

HR Department

Flexible Working Policy (including the right to request training)

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1. INTRODUCTION

- 1.1 This policy on flexible working arrangements for University staff has been developed bearing in mind the University's commitment to equality of opportunity and with the intention of helping members of staff balance their commitments and interests outside work with their contractual duties and responsibilities. Contractual changes will be considered to be permanent unless otherwise agreed at the time of the change.
- 1.2 In addition to the statutory right to request flexible working under the Flexible Working Regulations, the University's Teaching Constraints Policy sets out the process through which employees may request exceptions from standard teaching hours. Requests submitted under the Teaching Constraints Policy are not formal flexible working requests under the Flexible Working Regulations.
- 1.3 This policy and procedure does not form part of any employee's contract of employment. It may be amended from time to time with appropriate consultation with recognised trade union representatives.

2. COMMERCIAL ADVANTAGES

- 2.1 There are a number of reasons why an employer should consider moving away from more traditional patterns of work. The University recognises that flexibility in employment enables benefits for both staff and the business:
 - Assists in retaining skilled staff;
 - Enables the University to compete effectively in attracting new staff;
 - Raises staff morale and commitment;
 - Reduces absenteeism by promoting well-being;
 - Extends the working day in terms of office cover;
 - Helps to reduce pressure on car parking;
 - Supports the changing academic cycle;
 - Promotes equality of opportunity;
 - Supports working prior to retirement (excellent tool for succession planning). The retiree can act as a mentor while passing on skills/knowledge.

3. STATUTORY RIGHTS

- 3.1 Employees have a right to request flexible working under the Flexible Working Regulations.
- 3.2 Employees also have a statutory right under the Employment Rights Act (1996) to request time away from their core duties to undertake training whereby it will improve both theirs and the organisations' business performance.
- 3.3 The training can be either:
- Accredited, i.e. training that leads to the award of a recognised qualification;
 - Unaccredited, e.g. training to help the development of specific skills relevant to their job or workplace.
- 3.4 There is no limit on the amount of time employees can request or any obligations placed upon the employer to pay for the training or for the time spent training.
- 3.5 The University is not obliged to provide paid time off for training. A request may be refused for the following business reasons;
- The proposed study or training would not improve the employee's effectiveness in their role/or business performance;
 - The proposed study or training would have a detrimental impact on quality or performance;
 - The burden of costs is too great;
 - That it would have an detrimental effect on your ability to meet the needs of internal or external customers, students, colleagues or the wider University;
 - That it is not possible to reorganise your work amongst existing staff to cover the time that you are attending the training;
 - It is not possible to recruit additional staff to cover the time that you are attending the training;
 - There is an insufficiency of work during the periods that you propose to work to make up the time that you are spending attending the training;
 - Planned structural changes;
 - Any other statutory reasons that may be set down in future legislation.

4. FLEXIBLE WORKING ARRANGEMENTS

4.1 Flexible working arrangements are associated with the individual as opposed to the post. It is evident that some roles within Faculties/Departments are less adaptable to the flexible working options outlined below and in these cases managers are recommended to consider other methods of offering staff a more flexible working pattern. Managers should consult with their HR Representative for information and support on flexible working.

4.2 Flexible arrangements offered to members of staff under this policy cover a wide range of different arrangements including:

4.2.1 *Blended working*

To work part of the week remotely and part of the week on campus in line with business needs. Blending working would not be deemed as a change to contractual terms. Please see Blended working guidance on [SurreyLearn](#) for further information.

4.2.2 *Part-time working*

The member of staff is working less than full-time hours.

4.2.3 *Term-time working*

Makes it possible for permanent employees to take unpaid leave during school holidays.

4.2.4 *Job-sharing*

Two part-time employees sharing the duties of a post normally done by one. Job-sharers divide pay, holiday, and other benefits.

4.2.5 *Compressed working hours*

Lets people work their total number of hours over fewer days. For example, working full-time hours over four days a week instead of five, or working nine days a fortnight instead of ten.

4.2.6 *Annualized hours*

Total working hours are calculated over a year rather than a week. This means people can work according to the peaks and troughs of activity over the year.

