



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



FLEXIBLE WORKING POLICY AND PROCEDURE

Contents	2
Background	2
Purpose Statement	2
Applicability and Scope	2
Responsibilities	3
Definitions	3
Business Need	4
Process for submitting a flexible working request	5
Meetings regarding flexible working	5
Responding to a Request	6
Grounds for rejecting a request	6
Right of appeal	7
Trialling new working arrangements	7
Varying an employee's contract	8
Appendix 1: How to apply for Flexible Working	8
Appendices	
Appendix 2: Flexible working application form	9
Appendix 3: Frequently Asked Questions – All Employees	11
Appendix 4: Frequently Asked Questions - Managers	12

Approved by: **Resources Committee**
Version No. **2.0**
Owner: **Human Resources Directorate**

Date first published: **Jun-2014**
Date updated: **Mar-2019**
Review Date: **Aug-2018**

This document has been designed to be accessible for readers. However, should you require the document in an alternative format please contact the Academic Registry.

Background

- 1 The University is committed to providing the widest possible range of working patterns and this policy aims to encourage staff to consider flexible working arrangements. The University recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the University wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The University is committed to flexible working to ensure that the University is able to meet its goals and objectives.
- 2 The law that relates to flexible working is the Employment Rights Act 1996, Equality Act 2010 and the Flexible Working Regulations 2014.

Purpose Statement

- 3 The purpose of the policy is to outline the procedure for making an application for Flexible Working and the business reasons that are taken into account when making a decision to grant or reject the request.

Applicability and Scope

- 4 This policy is open to all staff of all levels to make a request for Flexible Working. This policy will not normally apply to atypical workers, contractors or agency workers.
- 5 Under the provisions in the Employment Rights Act 1996, all employees have a legal right to request to work flexibly after 26 weeks' continuous employment service with the University.
- 6 An employee can only make one statutory request in any 12 month period.
- 7 The process for applying for flexible working should be completed within three months.
- 8 The University does not undertake to grant requests for flexible working automatically and it will give fair consideration to all requests in line with organisational needs.

Responsibilities

- 9 It is the responsibility of employees to make every effort to attend work regularly and carry out their duties to an acceptable standard, to be aware of the *Flexible working policy* and to make appropriate requests as and when the need arises. Employees should where possible make their application for flexible working using the form in business connect and be able to explain to their manager their reasons.
- 10 It is the responsibility of line managers to ensure that employees are aware of the *Flexible working policy* and to consider each request fairly and on its own merit. Managers should speak with their employees when a request for flexible working has been made, consider the request and ensure accurate records are kept. Line managers will need to ensure that if there are any salary adjustments they inform

Human Resources to make any changes. Managers should notify and seek support from the HR Directorate as appropriate.

- 11 The HR Business Partner will be available to provide further advice and guidance on the application of this policy and it will be monitored to ensure consistency of approach and compliance with relevant legislation.

Definitions

- 12 **Bucks values** stands for Clarity, Openness, Respect and Delivery on commitments and are the university's values.
- 13 **Business connect** university system for all employees to put in their requests for flexible working.
- 14 **Flexible working** describes any type of working arrangement which gives some degree of flexibility on how long, where and when an employee works.
- 15 **Part-time working** where an employee is contracted to work anything less than full time hours.
- 16 **Term-time working** where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid.
- 17 **Job-sharing** a form of part-time working where two people share the overall duties and responsibilities of the job between them.
- 18 **Flexi-time** allowing employees to choose, within certain set limits, when to begin and end work.
- 19 **Compressed hours** where an employee works their usual full time hours in fewer days by working longer blocks meaning no reduction in their pay.
- 20 **Working from home** is where the office is the main place of work with working from home occasionally. Other implications including insurance, tax, equipment and a risk assessment before working from home can be considered. Refer to the Health and Safety for further advice.
- 21 **Right of Refusal** – There is no automatic right for employees to change any of their flexible working patterns described in the policy.
- 22 **Temporary period** – a period between one to twelve months.
- 23 **Trial period** – to establish from both individual and operational perspective as to whether the new pattern is working normally for a period of three months.
- 24 **Days** means working days, which, for the purposes of these procedures are Monday to Friday other than bank holidays or other days when the University is closed to all employees and students.

