

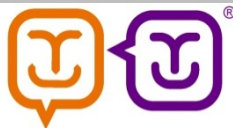


Flexible Working

August 2019

Policy Manual Section:	Governance
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Govan Housing Association can provide this document on request, in different languages and formats, including Braille and audio formats.



HAPPY TO TRANSLATE

1.0 Introduction

- 1.1 Govan Housing Association and Govan HOME Team (the Group) 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 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

- 2.1 The Group 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 Group 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 and Regulatory 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

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 certain 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.

4.0 Policy Principles

- The policy has been produced as the Group'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.
- 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 Group 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

5.1 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.

5.2 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.

6.0 Types of Flexible Working

6.1 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 Govan Housing Association Group'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.

7.0 Flexible Working Procedure

7.1 The Group, aims to deal with requests as soon as possible and within 3 months of first receiving the request, including any appeal.

7.2 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.

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

7.4 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.

7.5 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 Group 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.

7.6 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.

7.7 Flexible working rejection

If the employee's application is declined, it will be confirmed in writing, specifying the business reasons for rejection.

7.8 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.

7.8 Withdrawal of application

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

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

7.9 Appeal Process

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

- The staff member can appeal against the Group'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.

8.0 Responsibilities

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

8.2 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

8.3 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.

9.0 General Data Protection Regulations

9.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own [insert name of policy or procedure].

Information regarding how your data will be used and the basis for processing your data is provided in the Group's employee privacy notice.

10.0 Review

10.1 This Policy will be reviewed by the Management Committee in April 2024 and every five years thereafter, or earlier if required.

EQUALITY IMPACT ASSESSMENT

TITLE AND DATE OF POLICY	Flexible Working Policy August 2019
Is the policy new or a revised policy?	This is a revised policy based on the EVH model Flexible Working policy, May 2018.
Strategic Outcome	Support of a work/life balance for staff and compliance with legislation and good practice in relation to flexible working.
What is the purpose of the proposed policy?	To clearly set out the steps to be taken in relation to requests for flexible working from eligible employees to ensure consistency and compliance with statutory obligations in line with Employment Act 2002 and Work and Families Act 2006.
How have you, or will you, put the policy into practice, and who is or will be responsible for delivering it?	The policy will be submitted to our Management Committee for consideration and approval and staff will be responsible for the practical implementation And monitoring of the policy.
Protected Characteristic Groups Affected By the Policy	<p>Age <u>Positive Impact:</u> The Group's commitment to offering Flexible Working for eligible staff equally and consistently despite age should be reassuring and have a positive affect on people concerned about age discrimination.</p> <p><u>Negative Impact:</u> The Flexible Working Policy should have no negative impact in relation to age.</p> <p>Disability <u>Positive Impact:</u> Disabled people may be a group who is concerned about discrimination and not being treated fairly and with respect. This policy clarifies that Flexible Working will be available to all eligible staff who will be treated consistently, fairly and equally. This will hopefully reassure disabled staff that they will not face discrimination in relation to flexible working. The Policy also mentions the requirement under the Equality Act 2010 for employers to make reasonable adjustments for people with a disability, where requested. By doing so we wish to inform the reader of the policy but also to emphasize the Association's proactive approach of supporting people with a disability.</p> <p><u>Negative Impact:</u> The Flexible Working Policy should have no negative impact in relation to disability.</p>

Marriage and Civil Partnership

Positive Impact:

People who are married or in a civil partnership may be a group who faces discrimination directly or indirectly because of their relationship. This policy clarifies that Flexible Working will be available to all eligible staff that will be treated equally and fairly and discrimination will not be tolerated. This will hopefully reassure married people and those in civil partnerships that they will not face discrimination in Govan HA Group and that steps will be taken should this occur.

Negative Impact:

The Flexible Working Policy should have no negative impact in relation to marriage and civil partnership.

Pregnancy and Maternity

Positive Impact:

This policy demonstrates that the Association recognizes that flexible working hours may be needed by any worker who has 26 weeks continuous service including those who have responsibility for looking after children. This commitment will hopefully reassure pregnant women and those who are on maternity that the Association is a positive employer with positive attitudes to staff's family considerations. All eligible staff will be treated fairly and equally in relation to this policy and discrimination will not be tolerated. This message will hopefully positively deter discriminatory attitudes and behavior.

