



## **Flexible Working Policy**

**2018-21**

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## **1. Introduction**

This Policy outlines the process and approach that the University will take when considering applications from staff for flexible working arrangements, informed by legislation introduced in the Employment Rights Act 1996 and regulations under it, the Work and Families Act 2006, the Equality Act 2010 and guidance produced by the Joint Negotiating Committee for Higher Education Staff on work-life balance.

This Policy is applicable for all staff employed in established posts within the University. This Policy does not form part of any employee's contract of employment and may be amended at any time.

The right to request flexible working does not apply to agency workers, consultants or self-employed contractors.

## **2. Flexible working – guiding principles**

All employees, with 26 weeks continuous service with the University provided they have not made another application for flexible working in the past 12 months, have a statutory right to request a flexible working pattern, and submit a flexible working request to the University for a change to working arrangements. Employees who have been employed for less than 26 weeks do not have a statutory right to request flexible working.

Flexible working arrangements may include:

- A working pattern variation to allow an individual to work flexibly around other commitments.
- A reduction in working hours: changing the working pattern to reduce the number of hours worked.
- Annualised hours: working time is organised on the basis of the number of hours worked over a year rather than a week e.g. more hours worked during semester time or to cover peaks of activity.
- Compressed hours: the hours are worked over a reduced period e.g. 18.5 hours across 2.5 days rather than a 5 day week.
- Job sharing: where two people work on a part-time basis to cover a single full-time post.
- Staggered hours: where employees have different start and finish times.
- Semester only or part year working: the working pattern is spread throughout semester time, or for an agreed number of weeks per annum.

## **3. Decisions on applications for flexible working**

The University will consider all requests for flexible working on their own merits, assessing each request based on the needs of both the departmental and/or University requirements and the employee. The University's agreement to one employee's request (either within the same department or another area of the University), will not set a precedent or create a right for another employee to be granted the same or similar change to their working pattern. To ensure a consistent approach across the University, no application for flexible working should be agreed or refused without consultation with Human Resources.

There is no automatic right for any employee to work flexibly but all requests will be considered on an individual basis, subject to the operational requirements of the department. The University reserves the right to refuse a request due to operational/business reasons and there can be no assumption that the application will be approved just because another member of the team/department is able to work flexibly. Reasons for refusing a request to work flexibly may include:

- The burden of any additional costs
- An inability to reorganise work among existing staff.
- An inability to recruit additional staff.
- The change will have a detrimental impact on the quality of service provided.
- The change would have a detrimental effect on the business' ability to meet customer demand
- Detrimental impact on performance.
- There is insufficient work during the periods the employee proposes to work.
- Planned organisational/structural changes mean that the flexible working request cannot be considered at the time.

It is the responsibility of both the manager and the employee to consider, assess and evaluate the potential implications of implementing flexible working arrangements, for instance, but not limited to, the potential impact on costs, arrangements for existing staff, departmental requirements, and the University's ability to meet its objectives.

#### **4. Changing flexible working arrangements**

Managers may review the change to a working pattern in consultation with the employee should circumstances mean that flexible working arrangements are no longer considered viable for operational reasons.

Flexible working arrangements will be agreed as a permanent change or as a temporary or interim arrangement. An employee does not have a right to return to their existing working pattern should they find that the new arrangements are not suitable.

Employees do not have a statutory right to make another request for flexible working for a further 12 months following submission of a flexible working request.

#### **5. Application process**

An application for flexible working arrangements should be submitted in writing using the application form (**Appendix A**). The completed form should be given to the employee's line manager and a copy sent to Human Resources. The application should set out:

- The date of the application, the change to working arrangements requested and when this variation to contract will come into effect.
- The reasons for the requested change and how any such change might be dealt with in the department.
- Whether the request is made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.
- Whether the application is for a permanent change or a temporary change for a short period.

The application will be considered to have been made on the day that it is received by the employee's line manager and Human Resources.

On receiving the request, the manager should arrange to discuss it with the employee as soon as possible. If there is likely to be a delay in discussing the request the manager will inform the employee. The legislation requires that the consideration process is dealt with in a timely manner, within three months of first receiving the request, including time for any appeal. If for any reason the request cannot be dealt with within three months then the University can extend this time limit in agreement with the employee.

The meeting will provide an opportunity for the manager and the employee to discuss the feasibility of the request and to seek mutually agreeable arrangements. The employee may wish to be accompanied by a work colleague or a Union representative. A Human Resources Officer might also attend the meeting to provide advice and support as required.

