

# accas

inform

advise

train

work  
with you

# **Regulating through Codes & Guides**

**Some practical examples**

**“Our view is that one employer’s red tape might be another’s business certainty”..**

Acas Council response to the Red Tape Challenge into the Equality Act - July 2012

- **Only regulate when there is no non-regulatory alternative**
- **Only regulate where such an approach is superior by a clear margin**
- **Only regulate where it can be achieved proportionately accountably transparently and targeted**
- **Presumption of no additional costs through regulation and OIIO approach**
- **Sunset clauses after 7 years**

# Regulation



## Regulations:

***"constraining, enabling and motivating impacts of the regulations"***

June 2012 literature review for Acas by professor Blackburn Kingston business school around SMEs and implications for service provision

## **In Place of Regulation – the Right to Request Flexibility**

- **Currently a limited right to ask for parents and certain carers, but highly prescriptive in handling –**

***Meeting within 28 days***

***Decision within 14 days of meeting***

***If rejection tell employee of 14 days appeal***

***Hear appeal in 14 days of appeal request***

***Notify with 14 days of final decision***

- **And all this for parents of children under 18 and certain carers (married or CP; a relative or neither but lives with you)**

# Code on Right to request Flexible Working

- **Pushing at open door?**
- **Principles based to act in a reasonable manner creates flexibility and is deregulatory**
- **Good practice guide for business confidence to take action**

Learning from the Nat Cen evaluation of the D&G code June 11 found that understanding was crucial (of principles )to small businesses taking action

# A Good Approach

**First cut analysis from public consultation asks for:**

- **Guidance on how to say no**
- **Guidance on avoiding discrimination**
- **Guidance on being fair**

**But almost all welcomed the principles and almost all said give us examples of how to do it!**



# Authoritative guidance to replace section 138

## Red Tape

- **Removal of procedural elements and replaced by a common need to exchange information to settle or resolve case**
- **A risk to access to justice?**
- **Involvement**

# A Conclusion for Guidance



## **Non-Regulatory Alternative:**

- **The importance of involvement**
- **The importance of the messenger (effectively the Acas Council)**
- **Supported by practical examples of how to do things**

**Both rely on a strong relationship between the social partners and a willingness of stakeholder groups and individuals to contribute in time and resources**