Flexible working policy and procedure – University of Plymouth

Summary

This document outlines:

- What we mean by flexible working;
- The relevant legislation;
- When to use the formal or informal procedure;
- How to request timetable constraints;
- Your and your manager’s rights and responsibilities in making a flexible working request.
Flexible Working Procedure

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2. Policy statement

The University of Plymouth is committed to ensuring that our employees have a healthy work-life balance, which includes consideration of opportunities for working flexibly where possible. Flexible working is important in promoting gender equality, referenced in Athena SWAN and equal pay action plans. Flexibility in the way employees can undertake their work can have a positive impact on the performance of individuals and teams, supporting employee engagement and satisfaction.

This procedure includes flexible working arrangements whether requested formally, informally or as a timetable constraint and includes for example, a variation in the number of hours worked, working patterns or the way work is carried out.

The flexible aspect of work can benefit both employees and the University, for example, for employees this could mean allowing freedom to fit hours around personal needs. For the University this can mean organising work to meet peaks and troughs, customer expectations and other variations.

This procedure applies to all employees, regardless of grade or personal circumstances, however, to make a formal request for flexible working, you will need to have at least 26 weeks continuous service.

3. What is flexible working

The following are examples of flexible working:

- Reducing hours
- Varying working pattern
- Restricting availability for timetabled lectures (timetable constraints)
- Job-share
- Staggered or compressed hours
- Shift work
- Working from home

Requests can be made for a number of reasons, but will typically be for personal reasons such as childcare or other caring responsibilities, a health condition/disability or religious observance.

Changes may be formal or informal and can include permanent or temporary arrangements depending on the circumstances and implications for the individual and University’s needs.

4. What isn’t flexible working?
• Requests that are covered by other policies, including time off for medical appointments, time off to care for a child/dependent who is unwell. The University’s Time off for Dependents and Compassionate Leave policies provide information about leave for family emergencies and parental leave.
• Adhoc, one-off requests, for example, the need to work from home or to adjust hours for one or two days may be considered on an individual basis, and you should discuss this directly with your manager.

5. Statutory provisions

All employees with at least 26 weeks’ continuous employment have a statutory right to make a formal flexible working request and the University has a statutory duty to seriously consider any requests made to determine whether this can be accommodated or not within the business needs of the area or University.

The legislation stipulates:

• Requests should be in writing stating the date of the request and whether any previous application has been made and the date of that application.
• Requests and appeals must be considered and decided upon within three months of the receipt of the request.
• Employers must have a sound business reason for rejecting any request.
• Employees can only make one request in any 12 month period.
• Any request accepted will make a permanent change to the employment contract unless a temporary change is agreed by the manager and employer.

This procedure covers our statutory obligations, and in additional includes opportunities for less formalised requests made on a temporary basis.

Where possible, requests for flexible working will be approved, unless it is determined that there will be a detrimental impact on the business area or University that cannot be overcome.

The Equality Act 2010 includes the provision to consider reasonable adjustments for employees who have a disability. Adjustments may include variations in working hours or practice. Where an employee is seeking to vary their hours because of a disability, an Occupational Health referral will be needed for medical advice to ensure that the proposed changes in working pattern enable the employee to sustain their attendance at work and do not have any detrimental impact on the their health and wellbeing.

6. List of Acronyms
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ALD  Associate Lecturer and Demonstrator
ERS  Employee Relations Specialist
HoS  Head of School
HR  Human Resources
OH  Occupational Health
STC  School Timetabling Coordinator

7. Definition of terminology used in this document

**Annualised hours**: The total number of hours required to be worked in a year is specified within a contract, but the actual timing of when the hours are worked can be varied by mutual agreement across the year. This can be beneficial to cover fluctuations in work, and at the same time, enable an employee to work flexibly, taking time off when they need it.

**Associate Lecturer and Demonstrator (ALD)**: Contract used for part-time teaching and demonstration. Paid on an hourly basis against a schedule of work.

**Athena SWAN** (Scientific Women's Academic Network): A charter established and managed by the British Equality Challenge Unit in 2005 that recognises and celebrates good practice towards the advancement of gender equality: representation, progression and success for all.

**Companion**: A Trade Union (TU) representative or work colleague who you ask to accompany you to a formal capability meeting.

**Compressed hours**: Patterns of work that are outside the normal 7.4 hours a day, for example, working 37 hours over 4 days, or 74 hours over a 9 days.

**Employee**: Anybody who works for us under a contract of employment.

**Flexible working**: A pattern or hours of work that are outside the University’s standard 37 hour working week, start or finish times, or work location.

