



Working from home policy

Date: 1st March 2014

Author: Sue Wilson

for you – for your community – not for profit

TWO RIVERS HOUSING

Working from home policy

1.0 Introduction

- 1.1 Two Rivers Housing (TRH) recognises that its tenants may want to work from their homes, whether on an employed basis or in running their own business, either as an individual, partnership or limited company.
- 1.2 For the purposes of this policy, working from home will refer to both a tenant running their own business **or** employed by a third party and working from home.
- 1.3 TRH acknowledges that, from its tenant profile information, a high percentage of its tenants are either in receipt of benefit and/or have a disability. TRH is keen to support any initiatives which offer tenants an opportunity to have more choice and independence over how they live and work, especially those with family or caring commitments, whilst encouraging employment opportunities, sustainable tenancies and financial benefit.
- 1.4 This policy explains how TRH will seek to achieve a reasonable and responsible balance between the needs of our residents who wish to run businesses from their homes whilst considering others in the neighbourhood.

2. Objective

- 2.1 The key objectives of this policy are:
 - To offer tenants a viable option around choice of employment and lifestyle.
 - To permit a tenant to work from their home providing that the work or business they carry out does not breach any planning laws and is not likely to cause any nuisance or disturbance to others in the neighbourhood.
 - To take action against tenants who breach planning laws or their tenancy agreement, or in line with our Anti Social Behaviour Policy.
 - To take action against tenants if we receive justified complaints about the operating of a business from their home.

3. Implementation

- 3.1 TRH's Neighbourhood Housing Advisors will consider all requests from tenants to work from their home.

- 3.2 Any request to work from home must be made and received in writing by TRH. If this is not possible then the tenant should speak to their Neighbourhood Housing Advisor to discuss this further.
- 3.3 All requests will be responded to, in writing, within 10 working days of receipt. In the event that permission has not been granted the reason for refusal will be set out in the letter. In this situation the relevant Neighbourhood Housing Advisor will contact the tenant to discuss this decision and to see if any adjustments can be made to enable their request to be reviewed and agreed. The tenant will also have the right to appeal any decision via TRH's appeal process as outlined in section 6 of this policy.
- 3.4 Each request to work from home will be considered on its own merit. In general TRH supports the principles of tenants working from their home, and will not unreasonably refuse or withdraw permission unless individual circumstances suggest otherwise.

For example, TRH may not grant permission to work from home if:

- It is likely to cause a nuisance to neighbours or damage to the property. Please note, that this would also be considered a breach of the tenancy agreement.
- Major adaptation to the property is required.
- The requirements of other relevant agencies have not been satisfied; for example by obtaining planning permissions, Disclosure and Barring Service (DBS) checks, National Child Minding Association (NCMA) insurance, etc.
- The trade being carried out involves hazardous chemicals and or machinery.
- It involved illegal or unethical business.
- The earnings achieved could exceed levels which would adversely affect TRH's charitable status.

Please note that given the variety of business and employment opportunities available, each request will also be considered on an individual basis and assessed on the anticipated likelihood that any resulting activity could cause nuisance or be detrimental to the property.

- 3.5 Where working from home, with or without our permission, breaches planning laws and/or is the subject of justified complaints, TRH will insist that the work is either stopped immediately or the operation is changed. If necessary, TRH may take action under the terms of the tenancy agreement to obtain possession of the home, if the issue remains unsolved.
- 3.6 Where a tenant is already working from their home but has not asked for, or obtained, permission in advance, TRH will request that they do this as soon as possible on a retrospective basis. Permission will be considered in line with the normal conditions, as set out above.

4. Legal Position

- 4.1 Whilst TRH is supportive of tenants who wish to work from home, it is not able to provide legal advice to tenants about setting up or running a business. TRH is happy to support tenants by sign-posting them to relevant agencies and/or useful information, including welfare benefit advice and guidance.
- 4.2 It is the tenant's responsibility to make sure they obtain and comply with all necessary legal and regulatory requirements in connection to their individual business. Where the tenant is employed by a third party and is working from home, then the tenant should ensure their employer complies with the appropriate legal and regulatory requirements. As stated above TRH is able to assist with advice and sign-posting; however it is not TRH's responsibility to ensure legal conditions for the business are met.
- 4.3 TRH's tenancy agreements include a specific clause that tenants must have our written permission before "*carrying on any business*" from their home. As stated previously TRH actively encourages and would support any tenants wishing to do this and will not reasonably withhold permission. When working from home, tenants will still need to comply with their agreement and make sure that it does not breach any other conditions, particularly in relation to nuisance to neighbours or damage to the property and environment.

5. Equality and Diversity

- 5.1 TRH is committed to the principle of equality of opportunity in the delivery of its services. TRH aims to ensure that all of its customers are dealt with fairly and equitably and where possible that it takes into account the diverse nature of their cultures and backgrounds.
- 5.2 TRH will actively work towards promoting good relations, eliminating discrimination and addressing existing disadvantage in relation to different groups on the basis of race, colour, ethnic and national origin, nationality, gender, disability either mental or physical, religion, sexual orientation, marital status, HIV/AIDS, responsibility for dependants, trade union activity and age.

6. Complaints and Appeals

- 6.1 If someone is not happy with the service they have received, they have the right to register a formal complaint in line with TRH's Complaints and Compliments policy.
- 6.2 If a tenant is not happy with a decision made by TRH in relation to this service they can, if they wish, appeal against the decision. Tenants should notify TRH within 5 working days of receipt of the decision letter stating their reasons for an appeal. The tenant will be asked to attend an appeal hearing to present their case. The appeal panel will consist of three senior managers and the tenant will be advised of the outcome

7. Monitoring and Review

- 7.1 TRH will actively promote this policy through the sign up process, tenant newsletter, website and housing surgeries. It will also monitor the number of requests received from tenants to work from their home, including the type of business and the profile details of the tenant.
- 7.2 The Neighbourhood Housing Co-ordinator is responsible for monitoring this policy to ensure that it is being correctly applied and is also responsible for ensuring that reviews of this policy are carried out.
- 7.3 TRH will undertake regular reviews of this policy, any procedures related to it and staff training needs, to ensure that it continues to operate in line with best practice and that service improvements are made and implemented.
- 7.4 There will be an automatic review of this policy whenever there is a change of policy from the government, regulator or change to legislation. In the absence of any other trigger for a review, the policy will be reviewed at intervals of no more than two years.