Business Need

- 25 Each School / Directorate of the University has a service to provide to students and staff and this means that there will be established opening and/or operating times

when the service needs to be available. Each manager must be clear what these times, days, working patterns and boundaries are in advance in order to manage employee expectations when dealing with flexible working requests. Where an instance of flexible working is proposed the University and managers will need to take into account a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other employees
- the effect of the proposed arrangement on student contact, support and overall student experience
- the level of supervision that the role-holder requires
- the existing structure of the department and employee resources
- other issues specific to the individual's department
- an analysis of the tasks specific to the role, including their frequency and duration including workload of the role and within the team

- 26 The University reserves the right to reject any particular request for flexible working if, in the opinion of the manager, the pattern of working requested would not be practicable or workable or if, in the manager's view, it would create operational difficulties or problems in terms of ensuring that the employee's work is done in a timely and efficient manner.
- 27 Furthermore, each request will be considered on a case by case basis and agreeing to one employee's request will not set a precedent or create a right for another employee to be granted any particular change to their working pattern.
- 28 Due to the uncertainty in the external HE environment, managers will regularly review existing flexible working arrangements (at least annually) to ensure that these continue to be effective in meeting the needs of both the University (i.e. students, partners, colleagues) and the employee.

Process for submitting a flexible working request

- 29 An eligible employee is entitled to submit one flexible working request in a twelve month period.
- 30 All requests must be made using the form on Business connect and any request made must include:
- the date of the application
 - the changes that the employee is seeking to their working conditions they are seeking
 - the date from when the employee would like the proposed change to come into effect
 - what effect the employee thinks the requested change would have on the organisation
 - how, in their view, any such effect could be dealt with
 - whether this is a statutory request
 - whether a previous application for flexible working has been made
 - the dates of any previous applications

- 31 An employee should be sufficiently aware of the implications of any reduced hours on their salary and other benefits.
- 32 If the employee is making the request as a reasonable adjustment relating to a disability, the reasonable adjustments policy should be followed.
- 33 If an application does not contain all of the required information their line manager will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.
- 34 A request for a change to working hours or pattern of working may be made for a temporary period or on a permanent basis.

Meetings regarding flexible working

- 35 Upon receiving a written request for flexible working the line manager will arrange a meeting **within 28 working days** of the university receiving the request with the employee. This time limit may be extended with the agreement of both the employee and their line manager.
- 36 The purpose of the meeting will be to consider the proposed flexible working arrangement, looking at the potential benefits, and establish whether or not it is workable, particularly taking into account the business and operational needs of the University.
- 37 During the meeting, either the employee or the manager may suggest alternative working patterns if this might lead to a compromise or to a different arrangement that both parties find acceptable. *For example, if an employee's request to work from home on a full-time basis cannot be accommodated, the manager may suggest (and discuss with the employee) whether or not he/she could be permitted to work from home for part of his/her working time.*
- 38 The line manager will also discuss with the employee the full implications of granting the employee's request. *For example, if the employee's hours of work are to be reduced, it will be clarified that this will result in a proportionate reduction in pay and holiday entitlement.*
- 39 If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Responding to a Request

- 40 Where a request can, without further discussion, be approved as stated in the employee's application a meeting to discuss the request may not be necessary. The employee will be informed of the organisation's agreement to the request by a confirmation letter.
- 41 The employee will be informed in writing of the organisation's decision as soon as is reasonably practicable, but no later than **10 working days** after the meeting.

- 42 The request may be granted in full, in part or refused. The line manager may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.
- 43 If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact their line manager within **10 working days** if they wish to discuss the new arrangements further, or have any concerns.
- 44 Where a request is refused, the employee may appeal in writing to the managers' manager and any such appeal should be made **within 10 working days** of the communication of the refusal of the request. The employee should state the grounds for the appeal.

Grounds for rejecting a request

- 45 The maintenance of high standards of service to students, partners and colleagues is crucial to the success of the University. All requests for changes in working patterns will be considered in this context. Managers may refuse an application for one, or more, of the following reasons below and will provide evidence if the request is rejected:
- the burden of additional costs
 - detrimental effect on ability to meet customer demand
 - inability to reorganise work among existing employees
 - inability to recruit additional employees
 - detrimental impact on quality
 - detrimental impact on performance
 - insufficiency of work during the periods the employee proposes to work
 - planned structural / organisational changes
- 46 The University will provide a written explanation to the employee of which and how these grounds for refusal are applicable to the circumstances.

Right of appeal

- 47 If the application for flexible working has been refused, the employee may appeal in writing to their line manager's manager within 10 working days of being notified of the decision. The appeal should clearly state the grounds on which they are appealing the decision.
- 48 The decision will be reviewed by the line manager's manager and the relevant HR Business Partner, who will consider the original application, the grounds for refusal and the appeal.
- 49 The employee should receive notice of the decision within 10 working days of their meeting. These time limits may be extended with the agreement of the both the employee and line manager.

- 50 The *Grievance Procedure* cannot be used in conjunction with this policy except in cases where procedural irregularities are claimed.

