

## Flexible Working Policy

### Contents

1. Policy .....	2
2. Scope of the Procedure .....	2
3. What is Flexible Working.....	2
4. Procedure .....	3
5. Appeals Process .....	4
6. Withdrawing a request .....	5
Appendix 1 .....	6

## 1. Policy

- 1.1 St Mary's University Flexible Working Policy outlines the University's commitment to consider flexible working arrangements under the Flexible Working Regulations 2014.
- 1.2 The University believes in supporting employees to work flexibly to support a work-life balance and recognises in doing so staff are more motivated, leading to better staff retention and organisational success. Flexible working also helps the University to structure working patterns and staffing levels in line with varying customer and University needs or around peaks and troughs of demand.
- 1.3 The University will seek to facilitate the granting of a reasonable request. No employee will be treated less favourably, suffer detriment or be dismissed because they have requested flexible working or move to a flexible working arrangement.

## 2. Scope of the Procedure

- 2.1 To be eligible to make a request for flexible working under the Flexible Working Regulations you must:
  - Be an employee of St Mary's, either on a permanent or fixed term contract
  - Be either a full time or part time employee
  - Have worked at for St Mary's continuously for at least 26 weeks at the date of application
  - Should not have made a request to work flexibly during the previous 12 months
- 2.2 Please note that applications for flexible working not covered by the Flexible Working Regulations may be submitted by employees, but the University has no statutory obligations in respect of such applications.

## 3. What is Flexible Working

- 3.1 Flexible working allows employees to vary their working arrangements. Employees may request a change in the hours they work, a change in the times they work or the location at which they work. Further examples of different types of flexible working arrangements can be found in the [Flexible Working Guidance](#).
- 3.2 Employees do not have an automatic right to have their request granted. Consideration of any request must take into account the need for the University to achieve its objectives efficiently.
- 3.3 It is important that employees understand that an accepted application for flexible working constitutes a permanent change to their contract of employment, unless mutually agreed otherwise. A three month trial period will be put in place for all requests, to determine whether the arrangement works for the employee, the line manager and the business.

3.4 If a staff members circumstances subsequently change in relation to the need for flexible working, there is no statutory right to return to the terms and conditions that previously applied, however the University will give due consideration to such applications.

## 4. Procedure

### 4.1 Application

Flexible working requests should be discussed informally with the appropriate line manager, prior to a formal application being made.

Formal applications should be made to the appropriate line manager, by completing the [flexible working request form](#). The employee will be invited to attend a meeting with the line manager to discuss their application within 28 working days.

### 4.2 Meeting

The aim of the meeting is to explore the suggested working arrangement and to discuss how it might be accommodated. Alternative work patterns can also be discussed, should there be a problem accommodating the working arrangement requested.

The staff member may be accompanied at the meeting by a recognised trade union representative or work colleague.

If the employee and/or their representative cannot attend the meeting on the proposed day and time, the meeting will be postponed to an alternative day and time, normally within 5 days of the original meeting.

### 4.3 Outcome

Notification of the outcome of the meeting will normally be sent to the employee within 10 working days of the meeting taking place.

No application will be approved or rejected without consultation with Human Resources.

If the request is successful the employee will receive a contract variation, confirming a trial period, reflecting the change in working arrangement and the date the change will be effective from.

Please note: if the request increases an individual's working hours, then a Headcount Control Business Case will need to be completed and approved before the final approval of the request.

### 4.4 Trial Period

All agreed requests will be subject to a 3-month trial period. This will provide the opportunity to test the new working arrangement and determine if it works for the

employee, the line manager and the business area. In certain circumstances (e.g. quiet periods in a cycle of work) this can be extended for up to 1 year.

A contract variation will be issued to the employee clearly stating that the arrangement is subject to a trial period. During the trial period the line manager will monitor the new working arrangement and highlight any issues with the employee.

The manager will meet with the employee at the end of the trial period to discuss and review the arrangement. If it is deemed that the new pattern is not suitable by either party, the employee will revert to their original working pattern. If it is deemed that the new pattern is successful, the original contract variation will remain in place and the arrangement will continue on a permanent basis.