4.2.7 *Staggered hours*

Employees have different start, finish, and break times. This allows employers to cover longer operational hours. It also offers employees more flexibility, as long as they are consulted first. For example in a customer focused area such as student support the office could be open from 8.00 – 6.00 with some staff starting at 8.00 and finishing at 4.30 whilst others do standard university working times, and others work 9.30 to 6.00 pm. A further example would be a request for an extended lunch break to take advantage of the Sports Facilities.

4.2.8 *Remote Working*

New technologies have facilitated this and home/remote working is now possible for a range of types of work. It can be an appropriate option in circumstances where a member of staff needs to be based at home on an occasional basis or for a limited period of time, or more unusually on a permanent basis. Home-working cannot be used on occasion when childcare cannot be found (i.e. individuals should not work at home on the same day they are actively looking after a child).

4.2.8.1 For the avoidance of doubt 'home' is regarded as a UK-based address, unless otherwise agreed by HR. A proposal to work at home on a regular, long term or permanent basis needs to be carefully reviewed in terms of the cost of providing equipment; health and safety and communications considerations; security, data protection, and other legal issues; working and reporting relationships and any requirements to attend work to perform the duties of the post (see Remote Working Policy).

4.2.9 *Additional planned unpaid leave*

Employees may opt to add up to 5 additional days (pro rata for part time) unpaid leave per year to their annual leave entitlement at the beginning of the leave year (see Appendix C).

4.3 At all times, the arrangements that are agreed will attempt to balance the needs of the member of staff with the work to be carried out and should be in the interests of the Faculty/Department concerned. It is of paramount importance that the needs of the business are met.

- 4.4 The manager can decide to implement a trial period for the flexible working arrangements, this will be a temporary change to contract and employees will have this confirmed in writing. A decision on whether to agree a permanent change should be made within 3 months of the start of the trial period unless it is agreed between the manager and employee to extend the trial.
- 4.5 Flexible working patterns will be reviewed on an ongoing basis by the Faculty/Department, to ensure that the practices continue to meet any change in business demands. Practices may also be reviewed and discussed as a result of any team or departmental changes to ensure that business requirements continue to be met.
- 4.6 Applications to work flexibly will not normally be considered where the member of staff is requesting flexibility in order to undertake other remunerative employment outside the University.
- 4.7 In addition to giving serious consideration to any request to work flexibly, all those responsible for appointing staff are encouraged to routinely consider how certain duties in their department could be covered on a flexible basis when reviewing a job vacancy or assessing the workload of the department or of an individual job.

5 APPLICATION PROCESS

- 5.1 Before making an application to work flexibly that will result in working fewer hours the member of staff should carefully consider the effect on their pay, pension contributions, and benefits since they will also be reduced on a pro rata basis. They may wish to seek advice from the Pensions Office about the implications for their pension.
- 5.2 To make an application, an employee must apply in writing using the Flexible Working Application Form (Appendix D) and set out the pattern they want to work, stating how this could be accommodated within their work area. The initial onus is on the employee to prepare a carefully thought-out application well in advance of when they would like the desired working pattern to take effect.
- 5.3 A meeting will be arranged with the individual's manager to discuss the request. The employee may be accompanied at this meeting by a colleague or trade union representative. This representative may be a recognised trade union official, a lay

- trade union officer or a fellow employee. A Human Resources representative may also attend. The meeting will provide the manager and the employee the opportunity to discuss the desired work pattern in depth and consider how it might be accommodated. At the meeting the employee should be prepared to expand on any points within their application. It may be necessary for both sides to compromise and both should be prepared to be flexible.
- 5.4 If a request is accepted, written notification will be given within a reasonable time frame (within 3 months if a trial period is to take place before the decision, unless an extension is agreed. Although there is no set time frame for all other cases it should usually be within 2 weeks of the meeting). The written notification will include a description of the new working pattern and the date it is to take effect. It can be beneficial to the University and to the employee to consider a trial period in order to monitor the operation and suitability of the flexible working arrangement. In rare circumstances this will not be practical and therefore advice and guidance should be sought from the Human Resources Department before agreeing such a trial period.
- 5.5 Where there is a variation to contract (temporary or permanent), such as a reduction in hours, Human Resources will write to the individual concerned confirming the change to contract. Human Resources will also make the administrative changes required for payroll purposes.
- 5.6 If an employee is asked to provide more information, i.e., that their home meets Health & Safety guidelines for home working and they refuse without reasonable cause, the application will be considered to have been withdrawn.
- 5.7 The employee can withdraw a request for flexible working. However, it is important to note that if it is withdrawn, another application cannot be made for another 12 months from the date of the withdrawal. A withdrawal needs to be confirmed as soon as possible and in writing, to avoid misunderstandings.
- 5.8 The University can refuse the application on the business grounds listed below (this list is not exhaustive):
- The change in working pattern will carry with it additional costs;
 - The change will have a detrimental effect on the ability to meet University customers' demands;

