



SHA Flexible Working Policy

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Appendix 1 – Forms & Letters relating to requests for Flexible Working

1.0 INTRODUCTION

1.1 Southside Housing Association (SHA) recognises that having a flexible working policy will help to ensure compliance with the statutory right to request flexible working. This policy will also 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 in accordance with the relevant legislation.

2.0 BACKGROUND

2.1 SHA 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 POLICY PRINCIPLES

- The policy has been produced as SHA's response to current legislation
- 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.

4.0 ELIGIBILITY

4.1 Under provisions set out in the Employment Rights Act 1996 every employee has a right from day one to request a change to their contractual terms and conditions of employment. An employee has the right to make two flexible working requests within a rolling 12 month period.

General

4.2 To be eligible, staff members must:

- Be an employee.
- Not be an agency worker.
- Not have made more than 2 applications to work flexibly under the right during the past 12 months.

5.0 TYPES OF FLEXIBLE WORKING

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

Part time working

5.2 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

5.3 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

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

Working from home

5.5 An approach whereby an employee carries out a proportion of his/her duties from home rather than on Southside Housing Association's premises.

Compressed Hours

- 5.6 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.

6.0 FLEXIBLE WORKING PROCEDURE

- 6.1 Southside Housing Association aims to deal with requests as soon as possible and within two months of first receiving the request, including any appeal.
- 6.2 If for some reason the request cannot be dealt with within the two-month period then the employer can extend this time limit provided the staff member agrees.

Application for flexible working

- 6.3 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.
- State that it is a statutory request.
- State whether a previous application has been made to Southside Housing Association and the date of the application.
- Sign & date it.

Once the request is received

- 6.4 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.

6.5 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.
- 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, Southside Housing Association will treat the application as withdrawn. This will be confirmed in writing informing the employee this will constitute one of their statutory 2 flexible working requests they have a right to make in a rolling 12-month period.

- After the meeting the manager will inform the employee of their decision in writing, along with all details of the change.

6.6 Flexible working Acceptance

- Once both sides have agreed to the changes requested, or an agreed variation of the request, 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. This will be confirmed in writing following the meeting and acceptance.

Flexible working rejection

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

6.8 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.

Withdrawal of application

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

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

Appeal Process

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

- The staff member can appeal against Southside Housing Association's decision to refuse an application.
- The appeal should be made in writing to a named manager of at least one level higher than the manager who made the original decision if possible 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.

7.0 RESPONSIBILITIES

7.1 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.

8.0 GENERAL DATA PROTECTION REGULATIONS

- 8.1 The organisation will treat your personal data in line with our obligations under the current data protection regulations and our own Privacy Policy. Information regarding how your data will be used and the basis for processing your data is provided in Southside Housing Association’s employee privacy notice.

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

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 xxxxxxx, I am writing at this time to invite you to a meeting to discuss your request in detail.

The meeting will be held as follows:

Date:
Time:
Location:
Person 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. Please let me know in advance who will be attending with you.

I look forward to meeting with you.

Yours sincerely

Name
Job Title

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

DATE

Name
Address
Postcode

Dear NAME

Flexible Working Request Acceptance

Further to your application for flexible working dated xxxx and our subsequent meeting on (xxx 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 xxxxx 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 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: _____

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 xxx 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 on the following business ground(s):

- 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.

Delete the ones that are not applicable

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 five working days of receiving this letter.

Yours sincerely

Name
Job Title

Outcome of Appeal

Date

Name
Address
Postcode

Dear NAME

Flexible Working Appeal Hearing Outcome

Further to your application for flexible working, and your subsequent appeal meeting, I am writing to inform you that your appeal has been upheld which will result in a permanent change to your Terms and Conditions of Employment.

As agreed your new working pattern 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: _____

Appeal Hearing Outcome Letter

DATE

Name
Address
Postcode

Dear Name

Flexible Working Appeal Hearing Outcome

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

The reason for the decision is **(insert details of how the decision has been reached)**

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

EITHER – You have the right to make one further flexible working request from the date of the original request

OR

May I inform you that you have now exhausted your right to make a further flexible working request until INSERT DATE 1 YEAR FROM DATE OF FIRST REQUEST IF 2 HAVE BEEN MADE IN THE LAST 12 MONTHS,

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. You have the right to make 2 requests in a rolling 12-month period so if this is your second request in 12 months you may not be able to make a further request for a period of time.

Date

Name

Address

Postcode

Dear NAME

Withdrawal of flexible working application

I wish to withdraw my application to work flexibly which I submitted to you on (xx date).

I understand that this will count towards my right to make 2 flexible working requests within a rolling 12-month period.

Yours sincerely

Name

Job Title

Acknowledgement of withdrawal letter

DATE

Name
Address
Postcode

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 (xx date) is viewed as being withdrawn due to INSERT REASON FOR WITHDRAWAL AS SPECIFIED IN POLICY.

Please note this will count towards your right to make 2 flexible working requests within a rolling 12-month period.

Your sincerely

Name
Job Title



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