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Flexible Working Policy and Procedure

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Policy Statement

Purpose and Core Principles

The purpose of this policy is to set out employees' statutory rights in relation to requesting flexible working. The accompanying procedure provides clear guidance on the application of the policy and outlines both the administrative processes to be followed by employees wishing to request flexible working and our University's statutory duty to consider flexible working requests in accordance with a prescribed procedure.

The policy and accompanying procedure link to our University's commitment to our employees to offer an attractive, supportive and valued working experience. At the same time, the business needs of our University are paramount and not all flexible working arrangements that may be requested will be feasible.

Scope

This policy and procedure are applicable to all employees who meet the eligibility criteria detailed in Section 2 of the procedure.

Responsibility

Human Resources is responsible for providing advice and guidance to managers and employees on the application of this policy and procedure. There is a formal application and response process for requesting flexible working, including timescales, which must be adhered to in order to meet statutory requirements. The applicant (the employee) and the manager have responsibilities in this regard.

Review

This policy and procedure will be monitored on an annual basis and reviewed a minimum of every three years or sooner, in light of legislative changes and organisational requirements as appropriate.

Procedure

1. Introduction

- 1.1 Flexible working describes a type of working arrangement which gives some degree of flexibility on how long, where and when employees work. The flexibility can be in terms of working time, working location or the pattern of working. Appendix 1 lists common examples, although this is not intended to be an exhaustive list.
- 1.2 Flexible working patterns can have benefits for both employees and our University, by helping employees achieve a better balance between their home and work responsibilities and by enabling Schools/Services to structure working patterns around the peaks and troughs of demand.
- 1.3 **For a flexible arrangement to work and be agreed it must suit both our University and the employee and clearly different jobs lend themselves to different flexible working arrangements. In considering flexible working requests, managers will make an objective assessment of the business case, taking into account operational requirements, current working patterns in the team, appropriate team cover arrangements and customer service. All working arrangements must comply with working time legislation.**

2. Eligibility

- 2.1 Under provisions set out in the Children and Families Act 2014, all employees have a statutory right to request to work flexibly, provided that they meet the following criteria:
 - have a minimum of 26 weeks continuous service on the date that a request is made
 - have not made another statutory request during the past 12 months (running from the date that the first application was made)

3. Making an Application for Flexible Working

- 3.1 Employees wishing to change their working arrangements must discuss the request informally with their line manager in the first instance.
- 3.2 After having met with their line manager, employees are required to put the formal request in writing, using the standard form (Appendix 3), explaining how the proposed arrangement will satisfy both the employees' needs and those of our University.
- 3.3 The application form provides employees with the opportunity to set out the reasons why their preferred working pattern is compatible with the needs of our University, as far as they are able to tell. It must, therefore, provide an explanation of what effect, if any, employees think the proposed change would have on our University, their role and team, and how they feel any such effect might be dealt with.

- 3.4 Any request that is made and accepted will be a permanent change to the employee's contractual terms and conditions (unless otherwise agreed). Where there is a reduction in working hours, an employee's salary and annual leave will be pro-rated accordingly. The employee has no right to revert back to the previous working pattern.**
- 3.5 The completed form should be given to the employee's line manager who will consult with others as appropriate. An application will be considered to have been made on the day the request is received by our University.
- 3.6 The relevant manager should acknowledge receipt of the request using the standard acknowledgement letter and inform Human Resources of the flexible working request as soon as possible.
- 3.7 As required by law, all requests to work flexibly, including any appeals must be considered and a decision made within a period of 3 months from the date that the request is received by our University. Only in exceptional circumstances (see Section 7), will this time period be extended. In order to meet this requirement, recommended timescales have been included at each stage of this procedure.**
- 3.8 Employee Guidance on Flexible Working Requests is available to assist employees both in completing the application form and preparing for the subsequent meeting.

