



University
of Worcester

Human Resources

FLEXIBLE WORKING POLICY

This policy outlines the University approach to flexible working and provides guidance to managers when managing requests for flexible working.

Contents

1	Purpose	2
2	Scope	2
3	Definitions	2
4	Eligibility for Flexible Working	3
5	Principles.....	3
6	Process	4
7	Responsibilities	5
8	Further Advice and Guidance	6

1 Purpose

- 1.1 This policy outlines the University of Worcester (“the University”) approach to flexible working and provides guidance to managers when managing requests for flexible working.
- 1.2 The University recognises the business benefits of flexible working, which can positively impact on staff job satisfaction, work-life balance, and wellbeing. The University is committed to supporting flexible working arrangements, or to propose an alternative, however, this will not always be possible if the flexible working request conflicts with operational service requirements.
- 1.3 This document is not contractual and does not form part of terms and conditions of employment. The University reserves the right to amend this document as necessary to meet any changing requirements or where it is appropriate.

2 Scope

- 2.1 All employees, directly employed by the University of Worcester or its associated companies, have a statutory day one employment right to submit a request for flexible working. This includes full-time, part-time, and fixed term employees.
- 2.2 This policy does not include requests for reasonable adjustments to working hours/patterns due to a health condition, neurodiversity, or disability. Staff should direct such requests to their line manager who should seek advice from their HR Business Partner when considering the request.
- 2.3 Requests for flexible retirement are not within the scope of this policy. Further information on flexible retirement can be found in the University of Worcester Pension Schemes - Staff FAQs, available on the staff portal in the Human Resources section.
- 2.4 The contractual place of work for all employees is a university campus. Therefore, it is not expected that the statutory right to request flexible working where a change in work location is requested will result in a contractual change to an employee’s place of work. Any such requests will be considered as an informal temporary request in line with this policy, and any other relevant policies. Requests to work overseas are not within the scope of this policy. Requests to work wholly or partly outside of the UK will not be permitted other than in exceptional circumstances. Where an employee wishes to work overseas, the Head of School/Service must take advice from their HR Business Partner and Finance due to the potential risks associated with overseas working such as tax, social security, healthcare, pension, right to work etc.
- 2.5 This policy does not cover situations where staff are requesting to increase their hours. Such requests should be directed to line managers, who should seek advice from their HR Business Partner.
- 2.6 Workers, self-employed contractors and agency workers are not included within the scope of this policy.

3 Definitions

- 3.1 Flexible working describes working arrangements that give a degree of flexibility on the duration, time or location of work that is different to the standard contractual working arrangements. Some examples of flexible working are reducing working hours or days, changing the times or days of work, job share arrangements and compressed hours. This is not an exhaustive list and flexible working can include other types of working arrangements.
- 3.2 Flexible working can be an informal or formal arrangement and can be a temporary (including on a trial period) or a permanent arrangement.
- 3.3 An informal temporary flexible working arrangement may be appropriate where a member of staff needs to request a change in working patterns for a brief period to deal with a temporary situation, for example, to support a family member or to undertake a short course outside of work. Such requests are likely to alter the start and end times of the working day with any lost time made up on another day. Temporary requests can be managed informally, through the line manager, and should not normally exceed 6 weeks. It is not anticipated that the total number of weekly hours will change where a temporary arrangement is agreed, and therefore contractual terms and conditions of employment remain unchanged for the duration of the temporary flexible working period.

- 3.4 A statutory request for a permanent flexible working arrangement is where a staff member requests that their working pattern is permanently changed and therefore, their terms and conditions of employment are amended.
- 3.5 A trial period is where the proposed statutory request for permanent flexible working is worked temporarily for an agreed period, to allow an assessment to be undertaken of whether the proposed working arrangements are feasible and can be agreed on a permanent basis. The duration of a trial period would normally be between 1 and 3 months.

4 Eligibility for Flexible Working

- 4.1 All employees, as defined in 2.1, can make a request for temporary or permanent flexible working from their first day of employment.
- 4.2 If making a statutory request for permanent flexible working, an employee can make a maximum of two statutory requests within a 12-month period. An employee may have only one live request for flexible working at any one time. Once a request has been made, it remains live until any of the following occur: a decision about the request is made, the request is withdrawn, or an outcome is mutually agreed.

