



## Cloch Housing Association

# Flexible Working Policy

<b>Policy Name</b>	Flexible Working
<b>Policy Category</b>	HR
<b>Policy Number</b>	003
<b>Last Review</b>	21/05/2019
<b>This Review</b>	June 2022
<b>Next Review</b>	June 2025
<b>Equalities Impact Assessment Required</b>	Yes
<b>Link to other policies</b>	Recruitment Policy, Terms and Conditions
<b>Consultation</b>	Internal – April – May 2022

## **1.0 Introduction**

Cloch Housing Association Ltd (“Cloch”, “the Association”) recognises that having a flexible working policy will help to ensure compliance with the statutory right to request flexible working.. The policy seeks to 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 in accordance with the relevant legislation.

This policy is split in to two:

- a. Flexible Working
- b. Flexi Time and TOIL

The distinction here is that Flexible Working, could change the contract for the employee or allow the employee to work differently, and flexi time and TOIL deals with the ability to come and go during the working week outwith the standard office opening hours and lunch hour to help with the ebb and flow of the workplace demands and the employees own personal demands.

### **FLEXIBLE WORKING**

## **2.0 Background**

The Association is committed to attracting and retaining the very best and utilising all talent and experience available. Flexible work may allow more freedom for employees to organise their employment to fit in with other parts of their life.

## **3.0 Policy Principles**

### **3.1 The Policy**

- will comply with appropriate employment legislation
- 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 the Association to retain talent and skills in the workforce and react effectively to changing market conditions.
- Details the flexible working procedure that must be followed and also provides standard letter templates and forms to use.
- Details the employers’ responsibilities contained in the Act and the requirements to consider workers’ request for a flexible working arrangement.
- Is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).
- 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.

3.2 Cloch wants to be able to provide the best working experience for all its staff but must balance this with ensuring that we also provide the best customer experience meeting the demands on our service. Where requests for part-time and job share work are made, they will be considered taking account of the number of part time/job share roles within each team. Requests will be considered in order of receipt. The management of job share and part time roles can, if there are too many, cause an increase in performance management, a lack of continuity for tenants at either end of the week, and difficulty coordinating activities within a team or the Association.

#### **4.0 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, and the employee must have a contract with Cloch Housing Association, and not be a self-employed contractor, consultant or an agency worker.

#### **5.0 Types of Flexible Working**

##### **5.1 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. However, the interpretation of part-time working within Cloch is that we currently have 2 part-time posts in the Association – all other posts are full-time or job-share. Part-time is where someone does 100% of a job and the job does not require a full-time equivalent (FTE). Where someone requests to reduce/condense hours this would normally be considered on a temporary informal basis, however a business case would need to be put forward to argue that a FTE is then reduced to part-time.

##### **5.2 Flexi-time**

A system that permits flexibility of working hours at the beginning and end of a day or shift within certain set limits by the Association. This provision is not required by law and it is entirely a decision of the Association to introduce it. The Association will reintroduce a flexi-time procedure which is detailed in pages 8-10 and will monitor its effectiveness. This is an operational procedure managed entirely at the discretion of the Director and will be reviewed at regular intervals.

##### **5.3 Job-sharing**

An arrangement whereby two (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.

When one of the Job Share post holders leaves and there is a vacancy, this will be offered in the first instance to the remaining job share employee to start working full-time. In periods where there is a vacancy or long-term absence, the other Job-Share partner may be asked if there is scope for additional hours, but this is only an option for the employee should they be able to accommodate the request – there is no requirement to work additional hours or fill the vacancy. Should the remaining post holder not be in a position to assist then the Association will either advertise the vacancy or make alternative arrangements.

#### 5.4 Term-time working

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

#### 5.5 Remote Working

An approach whereby an employee carries out a proportion of their duties from home rather than on the Association's premises. This is currently working for many staff at Cloch and is a fluid hybrid arrangement.

#### 5.6 Sabbaticals

A system whereby the employee has an extended period of time away from paid work, often with a guarantee of a return to the same or similar job at the end of the period agreed. This provision is not required by law and it is entirely a decision of the Association to introduce it.

Please refer to the separate Sabbatical Leave Policy (Policy Number 014) for future information.

#### 5.7 Shared Parental Leave (SPL)

SPL enables eligible parents to choose how to share the care of their child during the first year of birth/adoption. The Association has a Shared Parental Leave Policy (Policy Number 013).

### **6.0 Flexible Working Procedure**

Although these are procedures, they remain in the policy as they cover items such as the business reasons for refusal.

The Association 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.

