



Flexible working policy

Date Approved by Management Committee:
Latest review date:

31 January 2025
January 2028

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1. Introduction

- 1.1 This policy follows the model policy agreed by Employers in Voluntary Housing (EVH). It has been introduced to provide guidance for both staff and line managers where someone may be considering flexible working – this being in response to discussions within the industry and wider society on how work patterns have changed in a *post-Covid world*.
- 1.2 The Association recognises that 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.
- 1.3 This policy is supported by a suite of letters and forms which are based on EVH models and are designed to assist employees and managers in their rights and duties under this policy.

2. Background

- 2.1 Cernach Housing 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. We understand 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. Legal framework

- 3.1 There are several key pieces of legislation relevant to this policy and these are noted below.

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3.2 Employment Rights Act 1996

3.2.1 In August 1996, the Employment Rights Act was introduced to set out statutory employment rights of workers and employees.

3.3 Employment Act 2002

3.3.1 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.

3.4 Work and Families Act 2006

3.4.1 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.

3.5 Flexible Working Regulations 2014

3.5.1 These regulations further extend the right to request flexible working to employees who have 26 weeks' continuous service with an employer.

3.6 Employment Relations (Flexible Working) Act 2023

3.6.1 These regulations reduced the waiting time to make a flexible working request from 26 weeks employment to a day one right as well as allowing for 2 requests to be made in a 12 month rolling period and reducing the time to respond from 3 months to 2 months.

4. Policy principles

4.1 The following are the underlying principles of this policy.

- It has been produced as the Association's response to legislation
- It 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
- It details the flexible working procedure that must be followed and also provides accompanying standard letter templates and forms to use

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- It details the employers' responsibilities contained in the Act and the recommendations to consider workers' request for a flexible working arrangement
- It is only applicable when the employee instigates the request to work flexibly (and not when it is instigated by the employer)
- It 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 has the right to request a change to their contractual terms and conditions of employment from day one 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.
 - Not have more than one other 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 documented below, however please note this list is not exhaustive.

6.1.1 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.

6.1.2 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

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are divided between the two individuals, with each being able to provide cover for the other as and when necessary.

6.1.3 Term-time working

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

6.1.4 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.

6.1.5 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.

6.2 When considering a request for flexible working there may be other solutions worth reviewing such as sabbaticals and flexi time however employers are not obliged to offer these. Please note that model policies on sabbaticals and flexi time & time off in lieu (TOIL) are available from EVH and the Association also has its own flexi time and TOIL procedures that been agreed locally by the staff team.

7. Flexible working procedure

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

7.2 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.

7.3 Application for flexible working

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

- Apply in writing – this should be sent to your line manager unless they are absent, in which case you should write to the Head of Corporate Services or Director. Any request made by the Director will be considered in the first instance by the Assurance Sub Committee
- State the date of the application, the change to working conditions the

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

7.3.2 If the Association is happy to accept the request once it has been received, they can confirm it in writing without a need for a meeting. Alternatively, a meeting should be arranged.

7.3.3 If a meeting is required:

- The employee will be invited 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, we 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 line manager (or the Chair of the Assurance sub- Committee in the case of the Director) will inform the employee of their decision in writing, along with all details of any change agreed

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7.3.4 The arrangements for flexible working acceptance are noted below:

- 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

7.3.5 If the employee's application for flexible working is declined, it will be confirmed in writing, specifying the business reasons for rejection. These could include one (or more) of the following reasons:

- Burden of additional cost
- Inability to reorganise work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change to the business

7.3.6 We may 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, has 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

7.3.7 An employee no longer has the automatic right to appeal but we will consider hearing the appeal as best practice:

- The appeal should be made in writing to the line 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.

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8. Responsibilities

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

Employee's responsibilities

- To provide a careful and 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 timeframe 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 two 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. General Data Protection Regulations

9.1 The Association will treat your personal data in line with our obligations under the current data protection regulations and our own GDPR and privacy policies. Information regarding how your data will be used and the basis for processing your data is provided in our employee privacy notice.

10. Review

10.1 This policy would normally be reviewed every three years (or earlier in response to legal, regulatory or best practice requirements). The final review date is therefore January 2028.

Cernach Housing Association Equality Impact Assessment Tool



Name of the policy / proposal to be assessed	Flexible Working Policy	Is this a new policy / proposal or a revision?	Revision
Person(s) responsible for the assessment	E McShane		
1. Briefly describe the aims, objectives and purpose of the policy / proposal	The aims of this policy are to reflect the statutory rights of employees to request a variation to working arrangements.		
2. Who is intended to benefit from the policy / proposal? (e.g. applicants, tenants, staff, contractors)	Staff		
3. What outcomes are wanted from this policy / proposal? (e.g. the benefits to customers)	Provide a framework for staff and line managers that reflects the legislative framework and provides clear guidance for managing requests.		

4. Which protected characteristics could be affected by the proposal? (tick all that apply)

Age
 Disability
 Marriage & Civil Partnership
 Pregnancy/Maternity
 Race

Religion or Belief
 Gender
 Gender Reassignment
 Sexual Orientation

5. If the policy / proposal is not relevant to any of the protected characteristics listed in part 4, state why and end the process here.

	Positive impact(s)	Negative impact(s)
6. Describe the likely positive or negative impact(s) the policy / proposal could have on the groups identified in part 4	The policy outlines steps which could be taken to allow staff members to have further flexibility in their working patterns and so could have a positive impact on all, but most likely those with disabilities, caring responsibilities (of adults or children).	No identified negative impacts
7. What actions are required to address the impacts arising from this assessment? (This might include: collecting additional data, putting monitoring in place, specific actions to mitigate negative impacts).	None required	

Signed: *E McShane* Job title: Head of Corporate Services

Date the Equality Impact Assessment was completed: 20/12/2024