

FLEXIBLE WORKING POLICY AND PROCEDURE

1 INTRODUCTION

This policy is discretionary in nature. Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

Breach of this policy may be addressed via the University's disciplinary and code of conduct policies.

This policy will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation and/or case law.

2 OWNERSHIP

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

3 ORGANISATIONAL SCOPE

This Flexible Working Requests policy is a corporate policy and applies to all employees of The University of Northampton including any wholly owned subsidiaries unless an alternative policy exists, subject to any qualifying conditions.

However, employees who have been employed for less than 26 weeks or have made another request in the last 12 months, and agency workers, do not have a statutory right to request flexible working.

4 POLICY STATEMENT

- 4.1 The University recognises that flexible working can provide benefits to both members of staff and the organisation, and aims to support staff wherever possible to manage the balance between work and home life.
- 4.2 This policy has been developed to ensure consistency in handling requests to work flexibly, and to provide support for both individuals making a flexible working request and managers dealing with one.
- 4.3 Under the provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly, provided they have worked for the University for 26 weeks continuously at the date the application is made.
- 4.4 Flexible working describes any working arrangement where the number of hours worked, or the time or place that work is undertaken, varies from the standard practice. This may include:
- Job share
 - Working from home (see Working Off Premises Policy/Procedure)
 - Working part time
 - Working compressed hours
 - Flexi-time (see Flexitime Policy/Procedure)
 - Annualised hours
 - Staggered hours

5 DEFINITIONS

- 5.1 **Job share** - where two people are employed to share the duties and responsibilities of one full-time post on an hourly, daily or weekly basis, and the salary and leave entitlement is allocated on a *pro-rata* basis. The contract is held jointly and is conditional upon the offer of appointment being accepted by both the job share partners. The job share partners work under a normal contract of employment and are subject to the provisions of current employment legislation.

- 5.2 **Working from home** – doing some or all of your work from home (or anywhere else off work premises), either permanently or for an agreed number of days per week or month.
- 5.3 **Part-time** – working any number of working hours which is less than full time hours, this could comprise less full days than a full-time worker or working every day but doing less hours than a full-time worker.
- 5.4 **Compressed hours** – working full-time hours but over fewer days.
- 5.5 **Flexi-time** – working set core hours but with different start and end times (within agreed limits). See Flexi-time policy/procedure for further details.
- 5.6 **Annualised hours** - having a certain number of hours over the year that have to be worked but having some flexibility about when the work is done. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.
- 5.7 **Staggered hours** – Different start, finish and break times from other workers.

6 KEY PRINCIPLES

- 6.1 The procedure is applicable to all employees who have a minimum of 26 weeks continuous service at the date of application.
- 6.2 An employee can only make one statutory request for flexible working in any 12 month period.
- 6.3 Requests to work flexibly will be considered objectively, without unlawful discrimination, and will only be refused when there is a justifiable business reason for doing so (see point 7.1.5).
- 6.4 A flexible working request should be submitted 3 months prior to the date the individual would like the change in working pattern to apply from.

- 6.5 Requests will be considered in the order that they are received. If a flexible working request has already been granted within a team, the business context will have changed and may therefore influence the decision of any subsequent requests.
- 6.6 If a request is unable to be granted due to a number of other employees in the team already working flexibly, the line manager may ask for volunteers from existing flexible working employees to see if they want to change their contracts. This may then create the capacity for new flexible working requests. There is no obligation on either part to do this however.
- 6.7 Requests will be considered and confirmed to the employee as quickly as possible.
- 6.8 All requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless an extension is agreed by both the University and the employee.
- 6.9 Employees may be accompanied at meetings/during discussions regarding their flexible working request (including relating to an appeal) by a colleague or trade union representative, if they choose to do so.
- 6.10 If a meeting is arranged with an employee to discuss their request for flexible working, including any appeal, and the employee fails to attend both this and a rearranged meeting without a good reason, the University will consider the request withdrawn and will confirm that to the employee in writing.
- 6.11 Unauthorised recording of conversations related to flexible working is prohibited. Anyone in breach of this may be subject to disciplinary action.

7 PROCEDURE

7.1 Requests

- 7.1.1 Requests for flexible working should be made directly to the line manager using the Flexible Working Requests Form (see appendix 1).

