



# FLEXIBLE WORKING POLICY

# DOCUMENT CONTROL

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Rochdale Boroughwide Housing Limited is a charitable community benefit society.  
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## 1. Aim of the Policy

- 1.1 Building on the ethos of the Agile Working Strategy, this policy has been developed to help create a working environment which provides a range of options for how an employee's contracted hours could be undertaken in order to provide more flexibility and support to enable them to successfully balance their work and home priorities whilst also providing an effective contribution to the success of our business and improved customer service.
- 1.2 In providing a range of flexible working options we are seeking to:
- retain valuable experience within the business;
  - help employees to feel more valued;
  - promote RBH as a progressive employer and an employer of choice;
  - provide an effective option for colleagues to enable them to gradually phase into retirement;
  - demonstrate our commitment to equality and diversity within the workplace;
  - enable colleagues to contribute to improving our customer service.

## 2. Who does the Policy Apply To?

- 2.1 The policy and procedure applies to all permanent and temporary contracted employees except if the nature of the service requires specific working patterns to be in place e.g. rolling shift patterns. The policy does not apply to agency workers who are not employed on an RBH contract or external contractors.
- 2.2 All requests will be considered and **will only be rejected for one of the legal 8 business reasons** listed in the Request for a Flexible Working pattern (Appendix B) and in the Managers guidance advice in Appendix C. If there are a number of requests for flexible working within the team, the manager needs to consider them all. However, if not all requests can be met because of the service delivery requirements of the team then consideration will need to be given in line with the advice in Appendix C.

## 3. What is Flexible Working?

- 3.1 The Children and Families Act 2014 states that all employees with at least 26 weeks continuous service have a statutory right to ask for a change in their terms and condition of employment to work flexibly. Flexible working allows employees to request a more flexible pattern of work in line with the types of working arrangements detailed within Section 4 of this policy.

RBH is committed to extend flexible working beyond the statutory provision of just for those employees who have been continuously employed for more than 26 weeks. All RBH employees are able to submit requests to work a more flexible work pattern in line with Section 4 and will be considered subject to the needs of the business and service delivery requirements. However, in understanding how this policy will operate it is also important to make a clear distinction between flexible work style options and flexible work patterns.

- 3.2 Flexible work style will be determined predominantly by the Manager as this requires him/her to determine how the majority of the employee's work tasks will be undertaken e.g. is the role suitable for working from home. A flexible work pattern is predominantly at the employee's discretion to request. In the absence of any request the default position will be the worklife balance scheme in terms of how an employee works their contracted hours.
- 3.3 RBH's policy on Home Working supplements this policy and how home working is undertaken can be in line with some of the flexible working patterns listed in Section 4. Employees wishing to work from home should complete the request forms available with the Home Working Policy and submit it to their Manager for approval.
- 3.4 It is also important to understand that flexible working is not the same as working overtime and the two should not be confused. Overtime is additional pre-agreed hours that are worked and are subject to additional payment beyond the contracted hours of work. Flexible working can however be summarised as a variation of how an individual's contracted hours are worked.

#### **4. Types of Flexible Working Arrangements**

##### **Worklife Balance**

- 4.1 The Worklife balance scheme was introduced a number of years ago and but for a few exceptions is currently available for all employees. This scheme will continue to operate i.e. will continue to be the standard default working pattern for both existing and new colleagues unless otherwise advertised. The scheme can be used whether working in the office, being out and about on estates or working from home.

##### **Job Share**

- 4.2 The existing job share agreement will continue. The purpose of job share is to allow two people to undertake the full time role and to share the hours, holidays and other benefits between them according to the number of hours worked by each person. Dependent upon the nature of the job it may be possible for them to undertake this role in a different way e.g. one job share partner may wish to work occasionally from home whilst the other wishes to remain office based.

How the work is undertaken will need to be discussed and agreed with the Manager for the job share role.

Likewise how the hours are worked between the job share partners will need to be discussed but it is likely that the worklife balance scheme will apply to job share arrangements given the reduced number of hours that each job share partner undertakes.

#### **Compressed Working Hours**

- 4.3 This way of working provides for full time working hours (36 hours and 15 minutes) to be compressed into fewer days – in RBH this would be interpreted as working over 4 days rather than 5 days or a 9 day fortnight. This would provide for 4 or 2 days per month extra time off. The actual working pattern will need to be agreed with the service manager in line with the needs of the service. Whilst there will be the facility to start and finish at different times of the day, working compressed hours would mean no additional WLB time accrual as there is an automatic guarantee of at least 2 days per month off. The option to work from home if the job role is deemed suitable can be undertaken on a compressed hours contract.