5 Principles

- 5.1 An employee has the right to submit a statutory request for flexible working, however, the employee does not have the right to work flexibly. The University will, where service needs allow, approve statutory requests for flexible working or explore other alternatives with the staff member which may include a trial period arrangement. The University reserves the right to decline requests where appropriate and where one of the valid reasons in 6.7 is applicable.
- 5.2 When considering requests, line managers must not discriminate unlawfully against the staff member in relation to any of the protected characteristics set out in the Equality Act 2010. In addition, a member of staff will not be unfairly treated because they have or intend to submit a flexible working request.
- 5.3 The request, including any appeal, will be considered and a decision reached as soon as possible and within two calendar months. On occasion, it may be necessary to extend the timescale to ensure the request can be thoroughly considered and, in these circumstances, agreement will be sought from the staff member to extend the timescale.
- 5.4 If the member of staff does not engage with the flexible working process and/or discussions, without good reason, within the two-month period the flexible working request will be deemed withdrawn once the two-month period has expired.
- 5.5 The line manager will not decide or decline the flexible working request, without meeting with the staff member to discuss the request.
- 5.6 If a line manager has received more than one request from staff within the same team, the requests will be considered in the order in which they were received. Each request is considered on a case-by-case basis in line with operational service need; agreeing a flexible working request for one member of staff does not create a precedent and therefore any identical or similar requests will not necessarily be agreed.
- 5.7 There is no statutory right for a staff member to be accompanied at meetings to discuss a flexible working request, however, the University will allow a staff member to be accompanied at flexible working meetings by a colleague or trade union representative.
- 5.8 If the staff member fails to attend a scheduled flexible working meeting and a rearranged meeting, without good reason, the University will consider that the flexible working request is withdrawn.
- 5.9 Unless a temporary arrangement or a trial period is agreed, any agreed change to working patterns will be a permanent change and an amendment to the staff member's terms and conditions of employment. Where hours are reduced, salary and benefits (such as annual leave entitlement) will be pro-rated to reflect the new working hours. Staff may wish to seek independent financial advice on the implications for their pension if they are requesting to reduce their hours.
- 5.10 Where a member of staff requests a job share, a job-sharing arrangement can only be approved where this is conducive to business need and where it is possible to recruit to the other half of the job share.

Therefore, if a job share arrangement is approved in principle, it cannot be confirmed on a permanent basis until the other job sharer has been recruited. If it is not possible to recruit a job share partner within a reasonable timescale, the job-sharing arrangement cannot be confirmed.

- 5.11 There is a risk that staff who work flexibly or part-time may feel less connected to their team. Line managers should ensure that, wherever possible, staff who work flexibly or part-time are included in team meetings and given the same opportunities for training and development as staff who work standard hours. Equally, staff should also recognise that their flexible work arrangements could inevitably lead to them missing some meetings or information. Staff should ensure that they take the initiative to seek out information from their line manager or colleagues, to ensure they are up to date with university and team communications. Where possible, staff with flexible working arrangements should make arrangements to attend scheduled training and development if this coincides with their non-working time. The staff member should discuss and agree with their line manager how to manage such situations, for example, by taking the time back on another day.
- 5.12 Where a staff member changes role within the University, for any reason, and where there is an agreed flexible working arrangement in place (which can be informal, temporary or permanent), the flexible working arrangement agreed for the previous role will not automatically transfer to the new role. If the staff member would like to request flexible working in the new role, the process in section 6 should be followed.
- 5.13 Due to the salary thresholds in immigration regulations, it may not be possible to agree a flexible working request for a member of staff who requires a visa to work in the UK, however, this will depend on the circumstances. Where a staff member, who is a visa holder, makes a request for an informal temporary or permanent flexible working arrangement, the line manager should seek advice from their HR Business Partner.

