

FLEXIBLE WORKING POLICY AND PROCEDURE

DOCUMENT CONTROL	
Title:	Flexible Working Policy and Procedure
Type of Document: <i>Policy/Procedure/Guidelines</i>	Policy
Date Approved:	6 April 2024 <i>(Legislative change)</i>
Approved By: <i>Which Committees - Governance, etc.</i>	HR & EDI Committee
Review Date:	October 2024 <i>(unless required earlier due to legislative changes)</i>
Document Intranet Location: <i>Insert link</i>	<u>Flexible Working Policy and Procedure</u>
External Sources e.g. Legislation, ACAS/Legislation/Professional Bodies: if applicable	<u>The Flexible Working (Amendment) Regulations 2023 (legislation.gov.uk)</u> <u>Employment Relations (Flexible Working) Act 2023 (legislation.gov.uk)</u> <u>Code of Practice on requests for flexible working ACAS Flexible Working ACAS</u>
Other relevant policies to refer to:	<u>Special Leave Policy and Procedure</u> <u>Hybrid Working Framework</u> <u>Flexible Working Guidelines for Working from Home</u>
Consulted: <i>Executive / UNISON / UCU / GMB / UNITE any other leadership mgt group who have endorsed this</i>	UNISON / UCU / GMB / UNITE
Equality Impact Assessment (EIA) File location: <i>Insert link</i>	Available from the EIA team
Data Impact Assessment File location: <i>Insert link</i>	n/a
Version No:	1.2 – April 2024
Status of Document:	Approved <i>(Legislative change revision)</i>
Previous Approved Version No:	n/a
Document Author:	Human Resources Business Partnering Team
Document Owner:	Human Resources

This policy will be reviewed periodically to ensure compliance with changes in employment law and equality and diversity legislation. In the event that this policy or procedure is not so compliant, the relevant legislation shall prevail.

Changes to this policy will be subject to consultation and agreement with the University's recognised Trade Unions before implementation

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The following supplementary guidance and documentation is available on the Human Resources webpages.

Forms:

- [Flexible Working Request Form.pdf](#)

Guidelines:

- [Flexible Working – Guidelines for Managers](#)
- [Flexible Working Guidelines for Working from Home](#)
- [Flexible Working Guidelines for Supporting Carers in the Workplace](#)
- [Hybrid Working Framework](#)

Template Letters:

1. [Letter template inviting employee to a meeting to discuss flexible working request](#)
2. [Letter template confirming the flexible working request has been agreed](#)
3. [Letter template confirming adapted or alternative flexible working arrangements agreed](#)
4. [Letter template confirming flexible working from home request agreed](#)
5. [Letter template confirming flexible working request has been declined](#)
6. [Letter confirming successful outcome following trial period](#)
7. [Letter template confirming amended flexible working arrangement following trial period](#)
8. [Letter confirming trial period unsuccessful](#)

POLICY

1. Policy Statement

- 1.1. Brunel University London is committed to equality of opportunity in employment for all our employees and to developing working practices and employment policies that support a positive work life balance.
- 1.2. There are many benefits to flexible working for both employees and the University including increased motivation, engagement, retention, performance and productivity. We understand the importance of helping employees with balancing their work and other priorities such as:
 - caring responsibilities;
 - leisure activities;
 - education and training including lifelong learning;
 - health and wellbeing;
 - arts and sports; voluntary and charity work;
 - approaching retirement including the option to request flexible retirement.
- 1.3. In support of our commitment to Athena SWAN, departments are asked to be mindful of employees' flexible working agreements when arranging department meetings, subject to business and operational needs.
- 1.4. Departments have a responsibility to maintain services and to ensure staffing levels reflect business demands. Consequently, there is no automatic right to flexible working and not all requests will necessarily be agreed. However, line managers should seek to accommodate an employee's requests where possible and, if necessary, explore alternative arrangements that may allow for the needs of the individual and the department to still be met.
- 1.5. This policy and procedure sets out the University's approach to flexible working arrangements in accordance with legislation and the ACAS code of practice and aims to:
 - promote work life balance and in doing so increase employee engagement and retention;
 - demonstrate the University's commitment to supporting flexible working where possible;
 - provide a fair and transparent framework for the decision making process;
 - provide guidance to managers considering requests for flexible working in line with employment legislation and good practice;
 - to promote equal opportunities.