#### **Voluntary Reduced Working Hours**

- 4.4 This provision will allow an employee to permanently or temporarily reduce their current contracted hours. This could be on the basis of fewer hours per day or reducing the number of days worked. Normally worklife balance would apply to this type of working arrangement but consideration could also be given for working from home if this is appropriate to the role.

#### **Annualised Hours**

- 4.5 This is a way of working that allows an employee to work different work patterns according to the peaks and troughs of the workload i.e. regular and sustainable seasonal work may require additional hours to be worked during certain times of the year with fewer hours needing to be worked at other times of the year. The specific needs of the service will determine whether this way of working can be converted to an annualised hours contract. However, it is not envisaged that this type of contract will apply in many instances. Worklife balance would not apply to this type of contract.

### **5. Recording of Hours**

- 5.1 Whatever work pattern is in place the requirement to record working hours will still remain whether that is via the Timeware system or a time sheet .

## **6. Changes to Contract**

- 6.1 All requests to change hours or working patterns will normally be subject to a trial period of 3 months before a substantive change is put in place, unless the manager provides reasonable justification that a trial period is not required. An employee can only submit one application for flexible working in a rolling 12 month period. The procedure for submitting an application is detailed in Appendix A and the application form is detailed in Appendix B.

## **7. Equality and Diversity**

- 7.1 An Equalities Relevance test has been carried out in order to determine whether a full EIA is required. The outcome of the relevance test is that a full Equality Impact assessment is not required.
- 7.2 The policy is available for all permanent and temporary contracted employees except in circumstances when a specific work pattern is required due to the nature of the service that is provided.

## **8. Monitoring**

- 8.1 The HR Team will maintain a central record of all applications for flexible working patterns submitted and on a 6 month basis review these to identify any potential patterns of non support or if the policy needs promoting in specific service areas.

## **9. Review**

- 9.1 All RBH strategies, policies and procedures are reviewed on a regular basis in order to ensure that they are 'fit for purpose' and comply with all relevant legislation and statutory regulations.
- 9.2 This policy, including any other related procedures will be reviewed annually in order to ensure its continued appropriateness and formally reviewed and submitted to the appropriate 'approving body' at least every three years.

## **10. Links to other RBH Policies and Procedures**

10.1 This policy also links to other policies and procedures including, but not limited to:

- Performance Management
- Capability
- Home Working
- Job Share
- Shared Parental Leave
- Maternity Leave
- Worklife Balance Scheme

## Procedure for Applying for Flexible Working

- 1.1 If you want to apply to alter your existing contractual arrangements e.g. say you wish to move to compressed hours then you will need to submit an application to your Manager – see Appendix B – who will consider if your request can be approved without having a detrimental effect on business needs and service delivery within the team. When making the request it is your responsibility to demonstrate how the request will ensure that customer service is maintained or improved.
- 1.2 Within 10 working days your Manager will meet with you to discuss the request in more detail. You will have the right to be accompanied by your trade union representative or an RBH colleague if you wish. This discussion will include considering other alternative working patterns that might be suitable if it is felt that your request cannot be accommodated.
- 1.3 The law requires that all requests, including any appeals, must be considered and decided on within 3 months of you submitting your request, unless you agree to extend this. Normally, within 10 working days of the meeting your Manager will confirm in writing whether your request has been granted or declined. If granted the arrangement will normally be subject to a 3 month trial basis before a permanent contractual change is put into place. However, if the manager is confident that a trial is not necessary and is able to provide reasonable justification and the employee agrees, a trial need not be applied.
- 1.4 Towards the end of the trial period, the Manager will be required to review the success or otherwise of the new working arrangements to ensure that
  - a. service needs have not been detrimentally impacted
  - b. there are no performance management concerns
  - c. the employee wishes the arrangement to continue (subject to a & b)

Appendix D will need to be completed and the Manager will inform the employee and the HR team of the outcome.

