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Flexible Working Policy		
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Summary/Description:		
This policy outlines the right of all staff to request flexible working once they have attained 26 weeks' continuous service.		

## Flexible Working Policy

As amended by HR Committee on 10 June 2014

### 1. Pre-amble

This policy replaces the previous 'Flexible working for support staff' policy, and the flexible working section of the Maternity, Parents and Carer's policy in response to changes to legislation effective from 30 June 2014 which broadened the eligibility to request flexible working to all staff (subject to a minimum service requirement).

### 2. Scope of Policy

This policy outlines the right of all staff to request flexible working once they have attained 26 weeks' continuous service. Some examples of flexible working can be found in appendix 2, this list is not exhaustive. The policy does not obligate a manager to approve a request for flexible working, however the manager must follow this policy and a request can only be turned down for one of the business reasons detailed in section 3.3.

In accordance with legislation, any change to working pattern will constitute a permanent change to the employee's terms and conditions of service and employees will not have an entitlement to revert back to their old work pattern, although any request to do so will be considered.

### 3. Application procedure

A form has been developed for use when applying for flexible working (appendix 1). Prior to making an application, it is strongly recommended that the employee gives careful consideration to their proposal and how it will impact upon the areas highlighted below, speaking to colleagues as necessary.

**3.1** The employee must make their application in writing, using the form provided and submit it to their Dean of Faculty or Director of Professional Service.

**3.2** The University will consider the request, which may involve obtaining information from other members of the University, including colleagues. In exceptional circumstances, it may be necessary to also contact external customers/providers. A meeting will then be arranged within 28 days of receipt of the request to discuss the matter. The aim of the meeting will be to look at the desired working pattern in depth and at how it may be accommodated. The meeting will be with the employee's line manager and/or the Dean of Faculty/Director of Professional Service, or a nominee from any of these parties. The employee has the right to be accompanied to the meeting by a work colleague or Union rep. The meeting will provide the University and the employee with the opportunity to explore the desired work pattern in depth, and to discuss how it might best be accommodated. It will also provide an opportunity to consider other alternative working patterns should there

be problems in accommodating the desired work pattern outlined in the employee's application.

**3.3** The decision will be made by the Dean/Director in consultation with the Director of HR. A written decision by the University will be given within 14 days of this meeting to the employee to either agree to a new work pattern and a start date; or to provide a clear business ground(s) as to why the application cannot be accepted and the reasons why the ground(s) applies in the circumstances.

The business grounds as set out in legislation are:

- The burden of any additional costs is unacceptable to the organisation
- An inability to reorganise work among existing staff
- Inability to recruit additional staff
- The employer considers the change will have a detrimental impact on quality
- The employer considers the change would have a detrimental effect on the business' ability to meet customer demand
- Detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural changes

There may be occasions when the University will want to take further action before notifying the employee with their final decision, and where this is the case the letter will explain the reason for the delay.

#### **4. Appeals**

The employee, if dissatisfied, may appeal against this decision within 14 days. The University will then arrange an appeal hearing within 14 days of the request for the appeal, and a written decision in relation to this will be produced within 14 days of the appeal hearing. The appeal hearing will take place with the senior manager to whom the Dean of Faculty/Director reports or their nominee and the Director of HR or nominee. At all stages in the procedure, the representative from the HR department will act in an advisory rather than decision making role. The employee will have the right to be accompanied at the appeal hearing by a work colleague or union representative.

As this procedure requires that any request will be given a full and fair hearing, and there is an inbuilt appeal mechanism, there is no separate right to a grievance on the same issue. If the request is refused, no fresh request may be made for a period of 12 months from the decision on the original request.

APPENDIX 1



**Application Form – Flexible Working**

**Name** \_\_\_\_\_

**Faculty/Service** \_\_\_\_\_

**Job Title** \_\_\_\_\_

**I would like to apply for the following type of flexible working:**

\_\_\_\_\_

**Current Weekly Hours** \_\_\_\_\_ **Proposed Weekly Hours** \_\_\_\_\_

**Current Working Weeks Per Year** \_\_\_\_\_ **Proposed Weeks Per Year** \_\_\_\_\_

<b>WORKING PATTERN</b>	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
Current hours, e.g. 8.45am – 5.00pm >							
Current lunch break, e.g. 45 mins >							
Proposed hours, e.g. 9.30am – 5.30pm >							
Proposed lunch break, e.g. 30 mins >							

**Please note, a minimum of a 30 minute unpaid lunch break must be taken during any working day of 6 hours or more.**

If different weeks per year proposed, please give date ranges of weeks to be worked and any variation in hours across the weeks:

Reason for request:

I would like this new working pattern to commence from:

\_\_\_\_\_

The change in my working pattern will affect my employer, external customers/providers, students and colleagues in the following positive ways:

The change in my working pattern will affect my employer, external customers/providers, students and colleagues in the following negative ways:

I believe that the above negative effects can be dealt with as follows:

Signed \_\_\_\_\_ Date \_\_\_\_\_

You should now pass this application to your line manager who will respond within 28 days of receiving your application.

FOR LINE MANAGER'S USE ONLY

Received by:

Signed \_\_\_\_\_ Date \_\_\_\_\_

## **Appendix 2 – Some examples of flexible working**

### **1. Flexi-Time**

Flexi-time enables an employee to work more or less than their contracted weekly hours and then take back or make up the time at a later date, within certain constraints. Flexi-time is worked in accordance with both the individual and the business need.