- The change will have a detrimental effect on the ability of the University to provide expected operational services;
- The workplace is unable to re-organise the work amongst existing staff;
- The University is unable to recruit additional employees to perform the outstanding work;
- The change will lead to a detrimental affect on quality and/or individual performance;
- There is insufficient work required to be done during the times requested by the employee;
- A planned structural change in the Faculty or Administrative/Service Department will not enable the request to be accommodated.

5.9 If a request has been rejected, the notification to the employee will state the business reason(s) for refusal, together with an explanation on why this applies in their particular case.

5.12 Where an employee has had their request refused and the employee wishes to discuss further, the matter should be referred first to their senior manager. If the matter cannot be resolved to the satisfaction of the employee, they may lodge an appeal.

6 APPEALS

6.1 Appeals should be made in writing to the Faculty Manager/Head of Administrative Department within 10 working days of receiving the decision. The appeal must be dated and clearly state the grounds on which the appeal is being made. There are no constraints on the grounds under which an employee can appeal; it may be that they wants to bring to attention something their manager may not have been aware of or it may be to challenge the business decision.

6.2 An Appeal Hearing may or may not be a re-hearing of the application, depending on the circumstances of the case. The employee must be specific about the grounds of appeal, which will effectively form the agenda for the hearing.

6.3 The composition of the Appeals Panel will be determined by the Faculty or CSAS HR Manager but will be expected to comprise:

- As Chair, a senior manager independent from the case;
- One other senior manager from the Faculty the case originated from

- HR representative

Senior managers are defined as staff at Grade 6 level or above.

- 6.4 The Appeals Panel will meet at the earliest convenient date. This should normally be within one month of the date of the appeal but must comply with the legal requirement that all flexible working requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless an extension is agreed with the employee (for example if a trial period is agreed).
- 6.5 The individual raising the appeal will be informed of the composition of the Appeal Committee. Should they have any concerns these should be raised with the relevant Human Resources Manager who will consider the employee's concerns and may reconstitute an agreed panel.
- 6.6 The Appeals Committee will invite the employee in writing to attend an appeal meeting, informing the employee of the entitlement to be accompanied by a colleague or trade union representative. This representative may be a recognised trade union official, a lay trade union officer or a fellow employee. The employee must inform the manager hearing the appeal of who will be accompanying them at least 2 working days before the meeting date.
- 6.6.1 The employee can be required to choose an alternative representative if the chosen companion is unavailable for the scheduled hearing and will not be available for more than five working days.
- 6.6.2 The companion may make representations, and sum up the employee's case but is not allowed to answer questions on the employee's behalf.
- 6.6.3 The University will allow an employee to bring a companion if it helps them to overcome any disability, or any difficulty in understanding English.
- 6.7 If an employee or their representative cannot attend at the time specified for a hearing, the employee must inform the manager hearing the appeal and/or HR immediately. An alternative date can be suggested so long as it is reasonable and it is not more than five working days after the original date. If the employee fails to attend without good reason, or is persistently unable to attend, the hearing may be

heard in their absence on the available evidence, or the employee may be invited to provide a written statement.

6.8 The decision of the Appeals Panel shall:

- confirm the original decision; or
- revoke the original decision and reach a different decision.

6.9 If the appeal is upheld, confirmation of this decision will be given in writing, within 10 working days of the date of the Appeals Panel meeting.

6.10 The decision of the Appeal Panel shall be final and there shall be no further right of appeal.

6.11 Only one formal application can be made in a 12 month period (from the commencement of the flexible working pattern, or from the date of rejection). If circumstances change and the Flexible Working arrangement is no longer working for the employee they should raise it with their line manager so that this can be reviewed and adjustments considered.

