

# Flexible Working Scheme

## 1. Introduction

ALL employees with 26 weeks continuous service now have a statutory *right to request* flexible working (irrespective of whether they are parents or carers).

The purpose of this guidance is to outline some of the options you may wish to consider and the process which will be used to consider requests from employees who meet the eligibility criteria detailed below.

## 2. Flexible Work Options

### **Non standard working pattern**

This is any variation to the standard working hours for the job and may include (but is not limited to) the following options:

*Part-time working* - When employee is contracted to work anything less than normal full time hours for their job. e.g. 3 days per week or term time only

*Non standard hours/days/weeks* - When an employee works their normal contractual hours over a different pattern of days and weeks. e.g. 8am-4pm or 9 day fortnight.

*Job share* - More formalised version of part time hours where the hours of a specific job are split between more than one person but the job remains a 'whole job'. Usually the job is a full time one that is divided between two job-sharers, and sometimes this can be with the total hours required being reduced also. Job share can only be approved if another suitable employee can take on the other part of the role.

**Flexible retirement** – an employee wishes to either reduce their hours of work and/or grade of post, at the same time as accessing their pension benefits, either in part or in full. Subject to scheme rules, the employee can also in some circumstances, continue to pay contributions into the pension scheme and accrue further pension service/benefits once the change in hours and/or grade has occurred.

**Unpaid leave of absence for an extended period** – Where an employee wishes to take an extended period of unpaid leave for whatever reason - employee would need to assess impact on pension, NI etc, and University would need to assess impact on other members of the team and any opportunities it presents.

**Home Working** – only permitted on an ad-hoc basis where the line manager has given prior approval, and where the purpose is to complete a task or specific project. The University does not permit home working on a permanent or semi-permanent basis. Local arrangements are in

place within individual Schools/Departments in respect of agreeing home working requests and the eligibility criteria and application process described below do not apply to such requests.

### **3. Eligibility Criteria**

To make an application for flexible work arrangements, employees must meet certain criteria. This section will outline those criteria and the types of flexible work arrangements for which an employee might apply.

#### **3.1 Who can make a request?**

##### **3.1.1 Flexible Working**

To be eligible to make a flexible working request the individual must:

- Be an employee of the University
- Have worked for the University continuously for 26 weeks
- Not have made another application to work flexibly during the past 12 months

Only one application a year will be considered under this procedure. Each year will run from the first date when the application is made.

##### **3.1.2 Flexible retirement**

To be eligible for flexible retirement, staff must also meet additional conditions under the particular pension scheme rules. See Section 7 'Further Information' for links to the appropriate pension information.

If an employee takes flexible retirement before age 65 scheme benefits may be reduced for early payment. Early payment of benefits may also trigger additional costs for the University. Where continuing recurring costs of employment combined with strain on fund costs are greater than the employment costs which previously applied, the University will not approve the application.

### **4. Making an Application**

Employees who wish to apply for flexible working should make an application using the Form at Appendix B. Using this formal process allows the university to monitor flexible working applications and ensure all requests are considered fairly and consistently.

All applications should be submitted well in advance – normally three months - of when the individual would like the change to take effect. This does not preclude the change taking place earlier if it is agreed and any consequences have been addressed satisfactorily.

### **5. Considering an Application**

An application will be considered to be dated on the day it is received by the Head of School/Department.

The Head of School/Department will arrange a meeting to consider the request usually within 28 days of the application being

received. This will provide an opportunity to discuss the request in depth and consider how it might be accommodated. The degree of flexibility permitted will be dependant on a number of factors, but ultimately there must be no deterioration in the service to colleagues and students offered by the department.

Employees can bring a colleague or workplace trade union representative to the meeting. TU reps can talk with the employee and address the meeting, but they cannot answer questions on their behalf. If the TU rep is unable to attend the meeting, the employee should rearrange this within five days of the date of the original meeting.

It may also be in the interests of both parties to agree a trial period to see how the working pattern suits the employee and the department in practice.

### **5.1 Reaching a Decision**

Once the request has been discussed, the Head of School/Department must consider the application and establish whether the request can be accommodated within the business needs of the University, taking account of the benefits to be achieved, impact and cost. He/she will then notify the employee of the decision, in writing, usually within 10 working days of the date of the meeting. Where further consideration is needed the manager should inform the employee of the further time required before a decision can be made and the reasons.

