



Fair Work First Statement

AdviceUK is fully committed to the [Scottish Government's Fair Work First](#) policy.

As a public-facing charity, we recognise that the provision of an excellent service requires investment in, and fair treatment of, the people who work for us.

1. Appropriate channels for effective voice, such as trade union recognition

Effective voice is much more than having a communication channel available within an organisation. It requires a safe environment where dialogue and challenge are central to the organisational culture, are dealt with constructively, and where worker views are sought out, listened to acted upon, and can make a difference. Effective voice requires workers, employers and trade unions or worker representative groups to work in partnership to make sure that the right decisions are made to ensure workers are treated fairly and equitably. The co-determination of working practices is key to delivering all of the dimensions of Fair Work effectively.

- AdviceUK holds fortnightly meetings where staff can catch up and feedback on any issues they may be facing. These include;
the advice sector landscape and proposed changes to the services we provide,

any operational challenges,

how our work will be managed,

any wellbeing and Health & Safety matters that arise,

provision of pay and benefits including pensions
- AdviceUK work with an external partner (Investors in People) to conduct an annual colleague engagement survey that provides colleagues with opportunities to provide anonymous feedback on what it's like to work at AdviceUK.
- AdviceUK engages in constructive dialogue with our colleagues to address workplace issues and disputes in accordance with our grievance policy and procedure
- Colleagues have a regular 1:1 meeting with their line managers
- AdviceUK has policies in place to support employees in the workplace and has zero tolerance of bullying and other forms of abuse and harassment.
- As part of a significant investment in the charity's capacity, AdviceUK's Board is setting up a dedicated HR function that will include development of a consultative staff forum. This will support deeper and two-way engagement with staff.

In addition, four times a year, all staff attend a full day meeting to share ideas, progress and challenges; to hear presentations from our members as well as benefit from learning and development opportunities.

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2. Investment in workforce development

Effective workforce development involves employers providing opportunities for their staff at all levels of the organisation and should be a shared responsibility and shared commitment between the employer and workers. Everyone should be able to engage in lifelong learning.

- AdviceUK has charity walks for all colleagues to encourage sector promotion and raise funds for members.
- All colleagues are required to have clear objectives, and Personal Development Plans to support ongoing development.
- The new HR function will organise and administer an organisation-wide learning and development plan annually, linked to feedback from through the performance management framework
- AdviceUK has an in-house Learning and Skills Team which maintains training records and has a range of learning opportunities with learning solutions tailored to different audiences across the organisation and our member organisations (e.g., client-facing roles, management, etc.)
- AdviceUK offers Mental Health First Aid Training to support colleagues' wellbeing.
- In 2024 AdviceUK will be establishing an employee assistance programme as part of a wider investment in wellbeing support for our members.
- AdviceUK supports the development of Professional Competence for our colleagues to complete externally recognised qualifications where possible.

3. No inappropriate use of zero-hours contracts

Although there is no legal definition of a zero-hours contract, in the context of Fair Work, such a contract is one which does not guarantee any work to the individual and does not set out a minimum number of hours (whether ongoing or for a set period).

- AdviceUK does not use zero hours contracts within the organisation and will only partner with organisations that meet our employment standards.

4. Action to tackle the gender pay gap and create a more diverse and inclusive workplace

Fair Work expects employers to go beyond their legal obligations under the [Equality Act 2010](#), enhancing the protections for workers on the basis of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity,

race, religion and belief, sex, and, sexual orientation. [The gender pay gap](#) exists because women earn significantly less than men over

their careers. As women are still regarded as the primary care giver, their work choices can be limited to typically lower-paid and part-time roles. This also limits their opportunities to progress in the same way men can, which dilutes diversity at senior management levels. The [Close your pay gap toolkit provides](#) a range of guidance and advice to help employers calculate their gender pay gap and identify actions to reduce it. Employment can play a major part in addressing racial inequality. The gap in employment rate for the minority ethnic population in Scotland is consistently and persistently high. Through fair working practice, minority ethnic workers will be able to access and sustain employment commensurate with their skills, experience and/or employment goals and in working environments that are diverse and inclusive. Employers should use the [Minority Ethnic Recruitment Toolkit](#) to improve the diversity of their workforce by recruiting more people from minority ethnic backgrounds. Disabled people also experience discrimination and a lack of access to opportunity. We need to ensure our workplaces are not designed or operating in ways that can create barriers and exclude disabled people. Fair and equal access, and the provision of appropriate support, can greatly improve disabled people's chances, enabling access to jobs, job retention and career progression. Information about employment issues for disabled people is available from Inclusion Scotland through [We Can Work](#) and from [Scottish Union of Supported Employment \(SUSE\)](#).

Flexible working options are also of huge importance in supporting progression in employment for all of these groups, and you may wish to refer to the advice in family friendly and flexible working practices criteria section of this guidance for examples of good practices, and the benefits to employers and workers in adopting such practices.

