

**CLYDESDALE HOUSING ASSOCIATION LIMITED**

**Policy:** Flexible Working Policy

**Date:** 12 June 2024

**Lead Officer:** Chief Executive

**Review Date:** June 2027

**Standard 5 The RSL conducts its affairs with honesty and integrity.**

Guidance

- 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.
- 5.2 The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.
- 5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.
- 5.4 Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.
- 5.5 The governing body is responsible for the management, support, remuneration and appraisal of the RSL's senior officer and obtains independent, professional advice on matters where it would be inappropriate for the senior officer to provide advice.
- 5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.
- 5.7 Severance payments are only made in accordance with a clear policy which is approved by the governing body, is consistently applied and is in accordance with contractual obligations. Such payments are monitored by the governing body to ensure the payment represents value for money. The RSL has considered alternatives to severance, including redeployment.
- 5.8 Where a severance payment is accompanied by a settlement agreement the RSL does not use this to limit public accountability or whistleblowing. The RSL has taken professional legal advice before entering into a settlement agreement.

**Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.**

## **1. Introduction**

- 1.1 Clydesdale Housing Association (CHA) recognises that introducing a flexible working policy will help to ensure compliance with the right to request flexible working brought in by the Employment Act 2002 and Work and Families Act 2006. The policy has also been introduced to help ensure equality and fairness throughout the process and aid employees work life balance. Employees have the right to request changes to their working hours or place of work under the statutory right in the Employment Rights Act 1996 to request flexible working.

## **2. Background**

- 2.1 CHA believes its staff members are its most valuable asset and is committed to attracting and retaining the very best and utilising all talent and experience available. CHA understands that it is important for staff members to establish a work – life balance as many individuals have personal responsibilities outside from work. Flexible work may allow more freedom for employees to organise their employment to fit in with other parts of their life.

## **3. Legal Framework**

- 3.1 Employment Rights Act 1996: In August 1996 the Employment Rights Act was introduced to set out statutory employment rights of workers and employees.
- 3.2 Employment Act 2002: In April 2003 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly in order to strike a better balance between their home and work responsibilities.
- 3.3 Work and Families Act 2006: The Act builds on the right to request flexible working introduced in April 2003. The Work and Families Act extends this right to include employees who care for or expect to care for adults.
- 3.4 Flexible Working Regulations 2014: These regulations further extend the right to request flexible working to employee's who have 26 week's continuous service with an employer.
- 3.5 Employment Relations (Flexible Working) Act 2023: These regulations reduced the waiting time to make a flexible working request from 26 weeks employment to a 'day one right' as well as allowing for 2 requests to be made in a 12 month rolling period and reducing the time to respond from 3 months to 2 months.

## **4. Policy Principles**

- 4.1 The policy has been produced to ensure compliance with CHA's legislative requirements.
- 4.2 Aims to provide workers with the opportunity to request to change their standard working arrangements to strike a better balance between their home and work responsibilities and for CHA to retain talent and skills in the workforce and react effectively to changing market conditions.
- 4.3 Details the flexible working procedure that must be followed and provides standard letter templates and forms to use.

- 4.4 Is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).
- 4.5 Re-emphasises a desire to create a good place to work for everyone by aiming to retain skills and experience and adapting to changes in society.

## **5. Eligibility**

- 5.1 Under provisions set out in the Employment Rights Act 1996 every employee has a right from day one of employment to request a change to their contractual terms and conditions of employment. An employee has the right to make 2 flexible working requests within a rolling 12-month period.
- 5.2 To be eligible, staff members must:
  - Be an employee.
  - Not be an agency worker.
  - Not have made more than 2 applications to work flexibly under the right during the past 12 months.

## **6. Types of Flexible Working**

- 6.1 Some examples of flexible working are documented below, however please note this list is not exhaustive.
- 6.2 Part time working: A system whereby the employee is contracted to work fewer than the standard full-time hours. There are many variations to part time working such as later start or earlier finish times, afternoons or mornings only and fewer working days in the week.
- 6.3 Job-sharing: An arrangement whereby two part time (or occasionally more) employees share the responsibility of a position. In a 'shared responsibility' arrangement the individuals both carry out all the duties of the job simply by picking up the work where the other employee left off. A 'divided responsibility' arrangement is when the duties of the position are divided between the two individuals, with each being able to provide cover for the other as and when necessary.
- 6.4 Term time working: The employee remains on a permanent contract but can take unpaid leave of absence as agreed.
- 6.5 Working from home: An approach whereby an employee carries out a proportion of his/her duties from home rather than on CHA's premises.
- 6.6 Compressed Hours: A system permitting employees to work their total number of contractual hours over fewer working days. For example, a five-day working week may be compressed into four days.