**Flexi-time**: A process for working varied starting and finish times, available for professional services employees (grade 1 to 6), subject to business needs. For more information, see Flexible working hours (flexi-time) guidance.

**Home working**: This is where an employee carries out part or all of their work from home. For more information, see Home working – Practical guidance for managers and employees.

**Job share**: Where two employees work on a part-time basis and effectively share a full-time job between them.

**Manager**: This is the person with responsibility for the outputs of an employee (for example what an employee produces, delivers, or is accountable for).
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**Timetable Constraints**: Requests to restrict your availability for timetabled lectures, for example to meet demands to care for a dependent. Reviewed on an annual basis.

**TU representative**: Representative from a trade union that you are a member of, for example, GMB, UNISON or UCU.
8. The procedure at a glance

Employee intends to make a flexible working request

**Informal variations** eg temporary adjustment in starting or finishing time for a fixed, short period

Manager and employee discuss proposals.

Manager advises employee of decision outcome

**Timetable constraint** eg request to temporarily limit availability for teaching

Employee discusses with HoS.

HoS supports request and informs employee and STC

Manager / HoS sends form to HR@plymouth.ac.uk confirming discussion & outcome.

If supported, timetable constraint sent to Timetable Manager

Arrangements reviewed at specified period. Timetable constraints reviewed annually.

**Formal** Eg adjustment in working hours leading to a long term / permanent contractual change

Manager and employee initial discussion, highlight possible impacts.

Employee completes the form for formal request

Manager considers request

Manager informs employee and sends form to hr@plymouth.ac.uk

Employee can appeal against decision (within)

Manager sends form to hr@plymouth.ac.uk and changes implemented.

Arrangement reviewed at specified period.

Manager / HoS supports request and informs employee and STC

HoS does not support request & informs employee.

OH makes recommendations

Manager / HoS supports recommendations ERs advice.

Request not supported. ERs advice

Health / disability related – manager / HoS makes OH referral

Manager and employee discuss proposals.

Manager advises employee of decision outcome

Manager considers request

Manager sends form to hr@plymouth.ac.uk and changes implemented.

Employee can appeal against decision (within)

Manager sends form to hr@plymouth.ac.uk and changes implemented.

Arrangement reviewed at specified period.

Manager / HoS sends form to HR@plymouth.ac.uk confirming discussion & outcome.

If supported, timetable constraint sent to Timetable Manager

Arrangements reviewed at specified period. Timetable constraints reviewed annually.

Manager and employee discuss proposals.

Manager advises employee of decision outcome

Manager considers request

Manager sends form to hr@plymouth.ac.uk and changes implemented.

Employee can appeal against decision (within)

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Manager advises employee of decision outcome

Manager considers request

Manager sends form to hr@plymouth.ac.uk and changes implemented.

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Manager and employee discuss proposals.

Manager advises employee of decision outcome

Manager considers request

Manager sends form to hr@plymouth.ac.uk and changes implemented.

Employee can appeal against decision (within)

Manager sends form to hr@plymouth.ac.uk and changes implemented.

Arrangement reviewed at specified period.
9. The procedure in detail

9.1 Informal variations

You and your manager may agree variations in your working pattern or other changes on an informal basis, normally for a temporary period of time.

If you are on a grade 1 to 6, you may be able to vary your start and finish times using flexi-time where applicable. Flexi-time is dependent on your area of work, subject to local customer service / business needs and you should check with your manager to determine if this applies in your work area.

Informal, temporary agreements may not necessarily result in a contractual change in your terms and conditions of employment.

Timetable constraints are not considered as part of informal variations within this section, please refer to 9.2.

9.2 Timetable constraints

Core teaching hours at the University are between 9am and 6pm, Monday to Thursday, and 9am to 5pm Fridays. However, it is recognised that this can create difficulties for some employees, for example, where they are sole carers, have a partner who works away from home and are unable to access care for a child or other dependents, or where a medical condition or disability impacts on availability. In these circumstances, you can make a request to limit your availability for timetabled teaching at certain times of the day, or in the case of part-time / ALD employees, specific days, by requesting a timetable constraint.

Timetable constraints need to be discussed, in advance of the timetabling process, with your Head of School who may wish to consult the Programme Leader (to ascertain the impact on the programme and on other staff and students) before authorising. Once the Head of School has authorised the request s/he will inform the Programme Leader and School Timetable Coordinator (STC). Timetable constraints need to be re-applied for and re-confirmed on an annual basis. Where a timetable constraint is based on a long-term health issue or disability, you would not normally need an OH referral for a renewal, unless there is a change in your circumstances.

The process for applying or re-applying for timetable constraints will normally be made in February/March each year as part of the annual timetable process and will not result in a contractual change in your terms and conditions of employment.