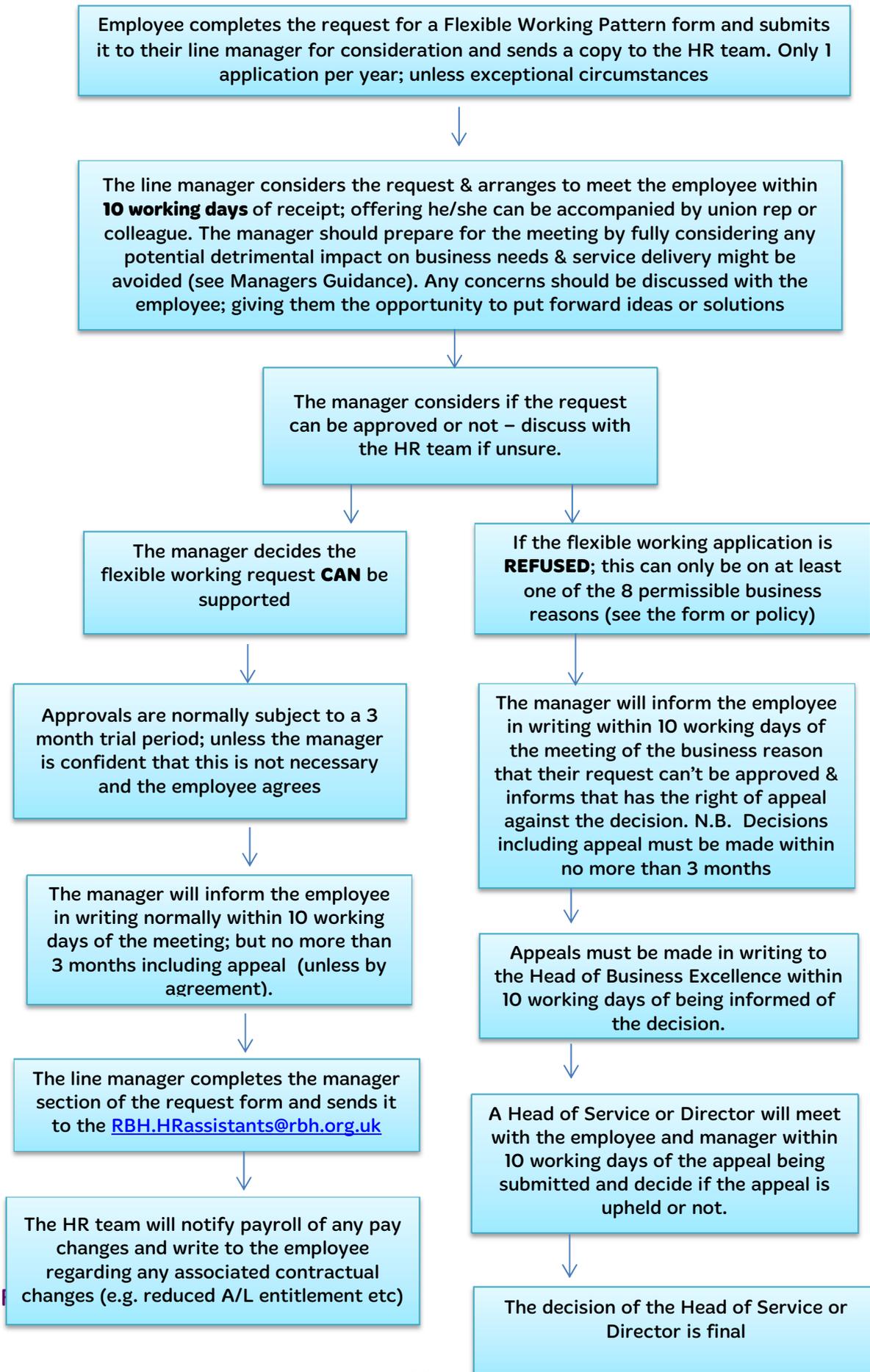
- 1.5 Any changes to how you undertake your contracted hours and any other associated contractual changes will be confirmed in writing by the HR team. This will include any changes to leave entitlements if the working week is being changed.
- 1.6 If your request to change a working pattern is not approved then your Manager will be responsible for providing you with an explanation about why the service cannot support the request. **The request will only be rejected by one of the 8**

**business reasons** outlined on the Request for a Flexible Working Pattern (Appendix B).

If you are not happy with the explanation then you will have a right of appeal which will be considered by one of the Heads of Service from another team and who hasn't had an involvement or a relevant EMT member.