## **7. Flexible Working Procedure**

- 7.1 CHA aims to deal with requests as soon as possible and within 2 months of first receiving the request, including any appeal.
- 7.2 If for some reason the request cannot be dealt with within the 2-month period, then the employer can extend this time limit provided the staff member agrees.

7.3 Application for flexible working: To apply for flexible working, employees need to follow the steps below:

- Apply in writing.
- State the date of the application, the change to working conditions the employee is seeking and when they would like this change to come into effect.
- State that it is a statutory request.
- State whether a previous application has been made to CHA and the date of the application.
- Sign & date it.

7.4 Once the request is received: If employers are happy to accept the change requested, they can confirm it in writing without a need for a meeting. Alternatively, a meeting should be arranged.

7.5 The Meeting

- Employee will be invited to a meeting in writing and informed they can be accompanied by a fellow employee or trade union.
- At the meeting, the employee's proposal will be discussed.
- If the employee's proposal is not suitable to the business, alternative solutions will be discussed.
- If an employee fails to turn up for a meeting without prior notification on more than one occasion and fails to provide a satisfactory explanation, CHA will treat the application as withdrawn. This will be confirmed in writing informing the employee this will constitute one of their statutory 2 flexible working requests they have a right to make in a rolling 12 month period.
- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change.

7.6 Flexible working Acceptance

- Once both sides have agreed to the changes requested. Or an agreed variation of the request, a permanent variation of the employee's terms and conditions will be issued. The employee has no automatic right to return to the original arrangement.
- A trial period for a specified time may be applicable to establish if the new arrangement is suitable for the needs of the business. This will be confirmed in writing following the meeting and acceptance.

7.7 Flexible working rejection: If the employee's application is declined, it will be confirmed in writing, specifying the business reasons for rejection. One (or more) of the following reasons may apply:

- Burden of additional cost
- Inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality

- A detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employees proposes to work
- A planned structural change to the business.

7.8 Withdrawal of application: CHA can treat an application as withdrawn under the statutory provisions where the employee has:

- Notified CHA, verbally or in writing, that the application is withdrawn.
- Without a reasonable explanation failed more than once to attend a meeting or appeal meeting
- Refused to provide CHA with information required in order to assess whether the contract variation should be agreed to.

7.9 Appeal Process: An employee no longer has the automatic right to appeal but CHA may consider hearing the appeal as best practice.

- The staff member can appeal against CHA's decision to refuse an application.
- The appeal should be made in writing to a named manager of at least one level higher than the manager who made the original decision if possible and then a meeting will be held to discuss the appeal and any options available.
- The employee will be informed they can be accompanied to the meeting by a fellow employee or trade union representative of their choice
- After the meeting, the employee will be notified in writing, confirming the grounds for decision.

## **8. Responsibilities**

8.1 Both the employee and the employer have certain responsibilities within this procedure.

### **8.2 Employee's responsibilities**

- To provide a careful thought out application.
- To ensure their application is valid by checking that all the eligibility criteria are met and that they have provided all necessary information.
- To ensure the application is made well in advance of when the change is proposed to take effect.
- To arrive at meetings on time and to be prepared to discuss their application in an open and constructive manner.
- If necessary, be prepared to be flexible themselves in order to reach an agreement with the employer.
- If the employee wishes to be accompanied by a representative, the employee must ensure that their representative can attend on the date proposed by the employer or an alternative date within the time frame previously stipulated

### 8.3 Employer's responsibilities

- To consider requests thoroughly and in good faith in accordance with the set procedure
- To deal with requests as quickly as possible and within 2 months.
- To decline a request only where there is a recognisable business ground and to explain to the employee why it applies
- To ensure that any variation of the procedure is agreed in advance with the employee and recorded in writing
- Not to subject an employee to detriment or dismissal for making a flexible working request.

## 9. **General Data Protection Regulations**

9.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own [insert name of policy or procedure]. Information regarding how your data will be used and the basis for processing your data is provided in CHA's employee privacy notice.

## 10. **Review Period**

10.1 We will review the Policy every three years or sooner if required by statutory, regulatory or best practice requirements.

<b>Approved by the Committee of Management on:</b>	
<b>Signed:</b>  <b>Secretary/Chairperson</b>	<b>Signed:</b>  <b>Staff Member</b>