



Dunbritton Housing Association Limited

Name of Policy	Flexible Working Policy
Responsible Officer	Corporate Services Manager
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1. Introduction.

1.1 At Dunbritton we recognise 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 reinforced by the Work and Families Act 2006 and further legislation. The policy is also designed to ensure equality and fairness throughout the process in line with the Equality Act 2010, and to support our staff members to achieve a positive work-life balance in line with the requirements of the Children and Families Act 2014. 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 We believe that our staff members are our most valuable asset, and we are committed to attracting and retaining the very best people and utilising all the talent and experience we have available. We recognise that it is important for staff members to establish a work-life balance as many individuals have personal responsibilities outside of work. Flexible working 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 the 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 Equality Act 2010

The Act legally protects people from discrimination in the workplace and wider society. It replaced previous anti-discrimination laws with a single Act.

3.5 Children and Families Act 2014

This Act provides greater protection to vulnerable children including better support for children whose parents are separating, providing a new system to help children with special educational needs and disabilities and help for parents to balance work and family life.

4. Policy Principles

4.1 The policy has been produced as the organisation's response to the legislation brought in by the Employment Rights Act 1996, Employment Act 2002, Work and Families Act 2006, and the Equality Act 2010; and it:

- Aims to provide workers with the opportunity to request to change their standard working arrangements to achieve a better work-life balance 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 legislation 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. Eligibility

5.1 Under provisions set out in the Employment Rights Act 1996 every employee with 26 weeks continuous service has the statutory 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.

5.1.2 If an employee does not meet the criteria to make a statutory request, they may still make a non-statutory request for Flexible working. This request is not subject to the rules detailed within this policy, however as good practice we shall still consider the request.

5.2 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. Types of Flexible Working

6.1 Some examples of flexible working are provided 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 at the Employers 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.

Flexitime

An arrangement where the employee chooses when to start and end work (within agreed limits) but works certain 'core hours', e.g., 10am to 4pm every day.

Annualised hours

The employee has to work a certain number of hours over the year, but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there are extra demands at work.

Staggered hours

The employee has different start, finish and break times from other workers.

Phased retirement

The default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part-time.

7. Flexible Working Procedure

7.1 The organisation 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 this time limit can be extended with the staff member's agreement.

7.2 Application for flexible working

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

- Apply in writing.
- State that it is a statutory request.
- 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 the change applied for would have on the service and how this could be dealt with e.g., if the staff member is not working on certain days.
- State whether a previous application has been made, and the date of the application.
- Sign and date the application.

7.3 Once the request is received

If the organisation is happy to accept the request, this can be confirmed in writing without a need for a meeting. Alternatively, a meeting should be arranged.

7.4 Application for flexible working

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- Sign and date the application.

7.5 Once the request is received

If the organisation is happy to accept the request, this can be confirmed in writing without a need for a meeting. Alternatively, a meeting should be arranged.

7.6 The Meeting

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

7.7 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 stating the agreed changes and a start date for the flexible working arrangement. Once agreed the employee has no automatic right to return to their original work 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 trial period may not be used by the employee as a means to use this Policy to achieve a temporary change.

7.8 Flexible working rejection

7.8.1 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 that will damage the business
- Inability to re-organise work amongst existing staff
- An inability to recruit additional staff to do the work
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on the organisation's ability to meet customer demand
- Insufficient work for the periods/working times the employees proposes to work
- A planned structural change to the business.

7.6.2 As well as these reasons, the organisation must also show that it has acted reasonably in refusing the request.

8. Withdrawal of application

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

- Notified the organisation, in writing, that the application is withdrawn.
- Without a reasonable explanation failed to attend two meetings to discuss an application or appeal
- Refused to provide the organisation with information required in order to assess whether the contract variation should be agreed to.

8.2 In cases where the application is withdrawn the organisation will advise the employee that they are treating the request as withdrawn.

9. Appeal process

9.1 An employee no longer has the automatic right to appeal, but the organisation may consider hearing an appeal as good practice.

- The staff member can appeal against the organisation's 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 the decision.

10. Responsibilities

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

10.1.1 Employee's responsibilities

- To provide a carefully thought-out and thorough 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, to 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.

10.1.2 Employer's responsibilities

- To deal with requests in a 'reasonable manner' this includes;

- Assessing the advantages and disadvantages of the application
- Holding a meeting to discuss the request with the employee
- Offering an appeal process
- To consider requests thoroughly and in good faith in accordance with the set procedure.
- To consider the request and make a decision within 3 months (or longer if agreed with the employee).
- To decline a request only where there is a good business reason for doing so and to write to the employee explaining why it applies.
- Where a request is agreed, to change the employees contract to reflect the change in terms and conditions.
- 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.

11. Other Related Policies

- Attendance Management
- Equality and Diversity
- Dignity at Work
- Staff Code of Conduct
- Customer Care
- Learning, Development and Further Education
- Stress Management
- Recruitment

12. Equality and Diversity

12.1 As a service provider and employer, we recognise the requirements of the Equality Act 2010, oppose any form of discrimination and will treat all customers, internal and external, with dignity and respect. We recognise diversity and will ensure that all of our actions ensure accessibility and reduce barriers to employment

and the services we provide.

Appendix 1 - Template Forms & Letters

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.

Employee Details	
Name:	
Date of Application:	
Start Date:	
Job Title:	
Department:	
Manager:	
Current Hours worked per week:	
Previous Application date (if applicable)	
Proposal	
<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 think this could be dealt with.</i>	

Name: Signed:.....

Date:.....

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 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 of your choice or a trade union representative. 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

NAME

JOB TITLE

Date:

Name

Address

Postcode

Dear

Flexible Working Request Acceptance

Further to your application for flexible working [dated], and our subsequent meeting on [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

NAME

JOB TITLE

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.

Refusal to Accept an Application for Flexible Working

Date

Name

Address

Postcode

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 hearing the appeal)*** stating your reasons for appeal within two weeks of receiving this letter.

Yours sincerely

NAME JOB TITLE

Date:

Name

Address

Postcode

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

NAME

JOB TITLE

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

Name:

Signed:

Dated:

Date.

Name Address

Postcode

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

NAME

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:

Name

Address

Postcode

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

JOB TITLE