2. Scope & Eligibility

- 2.1. All Brunel employees have a statutory right to request flexible working regardless of their length of service.
- 2.2. In line with legislation ([The Flexible Working \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#), [Employment Relations \(Flexible Working\) Act 2023 \(legislation.gov.uk\)](#)) Brunel as an employer will:
 - allow employees to make 2 flexible working requests in any 12-month period
 - require managers to respond to requests within 2 months
 - require managers to consult with their employees who submit a flexible working request as a means of exploring the available options, before rejecting a flexible working request
 - not require employees to set out how the effects of their flexible working request might be dealt with by their employer

- 2.3. Individual circumstances will apply to employees on probation, casual staff and hourly paid employees.
- 2.4. An employee may normally submit one flexible working request in a twelve month period. Additional requests may be accepted for exceptional circumstances and where they relate to a statutory entitlement such as request for reasonable adjustments under the Equality Act 2010.
- 2.5. Employees with special needs, for example language difficulties or disabilities that may prevent them from fully participating in these procedure, will be provided with additional assistance and reasonable adjustments as appropriate.

3. Types of Flexible Working

3.1. Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. The flexible working pattern summarised below are the most typical arrangements but this is not an exhaustive list and there may be alternatives or a combination of options that could be suitable to both the employee and the University.

3.2. Whether a flexible working pattern will be suitable or not will very much depend upon the nature and demands of the position held, the services provided by the department and the employee's own individual circumstances.

3.3. Annualised hours:

3.3.1. Annualised hours are where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year. Hours are usually rostered to include set and unallocated hours during which an employee can be called into work as demand requires and to cover unplanned work and employee absence. Salary payments will usually be in 12 equal instalments over the year unless there are implications associated with National Minimum Wage Regulations.

3.4. Compressed hours:

3.4.1. Compressed hours are where an employee works their usual full time hours in fewer days by working longer hours each day. This means there is no reduction in pay. For example, a 5 day week is compressed into four days or 10 days a fortnight compressed into 9 days.

3.5. Job sharing:

3.5.1. Job sharing is an arrangement where a full time post is divided into two part time roles. The 2 job holders then share the overall duties and responsibilities. The hours each employee wishes to work must be compatible and meet the needs of the department. Pay and benefits are shared in proportion to the hours worked. Job sharing may be considered where the creation of a single part time post is difficult or where two individuals wish to work part time.

3.6. Part time working:

3.6.1. Part time working covers any arrangement where an employee is contracted to work less than full time hours. For example, an employee who only works Monday to Wednesday or on reduced hours five days a week.

3.7. Term time only working:

3.7.1. Term time only working is where an employee reduces their hours or takes time off outside of term time. Term time periods often vary for under graduate and post graduate students and may not mirror primary, secondary or further education term dates. Therefore, any request for term time only working must be clear on which term times are being requested.

3.7.2. Any weeks of non-working taken above the employee's annual leave entitlement will be unpaid. Salary will be paid in 12 equal instalments across the year unless there are implications

associated with National Minimum Wage Regulations.

3.8. **Remote working/Working from home:**

- 3.8.1. Remote working is where an employee carries out all or part of their duties from a remote location, usually from home, rather than the University's premises. An employee may work remotely for a set day(s) each week and there may be a combination of working from home and on campus.
- 3.8.2. Ad hoc and occasional remote working in line with the [Hybrid Working Framework](#) may be agreed by line managers without the need for a flexible working request application.

PROCEDURE

1. Process

- 1.1. The whole process, including any possible appeal against a decision, must be conducted within a maximum period of 3 calendar months. This timescale may be extended if necessary with the agreement of both parties, for example to allow for a trial period if there is uncertainty as to whether the new arrangement will work.
- 1.2. All requests for flexible working must be made by submitting a [Flexible Working Request Form](#).
- 1.3. Employees should submit their request to their line manager, electronically where possible, and include details of the pattern requested.
- 1.4. If an employee is making a request in relation to a reasonable adjustment relating to a disability or to assist with caring responsibilities they should state this clearly on the application form.

2. Making a Request for Flexible Working

- 2.1. Upon receiving the Flexible Working Request Form, the line manager should arrange a meeting with the employee to:
 - discuss the request;
 - find out more about the proposed working arrangements;
 - explore how the request could be of benefit to both the employee and the department;
 - explore alternative flexible arrangements, if necessary.
- 2.2. The meeting should be held within 28 calendar days of the line manager receiving the request. The meeting could be added to a regular 121 or PDR meeting if the time frame is appropriate.
- 2.3. No request should be declined without a meeting having taken place first to explore the request in more detail and consider any alternatives. The time limit of 28 days may be extended but not beyond 2 months with the agreement of both the employee and line manager.
- 2.4. The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed. If a face to face meeting is difficult to arrange then, if agreed by the employee and the line manager, the meeting may be held over the telephone, or Teams.