There will be occasions where a manager is willing to consider a request for flexible working, but further information is required before they can make a decision. In this case, if the deadline cannot be met, the manager and employee will agree a revised deadline.

#### **6. Deciding on a request**

Requests for flexible working will be considered carefully, looking at the benefits of the requested change in working conditions for the employee and the University, and considering these against any adverse impact of implementing the changes. The University is under no statutory obligation to grant a request to work flexibly if it cannot be accommodated, but all requests will be considered objectively.

Having considered the changes the employee is requesting and weighing up the possible costs and potential logistical implications of granting the request, the manager will let the employee know of their decision, to either:

- Accept the request and establish a start date and any other action; or
- Confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly; or
- Reject the request, setting out clear business reasons, and how these apply to the application.

Where the application to work flexibly is agreed by the line manager and their Head of Department/Director it will be agreed and signed-off.

Where the application requires further consideration (i.e. the request requires cover arrangements and/or further staffing changes in the department) it will be passed to the Vice-Chancellor's Group Staffing Group for sign-off.

The outcome will be confirmed to the employee in writing as soon as possible after the decision is made, and within the three month required time frame since the request was originally received.

Where the flexible working request is agreed, Human Resources will confirm the start date of the new working arrangements, the new working pattern, and any changes to terms and conditions.

Where the flexible working request is not agreed, the manager will discuss with the employee providing the reasons for rejecting the request.

## **7. Appeals**

An employee wishing to appeal should submit a written appeal statement to the Chief Human Resources Officer within five working days of receiving the written confirmation. The appeal statement should set out the basis for the appeal.

The Chief Human Resources Officer will acknowledge receipt of the appeal within five working days of the appeal being lodged as long as it is reasonably practicable to do so. A suitable appeal hearing date will be arranged within 14 days of the date of receipt of the employee's written appeal statement, unless an alternative timeframe is agreed with the employee.

The employee has the right to be accompanied to the appeal hearing and will be responsible for liaising with their trade union representative or work colleague in relation to the appeal hearing date and arrangements.

The appeal panel will consist of three people – two senior managers (one of whom will Chair) and an HR Officer. Every effort will be made to avoid using a panel member who has previously been involved in considering the flexible working application.

The Chair will provide the employee with written confirmation of the decision, and the reasons behind it, within 14 working days of hearing the appeal. The outcome of the decision will be either of the following: to uphold the original decision or to find in favour of the employee's appeal in whole or in part and to outline recommendations and provisos in relation to the original decision. The Panel's decision is final and there is no further right to appeal.

## **8. Further information or advice**

Employees considering a request to work flexibly are welcome to have informal discussions with a Human Resources Officer. Further details are also available on the Human Resources page on the Staff Intranet. Initial enquiries on the operation of the Flexible Working Policy can be made to the HR lead for your department.

**Flexible Working Guidelines: Appendix A  
Application form**

Employees should complete this form if they wish to make an application under the Flexible Working Policy. Please provide as much information as possible about your desired working arrangements. Consider also the benefit that your revised working pattern could bring to the University and how this could be managed within the department.

<b>Name:</b>	<b>Post title:</b>
<b>Department:</b>	<b>Line Manager/Head of Department:</b>
<b>(Tick as appropriate)</b>	
<input type="checkbox"/> <b>I have not made a request to work flexibly during the past twelve months</b>	
<input type="checkbox"/> <b>I have worked continuously as an employee of the University for the last 26 weeks</b>	

**I would like to apply for flexible working arrangements under my right provided under the Employment Rights Act 2002 and the Work and Families Act 2006.**

**I would like to apply for flexible working arrangements under my right provided under the Equality Act 2010, as a reasonable adjustment for a disability.**

**Please complete each section as fully as possible:**

Describe your current working pattern (days/hours/times worked):	
Describe the flexible working arrangements/working pattern that you would like to work in future (days/hours/times worked):	
I would like the flexible working arrangement/working pattern to commence from:	
I think this change in my working pattern will impact my department/colleagues as follows:	
I think the effect of revised working arrangements, and my role requirements, can be managed as follows:	
Signed (Employee):	Dated:
Signed: (Manager):	Dated:

- If requesting a job share then please consider which aspects of the role you may be able to undertake on a part-time basis that will naturally form a job share with another post holder in the same role.

**Please return the completed application to both your line manager and to Human Resources.**