Timetable constraints need to be made using the form in Annex one. You need to complete and send this form to your Head of School. Please do not include confidential information relating to a medical condition or disability on this form.

Your Head of School will complete the form and send it to the Timetable Manager, timetablingqueries@plymouth.ac.uk, for implementing the timetable and to HR, HR@plymouth.ac.uk. Requests for timetable constraints are recorded and monitored.
as part of our actions to promote gender equality and commitment to the Athena SWAN Charter.

9.3 Formal request

If you are seeking a permanent change in your terms and conditions, you should follow the process to make a formal request for flexible working. This procedure is in line with the requirements under the legislation referred to in section 3.

You will need to have at least 26 weeks continuous service to make a formal request. Before you submit a formal request, you should discuss this with your manager to understand any implications of your proposals. You should also consider possible options to mitigate any impact on the university or your colleagues for your manager to consider.

It is important that you also consider the impact of a change in your working arrangement on you personally, including your pay and pension.

- Once you have discussed your initial ideas with your manager, you should complete the Formal Flexible Working Request form provided in Annex two of this document.
- You should submit your request well in advance of the proposed date you wish to start on any new arrangements, to allow completion of the procedure in good time.
- Your manager will respond to your request as soon as possible, but in any event, within 6 weeks of the request being made, and ensure that the 3 month deadline is adhered to. Your manager will communicate the outcome to you and return the Outcome form in Annex three of this document.
- When completing the request form, you need to include reasons why the proposed working pattern is compatible with the needs of the University and in particular your area of work.
- You may, be accompanied at any meetings under this procedure by a companion.
- If your manager arranges a meeting to discuss your request and you do not attend this, or one or more rescheduled meetings, your manager will consider that you have withdrawn your request.
- Unless agreed otherwise, any changes to your working pattern will be permanent with no right to revert to the previous working pattern. Any changes that are agreed on a temporary basis, need to be agreed by both you and your manager, and confirmed in writing.
- Your manager will consider your request seriously before making a decision. Where your manager refuses your request, they will explain the reasons for refusal, based on the list below in 8.4.
- You have the right to appeal against a refusal to agree your request. If you wish to appeal, you need to write your Dean / Director, with a copy to the ERS.
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for your area, including your grounds for appeal. This must be received 10 days of your receipt of this response. Your Dean / Director will arrange to meet with you to discuss your appeal. You may be accompanied by a companion at a meeting to discuss your appeal.

9.4 Reasons for non-approval.

A decision to refuse your request may be based on factors such as:

- 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
- detrimental effect on ability to meet customer demand / service
- insufficient work for the periods the employee proposes to work
- a planned structural changes to the business.

10 What the university will do

- The University will provide current policies and procedures that meet legislative requirements and are clear and accessible to managers and employees.

- The ERS will provide advice and guidance on the policy and procedures and support the appeals process for formal requests.

- HR Operations will record and monitor requests made for flexible working, the reasons and outcome, to enable a review of the policy and its implementation as part of meeting our equality objectives. Information will be monitored anonymously and personal details will be treated as confidential and kept securely.

11 What managers will do

- Your manager will meet with you to discuss your proposals for flexible working, and clarify any points to make a decision. If your preferred hours are not able to be accommodated your manager my suggest alternatives.

- Where your proposals for flexible working are to make reasonable adjustments for you because of a disability, your manager will first make an OH referral to seek specialist medical advice to ensure that the proposed working pattern will not exacerbate any health condition you may have.
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- Your manager will consider your request against the needs of the University and local area, including any impact in service delivery or costs to determine whether your request can be accommodated.

- If your manager is unable to accommodate your request, they will confirm this decision and provide you with a clear explanation for refusing your request, and provide details of the appeal process.

- Your manager will respond to you as soon as possible, and no later than 6 weeks from the date of your initial request. Your manager will let you know if this is likely to take longer.

- Your manager will complete the form in Annex three and email this to HR@plymouth.ac.uk so that the details of your request, reason and outcome can be recorded and monitored and any salary adjustments made.

12 What employees will do

- You should consider any implications that your proposals might have on your area or the wider University and how these might be resolved.

- You will arrange to discuss your proposals with your manager, including any alternative suggestions.

- You will send your formal request to your manager using the “Formal Flexible Working Request Form” in Annex two.

- You will attend any meetings arranged as part of a formal request, and let your manager know if you are unable to attend an arranged meeting asap so not to delay the process.