#### 4.5 Declined

If the request is unsuccessful, the employee will be notified in writing. The line manager should provide a clear and accurate explanation for the refusal, including the business reason. There is no requirement for a lengthy or complex explanation, but the line manager should provide the employee with sufficient reason to allow the employee to understand the decision.

A request for flexible working may be refused for the following business reasons:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to recruit additional staff
- Inability to reorganise work among existing staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

To ensure a consistent approach across the University, no application should be refused without consultation with the relevant HR Partner.

## 5. Appeals Process

5.1 An employee has the right of appeal against a declined flexible working request. The appeal should be made in writing using the [flexible working appeal form](#) and sent to the Director of Human Resources within 10 working days of receipt of the outcome/decision.

5.2 The appeal meeting should normally take place within 10 working days of receipt of the notice of appeal.

5.3 The Chair of the appeal will be of a higher or equal seniority to the manager who made the original decision. They should not have had significant involvement in making the original decision. A member of Human Resources will attend the meeting.

5.4 The staff member may be accompanied at the meeting by a University recognised trade union representative or work colleague.

5.5 If the employee and/or their representative cannot attend the meeting on the proposed day and time, the meeting will be postponed to an alternative day and time, normally within 5 days of the original meeting.

5.6 The employee will be notified of the outcome within 10 working days of the meeting. If the appeal is successful, the notification will specify the new working arrangement, start date and length of trial period. If the appeal is unsuccessful the notification will sufficiently explain the reasons for the decision to reject the appeal.

5.7 A further request for flexible working cannot be made for a 12 month period from the date of the original request.

5.8 Please note: if the request increases an individual's working hours, then a Headcount Control Business Case will need to be completed and approved before the final approval of the request.

## 6. Withdrawing a request

6.1 Requests will be deemed to be withdrawn if:

- The employee withdraws their application either verbally or in writing
- The employee fails to attend the meeting to discuss the request without good reason

- **Date Written:** 30 April 2020
- **Author:** Claire Hierlehy-Brown
- **Version number:** 1
- **Person responsible:** Fiona Hnatow, Director of HR
- **Effective from:** June 2020
- **Review date:** June 2022
- **Impact Assessment date:** TBC
- **History:** University Operating Board – June 2020

## Appendix 1

### Flexible Working - FAQ's

#### **Am I eligible to apply for Flexible working?**

Employees must meet the following qualifying requirements to be eligible to request flexible working:

- Be an employee of St Mary's, either on a permanent or fixed term contract;
- Be either a full time or part time employee;
- Have worked at for St Mary's continuously for at least 26 weeks at the date of application;
- Should not have made a request to work flexibly during the previous 12 months.

#### **Do I have the right to work flexibly?**

Employees do not have the right to work flexibly. However, many employees have the right to formally request more flexible working arrangements. The University has a duty to consider the request in a reasonable manner.

#### **Is it guaranteed that my request will be granted?**

Employees do not have an automatic right to have their request granted. The University will consider the needs of the business and determine if your flexible working request can be accommodated.

#### **Can a flexible working arrangement be for a temporary period of time?**

Yes, an employee can request for a temporary change to their terms and conditions of employment. However, this must be made clear to the manager from the outset and only one request can be made in a 12 month period.

#### **What sort of flexibility is covered by a request for flexible working?**

A qualifying employee can request a change to their terms and conditions of employment in relation to, for example:

- Changes to hours and times of work
- Work location
- Part time working
- Job sharing
- Working from home

#### **If my request is refused can a further request be made at a later date?**

A further request can be made at a later date, but an employee must wait 12 months from the date on which their last application was made.

#### **If my request is refused can I appeal against the decision?**

You have the right of appeal against the decision to refuse your request. Your appeal must be submitted to the Director of HR within 10 days. Your appeal will be heard by a manager of equal or higher seniority to the manager who made the original decision.