Trialling new working arrangements

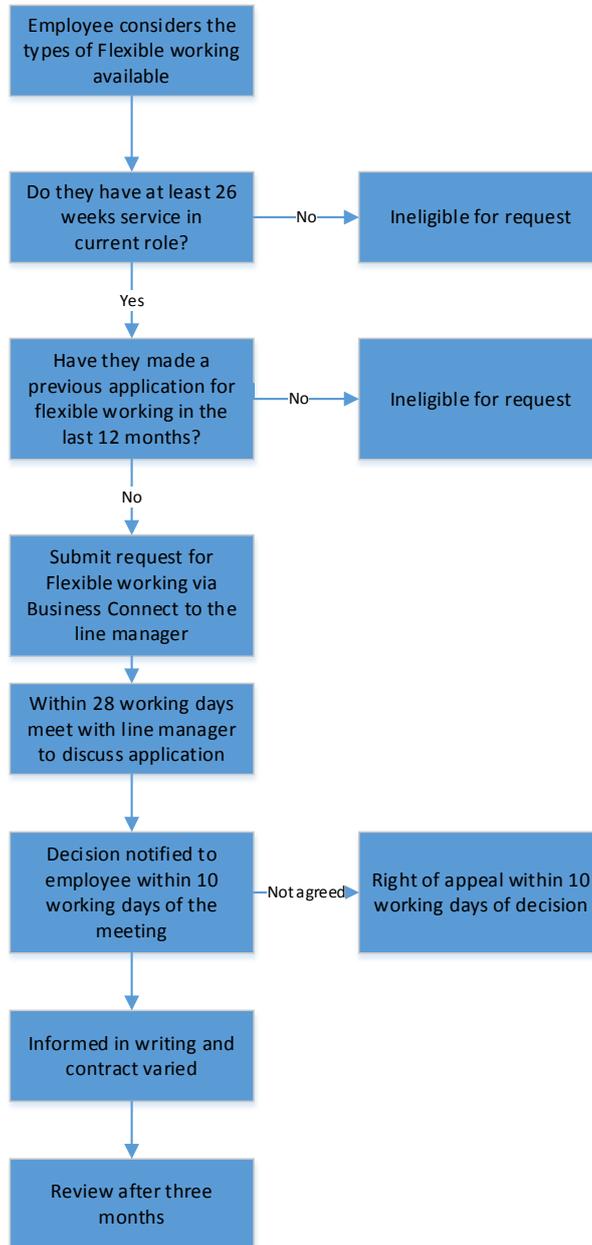
- 51 Where a request for a change to the employee's working pattern is agreed, there may be a trial period for the individual and University. The length of the trial period will be at the manager's discretion but will normally be three months. The purpose of the trial period will be to establish - from both an individual, University and operational perspective - whether or not the new pattern of working is in fact workable in the longer term, taking into account the responsibilities and duties of the employee's job.
- 52 After the trial period has been confirmed as successful, the working pattern will be confirmed as a permanent change.
- 53 If the manager confirms that the trial period has been unsuccessful, the employee will have the right of appeal against the decision.

Varying an employee's contract

- 54 Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A variation to contract will be sent to the employee **within 28 working days** of the change to the employee's working pattern being agreed.
- 55 If the employee has any questions or concerns about the new contract of employment they should contact their line manager or HR to discuss the matter further.

Appendices

Appendix 1: How to apply for Flexible Working



Appendix 2: Flexible working application form

You should note that under the right to request flexible working it may take up to 3 months for the University to consider the request but it will be done as quickly as possible. You should ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect. It will help your manager to deal with the application if you provide as much information as you can about your desired working pattern.

It is also important that you complete the questions about the effects that the changes you are requesting will have on the organisation and your colleagues. Please complete the form on Business Connect and discuss the request with your line manager.

Employee name			
Role title			
School / Directorate			
To be eligible to make a request for flexible working, you must have 26 weeks' continuous service with the University. If you are uncertain whether or not you are eligible to make a request, please contact the HR Directorate. You can make only one request in every 12-month period.			
Start date with the University			
Date form submitted			
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No	
When did you submit your last request for flexible working?			
I wish to submit a statutory request for flexible working as detailed below.			
Please describe your current working pattern (days/hours/times worked)			
Describe the working pattern you would like to work in future (days/hours/times worked)			
I would like the above change(s) to my working pattern to take effect on:			
Is the request for your working pattern a 'temporary' or 'permanent' change? (Please circle the change in the opposite box)	Temporary or Permanent		
Please state the impact of the new working pattern will have on the University's ability to run its business, on your department, your colleagues, students etc.			