6 Process

- 6.1 The staff member should discuss an informal temporary request for flexible working with their line manager. Such requests are likely to alter start and finish times with any lost time made up on another day. The line manager should consider the request in line with service need and if the request can be accommodated, the line manager should ensure the flexible working arrangements do not normally exceed 6 weeks and the total weekly number of hours continue to be worked. HR@worc.ac.uk should be notified of the temporary change to working patterns, including the days of the week worked and the start and finish times.
- 6.2 A statutory request for a permanent flexible working arrangement must be in writing. The staff member should complete the Statutory Request for Flexible Working form (Appendix A) and submit the completed form to their line manager by email, copying in their HR Business Partner. Before completing and submitting the form, staff are encouraged to discuss their request with their line manager.
- 6.3 The line manager should consider the request carefully and reasonably. It is recommended that the request is responded to within 4 weeks, although it is recognised that, due to work and annual leave commitments, this may not always be possible. The line manager must arrange to meet with the staff member to discuss the request and explore how the request might be accommodated. A HR Business Partner should be present at this meeting and the staff member can be accompanied by a colleague or trade union representative if they wish.
- 6.4 Following the meeting, if the request can be agreed, without a detrimental impact to service provision, the line manager can agree the new flexible working arrangement and communicate their agreement to the staff member. The line manager should detail the new working arrangement in the relevant section on the form in Appendix A and submit the completed form to HR@worc.ac.uk, copying in the HR Business Partner for the area. HR will then issue a contract variation letter to the staff member.
- 6.5 During the meeting, if it becomes evident to the line manager that the proposed working arrangement could have a detrimental impact on service provision (see 6.7 below for valid reasons), the discussion should explore what other alternative working arrangements might be feasible considering the needs of the service. A trial period (between 1-3 months duration) for a proposed working arrangement could be explored. If an alternative working arrangement or trial period is agreed, the line manager should detail the new working arrangement in the relevant section on the form in Appendix A and submit the completed form to HR@worc.ac.uk, copying in the HR Business Partner for the area. A letter should be sent to the staff member confirming the discussions and the working arrangement that has been agreed; the HR Business Partner will assist the line manager in preparing this letter.

- 6.6 Where a trial period is agreed, if the trial period is successful, the line manager should inform HR@worc.ac.uk that the working arrangement is now permanent. If the trial period is not successful, the line manager should inform HR@worc.ac.uk that the staff member will revert to their previous working arrangements. A letter should be sent to the staff member, from the line manager confirming the outcome of the trial period; the HR Business Partner can assist the line manager in preparing the letter.
- 6.7 Following the meeting, if it is not possible to agree to the original flexible working request or an alternative arrangement, the staff member should be informed, in writing, of the reasons why the request has not been accepted. The valid reasons that can be provided, in line with legislation, are outlined below. Line managers must seek advice from their HR Business Partner before rejecting a flexible working request. A letter should be sent to the staff member, from the line manager, confirming the outcome of the flexible working request and offering an appeal; the HR Business Partner will assist the line manager in preparing the letter. The valid reasons for rejecting a flexible working request are:
- 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
- 6.8 If the staff member wishes to appeal the rejection of their flexible working request, they should submit their grounds of appeal within 10 working days of the date of the outcome letter, to the Head of School/Service, or the next most senior manager if the Head has considered the original request, copying in the HR Business Partner. The Head of School/Service, or their nominated deputy, and an alternative HR Business Partner will arrange for the appeal to be heard as soon as possible and within two calendar months from the date the original flexible working request was received, unless an extension is agreed by all parties. The staff member can be accompanied by a colleague or trade union representative at the appeal meeting. Following the appeal meeting, the Head of School/Service (or nominated deputy) may seek further information from the staff member or line manager if required. The outcome should be confirmed to the staff member in writing within 10 working days. The HR Business Partner will assist the Head of School/Service in preparing the letter.

7 Responsibilities

7.1 Members of staff should:

- Engage in flexible working discussions in a positive manner, considering any suggested alternative arrangements.
- Adhere to the requirements of this policy, including responding in a timely manner and attending scheduled meetings, to allow the best opportunity to complete requests within the two-month timeframe.
- Where flexible working is agreed, make every effort to attend critical meetings or training events if they coincide with non-working time, reaching agreement with the line manager on how and when the time can be taken back.
- Seek independent financial advice, if they wish, when requesting to reduce hours, as there may be pension implications.

7.2 Managers should:

- Approach flexible working requests with an open mind and jointly explore alternative solutions if the original request cannot be accepted.
- Adhere to the requirements of this policy, including responding in a timely manner and attending scheduled meetings to allow the best opportunity to complete requests within the two-month timeframe. An advisory timescale to respond to the original request is 4 weeks.
- Seek advice from their HR Business Partner when making decisions about flexible working requests.
- Make every effort to ensure staff who work flexibly can attend critical meetings or training events and if these coincide with non-working time, reach agreement with the member of staff on how and when the time can be taken back.

7.3 The Human Resources team will:

- Provide advice and guidance to managers and staff in line with the policy.
- Support managers with preparing outcome letters.
- Process agreed flexible working requests, ensuring changes to working arrangements and terms and conditions are administered.

8 Further Advice and Guidance

8.1 Additional advice or guidance on this policy can be sought from the HR Business Partner team.

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Related Policies, Procedures, Guidance, Forms or Templates	Appendix A Flexible Working Request Form
Policy/Policies Superseded by this document	Flexible working policy/guidance April 2016 Request Form for Statutory/University Flexible Working Request from 30.6.14