It will only be possible for flexi-time to be operated in certain sections of the University and in certain roles. Due to varying business requirements, each section that operates flexi-time will have its own specific scheme, rules and procedures that must be adhered to by staff within that section. Deans or Directors will be able to advise staff of whether a flexi-time scheme is operating in your section, whether it applies to you and, if so, what the guidelines are.

The flexi-time schemes may range from the daily recording of hours, with flexibility in hours worked and the ability to carry forward credits and deficits in hours from week to week, to more restricted flexi-time practiced only on occasions with the express permission of line management. All such schemes will replace the current TOIL scheme. Any attempts to falsify flexi-time records may be dealt with under the disciplinary procedure as gross misconduct.

In any area where flexi-time is operated, overtime will not be payable within the hours covered by the flexi-time scheme except in exceptional circumstances and by prior agreement with the Dean/Director in advance. The nature of flexi-time means that extra time worked can be taken back at a later stage. However, in the case of support staff on Grade 6 and above, it is expected that not all time accrued will necessarily be taken back. This is in line with the current overtime policy for staff on grade 6 which states that an extra five hours must be worked within a week before overtime is payable.

Where flexi-time is worked, it must be in co-operation with colleagues and hours of work agreed in advance. Any flexi-leave must also be agreed in advance and approved by line management.

### **2. Career Breaks**

Any employee who has worked for the University for over 5 years may apply for a career break (unpaid leave) of up to 12 months (see section 8 for application procedure). Career breaks will only be permissible in exceptional circumstances and a number of factors will be considered including:

- The ease and cost of recruiting a temporary replacement
- The level of the employee's skills, knowledge and/or experience and their value to the University
- The disruption likely to be caused
- The pace of change in relation to the post
- The need for and the ability of the employee to keep abreast of changes/developments in their area of work whilst they are on a career break

If an application for a career break is accepted in principle, the length of the break will be negotiated in line with the business need.

Where a career break is agreed, the employee will:

- Undertake to give their full contractual notice before the date they are due to return to work, if they decide to resign
- Agree to provide contact details to the University and to remain in contact with the University during their career break
- Not have the period of the career break counted within their length of service, which will impact upon their salary, holiday and sick pay entitlement as appropriate

The employee shall return to their previous role at the end of their career break, on the same scale and point that applied at the commencement of the career break. However, if the role is put at risk of redundancy during their career break, consultation will take place in accordance with the normal redundancy procedure and they will be advised of alternative employment at that time and for the remainder of the career break. The employee will be given the option of returning early from their career break to undertake an alternative position that becomes available during their absence. The University is not obliged to keep open alternative employment until the end of the career break. If no alternative employment is available during their absence or they decline an early return to work to undertake an alternative role, the individual will continue to receive details of vacancies until the end of their career break, at which point they will either be made redundant or will commence alternative employment within the University.

#### **4. Occasional Home Working**

An employee may request to work from home on occasion. This is at the discretion of their Dean/Director and the request must be made directly to them (not through the flexible working application form) via their line manager. The manager will consider whether:

- It will adversely affect the business
- The individual has sufficient work to carry out at home
- The manager has no reason to doubt whether the work will be completed
- It is mutually advantageous, to both the employee and the University, for the work to be carried out at home
- The output is measurable, as the manager will only be able to assess whether the task has been completed, rather than the hours that were put in
- The individual has the necessary facilities/equipment to carry out the work at home

Home working will normally only be considered on an occasional basis. When the University work to be undertaken at home is at the request of the individual, the University will not provide or pay for equipment and facilities at home as office space, facilities and equipment are already provided on University premises.

Before working from home, the individual must read the 'Working From Home' guidance which can be found on the intranet, from HR or from the University's Security & Safety Officer, in order to ensure the health and safety of themselves and their environment when working at home. Any issues or concerns must be raised with the Security & Safety Officer.

## **5. Alternative Working Patterns**

Alternative working patterns that the University will consider are outlined below although the list is not exhaustive. These will be considered in further detail with the individual concerned, should a request be made.

### **5.1 Part Year Working**

This is normally determined upon the establishment of the post and is only suitable where the employee is not required to work for a significant proportion of the year (e.g. term time only). The number of weeks' worked across the year vary from contract to contract, in line with the business need. The exact dates of the weeks' to be worked are reviewed each year and subject to change.

### **5.2 Annualised Hours**

Contractual hours are calculated over a year, rather than a week. The actual hours worked each day, week and month can then vary in accordance with business needs, as long as the contractual hours are met by the end of the year. This has great benefits for roles where there are peaks and troughs in the workload.

### **5.3 Part Time Hours**

An employee may request to reduce their hours of work. The ability to re-distribute the workload and potential consequences of this (e.g. on customer service) are important considerations when determining whether the request can be met.

### **5.4 Job Share**

A Job Share Policy exists outside of this Flexible Working Policy, which should be referred to (on the University intranet or via the HR Department), before a request to job share is made. The policy will apply to any job share arrangement.

### **5.5 Staggered Hours**

The contractual daily hours are worked, but with staggered start and finish times, e.g. 7am – 3.20pm or 9.40am – 6pm. The impact of this on work, customers and colleagues are important considerations when determining whether such a request can be met.