13 Link to guidance/relevant documents

Please also see the guidance on the HR Community in relation to leave and working hours: https://intranet.plymouth.ac.uk/perdev/leaveandhours/

14 Review

We are committed to improving the way we lead and develop people. This includes making sure all procedures are fit for purpose at individual, team and organisational level. If you have any feedback or comments that could improve the procedure, please email hr@plymouth.ac.uk.
Annex one - Application for a timetable constraint or renewal (Section 9.2)

1. Personal Details
   Your name: [Head of School]

2. Request for a timetable constraint or renewal request
   2.1 Describe the constraint you would like / want to continue in your timetable, eg start and finish times:

   2.2 Please provide reasons for this request / renewal in relation to Section 9.2.

   (Note: Where your request is related to a health concern or disability, please do not include confidential medical details on this form.

   You will need to discuss the adjustments you are seeking with occupational health who can advise on the most appropriate options to meet your needs.

   For adjustments made in relation to a long-term, chronic condition you do not need an additional OH referral when reapplying, unless there have been changes in circumstances)

   2.3 Signed: ................................................ Date: ..............................

   2.4 Timetable coordinator / HoS comments:

   2.5 Approved / not approved (please delete as appropriate)

   2.6 Reason for decision not to approve, please refer to 9.4:

   Signed (HoS): ........................................... Date: ..............................

   Once completed, please send this form to the Timetable Manager: timetablingqueries@plymouth.ac.uk and HR: hr@plymouth.ac.uk
Annex two - Formal flexible working request (Section 9.3)

1. Personal Details

Your name:

Your manager:

Please provide the date of any previous applications, where applicable:

2. Flexible Working Request

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 worked):

2c. Please provide reasons for this request.

(Note, where your request is related to a health concern or disability, please do not include confidential medical details on this form. You will need to discuss the adjustments you are seeking with occupational health who can advise on the most appropriate options to meet your needs):

You may continue on a separate sheet if necessary

2d. I would like this working pattern to commence on:   /   /   (Date, Month, Year)
3. **Impact of the new working pattern**

I think this change in my working pattern will affect my employer and colleague(s) as follows:

4. **Accommodating the new working pattern**

I think the effect on my employer and colleagues can be mitigated as follows:

**Signed (employee):** .......................................................... **Date:** ..........................

Once completed, please can you pass this form onto your manager.
Annex three: confirmation of outcome of formal flexible working request

This form needs to be completed by your manager and returned to you and emailed to HR: HR@plymouth.ac.uk

<table>
<thead>
<tr>
<th>1. Personal Details</th>
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<tbody>
<tr>
<td><strong>Employee name:</strong> ………………………………………………………………</td>
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<tr>
<td><strong>Employee’s manager:</strong> ……………………………………………………………</td>
</tr>
<tr>
<td><strong>Date of application:</strong> ……………………………………………………………</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Confirmation of decision:</th>
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<tbody>
<tr>
<td>Request approved ☐</td>
</tr>
<tr>
<td>Request partially approved ☐</td>
</tr>
<tr>
<td>Request not approved ☐</td>
</tr>
</tbody>
</table>

Reason for decision (manager to complete, please refer to 9.4)

**Changes made:** (Please confirm details - change in days, contract, compressed hours, increase / decrease in hours, variation to start or leave times, work from home.)

**Date changes to take effect:** ………………………

**Review date** (note, changes will normally be permanent unless otherwise agreed and specified.): …………………………………

Signed (manager): ………………………………………………… Date: …………………

Once complete, please discuss and share this form with the employee and email it to: HR@plymouth.ac.uk.

Note, if a formal request for flexible working has not been approved, you have the right to appeal against this decision.

To appeal, please can you write to your Dean / Director within 10 days of the receipt of this response, with a copy to ERS for your area, with details for your grounds of appeal.
Annex four – examples of when you would use an informal, formal or timetable constraint request

<table>
<thead>
<tr>
<th>Type of request</th>
<th>Informal/ Formal/ Timetable constraints?</th>
<th>Change on employee records</th>
<th>HR confirm to employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compact/compressed hours working</td>
<td>Informal/ Timetable constraints</td>
<td>Change to working pattern</td>
<td>No</td>
</tr>
<tr>
<td>Increase in hours</td>
<td>Formal</td>
<td>Change to contracted hours/working pattern</td>
<td>Yes – contracted change to hours</td>
</tr>
<tr>
<td>Reduction in hours</td>
<td>Formal</td>
<td>Change to contracted hours/working pattern</td>
<td>Yes – contracted change to hours</td>
</tr>
<tr>
<td>Variation to start and leave times</td>
<td>Informal/ Timetable constraints</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Change of days</td>
<td>Informal/ Timetable constraints</td>
<td>Change to working pattern</td>
<td>No</td>
</tr>
</tbody>
</table>