#### **5.1.1 Accepting an application**

If the Head agrees to adopt the requested change the Human Resources Department will write to the employee formally detailing the change and any impact on the employee's terms and conditions of employment. The Payroll Section will also be informed of any corresponding changes in salary. In the case of flexible retirement employees will also be asked to confirm to the Pension Scheme whether they wish to access their benefits in full or in part, before the final confirmation letter is issued to them.

Any request that is made under this procedure will be a permanent change to the employee's contractual terms and conditions (unless specifically agreed otherwise). **There is no right on the part of the employee or employer to revert to the previous working pattern.**

#### **5.1.2 Rejecting an application**

In circumstances where the Head is unable to accommodate the request due to the business needs of the University they will write to the applicant detailing one or more of the eight permitted business reasons for refusing the request, as detailed below:

1. The burden of additional costs is unacceptable to the organisation
2. An inability to re-organise work amongst existing staff
3. An inability to recruit additional staff
4. The employer considers the change will have a detrimental effect on quality

5. The employer considers the change will have a detrimental effect on the business' ability to meet customer demand
6. Detrimental impact on performance
7. There is insufficient work during the periods the employee proposes to work
8. Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans.

Employees have the right of appeal against the decision if they feel their request has not been properly considered. Appeals should be made in writing to the HR Manager within 10 working days of the date of the decision letter.

## **6. Withdrawal of Application**

An employee who wishes to withdraw their application after the initial meeting has taken place must do so formally in writing. They will not be eligible to make another application for 12 months from the date of the previous application.

## **7. Further Information**

Further information on the contents of this guidance can be obtained from the HR department.

Further information regarding the **statutory** right to request flexible working can be found in the [ACAS guide](#) LGPS members can also find further information at:

[http://www.nespf.org.uk/members/lgp\\_retire.asp](http://www.nespf.org.uk/members/lgp_retire.asp)

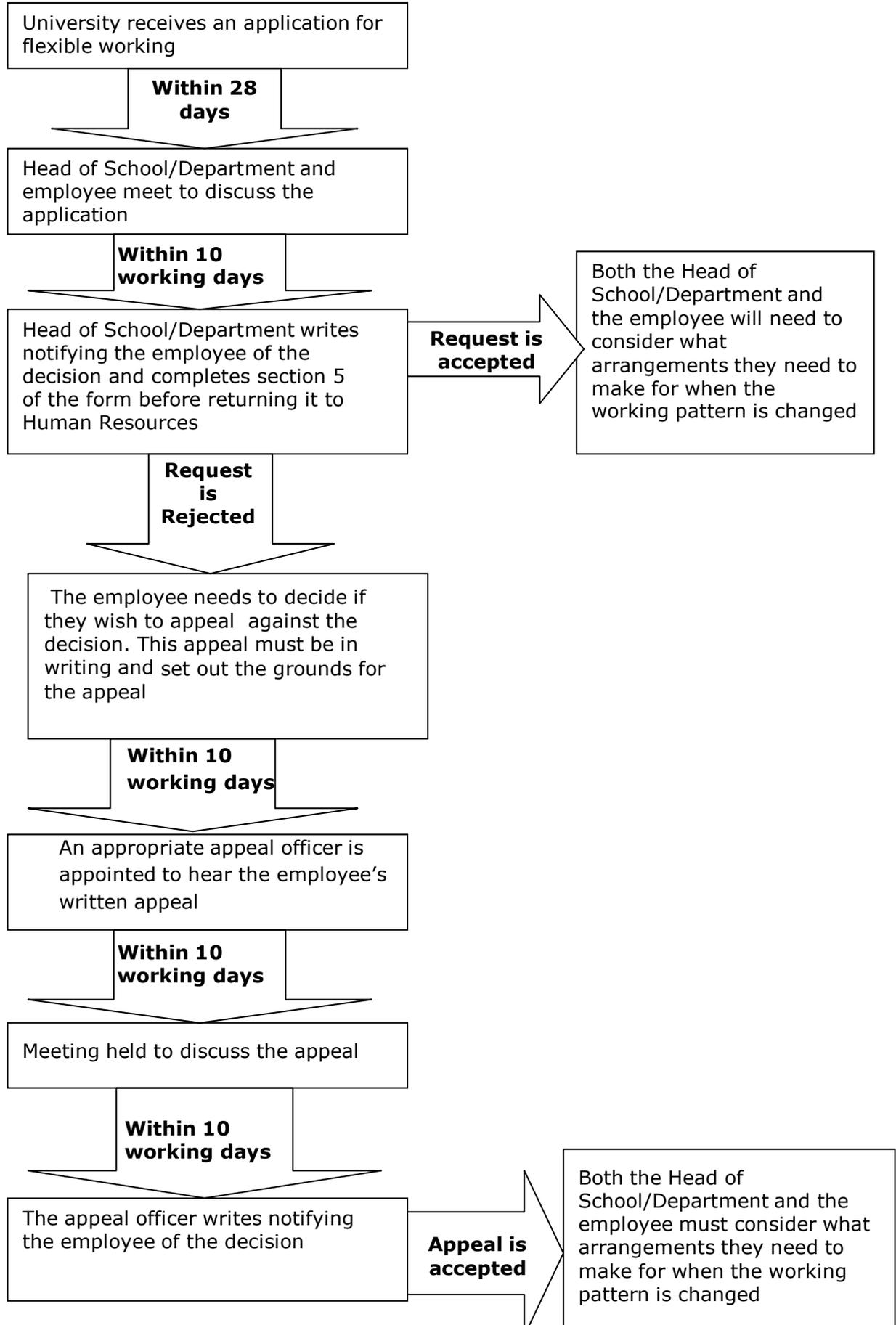
STSS members can find further information at:

[http://www.sppa.gov.uk/scot\\_teachers/documents/phasedretirementfactsheet220910.pdf](http://www.sppa.gov.uk/scot_teachers/documents/phasedretirementfactsheet220910.pdf)

[http://www.sppa.gov.uk/scot\\_teachers/documents/windingdownfactsheet220910.pdf](http://www.sppa.gov.uk/scot_teachers/documents/windingdownfactsheet220910.pdf)

## Appendix A

### Requests for Flexible Working – How does the process work?



## Appendix B

### Flexible Working Application

#### 1. Personal Details

Name:

Job Title:

School/Department:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm that I meet the appropriate eligibility criteria as follows:

- I have worked continuously as an employee of the University for the last 26 weeks
  
- I have not made a request to work flexibly under this right during the last 12 months

If you are not sure whether you meet any of the criteria, please contact the HR Department who will be happy to assist.

If you are unable to meet all the above criteria then you are not eligible to make a request to work flexibly in law. This does not mean that the University will not consider your request, you should discuss your request with your Head of School/Department.

#### 2a. Describe your current working pattern (days/hours/times worked)

#### 2b. Describe the working pattern you would like to work in future (days/hours/times)

(You may continue on a separate sheet if necessary)

**2c. I would like this working pattern to commence from: <insert date>**

**3. Impact of the new working pattern**

**I think this change in my working pattern will affect the University and my colleagues as follows:**

**4. Accommodating the new working pattern**

**I think the effect on the University and my colleagues can be dealt with as follows:**

**Name:**

**Signature:**

**Date:**

**Pass one copy of this application to your Head of School/Department and one copy should be sent to the Human Resources Department.**

-----  
-----

**5. Outcome of the application**  
**To be completed by the Head of School/ Department**

Application approved/ rejected (delete as appropriate)

Agreed new working hours/ pattern (if applicable):

Date this new arrangement will commence (if applicable):

Reason for rejection (if applicable):

The burden of additional costs is unacceptable to the organisation	
An inability to re-organise work amongst existing staff	
An inability to recruit additional staff	
The employer considers the change will have a detrimental effect on quality	
The employer considers the change will have a detrimental effect on the business' ability to meet customer demand	
Detrimental impact on performance	
There is insufficient work during the periods the employee proposes to work	
Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans.	

Please provide details:

**Name:**

**Signature:** **Date:**

**When section 5 is completed a copy of the full application form should be sent to the Human Resources department.**

**University's Confirmation of Receipt** (to be completed and returned to employee)

Dear:

I confirm that I have received your request to change your work pattern on <insert date>.

I shall be arranging a meeting to discuss your application within 28 days of the above date. In the meantime you might want to consider whether you wish to be accompanied by a trade union representative or work colleague at the meeting.

Head of School/Department: .....

Signature: .....