- 1.7 This right of appeal must be submitted in writing within 10 working days of receiving the notification from your Manager and must be submitted to the Head of Business Excellence. The appeal should be held within 10 working days of receiving the appeal notification unless there are specific operational reasons why this cannot be undertaken. You and your Manager and any trade union representative or colleague will be requested to attend the appeal meeting. An HR Advisor will also be in attendance at the meeting.
- 1.8 The decision of the Head of Service/Director will be final and you will not be able to submit another flexible working request for a period of 12 months.
- 1.9 If after agreeing a permanent contractual change you wish to revert back to your original contracted working pattern this will be subject to a further request being submitted, but as only one change per 12 month period will be approved any reversion will not be considered until after 12 months from the original date of your application, unless there are very exceptional circumstances, in which event RBH reserves the right to apply discretion in very exceptional circumstances.
- 1.10 Any agreed changes are role specific and so if you change your role then you will need to submit a new application for flexible working.

## Flowchart for Flexible Working Procedure



**Request for a Flexible Working Pattern**

Please complete this form and give it to your manager – if you are completing this form electronically, use the tab key to move to the grey shaded areas or boxes.

Name:		Job Title:	
		Grade:	
Number of hours currently worked:		Team/Section:	

1	<p>I am making this application to request a flexible work pattern under my statutory entitlement and wish you to consider my request.</p> <p>What date did you start working at RBH or RMBC (an approximate date will suffice if the actual date is not known)</p> <p>Have you made a request to work flexibly during the past twelve months?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
2	<p>Are you making a request in relation to any of the characteristics protected by the Equality Act 2010?</p> <p>Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
2	<p>I wish to change my hours for the following reason(s):</p>	
3	<p>Please describe your current working pattern (i.e. days and hours worked per day):</p>	
4	<p>Please identify from the list below what work pattern you wish to apply for:</p>	
	<p>Job Share</p>	<p><input type="checkbox"/></p>
	<p>Compressed Working Hours (36 ¼ hours worked over 4 days per week or a 9 day fortnight ) *</p>	<p><input type="checkbox"/> 36 ¼ hours over a 4 day week</p> <p><input type="checkbox"/> 36 ¼ hours over a 9 day fortnight</p> <p>*I understand that as I will be having at least 2 days off every month , I will not be entitled to further time off under the WLB scheme</p>
	<p>Part time/Reduced Working Hours (e.g. 36 ¼ to 29 hours)</p>	<p><input type="checkbox"/> How many hours do you wish to work per week:</p>

	Annualised Hours – please state details	
	Reversion back to the full WLB provisions	<input type="checkbox"/>
5	Please outline the days you would like to work and the number of hours each day you intend to work:  Days I would like to work: <input type="checkbox"/> <b>Monday</b> <input type="checkbox"/> <b>Tuesday</b> <input type="checkbox"/> <b>Wednesday</b> <input type="checkbox"/> <b>Thursday</b> <input type="checkbox"/> <b>Friday</b> Number of hours each day:	
6	How long do you want these new working arrangements to be for:  <input type="checkbox"/> On a permanent basis <input type="checkbox"/> On a temporary basis until (insert date):	
7	Have you any ideas about how this requested change to your working pattern might avoid impacting on service delivery within your team or will improve it e.g. what duties might be ceased or streamlined etc:	
9	If approved, what date would you like your new working pattern to take effect from?	

Signature of Employee \_\_\_\_\_

If you are completing this form electronically, just type your name in here. Your email can be saved as proof that this application was submitted by you.

Date of Application \_\_\_\_\_

**Once completed, press File, Save As and save it to one of your own folders and then either e-mail, hand deliver or post this form to your line manager/supervisor who will make arrangements to discuss your request with you within 10 working days.** A copy of this form should also be sent to the HR team for monitoring and information purposes only by either:

- emailed to the [RBH.HRAssistants@rbh.org.uk](mailto:RBH.HRAssistants@rbh.org.uk)
- copied and handed to either Gill Pollock or Evette Bailey in the HR team
- sent to the HR team, RBH, Sandbrook House, Sandbrook Way, Rochdale OL11 1RY

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## To be completed by your Line Manager/Supervisor

All requests for flexible working must be considered by the applicant's Line Manager/Supervisor and discussed with the employee within 10 working days of the application. **All requests whether approved or declined MUST be sent to the HR team.** Please answer the questions below:

