

Flexible Working Policy 2009-10

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 Act 2002, the Work and Families Act 2006, and guidance produced by the Joint Negotiating Committee for Higher Education Staff on work-life balance.

The Employment Act 2002 has already given some employees – those with parental responsibility for a child under six (or 18 if disabled) and carers of certain adults – the right to request a flexible working pattern. From April 2009, new legislation has substantially extended the number of employees who will be eligible to apply for a change in their working arrangements which can include changes to the number of hours worked, work patterns, and in some cases, work location.

The right applies to employees who have worked for the University continuously for 26 weeks and who have parental responsibility for a child – the age limit has been extended from under the age of 6 years old to children up to the age of 16. The right to request flexible working also applies to employees who care for an adult who lives with them.

Those with “parental responsibility” include biological parents, legal guardians, adoptive and foster parents and those who hold a residence order in respect of a child. Individuals with the responsibility of caring for an adult include spouse, partner, relative or another adult at the same address.

The University understands that staff who fall outside of the statutory right may also wish to request a change to their working pattern and has extended the right to request flexible working to staff that have worked for the University continuously for 26 weeks.

Flexible working arrangements might take the form of:

- 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.

2. Decisions on applications for flexible working

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 faculty/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:

- Inability to re-organise work amongst existing employees.
- Inability to recruit an additional employee(s) to cover remaining workload.
- The flexible working request will have a detrimental impact on ability to meet customer demand and expectations, or has a detrimental effect on quality or performance.
- Insufficient work available during the periods that the employee proposes to work (e.g. a request to work during the summer will be refused if the post holder is required to work during semester time).

- Planned organisational/structural changes mean that the flexible working request cannot be accommodated at that time.
- The flexible working request causes an additional burden on resources.

Arrangements to work flexibly will be considered by the employee's line manager in consultation with the employee and the relevant Head of Department/Director/Executive Dean or Vice-Chancellor for a member of the Vice-Chancellor's Group. The approval process includes the agreement of the Chief Financial Officer. An agreement to work flexibly will be communicated in writing by the Human Resources Department.

Management may review the change to a working pattern should circumstances mean that flexible working arrangements are no longer considered viable. The change to working arrangements will affect existing terms and conditions and a new working pattern will normally be a permanent change, unless otherwise agreed. An employee does not have a right to return to their existing working pattern should they find that the new arrangements are not suitable.

3. Application process

An application for flexible working arrangements must be made on the application form (Appendix 1) before being given to the employee's line manager. The application must state how the employee is covered by the legislation (if applicable), the flexible working arrangements being applied for, and the date on which the change is requested to become effective. If there is insufficient information in the request or the application form is not complete, the manager can ask for further details before considering the request. The application will be considered to have been made on the day that it is received by the employee's line manager.

The manager will arrange a meeting with the employee within 28 days of receipt of the application to discuss the request. The meeting will provide an opportunity for the manager, and the employee, to seek mutually agreeable arrangements. The employee might 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.

Where the application to work flexibly is agreed in principle by the line manager and their Head of Department/Executive Dean, it will be passed to the Chief Financial Officer for authorisation. The outcome will be confirmed to the employee usually within 14 working days of the date of the meeting. 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 14 day deadline cannot be met, the manager and employee will agree a revised deadline.

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.

4. Appeals

The right of appeal against a decision to turn down a request for flexible working applies only to employees who have a statutory right to request flexible working arrangements – those with parental responsibility or carer responsibilities as outlined in the introduction (this right is not available to an employee who does not fall under the statutory arrangements). An employee wishing to appeal should submit a written appeal statement to the Director of Human Resources within 14 working days of receiving the written confirmation. The appeal statement should set out the basis for the appeal including what part of the process the employee is appealing against.

The Director of Human Resources 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.

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 from the Senior Managers' Forum (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 five working days of hearing the appeal where reasonably practicable. 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.

5. 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 Portia.

Approved by the Board of Governors: 30 June 2009

Policy updated and reviewed by Thomas Eggar Solicitors: March 2009.
Agreed by Vice-Chancellor's Group: 21 April 2009

**Flexible Working Policy: Appendix 1
Application form**

Employees should complete this form if they wish to make an application under the Flexible Working Guidance. 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.

Name: _____ **Post title:** _____
Faculty/Department: _____ **Line Manager:** _____
Employee number (as on payslip): _____

(tick as appropriate)

I have not made a request to work flexibly during the past twelve months:

I have worked continuously as an employee of the University for the last 26 weeks:

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.

Please circle as appropriate:

- I have a responsibility for the upbringing of either
 - a) a child aged sixteen or under; or
 - b) a disabled child under 18
- I am the mother, father adopter, guardian, special guardian or foster parent of the child; or
- Married to, or the partner or civil partner of, the child's mother, father, adopter, guardian, special guardian or foster parent.
- I am making this request to help me care for the child.
- I am, or expect to be, caring for an adult in need of care.
- I am the spouse, partner, civil partner or relative of the adult in need of care; or
- Not the spouse, partner, civil partner or relative of that adult, but live at the same address.

I would like to apply for a flexible working arrangement and I do not meet the statutory criteria. 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 benefit my department/colleagues as follows:
I think the effect of revised working arrangements can be managed as follows:
Signed (employee): _____ Dated: _____