### 6.1 Application for flexible working

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

- Apply in writing to the Head of Corporate Services, copying in their own Section Head.
- 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 the Association and how such effect might be remedied.
- State that it is a statutory request.
- State whether a previous application has been made to the Association and the date of the application.
- Sign & date it.

### 6.2 Once the request is received

The employee will be invited to a meeting to discuss the proposal and they will be 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 the employee's proposal will be discussed.
- If the employee's proposal is not suitable to the business, the availability and nature of any 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, the Association 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, or reasons for the refusal and right of appeal.

### 6.3 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 agreed to establish if the new arrangement is suitable for the needs of the business.

#### 6.4 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.

#### 6.5 Withdrawal of application

The Association can treat an application as withdrawn under the statutory provisions where the employee has:

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

#### 6.6 Appeal Process

An employee no longer has the automatic right to appeal but the Association will consider hearing the appeal as best practice.

- The staff member can appeal against the Association's decision to refuse an application in whole or in part.
- The appeal should be made in writing to the Director (or if he/she has made initial decision to the Finance & Corporate Sub Committee) then a meeting will be held to consider the appeal.
- 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.

### **7.0 Responsibilities**

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

#### 7.1 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 Association.
- 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

## 7.2 Employer's responsibilities

- To consider requests in a reasonable manner and in accordance with the set procedure
- To deal with requests within 3 months, including notification of the decision and any appeal, unless there is an agreed extension of this period.
- To decline a request only where there is a relevant 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.

See Appendix 1 for all standard forms and letters relating to requests for Flexible Working.

## **FLEXI TIME AND TOIL**

### **Introduction**

8. This procedure covers the rules for staff on how and when to use the Flexi system and TOIL. Flexi and TOIL are not part of the EVH Terms and Conditions, but rather, compliment the spirit of these terms and conditions and are offered as a non-contractual and entirely discretionary benefit to employees. Flexi Time is designed to allow for the ebb and flow of a modern workplace whilst helping to ensure that the office is adequately staffed during normal office hours. TOIL is to accommodate when a staff member has to work out of core hours.

### **9. The Flexi Time System – a brief description**

The Flexi Time System is operated through the time clock system and monitors staff's start time, lunch hours and end time.

Staff have core hours where they have to be in attendance unless they have a planned absence or an unplanned absence which is authorised. Out with the core hours, the flexi system allows them to arrive early/late in the morning or leave early/late in the evening. Also, it allows staff to extend or contract their lunch break. Extra time/hours worked are "banked" and can be used to leave early or start late at another time throughout that flexi period. .

The process and rules are explained below at Section 13.

### **10. TOIL – a brief description**

TOIL is "Time off in Lieu" and may be given to employees who are required to work outwith their standard working hours. Examples of this are where a member of staff has to attend a Board or Sub-Committee Meeting; attend an internal or external meeting held in the evening; or attend a community event at the weekend.

TOIL is banked separately from Flexi and is not subject to the same rules as Flexi.

11. Whichever method is used, it is the job of the Head of Service to ensure that the system is worked in as fair and consistent manner as possible in their team and it is the employees responsibility to ensure that there is adequate cover and that their time worked is in accordance with their contract.



## 12. Flexi System - Background information

The **office opening hours** are:

Monday, Tuesday, Wednesday	9am to 5pm
Thursday	9am to 6pm
Friday	9am to 4pm

**Our core hours** in which staff should be present unless they are on leave are:

Monday, Tuesday, Wednesday	10am to 12pm and 2pm to 4pm
Thursday	10am to 12pm and 2pm to 5pm
Friday	10am to 12pm and 2pm to 3pm

**The Flexi Periods** (where a member of staff can come in/leave outwith the office hours and accrue or use banked time are :

Monday, Tuesday, Wednesday	8.30am to 10am and 4pm to 5.30pm
Thursday	8.30am to 10am and 5pm to 6.30pm
Friday	8.30am to 10am and 3pm to 4.30pm

Staff contracted hours will vary depending on whether they are full-time, part-time or job share but the core hours apply relative to their contracted hours.

## 13. Rules of Flexi System

- a. Staff can start early or late and leave early or late within the Flexi Periods. Open and effective communication is key to the successful operation of the Flexi System.
- b. Staff can extend their lunch hour or take a shorter lunch break. Cloch encourages staff to take the hour break. However, if this is not possible a limit of no less than 45 minutes should be taken. Before taking a longer lunch, staff should check with their team that there will be adequate cover.
- c. When staff consider coming in later or leaving early they should first check with their team that there is adequate cover. For example, if they won't be in the office until 9.30am or they want to leave at 4.30pm.
- d. Should staff have to go beyond the core hours they should use either a half day or full days flexi leave. While they do not necessarily need to use

the full half day – this will constitute using one half day leave of their two half day leave eligibility requests per flexi period.

