

# Flexible working policy and procedure

First approved by Finance & Human Resources Committee 11.05.05

Updated October 2006 following consultation with the trade unions

Updated April 2007 to extend the provisions to carers of adults and clarify parental responsibility

Update approved by Finance & Human Resources Committee 09.05.07

Updated April 2009 to reflect the change in qualification criteria from legislation from age 6 to age 16

Policy updated September 2011 following consultation with the unions; SMG; and SRC

Updated policy implemented 30 June 2014 to reflect extension of qualification criteria (to all staff with 26 weeks continuous service who have not made a request in the previous 12 months), following consultation with the unions.

Reviewed January 2016; logo updated; no other changes made.

November 2016: terminology updates

December 2017: update to 2.3 to include an annual review

December 2019: minor updates to policy and forms

January 2022: reviewed by HR; no changes made

June 2022: Updated to reflect Athena Swan SAT recommendation to provide the right to request flexible working from day one of employment rather than after 26 continuous weeks employment

July 2022: Updated provision approved by SLT

April 2024: Policy updated to incorporate two flexible working applications per year, as provided by the Employment Relations (Flexible Working) Act 2023, which amends the Employment Rights Act 1996. The newly added consultation and timescale provisions of the 2023 Act were already met. (SLT approved 5.3.24)

## 1. Purpose and principles

- 1.1. This policy and procedure sets out the circumstances under which a member of staff is eligible to request flexible working. It provides guidance to staff on how to request to work flexibly, and advice for the relevant manager receiving such requests. It is intended to promote good employment practice throughout the university. Each individual request to work flexibly will be considered objectively and sensitively.

## 2. Scope

- 2.1 Members of staff are permitted to make two requests to work flexibly within any 12 month period.
- 2.2 Members of staff who are eligible to request to work flexibly can request to:
- change the number of hours they are contracted to work;
  - change the times they are contracted to work; or
  - work from home (whether for all or part of the week).
- 2.3 An approved request to work flexibly will result in a change to the member of staff's terms and conditions of employment, which will be reviewed annually, unless an earlier review date is agreed with the relevant manager. The review date should be noted on the Flexible Working Acceptance Form and the arrangement should be reviewed at the annual MyReview discussion. Any amendments to the flexible working arrangement should be recorded on the Flexible working request and decision form.
- 2.4 The member of staff does not have an automatic right to revert to the former pattern of work at a later date unless this is agreed in advance. Managers might wish to trial the requested flexible working arrangement in the first instance e.g. for 8-12 weeks and evaluate at the end of this trial period, jointly with the member of staff to determine whether or not it could continue longer term or whether refinements or complete change are necessary to make the arrangement workable.

## 3. Procedure for requesting flexible working

- 3.1 Members of staff who wish to make a request for flexible working should fully complete the [Application for Flexible Working Form](#) and forward this to their manager for consideration as soon as possible.
- 3.2 Requests to work flexibly will be dealt with expeditiously, taking into consideration the reasons for the request. Staff are advised to make their application as early as possible before they wish the

new working pattern to begin as it can potentially take up to two months to be considered and implemented, particularly if external recruitment is required to meet the request e.g. if a possible job share is to be investigated.

- 3.3 Managers are asked to please forward copies of all forms relating to flexible working to their [Human Resources Officer](#), for their records and in order that any salary amendments can be processed.

#### 4. Consideration of request

- 4.1 The manager should acknowledge receipt of the application and arrange to meet with the member of staff (normally within the 28 day period) with them or their nominated deputy. The purpose of the meeting will be for both parties to explore in detail the desired flexible work pattern and to discuss how it might be accommodated. The meeting will provide an opportunity to consider alternative work patterns should there be difficulties with the proposed change in work pattern or location. The member of staff may, if they wish, be accompanied at the meeting by a colleague employed by the university or by a trade union representative if they are a member of a trade union\*. The member of staff's colleague or union representative may address the meeting or confer with the member of staff during the meeting but may not answer questions on the member of staff's behalf. Consideration might also be given to the new working pattern taking place for an agreed trial period in order to see whether this would suit both parties.
- 4.2 In considering the request, the manager may wish to seek advice from their Human Resources Officer, who will have an overview of practice and can advise on consistency of application and equal opportunities.
- 4.3 Following consideration of the request, or following the meeting if one has taken place, the manager (or their nominated deputy) will provide their written decision within 14 days, confirming whether the request has been approved or not approved. If the manager (or nominated deputy) does not approve the request, they must inform the member of staff of the reasons for this together with details of the procedure for appealing against the decision (section 5 refers) to the member of staff. An application might not be approved where there is a clear business reason(s) for doing so. Examples of such reasons are outlined below:
- Additional costs;
  - Problems in meeting customer demand;
  - Inability to reorganise the work among existing staff;
  - Inability to recruit additional staff;

- Detrimental impact on quality;
- Detrimental impact on the performance of the department;
- Insufficiency of work at proposed times of work; and
- Planned structural changes.

## 5. Appeal

- 5.1 Any member of staff whose request to work flexibly is not approved may submit a written appeal against this decision to their manager within 14 days of their receipt of the non-approval of their request.
- 5.2 The manager who took the decision will invite the member of staff to an appeal meeting, which might be with a manager from another school/department, within a further 14 days. The manager who took the decision will be present at the appeal to provide the reasons why they were unable to approve the request. The member of staff may, if they wish, be accompanied at the meeting by a work colleague or a trade union representative\* if they are a member of a trade union.
- 5.3 Following the appeal meeting, the member of staff will receive written notification of the outcome of their appeal. If their appeal is not upheld, they will be notified of the grounds for the refusal on the relevant form within 14 days of the appeal meeting taking place.
- 5.4 The time limits detailed in paragraphs 5.1 and 5.2 can be extended by mutual agreement.

## 6. Other relevant policies

- 6.1 Members of staff might also wish to refer to the [Parental Leave policy and the provisions for Dependants leave in the Special Leave Policy](#).