4. Considering an Application

- 4.1 If an employee fails to provide all the required information as set out in the application form and as outlined in Section 3, the manager should inform the employee of the omission(s) and ask for the application for to be fully completed and resubmitted. The manager should also inform the employee that the application will not be considered until it is complete.
- 4.2 The manager should discuss the request with relevant managers within the School/Service and with Human Resources, and should arrange a meeting with the employee to consider the request usually within 28 days of receipt of the application, or as soon as possible.
- 4.3 A meeting does not need to take place where the working pattern proposed by the employee is agreed and the employee is notified accordingly, within the 28 day period.
- 4.4 If it is difficult to arrange a meeting within 28 days at a time and place convenient to all parties, the manager should seek the employee's agreement to extend the period (see Section 7).
- 4.5 Employees can, if they wish, be accompanied at the meeting by a full-time Trade Union officer, a Trade Union representative (who is an employee of our University), or a work colleague. The manager may be accompanied by a representative from Human

Resources. The work colleague or Trade Union representative can address the meeting or confer with the employee during it, but is not there to answer questions on the employee's behalf. If the work colleague or Trade Union representative is unable to attend the meeting, the employee must seek to re-arrange the meeting for a date within 7 days of the originally proposed date, ensuring that the new time is convenient to all parties, or consider an alternative colleague.

- 4.6 The meeting will provide both parties with the opportunity to discuss the desired work pattern in depth and consider how it might be accommodated. If the original working pattern requested cannot be accommodated, the meeting also provides an opportunity to see if an alternative working arrangement may be appropriate.
- 4.7 It may also be in the interests of both parties to agree that the new working pattern will take place for an agreed trial period in order to see how it would suit them both.
- 4.8 Further guidance is available for employees and managers in relation to the meeting.
- 4.9 A flowchart summarising the procedure is included at Appendix 2.

5. Reaching a decision

- 5.1 Once the manager and the employee have discussed the request, the manager must notify the employee of the decision in writing. Notification should take place within 14 days following the date of the meeting.
- 5.2 If the manager needs more time to come to a decision, the manager must obtain the agreement of the employee for an extension to the 14 days in which to inform the employee of the decision following the meeting (see Section 7).
- 5.3 If a request is accepted, the notification must:
 - Include a description of the new working pattern
 - State the date from which the new working pattern is to take effect
 - Be dated
- 5.4 The agreed new working pattern will be a permanent change to the employee's terms and conditions of employment, unless agreed otherwise.
- 5.5 Where a trial period or time limited period has been agreed this should also be detailed in the written notice.
- 5.6 If a request is rejected, the notification must:
 - State all the business ground(s) that apply for refusing the application (see below)
 - Provide a sufficient explanation as to why the business grounds for refusal apply in the circumstances
 - Provide details of the employee's right to appeal
 - Be dated

5.7 The business ground(s) for refusing an application must be from those listed below.

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural / organisational changes

5.8 For further guidance, managers should refer to the Manager Guidance on Flexible Working Requests.

6. Right of appeal against a decision

6.1 Employees who feel their request for flexible working has been unfairly refused should discuss the issue with their manager in the first instance.

6.2 If the employee wishes to make a formal appeal, this must be done in writing, within 14 days after receiving the letter explaining the decision. The appeal should clearly state why it is felt that the original application was not handled “reasonably” and/or the employee should submit any new information that was not available when the original decision was made. The appeal letter should be sent to the Dean/Director of Service who will arrange for an appropriate person to hear the appeal.

6.3 An appeal meeting, heard by an appropriate person and advised by Human Resources, as necessary, will be held within 14 days after the notice of appeal has been received. Employees can, if they wish, be accompanied at the meeting by full-time Trade Union officer, a Trade Union representative (who is an employee of our University), or a work colleague.

6.4 Once an appeal meeting has taken place, the appropriate person will notify the employee in writing of the decision taken within 14 days of the meeting. If the appeal is refused, the letter must state the grounds for the decision and why those grounds apply.

6.5 If an appeal meeting is missed it should be handled in the same way as dealing with the original request (see 8.1).

6.6 There is no further right to appeal.

7. Extension of time limits

7.1 There are two circumstances where the 3 month time period can be extended:

- Through agreement between the manager and employee. There will be exceptional circumstances such as annual leave, University closedown, the need to consult with other staff, when the timescales may have to be amended. The line manager must record this agreement in writing, specifying the extension period and the date on which the extension is to end. A dated copy of this record must be sent to the employee.
- An automatic extension applies where the individual who normally deals with the request is absent from work due to leave or illness.

8. Withdrawal of applications

8.1 There are various circumstances that may result in a withdrawal of a request for flexible working:

- The employee can withdraw the request in writing. A verbal withdrawal is not sufficient.
- Should an employee fail to attend two pre-arranged meetings to discuss the request (including an appeal), without sufficient reason, the application will be deemed to be withdrawn.
- If an employee unreasonably refuses to provide the line manager with information pertinent to the request, our University can treat the application as withdrawn.

