

Flexible Working Guidelines

1.0 INTRODUCTION

- 1.1 These guidelines are intended to outline flexible working legislative requirements and to assist employees at the University to balance their work and personal lives via a range of possible flexible working arrangements.

2.0 PRINCIPLES

- 2.1 The following principles will apply for all requests relating to flexible working:
- **opportunity and fairness** - all employees have the statutory right to request flexible working.
 - **the University's business needs** - all requests will be assessed in line with the University's and the Department's business/operational needs. Managers should, where appropriate, consult colleagues and other employees who may be affected by the request before the decision is confirmed, whilst maintaining confidentiality concerning any personal information.
 - **avoiding unlawful discrimination** - in considering business needs the Head of Department (or nominated representative) must ensure no inadvertent discrimination occurs relating to any personal protected characteristics as outlined in the Equality Act 2010. This could, for example, include where a flexible working arrangement would be a reasonable adjustment for an employee with a disability, or an employee with childcare responsibilities.
 - **co-operation and understanding** - employees and managers should work together to achieve the best outcome from any request for flexibility, taking into account any potential impact on the University's and Department's business needs.

3.0 FLEXIBLE WORKING OPTIONS

- 3.1 Examples of flexible working include but are not limited to:
- Unpaid leave
 - Reduced hours
 - Seasonal hours/term time only working
 - Staggered hours
 - Flexitime
 - Job-sharing
 - Compressed hours – The parameters of compressed hours should be considered fully before requesting such an arrangement. Wellbeing is key and therefore it is recommended that full time staff would normally work a 4.5-day week or a 9-day fortnight under compressed hour requests. Considerations should be given to the potential impact on the wider team and customers, and this will vary based on operational needs.

- Homeworking - The University has a separate [Hybrid Working Policy](#), which sets out the approach to working off-campus informally. This does not preclude individuals making a request in accordance with these guidelines although hybrid working is not intended for fully remote working.

Further information about these flexible working options can be found on the [HR webpages](#).

4.0 MAKING AN APPLICATION

- 4.1 Employees may make up to two applications a year in writing.
- 4.2 All requests must be made in writing by email or letter, or by completing the form for submitting a flexible working request. This should be submitted to your line manager, with a copy also sent to your HR Business Partner.

Such requests must include:

- the date of the application;
 - the proposed flexible working request and the requested date of change;
 - whether the request is for a temporary period or a permanent change;
 - whether or not you have made any previous applications for flexible working within the last year; and
 - if you have made any previous requests, the dates that the applications were submitted.
 - if the application is being made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, or in relation to other personal protected characteristics.
- 4.3 Where a request for flexible working does not contain all the required information, you will be asked to resubmit your request with the necessary additional information. Further details on making an application can be found on the Government's website.

5.0 THE APPLICATION PROCESS

- 5.1 Legislation requires that all requests, including any appeals, must be considered, consulted upon with you and decided upon within a period of two months from the initial receipt of the written request for flexible working. The timescales may be extended where this is mutually agreed.
- 5.2 The manager should write to the employee with a proposed time and date to discuss the request bearing in mind the two-month period in which to determine the request. The employee must be advised that they may be accompanied by a trade union representative or a work colleague. The purpose of a meeting is to explore the desired working pattern, any benefits of the changes for the employee and the department, and any potential adverse business impact of implementing the changes. A summary of the meeting should be kept.
- 5.3 In considering the request managers must ensure that they do not discriminate unlawfully against the employee (for example in relation to any of the personal protected characteristics as outlined in the Equality Act 2010) and are encouraged to consult with their HR Business Partner.

- 5.4 If the employee fails to attend a meeting or any subsequent, rescheduled meeting the flexible working request can be deemed to have been withdrawn, and no further request can be submitted until 6 months have elapsed since the original/initial flexible working request submission. The employee must be notified in writing that their request for flexible working has deemed to have been withdrawn.
- 5.5 After the meeting, the line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to both the individual and the University; and any adverse impact of implementing the changes.
- 5.6 Each request will be considered on a case-by-case basis - agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.
- 5.7 Within 14 working days of the date of the meeting (or sooner, if possible, to ensure that the two-month timescale is met) the line manager must write to the employee either:
- (a) accepting the request and confirming the start date
 - (b) confirming any amendments to the request which have been agreed with the employee, or which are proposed for consideration by the employee
 - (c) confirming any trial period duration and thus the postponement of the final decision date on the application
 - (d) rejecting the application on the basis of one of the eight business grounds (please see 5.9)
- 5.8 If more time is needed to explore the request the Head of Department (or nominated representative) may propose an extension of time which must be agreed with the employee and confirmed in writing.
- 5.9 If a manager is unable to agree the employee's application, they should discuss any potential alternative arrangements with the employee and the relevant HR Business Partner, where available.

Where alternative arrangements are not possible, rejection of a request will be confirmed in writing and must relate to one of the following business grounds:

- the burden of additional costs;
 - an inability to reorganise work among existing staff;
 - an inability to recruit additional staff;
 - a detrimental impact on quality;
 - a detrimental impact on performance;
 - a detrimental effect on ability to meet customer demand;
 - insufficient work for the periods the employee proposes to work; or
 - a planned structural change to the business.
- 5.10 If an application and any subsequent appeal are unsuccessful a further flexible working request may not be submitted until 6 months after the submission date of the initial flexible working request.

6.0 APPEAL PROCESS

- 6.1 Employees have the right to appeal if the request for flexible working is rejected or only agreed in part.
- 6.2 Any appeals must be submitted within 5 calendar days of the employee receiving the written notification that their request has been rejected. The appeal should be submitted to the next level of seniority to the manager who made the original decision on the flexible working request. The appeal meeting will be arranged as soon as possible and within 10 calendar days of receipt of the appeal. The employee may be accompanied at the appeal meeting by a trade union representative or a work colleague.
- 6.3 The only valid grounds for rejection of any appeal must relate to at least one of the eight business grounds (please see 5.9).
- 6.4 If the appeal is rejected the employee will receive notification in writing of the reasons the appeal has not been successful. This letter must be sent within 2 months of receipt of the original flexible working request from the employee.

7.0 KEY CONSIDERATIONS

- 7.1 An option to consider is the implementation of a trial period to determine operational viability of the proposed amendment(s) to the working pattern. A trial period needs to provide sufficient time to assess any impact of the amended working pattern and would normally be for at least a 2 month period. If a trial period is agreed a temporary amendment to contract must be confirmed in writing, which will stipulate that the amendment is for a trial period which may be extended or ended early by the Head of Department (or nominated representative) where appropriate. Your HR Business Partner can provide advice on whether this is a suitable option. The final decision on the flexible working request will be postponed until the end of the trial period, and this must be documented in writing. Review dates should be included within the trial period.
- 7.2 There may be occasions when a number of employees submit a request to work flexibly. Requests should be considered in the order they are received. Having considered and approved any requests the business context will have changed and can be taken into account when considering any further flexible working requests. The Head of Department (or nominated representative) is not required to make a value judgment about the most deserving request, but must consider the business grounds and any potential impact of refusing a request. In considering business needs the Head of Department (or nominated representative) must ensure no inadvertent discrimination occurs relating to any personal protected characteristics as outlined in the Equality Act 2010.
- 7.3 All changes to contractual hours should be confirmed by Human Resources following submission of a request to amend form by the Department via SuccessFactors.