Please state how you think the new working pattern might be accommodated			
<p>Once you have submitted a valid application for flexible working, your line manager will contact you to arrange a meeting, which will take place within 28 working days of the application being submitted, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.</p> <p>The university treats personal data collected while managing your flexible working request in accordance with our data protection policy. Information about how your data is used and the basis for processing your data is provided in the data protection policy.</p>			
I confirm that I have read and understood the terms of the Flexible working policy and procedure.			
Signed		Date	
SCHOOLS / DIRECTORATES: Line Manager's decision			
Rationale for approval / rejection of request: (NB: consideration to how the post will be covered)			
Agreed arrangements for the Flexible working (if supported)			
I confirm that I have read and understood the terms of the Flexible working policy and procedure.			
Line Manager Signed		Date	

Please return a copy to the Human Resources Directorate

Appendix 3: Frequently Asked Questions – All Employees

Q	What is flexible working?
A	The term 'flexible working' describes a type of working arrangement which gives some degree of flexibility on how long, where and when an employee works.
Q	Who has the right to request flexible working?
A	<p>The University has a legal duty to give due consideration to requests by employees with 26 weeks' continuous service to move to flexible working.</p> <p>The University's policy on flexible working extends this to all employees in all areas and levels regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis.</p>
Q	Can I be refused?
A	Yes. There is no automatic right for employees to change to any of the flexible working patterns described in this policy - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or University performance.
Q	What types of flexible working are covered by the policy?
A	<p>A flexible working request can be made for changes to :</p> <ul style="list-style-type: none"> • The number of hours an employee is required to work • The times an employee is required to work • Where the employee is required to work i.e. at home or place of work <p>Working pattern examples include compressed hours, flexi-time, job sharing and term time only working. A list of examples can be found in the policy under Definitions.</p>
Q	How long must I work before I can apply?
A	An employee must have at least 26 weeks' continuous service in their current role at the date of application.
Q	How long do I have to wait for a response?
A	28 working days. Your manager will give fair consideration to all requests and will hold a discussion with the employee making the request to explore fully whether or not granting it is feasible.
Q	Can I appeal if I am turned down ?
A	Yes. If the application for flexible working has been refused, the employee may appeal in writing to their line manager's manager. The original application will be considered as will the grounds for refusal at the appeal. The employee should receive notice of the decision within 10 working days of the appeal meeting.
Q	Other members of the team have flexible working agreements in place, can I have the same arrangement?
A	Your manager will give fair consideration to all requests and will hold a discussion with the employee making the request to explore fully whether or not granting it is feasible. The request will also consider the equality and impact on staff morale. However, agreeing to one employee's request will not set a precedent or create a right for another employee to be granted any particular change to his/her working pattern.
Q	Can I apply for more than one type of flexible working practice?
A	You may request a flexible working arrangement which may involve more than one type of flexible working practice such as part time and term time only. This request will then be considered as detailed in the procedures.

Appendix 4: Frequently Asked Questions - Managers

Q	What do I do if I get a request for flexible working?
A	<p>You are asked to consider all applications from all grades within the University after 26 weeks of service. You will need to take into account a number of criteria including (but not limited to) the following:</p> <ul style="list-style-type: none"> • the cost of the proposed arrangement; • the effect of the proposed arrangement on other employees; • the level of supervision that the role-holder requires; • the structure of the department and employee resources; • other issues specific to the individual's department; • an analysis of the tasks specific to the role, including their frequency and duration; • an analysis of the workload of the role.
Q	Do I have to accept the request?
A	<p>No. There is no automatic right for employees to change to any of the flexible working patterns - each application will need be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or business performance. The request will also consider the equality and impact on staff morale. You will be required to meet with the employee within 28 working days of the application to discuss the issues and potential impact and arrive at a decision.</p> <p>You will be required to provide a written explanation to the employee of the grounds for refusal. See the criteria in point 44.</p>
Q	Can the employee appeal my decision?
A	<p>Yes. An employee has 10 working days in which to appeal to their line manager's manager. The employee should receive notice of the decision within 10 working days of their meeting.</p>
Q	What can I do if I have concerns about the impact this arrangement will have?
A	<p>You should share concerns and use the face to face meeting to suggest alternative working patterns which might lead to a compromise or to a different arrangement that both parties find acceptable.</p> <p>Where a request for a permanent change to the employee's working pattern is agreed, you can impose a trial period, the length of which will be at your discretion but will normally be three months. The purpose of the trial period will be to establish - from a business and operational perspective - whether or not the new pattern of working is in fact workable in the longer term, taking into account the responsibilities and duties of the employee's job.</p>
Q	What happens after we come to an agreement?
A	<p>The manager should write to the employee confirming the arrangement and the length of the trial period. Copy the letter to the HR Advisor.</p> <p>Where the change impacts the terms and conditions of the employee the HR Advisor will confirm these details in writing to the individual.</p>