annual basis, you should review the employee's flexible work location arrangements. Where the employee's home is one of their work locations, you should review with the employee their completed [Health, safety, and wellbeing self-assessment form](#).

In addition, you should formally review the agreement every 2 years. This is to allow you to review the employee's 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.

An employee or 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 the employee should explore and discuss:

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

Where the employee is requesting a change through the review process, you should ask them to complete a new [Flexible working request form](#).

Where the agreement is being ended, you should discuss with the employee and agree a reasonable period of notice of the date of the change to their work location. Where agreement cannot be reached you should give 3 months' notice of the change.

Request by the employer

Where a manager or the organisation requests that an employee change their work location, you should have a conversation with the employee 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 the employee's duties can be done from home, then the discussion should consider:

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

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 the employee.

You should be aware that where you make a request for the employee to work all their contracted hours at home, their home will become their contractual base.

On an annual basis, you should review the employee's flexible work location arrangements. Where the employee's home is one of their work locations, you should also review with the employee their completed [Health, safety, and wellbeing self-assessment form](#).

In addition, you should formally review the agreement every 2 years.

Reasonable refusal of an employer request

As a manager, you should be aware that an employee can reasonably refuse an employer request to change their work location to their home.

Contractual issues

Travel expenses

Employees who request to work from home

Employees who have requested to work from home will continue to have a designated employer work base. Any travel undertaken will be reimbursed as the excess above their normal return travel between home and base.

Employees who are required to work from home

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

Employees who request hybrid working

Employees who have requested hybrid working will continue to have a designated employer work base. Hybrid workers are only entitled to claim travel expenses from their designated employer work base if they 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

Employees whose employer requires them to be a hybrid worker 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 the employee requests to work from home for some or all of their contracted hours, they will be responsible for any additional costs incurred.

Equipment

For staff working from home as part of their contracted hours, you must ensure the employee has everything they 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 make the employee aware that they should not use their home for in-person work meetings. If they do, they may be liable for any accidents as the employer will be unable to ensure staff safety in the employee's 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.

The employee should inform their insurer that they are working from home to cover any liabilities not related to the employer's negligence.

Tax relief

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