- 7.1.2 The line manager and employee should meet to discuss the request, even where it is likely that it will be accepted (as the arrangements may need to be talked through). Discussions should be in private but may not always be face to face. e.g. a phone call may be appropriate.
- 7.1.3 The employee may be accompanied at the meeting/discussion by a work colleague or trade union representative if they choose to do so.
- 7.1.4 All requests should be discussed between the line manager and employee as soon as possible but within 28 days of receipt of the application.
- 7.1.5 Applications may only be refused on the following grounds:
- The burden of cost is unacceptable to the organisation.
 - The inability to reorganise work among existing staff.
 - The inability to recruit additional staff.
 - The change will have a detrimental effect on quality.
 - The change will have a detrimental effect on the ability to meet customer demand.
 - There would be a detrimental impact on performance.
 - There is insufficient work during the periods the employee proposes to work.
 - Planned structural changes including organisational change initiatives.
- 7.1.6 The outcome of a flexible working request will be one of the following:
- Accept the request and establish a start date and any other action.
 - Confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly which would be reviewed, or alternative patterns of working.
 - Reject the request, setting out clear business reasons, how these
- apply to the application, and details of the appeal process.
- 7.1.7 The outcome of any requests will be confirmed in writing no later than 28 days after the request was considered.

7.2 Appeal

- 7.2.1 While there is no legal right of appeal on the decision about a flexible working request, the University will hear an appeal from an employee if they consider a breach of policy has taken place or if new information exists that was not available when the request was originally considered.
- 7.2.2 An appeal should be submitted in writing to HR within 5 working days of receipt of the outcome of the flexible working request.
- 7.2.3 The appeal will be heard by a manager more senior than the employee's line manager.
- 7.2.4 An appeal may be considered by phone or other method if both parties agree.
- 7.2.5 The employee may be accompanied at the meeting/discussion by a work colleague or trade union representative if they choose to do so.
- 7.2.6 The decision of the appeal manager is final.

8 **ASSOCIATED DOCUMENTS**

Depending on the nature of the Flexible Working Request, other policy documents may need to be referred to, which may include:

Working Off Premises Policy/Procedure
Time off and Special Leave Policy/Procedure
Parental Leave Policy/Procedure
Flexi Time, TOIL and Overtime Policy/Procedure
Maternity Leave Policy/Procedure
Annual Leave Guidance

9 **APPROVAL PROCESS**

To be confirmed

10 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment must accompany this document.

11 VERSION CONTROL

Version Control		Approval record	
Author:	Carrie Birnie	Approval:	Board Approval 23/05/2015
Date written:	Spring 2015	Updates:	
Current status:	Approved		
Record of Amendments			
Date	Details of Change	Approval	
5/2/16	Added question to the form re accessing pension benefits		
31/10/18	Updated flexible working request form and branding		
07/02/2020	Review and update on minor points for added clarity.	TU Liaison – 28/4/2020 UMT – 5/5/2020	

Appendix 1

Flexible Working Requests Form

(Making a Statutory Application for Flexible Working)

Before completing this form ensure you have read the Flexible Working Requests Policy and Procedure fully and check that you are eligible to make a request.

Please provide as much information as possible (and complete all sections below) regarding your desired working arrangements, to aid the consideration of whether your request can be accommodated.

Once you have completed the form please forward a copy to your line manager.

Please note that it may take up to 3 months to consider a request and reach a decision. It can, on occasion, take longer with the agreement of both employee and line manager.

Title	
Name	
Job title	
Line Manager's Name	
Faculty/Professional Service	
Date submitted	

I confirm that I have:

- worked continuously as an employee for the last 26 weeks
- not made a flexible working request in the past 12 months

If you are unable to tick the above boxes, you do not qualify to make a request to work flexibly under the flexible working requests procedure.

If you have made any other requests for flexible working outside of the last 12 months, please provide the date (including day, month and year):

Describe your current working arrangement (days/hours/times worked):

Day	Times and no. of hours worked per day
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	
Total number of hours per week	

Describe the working arrangement you would like to work in the future (days/hours/times worked):

Day	Times and no. of hours worked per day
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	
Total number of hours per week	

I would like this working pattern to commence from: _____

Please complete the following questions:

Impact of the new working pattern - how will the change affect your team?

Accommodating the new working pattern - how can the change and the effects on your colleagues be dealt with?

If this request is as part of a phased retirement, are you intending to access your pension benefits?

- Yes
 No

Employee Full Name: _____

Signature: _____ Date: _____

Manager Authorisation

Has the flexible working request been discussed with the employee?

- Yes
 No (if no, please speak to your HR representative before proceeding)

Outcome:

- Approved as requested
 Approved with the following revisions:

Day	Times and no. of hours worked per day
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Saturday	
Sunday	
Total number of hours per week	

Is the new working pattern subject to a 12 week review?

- Yes
 No

Date of commencement (include day, month and year): _____

Line Manager Signature: _____ Date: _____

Senior Manager's Signature: _____ Date: _____

(e.g. Deputy Dean, Dean or Director)