- AdviceUK is committed to monitoring our gender pay gap and we are committed to achieving a zero gender pay gap.
- We are confident that we have equal pay. We have a formal job evaluation scheme that grades jobs and, in reviewing the pay award for staff each year, the Board's Resources Committee ensures no member of staff's salary is below the real living wage.
- We are developing an Equality, Diversity, and Inclusion strategy as part of establishing our HR function. This will extend to how take an EDI approach to supporting our members as well as our staff. We support a flexible and hybrid working policy, encouraging flexible working hours where possible.
- We provide workplace adjustments, making reasonable adjustments for disabled employees, or those who have a short, or long-term impairment that could affect their ability to work.
- We have introduced Equality, Diversity, and Inclusion based recruitment practices that enable us to better encourage applications from communities traditionally under-represented in our workforce.

5. Payment of the real Living Wage

The Scottish Government promotes payment of the real Living Wage as the minimum rate for everyone in paid work; this is distinct from the statutory National

Living Wage and National Minimum Wage which are set by the UK Government. The real Living Wage is a voluntary hourly pay rate based on what families need for an acceptable living standard. The rate is calculated by the Resolution Foundation and overseen by the independent Living Wage Commission; it is reviewed annually to reflect the cost of living, and the rate is announced each November. Building on the strength of the real Living Wage movement, the Scottish Living Hours Accreditation Scheme recognises that in addition to payment of the real Living Wage, the number and frequency work hours are critical to tackling in-work poverty. Businesses looking for certification must meet three criteria for accreditation;

- ✓ payment of the real Living Wage,
- ✓ providing a contract reflecting accurate hours worked and a guaranteed minimum of 16 hours a week (unless the worker requests otherwise) and ensure at least 4 weeks' notice of shifts and guaranteed payment if shifts are cancelled within this period Payment of the real Living Wage should not be used to limit pay rates,
- ✓ and where sectorally bargained rates have been agreed these should be applied provided they are not below the real Living Wage.
- ✓ AdviceUK is committed to pay the Real Living Wage, and (as stated above) actively ensures all staff are paid in excess of this figure.

6. Offer flexible and family friendly working practices for all workers from day one of employment

Flexible working and family friendly working practices take many forms including, but not limited to, part-time work and job share, flexitime, compressed hours, term-time, staggered hours, and working remotely and from home

It is an important aspect of Fair Work and recognises that being able to balance work with other commitments enables workers to participate and contribute more fully and productively in the workplace whilst protecting their wellbeing and improving job satisfaction. Genuine flexibility helps to make work possible for people who might otherwise be unable to access, re-enter and sustain employment; creates more diverse and inclusive workplaces and provides greater opportunity and security for workers.

Flexible working will vary from employer to employer and not all jobs in all sectors or within an organisation will lend themselves to the same type or level of flexibility; equally, workers' needs will vary. There is no one-size-fits-all approach and flexible working practices need to work for the individual, the team and the employer. Flexible working should be adopted as a positive practice and never used to weaken contractual terms or impose new unwanted working practices. When considering introducing new ways of working employers should always consult with workers, and where present trade union or other worker representatives, to ensure both the worker's and employer's perspectives are properly considered and any unintended consequences are avoided. The needs of employers and workers are likely to change over time and regular review of policy and practice will ensure appropriate provision is in place.

- AdviceUK is committed to adhering to relevant employment legislation across the UK by offering a variety of flexible and family friendly working practices.

A range of resources to support employers to adopt flexible working is available, including through [Flexibility Works](#), the [Enterprise Agencies](#) and [CIPD](#). Timewise also have guidance for [line managers](#) and [employees](#), as well as how to hire [flexibly](#).

7. Oppose the use of fire and rehire practice

There is no legal definition of Fire and Rehire practices. 'Fire and rehire' is the terminology currently most used to describe the practice of 'dismissal and reengagement'. It is described by [ACAS](#) as one option that may be available to an employer seeking to effect changes to employees' contractual terms; it involves dismissing employees and immediately re-engaging them on a new contract with new terms, with the new terms issued to commence on the day following the termination date of the current contract, in circumstances where the employees' agreement to the changes has not been obtained. The term is also used to refer to employers holding out the prospect of dismissal and re-engagement to employees or their representatives during negotiations about changing terms and conditions. We recognise that the vast majority of employers consult and reach agreement when they have to consider making changes to contracts and will only consider using fire and rehire practice as an exceptional and pressing business necessity.

However, whilst fire and rehire practice may not in all circumstances be contrary to employment legislation, the Scottish Government's position is that such practice does not align with the principles and expected practice of Fair Work. Therefore, an employer wishing to access public sector grants or other funding or to deliver a public contract in Scotland will be expected to commit to not using fire and rehire practice; and this will be considered as part of the award decision and form a condition for the delivery of the grant or public contract. It would then be monitored appropriately within the relevant contract or grant management arrangements. In addition, if an employer subsequently uses fire and rehire practice during the life of a grant, the continuation of the grant may be reconsidered and this may also be taken into account in the consideration of any future grant funding requests, where relevant and proportionate. Scottish Ministers have written to chief officers of public sector organisations to advise them that this new criterion has been introduced and that they should apply it along with the other Fair Work First criteria. Further guidance on the application of Fair Work First criteria in grants, other funding and contracts is contained in the 'How the guidance should be used' section of this guidance.

- AdviceUK does not engage in hire and rehire practices.