1	<p>How do you plan to accommodate this employee's change in working pattern? E.g. which duties could be removed or done differently? Remember, if some of the post holder's main duties are removed, the post may need to be re-evaluated to determine an appropriate grade.</p> <p>If completing this form by hand and you need more room, please continue on a separate sheet.</p>
2	<p>How will you ensure there is no detrimental effect to the service if this application is approved?</p> <p>If completing this form by hand and you need more room, please continue on a separate sheet</p>
3	<p>If there is a proposed reduction in hours, do you intend to recruit to the remaining part time hours? If yes, you will need to submit a request to advertise this post</p> <p style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
4	<p>Date met with employee to initially discuss their request: <a href="#">Click here to enter a date.</a></p>
5	<p>What decision have you made and relayed to the applicant? Remember, this needs to be communicated in writing ideally within 10 working days of the meeting. The law states that applications, including appeals must be decided within 3 months of receiving the request, unless a longer agreement is reached .</p> <p><input type="checkbox"/> <b>Yes, I support this with all details as requested.</b> I have given careful consideration to these new working arrangements and a trial period is not considered necessary for the following reasons:</p> <p><input type="checkbox"/> <b>Yes, I support this but I have agreed the following conditions with this employee:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Provisional approval subject to recruitment to resultant vacant hours. Failure to recruit to these hours could result in this job share request being reviewed and/or declined.</li> <li><input type="checkbox"/> On a 3 month trial basis, to ensure that this new working arrangement suits both parties</li> <li><input type="checkbox"/> With a revised working pattern of:</li> <li><input type="checkbox"/> With a revised end date of:</li> <li><input type="checkbox"/> With a revised start date of:</li> </ul> <p><input type="checkbox"/> <b>No, I am NOT able to support this request</b> and I have explained that the reason(s) are as follows (the decision <b>must</b> be based on at least one of the following 8 reasons):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The burden of additional costs Please explain:</li> <li><input type="checkbox"/> An inability to reorganise work amongst existing staff Please explain:</li> </ul>

	<input type="checkbox"/> An inability to recruit additional staff Please explain:  <input type="checkbox"/> A detrimental impact on quality Please explain:  <input type="checkbox"/> A detrimental impact on performance Please explain:  <input type="checkbox"/> Detrimental effect on ability to meet customer demand Please explain:  <input type="checkbox"/> Insufficient work for the periods the employee proposes to work Please explain:  <input type="checkbox"/> A planned structural changes to the business Please explain:		
6	<input type="checkbox"/> I have also informed this employee that he/she has the right to submit an appeal in writing to the Head of Business Excellence within 10 working days of my decision, which was relayed on:  If completing this form by hand and you need more room, please continue on a separate sheet		
Signed		Date	
Name		Post	

**Once you've completed this form, please press File, Save As and save this form to your own folder; then you MUST email it or print and pass it on to [rbh.hrassistants@rbh.org.uk](mailto:rbh.hrassistants@rbh.org.uk) Gill Pollock or Evette Bailey in the HR team, or send to The HR Team, Sandbrook House, Sandbrook Way, Rochdale OL11 1RY.**

## Managers Guidance

### The law

Since 30<sup>th</sup> June 2014, the Children and Families Act 2014 states that all employees with at least 26 weeks continuous service have a statutory right to ask for a change in their terms and condition of employment to work flexibly. However, RBH's Flexible Working Policy allows all employees to apply, regardless of service. The law only permits one request per employee in any 12 month period, but RBH reserves the right to apply discretion in very exceptional circumstances (e.g. health grounds, compassionate grounds i.e. caring for a relative with a disability or debilitating illness).

### Standard procedure for considering the request

The law requires that all requests, including appeals, must be considered in a reasonable manner and a decision made within 3 months from the receipt of the request, unless you agree to extend the period with the employee. The RBH policy requires that within 10 working days of receiving the request you must meet with the employee requesting flexible working. If there is likely to be a delay in discussing the request, then ensure you inform the employee and agree a new reasonable timescale to meet. If for some reason the request cannot be dealt within three months then an employer can extend this time limit, provided the employee agrees to the extension.

The discussion should ideally take place at a time which is convenient to both the manager and the employee. If the employer or employee cannot make the initial date then another date and time should be arranged. However if an employee doesn't keep to a meeting and any subsequent rearranged one without a reason then the law allows an employer to deem the application as withdrawn. The manager should find out and consider the reasons for the employee failing to attend both meetings before reaching any decision to close their application. The manager must notify the employee of the decision.

