

FLEXIBLE WORKING POLICY AND PROCEDURE

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Flexible Working Policy and Procedure

1 Scope

- 1.1 This policy and procedure applies to employees of the University. It does not apply to agency workers or self-employed contractors.
- 1.2 The statutory right to request flexible working applies to all eligible employees, regardless of the reason for their request and is not limited to those with caring responsibilities.
- 1.3 Every employee has a statutory right to request flexible working and this right applies from the first day of employment.
- 1.4 This procedure should be used by employees seeking to reduce their hours including for the purpose of phased retirement.
- 1.5 There is no requirement to use the Flexible Working Policy to request flexible working as a reasonable adjustment for disability although the employee may do so if they feel this would be helpful.
- 1.6 This policy does not cover broader non-statutory (informal and non-contractual) approaches to flexible working which can be requested at any time and may be available on a localised basis in Directorates and Faculties. Informal arrangements can be amended with reasonable notice.
- 1.7 The Flexible Working Policy & Procedure is not intended to be used in circumstances where the University seeks to vary an employee's contractual terms and conditions

2 Aims

- 2.1 The University recognises the importance of having a flexible and motivated workforce. The policy aims to support requests from staff to work flexibly where possible, as part of a broader strategic aim to assist staff to improve their work-life balance.
- 2.2 This policy aims to ensure the University complies with statutory requirements for considering flexible working requests.
- 2.3 This policy and procedure aims to ensure that every flexible working request is handled in a reasonable manner and in doing so the employee will not be discriminated against in relation to any of the protected characteristics set out in the Equality Act 2010.
- 2.4 This procedure is designed to help reach a solution that suits the employee and meets the needs of the University and to ensure that requests are considered and decided upon fairly within the statutory 2 month timescale.

3 Policy

- 3.1 Employees wishing to work flexibly need to put forward realistic and constructive proposals which would allow them to work in a different way whilst meeting the needs of the University. Managers should seek to agree flexible working where possible.
- 3.2 Applications for flexible working under the statutory arrangements must be in writing and include the following:
- a. the date of the request
 - b. The change the employee is requesting to the terms and conditions of their employment in relation to hours, times, or place of work.
 - c. The date the employee would like the change to come into effect.
 - d. If, and when the employee has made a previous request for flexible working to the employer.

The date an application is received by the line manager is taken as the date the application is made by the employee.

- 3.3 No more than two formal applications for flexible working may be made in a 12 month period.
- 3.4 Eligible employees may request to change their hours, times or place of work. Types of flexible working are shown at appendix A. Further information may be requested from the People Directorate.
- 3.5 Whilst the employee has the right to **request** flexible working there is no automatic right for that request to be agreed. There will be circumstances when the University is unable to accommodate the desired working arrangements.
- 3.6 Flexible working arrangements may be offered on a trial basis and reviewed to assess whether they work in practice before making a final decision.
- 3.7 Requests to work flexibly must be authorised before flexible working commences. Employees who work away from campus, eg work at home must ensure they can be contacted and respond to enquiries promptly. The employee must attend on campus in response to a reasonable request to do so.
- 3.8 Changes to working arrangements will be permanent unless otherwise agreed.
- 3.9 The granting of a flexible working request does not set a precedent or create a right for another employee to be granted the same or similar change to their working arrangements.

- 3.10 Requests will be considered in the order in which they are received. Having considered and approved a first request, this will change the business context for considering the next request.
- 3.11 Where an employee applies for a different post, they have no right to continue with their existing pattern of working. However, the employee is at liberty to make a flexible working request, provided they have not already made 2 requests previously within the last 12 months.
- 3.12 An application can be declined only if there is a justifiable business reason for doing so. The reasons that may be given for declining a request are set out by statute and within this policy.

4 Procedure

- 4.1 The employee is encouraged to have an informal discussion with their manager regarding their proposals for flexible working. Some requests may not require significant changes, for example slightly later start and finish times. For the avoidance of doubt, any change which affects pay, will be a formal request.
- 4.2 Where the employee wishes to make a formal request, they must submit a written application for flexible working.
- 4.3 To make a formal request the employee should put their request in writing to their line manager. The University's Flexible Working (FW) Application Form should be used for this purpose as it sets out the information required.
- 4.4 The manager will acknowledge receipt. It is recommended that the manager liaises with the People Directorate when they receive a request. A decision must be provided to the employee (including any trial period or appeal) within 2 months of the date the manager receives the request (unless extended by mutual agreement)
- 4.5 If the manager is able to agree the request without the need to discuss it further, it is not necessary to hold a meeting.
- 4.6 If the manager is not able to agree to the request in full, or needs to better understand or discuss the request, they must consult with the employee. They will contact the employee to arrange a meeting, giving no less than 10 working days' notice (although the meeting can take place sooner if all parties agree). The manager should also arrange for a note-taker to attend. The employee may be accompanied by a workplace colleague, a trade union representative, or an official employed by a trade union (see section 7 below). When the employee is accompanied, the manager will invite a member of the People Directorate to attend.

