

# Flexible Working Policy

## 1. Introduction

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The University is committed to creating working arrangements that benefit both staff and the University. We recognise that having flexible working practices that allow you to vary your working hours, days and/or place of work can help you achieve an acceptable balance between your work and personal commitments. We also recognise that flexible working practices can help the University to organise its services to better respond to the varying needs of students and other stakeholders.

The Flexible Working policy provides a mechanism to consider requests to make a permanent or temporary change to working arrangements in a fair and transparent way.

Requests to work flexibly will always be carefully considered. However, there may be occasions when the University needs to modify or restrict the use of flexible working practices to effectively manage organisational service priorities or not to agree to a request where a manager considers that a job can only be carried out effectively under current arrangements.

The Flexible Working Policy incorporates all relevant employment legislation and is underpinned by the University's core values and commitment to equality and diversity.

This policy does not form part of your contract of employment and may be amended from time to time. It supersedes all previous flexible working policies, procedures and guidance.

## 2. Scope

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The Flexible Working Policy applies to all Birmingham City University employees who have completed their probation or have a minimum of 26 weeks' continuous service.

## 3. Principles

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- The University will deal with requests for flexible working as quickly as possible and, in any event, within a calendar month of the application.
- Requests for flexible working will be considered in the order they are received.
- Decisions will be handled objectively and fairly and you will not be treated less favourably because you have asked for flexible working arrangements.

- Each request will be considered on its merits taking account of the specific requirements of that business unit and the possible impact of refusing a request. Matters to be considered include:
  - The University's business needs (additional costs, impact on customer demand, whether there is enough work to be done during the periods proposed, planned structural changes, impact on quality, work performance)
  - The suitability of the job for the flexible arrangements proposed
  - The current balance of full and part time staff within the unit and other flexible working arrangements within the team/department/school/faculty
  - The feasibility of covering the balance of hours where reduced hours are requested (inability to re-organise work among existing staff or recruiting another postholder)
- Your application for flexible working will be discussed with you.
- You will have the right to be accompanied by a workplace colleague or trade union representative at a meeting to discuss your request and at a subsequent appeal meeting.
- Arrangements agreed for one member of staff do not set a precedent.
- The University has the right to refuse a request for flexible working where there are clear business reasons for doing so.
- Implementation, if agreed, may be delayed if there are contingent arrangements to put in place.

## 4. Roles and Responsibilities

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The roles and responsibilities set out below include but are not limited to the following

### *Vice Chancellor, Executive Directors, Heads of School and Service Directors*

- Encouraging opportunities for flexible working where it supports the achievement of business objectives.

### *Line Managers*

- Confirming receipt of all requests for flexible working and providing a response within a calendar month.
- Being prepared to propose alternatives or adjustments to a request for flexible working in order to increase chances of approval.
- Taking account of issues of equality when considering requests e.g. whether a request is a reasonable adjustment for a disability.

### *All staff*

- Making formal requests for flexible working in writing.
- Submitting your request well in advance of the date you would like new working arrangements to take effect.
- Being willing to consider alternatives or adjustments proposed by your manager wherever possible to increase chances of approval.

### *Human Resources Department*

- Advising managers on all aspects of the application of the policy.
- Retaining all records.
- Monitoring and reviewing the effectiveness of the policy.

## **5. Types of flexible working**

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Flexible working can incorporate a number of changes to working arrangements. The University will consider all requests for flexible working which will include but may not be limited to the following

- The hours you are required to work
- The times you are required to work
- Annualised hours
- Home working
- Job sharing
- Part-time working
- Compressed hours
- Term time only

Additional information about types of flexible working is included in Appendix A. You should note that some types of flexible working arrangements are better suited to particular jobs, areas of work within the University than others and are therefore more likely to be agreed.

## **6. Informal arrangements for flexible working**

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The University operates a number of informal ad-hoc and short term flexible working arrangements which are non-contractual, time limited and can cease at the discretion of your manager. Examples of informal arrangements include but are not limited to

- Requests to start the working day earlier or later to allow an earlier or later finish
- Requests to work remotely from home for up to a few days to concentrate without distraction on a particular piece of work
- Redistribution of hours over a week to release time for an early finish
- Requests for temporary variations to working arrangements

If you wish to work flexibly on an ad-hoc / short term basis this must be agreed orally or by email in advance with your line manager who will need to take account of the operational service needs including the impact on students and colleagues. If you have an on-going need to vary your normal working arrangements on a permanent basis you should submit a formal application in line with this policy.

## **7. Making an application**

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If you are considering making an application to vary your working arrangements you are advised to speak to your line manager informally in the first instance before making a formal application, as this may help you formulate a request more likely to be approved.

