

Flexible Working Policy

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Flexible Working

1.0 Introduction

Cloch Housing Association Ltd 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.

2.0 Background

The Association 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. The Association 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.

3.0 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 weeks' continuous service with an employer.

4.0 Policy Principles

- The policy has been produced as the Associations response to the legislation brought in by the Employment Rights Act 1996, Employment Act 2002, Work and Families Act 2006.

- 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 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 recommendations 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.

5.0 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.

5.1 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.

6.0 Types of Flexible Working

6.1 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.

6.2 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.

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 the Association's premises.

6.6 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 entirely a decision of the Association to introduce it.

Please refer to the separate Sabbatical Leave Policy for future information.

6.7 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.

6.8 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 have a Shared Parental Leave Policy which you should refer to.

7.0 **Flexible Working Procedure**

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.

7.1 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 your employer and how such effect might be remedied.
- State that it is a statutory request.
- State whether a previous application has been made to your employer and the date of the application.
- Sign & date it.

7.2 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.

7.3 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, 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.

7.4 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 adjustable to establish if the new arrangement is suitable for the needs of the business.

7.5 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.

7.6 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.

7.7 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.
- 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 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.

8.0 **Responsibilities**

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

8.1 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 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

8.2 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 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.
 Please give your completed form to your line manager.

Employee Details	
<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 & Date (if applicable)</i>	
Proposal	
<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 you propose to remedy this.</i></p>	

Name: _____

Signed: _____

Dated: _____

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. 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

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: _____

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

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: _____

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

Withdrawal of Flexible Working Application

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

Date

Name

Address

Dear Name

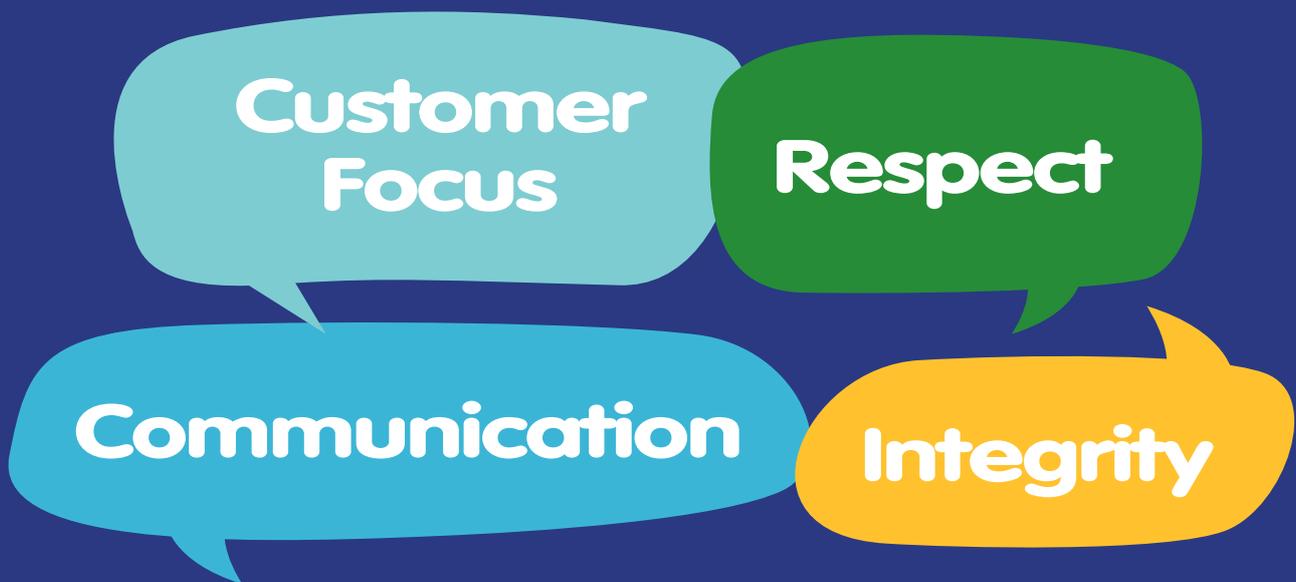
Withdrawal Notification Acknowledgement

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



CLOCH HOUSING ASSOCIATION LTD	
Policy Name	Flexible Working
Policy Category	C-HR
Policy Number	003
Date Adopted	27/02/2003
This Review	01/05/2019
Next Review	May 2022
Equalities Impact Assessment Required	
Link to other policies	EVH Terms & Conditions
Consultation	
Need for Procedure	No separate procedure but processes (templates for letters, etc) are attached to the policy