Negative Impact:

The Flexible Working Policy should have no negative impact in relation to pregnancy and maternity.

Race

Positive Impact:

This policy clarifies that all eligible employees will be treated with equally and consistently in relation to Flexible Working and discrimination will not be tolerated. This includes racial discrimination, directly or indirectly. Hopefully this will positively reassure people of different races that they will not face discrimination in Govan HA Group in relation to Flexible Working and that steps will be taken should this occur.

Negative Impact:

The Flexible Working Policy should have no negative impact in relation to race.

Religion or Belief

Positive Impact:

This policy clarifies that all eligible staff will be treated equally and consistently in relation to Flexible Working and discrimination will not be tolerated. People who hold religious or other beliefs can be a group that faces discrimination, both directly and/or indirectly. Hopefully

this policy will positively reassure people who are religious and hold a belief that they will not face discrimination of any sort in Govan HA Group and that steps will be taken should this occur.

Negative Impact:

The Flexible Working Policy should have no negative impact in relation to religion or belief.

Gender

Positive Impact:

Discrimination or unfair treatment because of gender is well documented. This policy clarifies that all eligible staff should be treated equally in relation to Flexible Working and discrimination will not be tolerated. Hopefully this policy will positively reassure people they will not face unfair treatment in Govan HA Group because of their gender and that steps will be taken should this occur. This message will hopefully positively deter discriminatory attitudes and behavior.

Negative Impact:

The Flexible Working Policy should have no negative impact in relation to gender.

Gender Reassignment

Positive Impact:

People who have or aim to reassign their gender can be a group that will be subjected to unfair treatment or not treated with dignity and respect. This policy clarifies that all staff eligible for flexible working will be treated equally, fairly and consistently in relation to Flexible Working. Discrimination will not be tolerated. Hopefully this will positively reassure people that they will not face unfair treatment in the Govan HA Group because of their gender reassignment and that steps will be taken should this occur. This message will hopefully positively deter discriminatory attitudes and behavior.

Negative Impact:

The Flexible Working Policy should have no negative impact in relation to gender reassignment.

Sexual Orientation

Positive Impact:

People can be subjected to unfair treatment because of their sexual orientation. This policy clarifies that all staff who comply with the eligible criteria will be able to make an application for flexible working. Consideration will be given equally and consistently and discrimination will not be tolerated. Hopefully this policy will positively reassure people they will not face unfair treatment in Govan HA Group because of their sexual orientation and that steps will be taken should this occur. This message will

	<p>hopefully positively deter discriminatory attitudes and behavior.</p> <p><u>Negative Impact:</u> The Flexible Working Policy should have no negative impact in relation to sexual orientation.</p>
<p>Who is the Target Audience of this policy or who is intended to benefit from the proposed policy and how? Who could be affected negatively (ie. employees, service users, Management Committee etc.)</p>	<p>Employees of the Association who has 26 weeks or more continuous service and who has responsibility for the upbringing of either a child of 16 and under or a disabled child under 18 years of age.</p>
<p>Please list any existing documents, evidence, research which have been used to inform the EqlA. (This must include relevant data used in this assessment)</p>	<p>EVH model policy guidance on Flexible Working.</p>
<p>Has any consultation or involvement been undertaken with the protected characteristic groups to inform this assessment? (please provide details who and how consulted)</p>	<p>No. This policy relates to staff and the information held on specific staff is confidential and does not identify what characteristic relates to what individuals. In consequence, it was not possible to consult the specific protected characteristic groups. All staff have been made aware of the policy which emphasizes that all groups will be treated equally and consistently.</p>
<p>How does the policy fit into our wider or related policy initiatives?</p>	<p>This Policy ties in with the following Govan HA Group's policies:</p> <ul style="list-style-type: none"> • Equality and Diversity • EVH Statement of Terms and Conditions of Employment
<p>Do you have a set budget for this work?</p>	<p>The costs of Flexible Working policy will be incorporated within Departmental staffing budgets which are set by senior staff and approved by the Group's Board and Management Committee each January/February for the forthcoming year.</p>