If you choose to make a flexible working application you must do so in writing to your line manager. Your application must

- State that it is an application under the statutory right to apply for flexible working arrangements
- Specify the change you are applying for and the date on which you would like the change to begin
- Provide an explanation of what effect, if any, you think making the proposed change would have on your team/Department/School or Faculty and how in your opinion such effect might be dealt with

Your manager will meet with you following your application although your formal request may be agreed without the need for further discussion particularly if you have already discussed it informally. A letter to confirm any agreed change will be sent to you within a calendar month of your request.

Any change to your terms and conditions as a result of your request will be permanent unless your manager agrees to a temporary variation or a trial period.

## **8. Formal meeting to discuss an application**

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If a formal meeting is arranged it will be held within a calendar month of the University receiving your application, although this can be extended if you and your manager agree to it. The meeting will usually be with your line manager and you will be given a minimum of five days' notice of the date, time and meeting place. The meeting will consider your application, the impact of the proposed change and your ideas for how any adverse impact could be minimised. The meeting will also provide an opportunity to discuss any alternative variations that would be acceptable to you and your manager.

You are entitled to be accompanied by a workplace colleague or trade union representative. If you or your representative is unable, for good reason, to attend, you can propose an alternative date to take place as soon as possible but not later than ten working days after the original date. If it is difficult to arrange to meet face to face, the meeting can be by telephone if you and your manager both agree to it. No further re-scheduling will be considered and your application will be treated as withdrawn unless the reason for non-attendance is considered exceptional.

## **9. Decision**

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You will be notified of the outcome of your application for flexible working within a calendar month of the formal meeting.

If it is the case that there are a number of staff already working flexibly and the team/department/school is unable to accommodate any further flexible arrangements, the line manager may consider calling for volunteers from within the area to review their working arrangements in order to create capacity for further flexible arrangements to be considered.

If your application is agreed, you will receive written confirmation of the details of the new working arrangements and the date on which they take effect will be confirmed. If a permanent change has been made, you will be issued with a new contract of employment and you cannot revert to your previous terms and conditions of service.

If you have any concerns about the change or wish to discuss the matter further you should speak to your line manager within 14 calendar days of receiving the written decision.

If your application is refused your letter will contain written confirmation of the reasons for the refusal and you will be informed of your right to appeal.

## **10. Appeal**

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If you consider that the decision to refuse your request was not handled reasonably and in line with this policy you have the right to appeal. Your appeal must be made in writing, include the grounds for appeal and be submitted within a calendar month of the decision. The appeal will be considered within a calendar month. The appeal will be considered by a manager of at least the same level to the manager who held the formal meeting and who has not been involved, except where this is not possible due to the seniority of the post holder.

You will be notified of the outcome of the appeal in writing within 14 calendar days of the appeal meeting. The outcome of the appeal is final.

## **11. Trial Arrangements**

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Your manager may agree to a trial period for a flexible working request in cases where there is some uncertainty about whether the proposed flexible working arrangement is feasible. If a trial period is arranged, it should be arranged for up to three months which should allow sufficient time for both parties to evaluate whether the arrangement works before any decision is taken about whether the arrangement is viable.

## **12. Reference Documents**

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Appendix A: Example of types of Flexible working arrangements

Appendix B: Overview of the Flexible Working Policy

## **13. Review**

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This Flexible Working Policy will be reviewed by the Human Resources Department (HRD) every three years, or sooner where new developments in employment legislation necessitate such a review, where factual clarification is required or changes to operational practices take place. Reviews will be carried out in consultation with our trade union, managers and other key stakeholders. The next review will be in June 2018.

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**Sally Stewart**

**Director of Human Resources**

## Appendix A

# Types of Flexible Working Arrangements

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The following are examples of the types of flexible working arrangements that are may be considered although this list is not exhaustive.

### **Annualised working**

Your contract will specify the total number of hours to work during the course of the year rather than each week. This means that you may work more hours during certain times of the year and fewer at other times of the year. If your total hours are less than the full time equivalent your terms and conditions of service will be pro-rated.

### **Part time working**

You reduce your total number of working hours from full time to part time. The number of days worked each day or week could be reduced. Terms and conditions of service will be pro-rated.

### **Term time working**

You can work a fixed number of hours during the University term time and be paid in 12 equal instalments over the calendar year. When the University is closed you are not required to attend work. Annual leave entitlement will be pro-rated and taken outside of term times.

### **Formal Home working**

You work from home the entire time or on a designated number of days each week. While you are at home you must devote your full time attention to work and therefore you must have no additional commitments or responsibilities during this time. Your home working environment must enable secure access to the University's IT systems and meet health and safety at work standards. Further information in Home Working is set out in the Homeworking Procedures.

