



**Clydesdale Housing Association**

**Policy name & number**

**09 – HR**

**Flexible Working Policy**

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**Policy by**

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**Responsible Officer**

**Depute Chief Executive**

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

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# 1. Introduction

Clydesdale Housing Association Limited 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

Clydesdale Housing Association Limited 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. Clydesdale Housing Association Limited 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. Equal Opportunities

As an employer, Clydesdale Housing Association encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Equality Act 2010.

We do not discriminate against any member of staff in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## 4. Legal Framework

### Employment Rights Act 1996

In August 1996 the Employment Rights Act was introduced to set out statutory employment rights of workers and employees.

### 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.

### 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.

## 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.

## 5. Policy Principles

The policy has been produced as Clydesdale Housing Association Limited's response to the legislation brought in by the Employment Rights Act 1996, Employment Act 2002, Work and Families Act 2006 and Flexible Working Regulations 2014. The policy is designed 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 Clydesdale Housing Association Limited to retain talent and skills in the workforce and react effectively to changing market conditions.
- Detail the flexible working procedure that must be followed and also provides standard letter templates and forms to use.
- Detail the employers' responsibilities contained in the Act and the recommendations to consider workers' request for a flexible working arrangement.
- Point out is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).
- Re-emphasise a desire to create a good place to work for everyone by aiming to retain skills and experience and adapting to changes in society.

## 6. Eligibility

Under provisions set out in the Employment Rights Act 1996 every employee with 26 weeks continuous service has the right to request a change to their contractual terms and conditions of employment. An employee can only make one statutory request within a 12 month period.

### General

To be eligible, staff members must:

- Be an employee.
- Have worked for their employer for a continuous period of 26 weeks from the date of application.
- Not be an agency worker.
- Not have made another application to work flexibly under the right during the past 12 months.

## 7. Types of Flexible Working

Some examples of flexible working are documented below, however please note this list is not exhaustive.

### 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.

### 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.

### Term time working

The employee remains on a permanent contract, but can take unpaid leave of absence as agreed.

### Working from home

An approach whereby an employee carries out a proportion of his/her duties from home rather than on Clydesdale Housing Association Limited's premises.

### 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.

## 8. Flexible Working Procedure

Clydesdale Housing Association Limited, aims to deal with requests as soon as possible and within 3 months of first receiving the request, including any appeal.

If for some reason the request cannot be dealt with within the 3 month period then the employer can extend this time limit provided the staff member agrees.

### 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.
- Explain what effect, if any, the change applied for would have on Clydesdale Housing Association Limited and how such effect might be remedied.
- State that it is a statutory request.
- State whether a previous application has been made to Clydesdale Housing Association Limited and the date of the application.
- Sign & date it.

### Once the request is received

If employers are happy to accept the request, they can confirm it in writing without a need for a meeting. Alternatively a meeting should be arranged.

### The Meeting

- Employee will be invited to a meeting in writing and informed they can be accompanied by a fellow employee or trade union representative of their choice.
- The companion can address the meeting and confer with the employee during the meeting but cannot answer questions on the employee's behalf.
- At the meeting 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, Clydesdale Housing Association Limited will treat the application as withdrawn. This will be confirmed in writing informing the employee will be unable to make another request for another 12 months.
- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change.

### Flexible working Acceptance

- Once both sides have agreed to the changes requested, 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.

### 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:

1. Burden of additional cost
2. Inability to reorganise work amongst existing staff
3. An inability to recruit additional staff
4. A detrimental impact on quality
5. A detrimental impact on performance
6. Detrimental effect on ability to meet customer demand
7. Insufficient work for the periods the employees proposes to work
8. A planned structural change to the business.

### Withdrawal of application

Clydesdale Housing Association Limited can treat an application as withdrawn under the statutory provisions where the employee has:

- Notified Clydesdale Housing Association Limited, 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 Clydesdale Housing Association Limited with information required in order to assess whether the contract variation should be agreed to.

### Appeal Process

An employee no longer has the automatic right to appeal but Clydesdale Housing Association Limited may consider hearing the appeal as best practice.

- The staff member can appeal against Clydesdale Housing Association Limited decision to refuse an application.
- The appeal should be made in writing to the same manager 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.

### Responsibilities

Both the employee and the employer have certain responsibilities within this procedure as follows below:

#### Employee's responsibilities

- To provide a carefully 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

#### 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 3 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

The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Flexible Working Policy. Information regarding how your data will be used and the basis for processing your data is provided in Clydesdale Housing Association Limited privacy notice.

## 10. Review Period

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: 4 December 2019</b>	
<b>Signed:</b>  <b>Secretary/Chairperson</b>	<b>Signed:</b>  <b>Staff Member</b>