3. Flexible Working Meeting

- 3.1. At the meeting the employee may be accompanied by a workplace colleague or a trade union representative if they wish.
- 3.2. 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.
- 3.3. Following the meeting with the employee, the line manager will consider the proposed flexible working arrangements, looking at the potential benefits and any adverse effects to both the employee and to the department in implementing the proposed changes.
- 3.4. Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

- 3.5. The request may be granted in full, in part or refused. The line manager may also propose a modified version of the request or the request may be granted on a temporary basis.
- 3.6. Any refusal of a request must be for sound business reasons as follows:
- burden of additional costs;
 - inability to reorganise work amongst existing staff;
 - inability to recruit additional staff;
 - detrimental impact on quality;
 - detrimental impact on performance;
 - detrimental effect on ability to meet customer demand;
 - insufficient work for the periods the employee proposes to work;
 - planned structural changes to the business.
- 3.7. Following a meeting to discuss the flexible working request, the line manager will write to the employee to confirm their decision usually within 14 calendar days of the meeting. In some circumstances it may be necessary to extend this period, for example if the manager needs extra time to consult with other employees about covering work.

4. Terms and Conditions

- 4.1. A successful application for flexible working will usually result in a permanent change to the employee's terms and conditions of employment. However, there may be occasions where it may be appropriate to agree a temporary change such as an agreed trial period.
- 4.2. If an employee's request is to amend their contractual working hours, the line manager should submit a REAP so that any budget changes are notified to Finance and any changes to the employee's terms and conditions of employment can be confirmed by the Human Resources department.
- 4.3. Where there is no change to contractual terms but the operation of the employee's working pattern is changing, a copy of the letter to the employee confirming the details should be sent to the Human resources department. This is important as it will be necessary to update the employee's working pattern on the HR and Payroll system so that annual leave requests, absence recording and timesheets, where applicable, are recorded correctly.

5. Trial Periods and Ongoing Reviews

- 5.1. A manager and the employee may agree to extend the time limit in which to consider and conclude the flexible working request procedure in order to facilitate a trial period for the new working arrangements. A trial period can be particularly helpful when there is some uncertainty about whether the new arrangement is suitable for both the employee and the department. If a trial period is arranged it will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement. A trial period would ordinarily be for a maximum of 6 months unless there are exceptional circumstances. Towards the end of a trial period the manager should meet with the employee to review the impact of the temporary arrangements for both the employee and the department.
- 5.2. Following the review of the trial period, the flexible working request may be granted in full, in part or refused. The line manager may also propose a modified version of the request. Any refusal for a request must be sound business reasons listed in section 3.6.

5.3. Where a flexible working request is agreed, the arrangement should be regularly reviewed during PDR and 121 meetings to ensure that it continues to work for both the employee and the department.

6. Right of Appeal

6.1. Employees who have been refused a flexible working request have the right of appeal. An appeal should be submitted in writing, stating the full grounds of the appeal, to the Senior HR Business Partner within 14 calendar days of the date of the written confirmation of the original decision.

6.2. Appeal hearings will normally be held within 14 calendar days of receipt of the appeal letter. Appeal hearings, where possible, will be chaired by a manager who is at a higher grade than the manager who declined the original request. The Chair will be supported by a member of the Human Resources department who has not been involved in the matter previously.

6.3. All panel members should have undertaken the University's equality and diversity compliance training.

6.4. The employee will have the right to be accompanied at the appeal by a work colleague or trade union representative if they wish.

6.5. The appeal hearing panel can consider any procedural irregularity and whether the decision taken was fair. The panel can also consider any new evidence that the employee or line manager may present and consider its relevance to the flexible working request.

6.6. The outcome of the appeal hearing will be confirmed by the Chair, in writing, within 14 calendar days of the appeal hearing. The decision made by the panel of the appeal hearing is final. There is no further right of appeal.

6.7. Any complaints related to flexible working will be recorded by the Directorate of Human Resources. They will be monitored, with the aim of bringing about consistency between Colleges and Directorates in the way that policies that relate to work-life-balance are implemented throughout the University.

APPENDICES

Appendix A – Flexible Working Procedure Flowchart

FLEXIBLE WORKING PROCEDURE FLOWCHART