You should consider the request carefully looking at the benefits of the requested changes in both working conditions for the employee and the business and weighing these against any adverse business impact of implementing the changes. You should discuss any alternative arrangements that might be suitable if you feel that the request cannot be accommodated. **You are under no statutory obligation to grant a request to work flexibly if it cannot be accommodated by the business on the following 8 grounds:**

1. The burden of additional costs;
2. An 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 employee proposes to work;
8. A planned structural changes to the business.

### Flexible Working Policy

Having considered the changes the employee is requesting and weighed up the advantages, possible costs and potential logistical implications of granting the request the manager must complete the second part of the Application for a Flexible Working Pattern, send it to the HR team and they will confirm to the employee in writing about your decision within 10 working days of the initial meeting. **NB: The request can only be refused if based on at least one of the 8 permissible business reasons outlined above.**

### **Competing flexible working requests**

If you receive more than one request and you can only accommodate one request, care needs to be taken when deciding which application is approved.

All applications must be considered on their merits looking at the business case and the possible impact of refusing a request. You are obliged by the law to consider requests “in a reasonable manner”. Particularly careful consideration must be made for applications submitted in relation to any of the “protected characteristics” as per Equality Act 2010, (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation), e.g. bear in mind the positive duty to make reasonable adjustments where flexible working arrangements might alleviate a disadvantage suffered by a disabled employee. You should have a discussion with the employee to see if there is any room for adjustment or compromise before coming to a decision.

Where there are no other fair deciding factors, you may want to consider:

- a. offering each applicant approval for separate fixed periods of time
- b. putting the names in a hat to select one

### **Further considerations**

If you are unable to approve a request in an environment where a number of other employees are already working flexibly because any further flexible working arrangements will impact adversely upon the business (one of the above 8 business grounds) you could consider calling for volunteers from existing flexible working employees who may be willing to consider changing their contracts back to other arrangements to create capacity for granting new requests to work flexibly. Care is advised to ensure that no undue pressure is applied to existing employees working flexible patterns.

Further advice can be gained from the HR Manager, Senior HR Advisor or HR Advisors in the HR team.

**Review of Trial Form**

**Employee Name:**

**Job Title:**

**Team / Section:**

**Trial Start Date:**

**Trial End Date:**

**Date review meeting held with employee:**

**Section 1: Employee’s comments on success of this trial period**

a. Does this new working pattern suit your personal circumstances?

Yes  No

If No, please provide reason(s)

b. Do you have any concerns about being able to accomplish the duties of your post on this new working arrangement?  Yes  No

If Yes,, please give reason(s)

c. Do you wish this arrangement to continue on either a permanent basis or for the fixed period of time that you originally requested?

Yes  No

If No, please outline any changes you wish to be considered by your manager:

**Section 2: Managers comments on general performance during trial period**

	<b>Unsatisfactory</b>	<b>Satisfactory</b>	<b>Good</b>	<b>Excellent</b>
<b>Attendance</b>	<input type="checkbox"/> <b>You may want to consider extending the trial period by the number of days sickness</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Time Keeping</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Conduct &amp; behaviour</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Managers Comments in support of any unsatisfactory rating(s):**

**Have all Performance Targets, tasks or deadlines been met during this trial period?**

**Yes**                       **No**

If NO, are the reasons for this connected to this new working pattern?

**Yes**                       **No**                       **Not Sure**

If Yes, or Not Sure, discuss and record the concerns here:

**Are there any mitigating circumstances or identifiable reasons why performance wasn't achieved?**

**Line Manager's Decision** (select as appropriate)

**Trial period successful and therefore, the following will apply:**

The Flexible Working Pattern has been agreed to continue on a permanent basis

or

The Flexible Working Pattern has been agreed to continue on a temporary basis until (insert date)

**I have concerns about the success of this trial period, which have been discussed with the employee and the following will apply:**

Extend the Trial Period until (date)

or

The employee's work pattern will revert back to the original contract w.e.f. (insert date)

or

The employee's work pattern will change to the following: w.e.f.

**Actions / support / training discussed and agreed to improve/maintain performance**

**Signed: Employee** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signed Line Manager/Supervisor :** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Once complete please return this form to the Human Resources Team**