

Flexible Working Policy



Dalmuir Park Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.

<i>Purpose:</i>	To establish DPHA's policy and set out our position on flexible working.
<i>Guidance:</i>	Adoption of EVH model policy, procedure and letter templates
<i>Policy complies with the following Regulatory Standards:</i>	Standard 2: The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. Standard 4: The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose.
<i>Policy is linked to the following DPHA policies:</i>	Home Working Policy Flexi Time/TOIL Policy
<i>Date policy last reviewed:</i>	April 2023
<i>Date approved by Board of Management (or PRWG if delegated):</i>	19 November 2024
<i>Date policy is next due to be revised:</i>	November 2027
<i>Equality Impact Assessment carried out for policy?</i>	Yes
<i>Publish on the Website</i>	No

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1.0 INTRODUCTION

1.1 Dalmuir Park Housing Association (DPHA) recognises that introducing a flexible working policy will help to ensure compliance with the right to request flexible working brought in by the most recent law related to flexible working, Employment Relations (Flexible Working) Act 2023. 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 as amended by the Employment Relations (Flexible Working) Act 2023 to request flexible working.

2.0 BACKGROUND

2.1 DPHA 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. DPHA 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 week's continuous service with an employer.

3.5 Employment Relations (Flexible Working) Act 2023

Came into effect in the UK from the 6 April 2024. Employees are now entitled to request flexible working from the very first day of their employment.

4.0 POLICY PRINCIPLES

4.1 The policy has been produced as DPHA’s response to the legislation brought in by the Employment Rights Act 1996, Employment Act 2002, Work and Families Act 2006, Flexible Working Regulations 2014 and the Employment Relations (Flexible Working) Act 2023. The policy:

- 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 DPHA to retain talent and skills in the workforce and react effectively to changing market conditions.
- Details the employers’ responsibilities contained in the 2023 Act and the recommendations to consider workers’ request for a flexible working arrangement.
- The Policy is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer).
- The Policy 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

5.1 Under provisions set out in the Employment Relations (Flexible Working) Act 2023 every employee from day one of their employment with DPHA has the right to request a change to their contractual terms and conditions of employment. An employee can only make two statutory requests within a 12-month period.

5.2 To be eligible, staff members must:

- Be an employee.
- Not be an agency worker.
- Have only made one application to work flexibly under the right during the past 12 months.

When considering applications, we will consider the needs of the business and therefore an application may be refused, if we believe our business needs will be negatively impacted.

6.0 TYPES OF FLEXIBLE WORKING

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

6.2 **Annualised hours** where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually, the hours will be divided into rostered hours, which are set, and unallocated hours, when an employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates)

- 6.3 **Compressed hours** is where an employee works their usual full-time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days
- 6.4 **Working from Home** is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The organisation can consider home working being an occasional agreed day, a mix of home and office-based work each week or a full-time arrangement.
- 6.5 **Job-sharing** is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements
- 6.6 **Term-time working** is where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments (although arrangements may be permitted where an employee is only paid for the time worked and receive no pay during the holidays apart from their entitlement to annual leave)
- 6.7 **Part-time** working 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.
- 6.8 When considering a request for flexible working there may be other solutions worth reviewing such as sabbaticals / career breaks however employers are not obliged to offer these.

7.0 TRIAL PERIODS

When considering the impact on the business of a flexible working arrangement, dependant on the reason for the request, we may agree to a temporary trial arrangement for a fixed period to see if the arrangement is sustainable over the longer term. The duration of any trial period and date of review will be confirmed to you in writing.

8.0 CONTRACTUAL CHANGES

Depending on the nature of the request, the following terms and conditions may change if agreed:

- Salary (e.g. if reducing total hours)
- Grade of the post (e.g. if changes to role's location or working hours mean that particular duties cannot be carried out which could then change the grade of the role)
- Annual leave and other benefits (e.g. annual leave may be pro-rata'd)

Contractual changes will not be made until any trial period has come to an end.

9.0 FINANCIAL CONSIDERATIONS

Financial implications associated with the request will be considered with any request such as:

- purchase of new or additional IT equipment
- cost of management overheads
- cost of recruitment (for example recruiting a job share partner)
- cost of any additional space or furniture requirements

10.0 MANAGING AND MONITORING PERFORMANCE

Practical implications for managing the changes would be agreed in the new contract, dependant on the new working arrangement, including:

- how performance and output will be monitored
- contact and response agreement on home-working days
- how sickness will be managed

11.0 ARRANGEMENT REVIEW PERIOD

11.1 The employer will monitor the arrangement during any trial period and will review the arrangement before the expiry of the trial period.

12.0 DATA PROTECTION

12.1 We will treat personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in our Customer Fair Processing Notice.

13.0 REVIEW OF POLICY

13.1 This policy Will be reviewed by the Board every 3 years, or earlier if required.

14.0 EQUALITY AND HUMAN RIGHTS

14.1 We are committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. This is reflected in our Equality and Human Rights Policy.

15.0 DISATISFACTION

- 15.1 Any employee not satisfied with the implementation of this Policy can in the first instance raise their concerns with their Line Manager or the senior officer dealing with the request. If the employee remains dissatisfied, they should refer to the processes contained within the Grievance Policy and Procedures.

Dalmuir Park Housing Association, aims to deal with requests as soon as possible and within 2 months of first receiving the request, including any appeal.

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.

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 Dalmuir Park Housing Association and how such effect might be remedied.
- State that it is a statutory request.
- State whether a previous application has been made to Dalmuir Park Housing Association 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, Dalmuir Park Housing Association will treat the application as withdrawn. This will be confirmed in writing informing the employee that they can make one other within a 12 month period
- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change including details of any trial period.

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. The employer must not reject the request before consulting with the employee.

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

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

- Notified Dalmuir Park Housing 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 Dalmuir Park Housing Association 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 Dalmuir Park Housing Association may consider hearing the appeal as best practice.

- The staff member can appeal against Dalmuir Park Housing Association'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 decision.

Responsibilities

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

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

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.