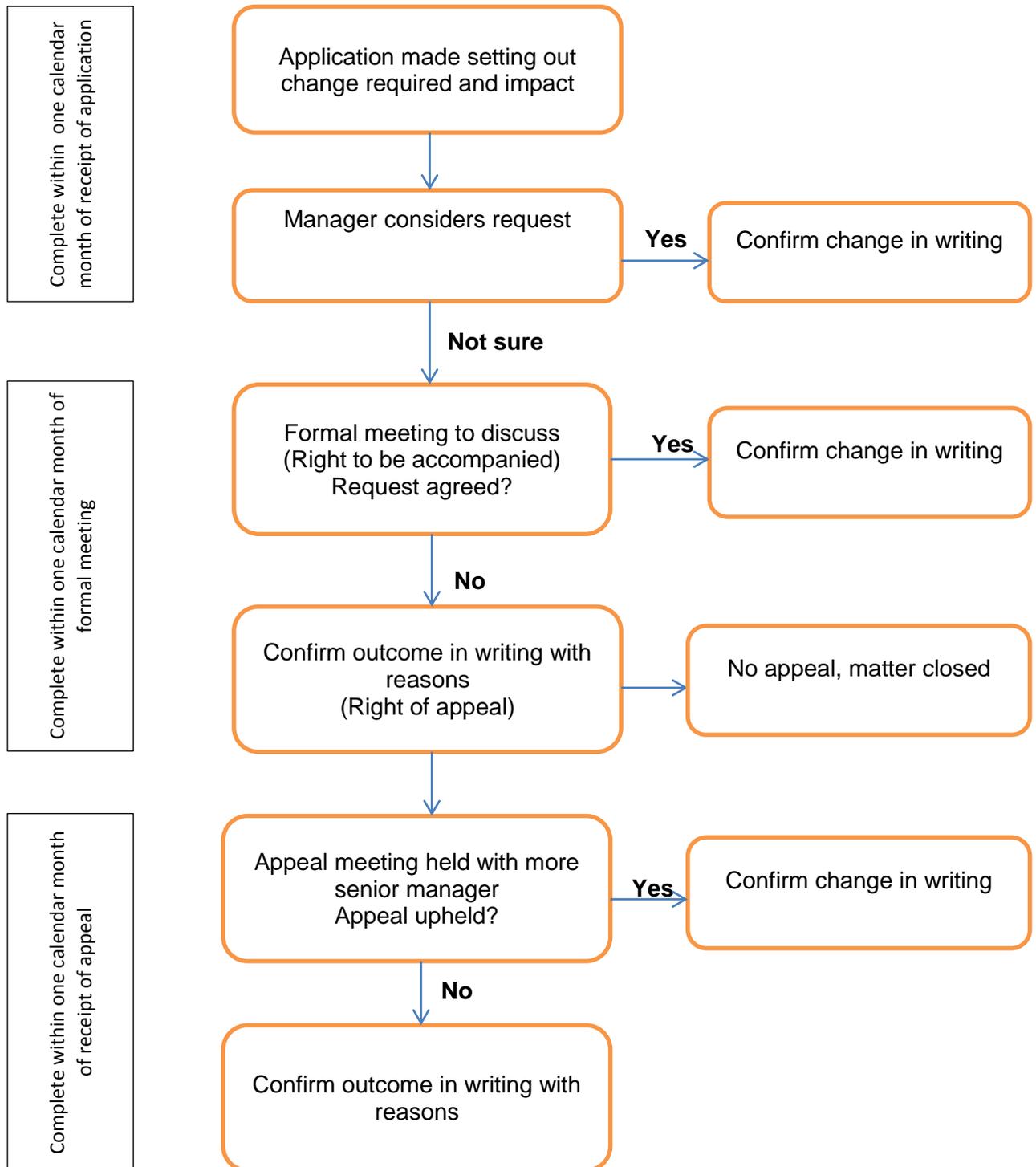
### **Compressed hours**

You work full time hours over a fewer number of days by increasing the length of each working day.

## Appendix B

# Overview of Flexible Working Policy

Entire process must be completed within 3 months from date application submitted



**End of Process**

## Appendix C

# Application for Flexible Working

Please complete fully otherwise your application may not be considered. Once you have completed the form you should give it to your line manager. You are reminded that if the request is approved, this will be a permanent change to your terms and conditions unless otherwise agreed.

### Section 1

<b>Name</b>		<b>School/Department</b>	
<b>Line manager</b>			

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

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

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**Please delete as appropriate**

I have\*/have not\* previously requested to work flexibly under this right.  
(please set out the dates of any previous requests)

### Section 2

#### 1. Describe your current working pattern (days, hours, times worked)

#### 2. Describe the working pattern you are requesting (days, hours, times worked)

**3. When would you like this working pattern to commence?**

**4. What do you consider the impact of your proposed new working pattern to be on your area of work and on your colleagues?**

**5. Accommodating the new working pattern. How do you think the effect on your area of work and colleagues can be accommodated?**

**Signed:**

**Date:**