9. Monitoring

9.1 It is helpful to our University to monitor all requests for flexible working. Managers must ensure that Human Resources are informed of such requests and their progress.

Related Policies and Documentation

Employee Guidance on Flexible Working Requests

Manager Guidance on Flexible Working Requests

Flexitime Policy

Adoption Leave Policy

Maternity Leave Policy

Parental Leave Policy

Paternity/Partner Leave Policy

Shared Parental Leave Policy

Time Off for Public Duties and Special Leave

Updated December 2016

Types of Flexible Working

Annualised hours: describes working time organised on the basis of hours to be worked over a year, rather than per week.

Compressed hours: allows employees to work their total contracted hours over fewer working days. For example, a 9-day fortnight.

Job-sharing: typically involves two people employed on a part-time basis, but working together to cover one full-time post.

Term-Time working: allows an employee to work around the school holidays or University academic year.

Part-time working: is where an employee is contracted to work anything less than full-time hours.

Homeworking: is where employees divide their working time between home and the workplace. Employers are required to carry out a risk assessment of the activities undertaken by homeworkers, identifying any hazards and decide whether enough steps have been taken to prevent harm to them or anyone else who may be affected by their work.

Consideration of Homeworking

Clearly some jobs are more suited to home working than others and from time to time some employees are able to work from home. This policy relates to a permanent (or at least a long-term) formal commitment to working from home on an agreed basis. Normally, this would be for part of the week only as all jobs currently require some presence in the workplace. Many jobs are not suited to home working because of the nature of the job and/or the need to communicate face to face with immediate colleagues, other staff and students.

Any consideration of a home working request must consider in detail, in addition to the specific nature of the job, a range of factors:

- Health and safety implications as guided by the Health and Safety Executive (See Home Working – Guidance for employers and employees on health and safety). A health and safety risk assessment needs to be undertaken.
- Insurance implications, including cost.
- Infrastructure including the availability and any financial implications of appropriate equipment, including IT and communication facilities.
- The care arrangements in place, or other relevant information, to allow the employee to work. It is not appropriate to work and care for children or an adult at the same time.