- e. Full-time staff are permitted to take up to 1 day flexi leave, or 2 half days per flexi periods, which constitutes 7 hours. Staff must have a credit prior to submitting a request, albeit this doesn't need to be the full 3.5 or 7 hours. Only 7 hours credit will be transferred over to the next flexi period and anything over and above that will be written off. Conversely, staff only 7 hours debit will be carried over and anything more than that will require a discussion with the Section Head.
- f. Flexi requests can only be made for the current month (flexi shouldn't be booked for month(s) in advance as staff should be looking to manage their flexi to minimise business disruption and not to supplement annual leave).
- g. Part-time or Job-Share staff can only take 1 flexi day (7hrs) every 2 months or a half-flexi day (3.5hrs) every month. They should not take more than 7hrs flexi over any sequential 2 month period.
- h. Where staff have been off on long term leave (sickness for example) and have accrued/brought forward annual leave and public holidays, then this should be used before taking a flexi day (or half-day) off. This will be the case until the accrued balance is utilised.
- i. Heads of Department should observe trends and ensure that staff are not losing too much time, or not working enough, and explore the reasons for this with a view to remedying the situation.

#### 14. **Exceptional Circumstances:**

- a. We recognise that child care and care for vulnerable adults can put pressures on staff. This is covered in our Terms and Conditions in terms of statutory time off for dependants emergencies.
- b. Section Heads and Senior Officers must ensure they monitor staff cover, staff flexi banked and negative flexi and flexi requested and taken.
- c. If a member of staff feels they are being treated unfairly they should approach their line manager in the first instance and then approach the Director.

#### 15. **TOIL**

- 15.1 TOIL is accumulated out with the Flexi Hours and is for work that the member of staff is required to do as part of their job. Any TOIL should be approved by their manager if it is not normally part of their job, for example, visits to tenants in the evening. Toil accrued after work should not normally run on, so for example an evening meeting – staff should take a 30 minute break after the working day – 5.30 – 6.00 for example and then TOIL would commence.

However, if a staff member is in a meeting, for example from 4pm – 6.30pm – then they would accrue flexi up to 5.30pm and TOIL would kick in from 5.30-6.30pm as there is no natural period to take a 30-minute break.

- 15.2 TOIL is treated differently to Flexi Time because it is hours that the member of staff should take after the work has been completed. The pro-rata rules for flexi do not apply to TOIL. TOIL can be used by taking the appropriate time off eg. 30 mins, 1 hour, half day or a full day.
- 15.3 It is encouraged that a member of staff takes their TOIL as soon as is reasonably practical after the event. A member of staff should not carry over more than 14 hours of TOIL in any one month. If this is proving difficult because of a lot of evening or weekend work, they must speak to their Line Manager to discuss when it will be taken. It is not expected that TOIL gained in one month will be carried over longer than 3 months after the event. Cloch H.A. supports a good work/life balance and prolonged evening work should be discussed with the Line Manager to try to come to some adjustment to working hours or arrangements.
- 15.4 Only in exceptional circumstances approved by the Director and within budget, can TOIL be converted to pay. This might be because of the level of TOIL and the staff member being unable to take the TOIL (perhaps because of prolonged period of illness), but it is at the discretion of the Director. This will not apply to the Director. The Director will not take paid leave in lieu of TOIL.

## APPENDIX 1: FORMS AND LETTERS RELATING TO REQUESTS FOR FLEXIBLE WORKING

### a. Flexible Working Application Form

**Note to the employee:**

You can use this form to make an application to work flexibly under the right provided in law if you have been employed by your employer for 26 weeks or more.

It will help if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

<b>Employee Details</b>	
<i>Name:</i>	
<i>Date of Application:</i>	
<i>Start Date:</i>	
<i>Job Title:</i>	
<i>Department:</i>	
<i>Manager:</i>	
<i>Current Hours worked per week:</i>	
<i>Current Shift Pattern:</i>	
<i>Previous Application Made &amp; Date (if applicable)</i>	
<b>Proposal</b>	
<p><i>Please detail your proposal below, including your proposed working pattern, effective date of change, if the request is temporary or permanent, what you think the impact on your organisation will be and how it may be possible to mitigate this.</i></p>	

**Name:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

b. Letter inviting applicant to a meeting about their request.

Date

Name

Address

Postcode

Dear Name

**Invitation to meeting to discuss application for flexible working**

Further to your recent application requesting flexible working dated, I am writing as this time to invite you to a meeting to discuss your request in detail.