- 4.7 The meeting is an opportunity for the manager and employee to discuss the request in more detail and if appropriate explore alternative arrangements which may suit both the employee and the University.
- 4.8 The manager will consider the request and advise their decision in writing to the employee, with a copy to the People Directorate.
- 4.9 Where a change to terms and conditions is agreed, the People Directorate will confirm this in writing to the employee.
- 4.10 If a trial period is offered to assist decision-making on the flexible working request, this must be completed so that a final decision, including any appeal can be completed within the 2-month statutory period, unless the manager and employee mutually agree a longer time. Terms of the trial period will be provided in writing including start and end dates. If necessary the University or the employee can cut short the trial period, subject to reasonable notice, and the employee will revert to their normal working conditions.
- 4.11 If the request is declined, it **must be** for one of the statutory reasons set out in section 8 below. The decision will be given in writing to the employee, with a copy to the People Directorate.

5 Phased retirement

- 5.1 If an employee wishes to reduce their contracted hours as a wind-down to retirement they will need to complete a formal flexible working application.

6 Withdrawn requests

- 6.1 If the employee fails to provide written confirmation of withdrawal, the manager should confirm the withdrawal in writing.
- 6.2 An application may also be treated as withdrawn if the employee fails to provide the necessary information for a statutory request.
- 6.3 If the employee cannot make the initial date offered for the flexible working meeting or appeal then another date and time will be arranged. If the employee fails to attend without good reason, the University will consider the request is withdrawn and will advise the employee of this.

7 Accompaniment

- 7.1 An employee may choose to be accompanied at a formal flexible working meeting to discuss their request, or an appeal. Their companion can be a workplace colleague or trade union representative or an official employed by the trade union. The

companion should not answer questions on behalf of the employee but may make representations and ask questions. The employee and companion may talk privately at any time during the meeting.

- 7.2 If the chosen companion is not available at the time offered, the employee can request that the meeting is postponed to an alternative time provided this is not more than five working days after the original date.

8 Justifiable reasons for refusing a request

- 8.1 The University must agree to a flexible working request unless there is a genuine business reason not to. The university can refuse a statutory request for flexible working on one or more of the following grounds:

- The burden of additional cost
- Detrimental effect on ability to meet customer demand
- Inability to reorganize work amongst existing staff
- Detrimental impact on quality
- Inability to recruit additional staff
- Detrimental impact on performance
- Insufficiency of work available during the periods the employee proposes to work
- Planned structural changes to the organisation

- 8.2 The manager will explain in their written decision why the reason applies in the particular circumstances.

9 Appeal

- 9.1 The employee can appeal the decision by writing to the person named in the rejection form within 10 working days of receipt of a written decision. An appeal will normally be heard by the counter-signing manager (the line manager's manager). The decision at appeal is final and there is no further right of appeal.

10 Summary of timings

- 10.1 Applications must be considered and decided upon, including any appeal within 2 months of the date the application **was received** by the line manager. This can be extended by mutual agreement.
- 10.2. The employee and line manager may agree to extend the deadline for deciding a flexible working request. Requests that involve home-working may necessitate additional enquiries for example IT setup, security and health and safety. The time involved in making these enquiries should be taken into account when making/considering a request.

- 10.3 The employee will be offered 10 working days' notice to attend a formal meeting to discuss their flexible working application.
- 10.4 Any appeal must be sent within 10 working days of receipt of a written decision.
- 10.5 Any appeal must be heard in good time, so the appeal outcome is advised to the employee within the 2 month deadline.

11 Relationship with other policies

- 11.1 A complaint will not normally be accepted under the Grievance Procedure if the issues have already been considered at the appeal stage of the Flexible Working Policy.
- 11.2 Where a flexible working application includes a request to work at home, the employee will be asked to confirm they are able to comply with relevant requirements of University policies for example in relation to information security and health and safety.
- 11.3 Employees who work flexibly, including those who work at home, must comply with all other relevant University policies and procedures, including requesting annual leave and notifying sickness absence as set out in the Sickness Absence policy and procedure.
- 11.4 Where flexible working is requested as a reasonable adjustment because of disability, the manager must consider this in line with the university's legal obligations under the Equality Act 2010 and consult Occupational Health and the People Directorate.

12 Review

- 12.1 The University will keep this policy and procedure under review with the recognised trade unions.

Appendix A

Types of Flexible Working

OPTION	DESCRIPTION	EXAMPLES
Part time	Working hours that are less than the full-time contractual hours	Useful if you want to work a few hours per day or a few days per week to fit in with outside commitments/ priorities
Job share	One post is shared by two members of staff working part-time	Each employee works 17.5 hours per week; one works 2 days and the other 3; or week-on week-off
Compressed working hours	Weekly contracted hours that are worked over fewer working days.	For example a four day week or a nine day fortnight whilst still working full time hours
Change of work pattern	Where you wish to change your start and finish times on a permanent basis.	For example permanently changing your hours of work to start at 10am and finish at 6pm. You do not want to reduce your hours just vary your start and finish times.
Home working: Regular / Established	Where you are working at home during some or all of your contracted hours on an on-going basis.	Where the work is deemed suitable to be done from home on a regular or established basis a statutory flexible working request is required.
Home-working: Occasional	Working from home on an occasional ad hoc basis but not on a weekly or regular basis.	Where home-working is occasional only , there is no requirement for a statutory flexible working request to be made, however the employee must have the agreement of their manager before working at home.
Annualised hours	Contract which sets out the number of hours to be worked per annum, enabling hours to be varied week by week throughout the year.	Examples where there are peaks and troughs of activity throughout the year