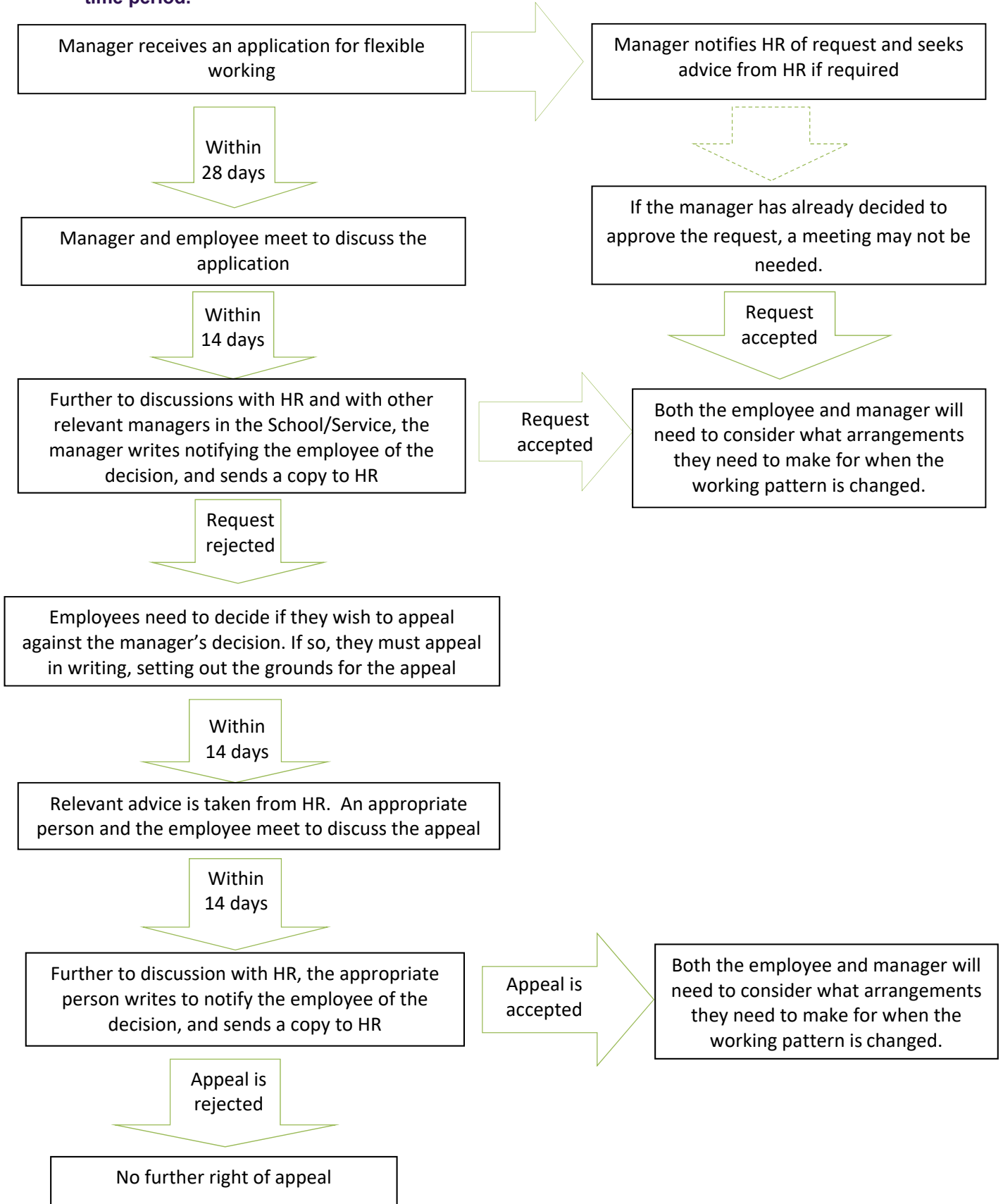
If, as part of any risk assessment, a health and safety issue arises (either before home working commences or as a result of further inspection(s)) it is the employee's responsibility to rectify the problem to the satisfaction of our University. An agreement on home working can be terminated immediately, as a result of a health and safety issue. In such circumstances, the employee will be required to attend the workplace or take annual leave.

Any request for home working must be discussed with Human Resources at the earliest opportunity.

Appendix 2

How does the process work?

The timescales below are recommended in order to meet the requirement by law that requests to work flexibly including appeals must be considered and a decision taken within a 3 month time period.



Flexible Working Application Form

Note to Employees:

This form should be used to make a flexible working application.

Before completing this form, you may find it helpful to consider the options available to you and you should discuss these informally with your Manager. Please refer to the “Employee Guidance on Flexible Working” to help you complete this application.

It will help your line manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all questions, as otherwise your application may not be valid. When completing the form, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

As it may take up to 3 months for a request to be considered and a decision made, you should ensure that your application is submitted well in advance of the date you wish the request to take effect from.

The completed form should be passed to your line manager (you should also keep a copy), who will then arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions, unless otherwise agreed.

Personal Details	
Name of Employee:	
School/Service:	
Job Title:	
Name of Designated Manager:	
Payroll Number:	

Eligibility Criteria	
I would like to apply to work a flexible working pattern that is different to my current working pattern and I hereby confirm that I meet the following criteria (please tick)	
I have worked for the University continuously for the last 26 weeks or more	<input type="checkbox"/>
I have not made a statutory request to work flexibly under this right during the last 12 months	<input type="checkbox"/>

Describe your current working pattern (days/hours/times/weeks worked)

Describe the working pattern you would like to work in future (days/hours/times/weeks worked)

When would you like this proposed working pattern to commence from? (The proposed date should give adequate time for the application to be considered)

What impact do you think the proposed change to your working pattern will have on your role and colleagues?

How could any impact on your role and colleagues be dealt with?

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Equality Act 2010

Please indicate if you are making this flexible working request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability

Personal Declaration

- I confirm that I have read and understood our University's Flexible Working Policy and Procedure and supporting guidance;
- I understand that if this request is accepted, this will involve a permanent change to my terms and conditions of employment and there is no right to revert back to my previous working pattern, (unless a temporary arrangement has been agreed).

Signature of Employee:

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Date:

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To be signed upon receipt of application

Signature of Designated Manager:

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Date application received by Designated Manager:

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