The meeting will be held as follows:

**Date:**

**Time:**

**Location:**

**Conducting:**

If you wish you may be accompanied at this meeting by a fellow employee or trade union representative of your choice, subject to their availability. The person accompanying you at the meeting can address the meeting or confer with you during it, but they are not allowed to answer any questions on your behalf.

I look forward to meeting with you.

Yours sincerely

**Insert Name**

**Insert Job title**

c. **Letter outlining the acceptance from the meeting (if this is the decision)**

Date

Name

Address

Postcode

Dear

**Flexible Working Request Acceptance**

Further to your application for flexible working [dated], and our subsequent meeting on [xx date], I am writing to inform you that your application for Flexible Working has been accepted.

Or

Further to your application for flexible working [dated] and our subsequent meeting on [xx date] we discussed your request in depth and unfortunately, your original request could not be accepted. However, following subsequent discussions, an agreement was reached regarding an alternative solution and a variation of your contract has been accepted.

Your new working arrangement will be as follows:

- (insert all details of changes, hours, location, salary etc.)

Your new working arrangement will take effect from [xx date].

All other terms and conditions will remain the same as per your contract dated [xx].

In anticipation of your confirmation of the above arrangement/s I have enclosed 2 copies of this letter. Please sign and date one copy and return it to (insert name of a person letter should be returned to)

Yours sincerely

**INSERT NAME**  
**INSERT JOB TITLE**

---

I accept the changes to my terms and conditions as documented above.

**Name:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

#### d. Refusal to accept application for flexible working

##### Note to the employer

Before using the letter you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in the circumstances.

The list of the permissible business grounds under which a request may be refused are:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

Date  
Name  
Address

Dear Name

#### Outcome of Flexible Working Application

Following receipt of your application *dated* and our subsequent meeting on *xx date* I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request for the following business ground(s):

- INSERT GROUNDS

The grounds apply in the circumstances because:

- INSERT REASON

(You should explain why any other work patterns you may have discussed at the meeting are also inappropriate.)

If you are unhappy with the decision you may appeal against it in writing to (***insert name of person to hear appeal***) within two weeks of receiving this letter.

Yours sincerely

**Insert Name**  
**Insert Title**

**e. Outcome of appeal.**

Date

Name  
Address

Dear Name

**Flexible Working Appeal Hearing Outcome**

Further to your application for flexible working, and your subsequent appeal hearing, I am writing to inform you that the appeal has been upheld and as a result the changes to your terms and conditions are as follows:.

As agreed your new working arrangement will be:  
(insert all details of changes, hours, location, salary etc.)

Your new working arrangement will take effect from xx date

In anticipation of your confirmation of the above arrangement/s I have enclosed 2 copies of this letter. Please sign and date one copy and return it to (insert name of person letter should be returned to)

Yours sincerely

**INSERT NAME**  
**INERT JOB TITLE**

---

I accept the changes to my terms and conditions as documented above.

**Name:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Dated:** \_\_\_\_\_



**f. Appeal Hearing Outcome Letter**

Date

Name  
Address

Dear Name

**Flexible Working Appeal Hearing Outcome**

Further to your application for flexible working [dated], and your recent appeal hearing on xx date, I am writing to inform you that your appeal has been rejected.

As a result there will be no changes to your current working arrangements and other terms and conditions.

May I inform you that you have the right to make another application for Flexible working 12 months from the date of the last one.

Yours sincerely

**INSERT NAME**  
**INERT JOB TITLE**

**g. Withdrawal of Flexible Working Application letter.**

***Note to the employee***

*This template letter provides notification to your employer that you wish to withdraw your application for a flexible working arrangement. Once you have withdrawn your application, you will not be able to make another application until 12 months from the date your original application was made.*

Date

Dear:

**Withdrawal of flexible working application**

I wish to withdraw my application to work flexibly which I submitted to you on:\_\_\_\_\_

I understand that I will not be able to make another application until twelve months after the above date.

Yours sincerely

**Name**  
**Title**

## **h. Acknowledgement of withdrawal letter**

Date

Name  
Address

Dear Name

### **Withdrawal Notification Acknowledgement**

Further to your recent application for a flexible working request, I am writing to inform you that your application for Flexible Working dated (INSERT DATE OF APPLICATION) is viewed as being withdrawn due to (INSERT REASON FOR WITHDRAWAL AS SPECIFIED IN POLICY)

If you wish, you may make another application 12 months from the date of your original application.

Yours sincerely

**INSERT NAME**  
**INSERT JOB TITLE**