



THE RIGHT TO REQUEST FLEXIBLE WORKING POLICY

1.0 POLICY STATEMENT / PURPOSE

1.1 The University recognises the beneficial and positive impact that a hybrid and flexible operating culture has in helping to support the development and advancement of:

- Overall business efficiency;
- Service delivery and output for our students, employees, and internal and external customers;
- Employee work life balance; and a positive and inclusive environment.

1.2 For a wide range of roles within the University, hybrid ways of operating and levels of flexibility are either naturally afforded or required and are exercised with a mutual benefit for both the University and the employee at a local level.

1.3 However, some employees may require a formal agreement to make a permanent change to their working arrangements that reaches beyond the scope of our general approach to hybrid ways of working. This could be due to a number of reasons, that may include, but are not limited to, a change in personal circumstances , or wanting to enable a career development goal or lifestyle goal such as retirement plans. In these instances, a formal request for flexible working should be made following the process outlined in this document. For non-contractual changes to the way of working, such as

Agile Working, Hybrid Working or Remote Working, please view the University's Hybrid Working Information Hub

1.4 Should the request be linked to a restriction regarding availability for teaching for an academic member of staff, please view the Teaching Availability Request Policy and speak to your Head of Department and HR Business Partner before progressing via this policy. If a request to restrict your availability to teach is made via the Right to Request Flexible Working Policy, the agreed principles agreed under the Teaching Availability Request Policy will be applied.

1.5 Flexible working is a way of working that suits an employee's needs, for example having flexible start and finish times. All employees have the legal right to request flexible working. This is known as 'making a statutory application'. From 6 April 2024, employees will be able to request flexible working from their first day of employment.

1.6 The associated guidelines cover the key points concerned with flexible working. Please note that the right is to submit a request for flexible working. There is no presumption that an application will be granted.

1.7 Anyone thinking about submitting a request to change their work pattern should speak to their Line Manager/Head of Department/School or College as early as possible so that you can explore the available options.

1.8 You can also contact your HR representative who will be able to advise you on different options and answer any questions that you may have on the process.

1.9 Should the request be linked to a restriction regarding teaching hours for an academic member of staff, please view the Teaching Availability Request Policy and speak to your Head of Department and/or HR Business Partner before progressing via this policy. If a request to restrict teaching hours is made via the Right to Request Flexible Working Policy, the agreed principles agreed under the Teaching Availability Request Policy will be applied as appropriate.

2.0 SCOPE

This policy applies to all University employees and the requirements of the business will determine if a formal request for flexible working is appropriate.

The University has the responsibility to consider such requests in a ‘reasonable manner’ and make a response to the formal request within a timescale of 2 months (including appeal, if applicable), unless otherwise agreed.

Where an employee requires a reasonable adjustment in the form of a change to their work pattern due to a disability, these requests should be supported through line management, and where applicable, occupational health provisions and recorded on the University Workplace Passport which can be found on the Disability, Health Conditions and Reasonable Adjustment Hub of Resources

From 6th April 2024, the newly approved Employment Rights Bill (Flexible Working) was introduced. The new regulations will mean that:

- Employees can make a flexible working request twice in 12 months.
- Employers need to respond to each request within two months including appeal, if applicable.
- If employers are rejecting a request, they must discuss the reasoning behind the decision with the employee as well as the impact that their flexi-working could have on the institution, before communicating the decision.
- There will also no longer be any requirement for the employee to explain what effect their request will have on the employer or how the impact might be dealt with.

3.0 WAYS OF WORKING

2.1 The term “flexible working” describes any working arrangements where an employee needs a guaranteed commitment that they can work certain hours or days, which differ from their existing contractual employment agreement, or where they need to specify a specific day to work from another location. This includes but is not limited to the following:

- A change to the number of hours of work;
- A change to the times of work;
- To work your hours over fewer days (compressed hours);
- A change to where they work;
- Phased retirement - employees who may be considering flexible retirement.

2.2 A flexible working request can be permanent or for a limited time (for example a 12-month period).

4.0 ELIGIBILITY

3.1 Flexible working will be considered for all employees regardless of length of service. However, it is not a requirement or an automatic right that your request will be approved. Each application will be considered on its own individual merits.

3.2 Employees are eligible to submit a maximum of two flexible working requests in any 12-month period.

5.0 PRINCIPLES

4.1 The University's provision under the formal request for flexible working will aim to facilitate our duties under the Equality Act (2010), for instance, but not limited to, childcare and caring responsibilities.

4.2 In order to maintain the continuity of its business the University will be unable to provide flexible working as an automatic right for employees.

4.3 The University will consider all formal requests for flexible working upon each request's merit and assess each request based on the needs of both the business and the employee.

4.4 The University's agreement to one employee's formal request (either within the same area or in a different area of the University) will not set a precedent or create a right for another employee to be granted the same or a similar change to their working pattern.

4.5 It is the responsibility of the line manager to consider, assess and evaluate the potential business implications of implementing formal flexible working arrangements. It may not always be possible to grant a Flexible Working Request, and there are eight specific legitimate grounds for declining a request:

- The burden of additional costs;
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental effect on ability to meet customer and/or student demand;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work; or
- Planned structural changes to the institution.

4.6 If the line manager deems the original request cannot be accommodated, it is their responsibility to initiate further conversation(s) with the employee to offer (where feasible) and explore alternative options.

4.7 The University reserves the right to operate a trial period, normally expected to be between 1-3 months and to a maximum of 12 months, unless otherwise agreed. It is expected that there should be regular reviews during the trial period to assess whether the needs of both the business and the employee are being met, or whether any further modifications need to be made to the arrangements.

4.8 Following the trial period, a final decision will be made as to whether the request can be accommodated or not. If at the end of this period, it is deemed that the new pattern is not suitable by either party, the employee will revert to their original working pattern. If it is deemed suitable, the terms and conditions will be made permanent.

Working beyond the date of the agreed trial period will be deemed to have been an acceptance of the formal flexible working request.

6.0 PRINCIPLES

5.1 Submitting the written request will help to facilitate a discussion which enables both you and your manager to gain a clear understanding of each other's position. Once your written response has been submitted, your Line Manager/Head of Department/School or College should arrange to discuss your request. Normally this would be in an in-person meeting, but if you and your manager are in agreement the discussion could take place online. During the meeting you will both explore any potential issues, such as impact on the teaching timetable or delivery of work plans for example and consider alternative working patterns, if this is appropriate.

5.2 You will be able to bring a work colleague or recognised trade union representative to the meeting if you would like to for support. They will be able to address the meeting and confer with you during it, but they are not allowed to answer questions on your behalf. You will be made aware of this right via letter 5 working days prior to the meeting taking place, so that you can arrange the attendance of your work colleague or trade union representative.

5.3 Employees can make a flexible working request twice in every 12 months.

5.4 Employers need to respond to each request within two months including any appeal.

5.5 If employers are rejecting a request, they must discuss the reasoning behind the decision with the employee as well as the impact that their flexi-working could have on the University, before communicating the outcome.

7.0 APPLYING FOR FLEXIBLE WORKING

6.1 You will need to put your request in writing addressing it to your Line Manager/Head of Department/School or College, using the request for flexible working application form Flexible Working Application Form (Part A) which can be found in the related information section below.

6.2 You must include the following information in your written request before it can be considered:

- Date of your application;
- Your current working pattern (days/hours worked);
- The change/s to the working conditions you are seeking (days/hours worked);
- Date you would like the change to come into effect;
- A statement that this is a statutory request and if approved you understand that this may be a permanent change to your working pattern/terms and conditions of employment (the University reserves the right to grant requests on a temporary or trial basis subject to review depending on business needs);
- State if you are making the request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability; and
- If and when you have made a previous application for flexible working.

8.0 REJECTING A REQUEST

7.1 A decision to reject a request must be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:

- the burden of additional costs
- an inability to reorganise work amongst 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 available for the periods the employee proposes to work

- planned structural changes to the employer's business

7.2 Before rejecting a request, Line Managers should speak to a member of the HR Business Partnering team.

9.0 ADDITIONAL INFORMATION AND GUIDANCE

8.1 The full process, forms and procedure for applying and responding to a flexible working application can be found on the Hub of Resources.

VERSION CONTROL

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