7 REVIEW OF THIS POLICY

7.1 The effectiveness of this policy will be reviewed on an annual basis by the Human Resources Department by monitoring the number of staff who have taken up a flexible working arrangement over the 12-month period, comparing the number of staff who are working under a flexible working arrangement year on year, and reviewing any difficulties that have arisen in the operation of this scheme.

Appendix A – PROCESS FLOWCHART



Appendix B - PROTECTION FROM DETRIMENT

An employee is protected against being subjected to detriment by any act or deliberate failure to act by the University because:

- Their application to work flexibly has been granted;
- They made an application to work flexibly under the right;
- They has made or stated their intent to make a complaint to an employment tribunal in respect of their application to work flexibly;
- They accompanied or supported another individual making an application or appealing against a decision on an application;
- Employees who suffer unfair treatment at work for the above reasons may make a complaint to an employment tribunal;
- This protection also applies if an employee is selected for redundancy on these grounds.

Appendix C – SCHEME FOR ADDITIONAL UNPAID LEAVE

Although not a right, employees may request up to 5 additional days (pro rata for part time employees) *unpaid* leave per year to their annual leave entitlement at the beginning of the leave year (or in the case of new staff, the start of their employment with the University). The cost of the additional days will be calculated using the employee's hourly rate of pay and be spread throughout the leave year (or what remains of it in the case of new staff) meaning that the impact of any loss of salary is spread over a longer time period.

Please note: Additional unpaid leave for part-time staff will be calculated on a pro-rata basis.

The scheme is intended to offer staff additional *planned* leave and does not in any way affect their right to request leave under the University's policies for compassionate leave or special leave.

No more than 5 days leave in total (including any additional days the employee has chosen to take) can be carried forward into the next holiday year. Any additional unpaid leave that has not been used will therefore be lost. It is the responsibility of the individual to manage their leave appropriately.

In some circumstances adding additional unpaid leave to their holiday entitlement may not be the most appropriate arrangement for individual employees. In such instances alternative arrangements more appropriate to the individual case may be agreed between the employee and their Faculty/Administrative Department. Alternative arrangements could include leave in accordance with the University's policies for Maternity Leave, Adoption Leave, Parental Leave, Shared Parental Leave, Domestic Leave, Career Breaks or Flexible Working (see elsewhere in this policy). The suitability of any of the above for any situation should be considered as a possible alternative if it is appropriate.

Staff interested in using the scheme should discuss their request with their line manager and submit a request in writing at least one month before the start of the holiday year or as soon as is reasonably practicable in the case of new staff.

Appendix D - STATUTORY FLEXIBLE WORKING REQUEST FORM

Please ensure you complete all sections of the form in full in order that sufficient information is available to enable proper consideration of your request. When completing sections 3 and 4 - think about what effect your change in working pattern will have on both the work you do and on your colleagues. Once you have completed the form you should immediately forward it to your Line Manager.

1. Personal details

Your full name:
Name of Line Manager:
Date of previous flexible working application (if applicable):

2. Application Details

2a. Where your application includes a request for paid time spent training (under section 63D Employment Rights Act 1996) you should complete the below section detailing:

- The subject matter of the proposed training or study
- Where and when the proposed training or study would take place
- Who would provide or supervise it
- What qualification it would lead to (if any)
- How you think the proposed training or study would improve your effectiveness within the role

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I would like to apply to work a flexible working pattern that is different to my current working pattern.

2b. Describe your current working pattern (days/hours/times worked):

2c. Describe the working pattern you would like to work in future (days/hours/times worked):

2d. I would like this working pattern to commence from:

2e. I am making this request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disabled employees (tick appropriate box):

Yes
No

3. Impact of the new working pattern

I think the proposed change in my working pattern will affect the Faculty/Administrative Department and my colleagues as follows;

4. Accommodating the new working pattern

I think the effect on the Faculty/Administrative Department and my colleagues can be dealt with as follows;

Signed: _____ (Employee)

Name: _____

Date: _____

To be completed by Manager

Meeting held to discuss request on:.....

Those present:

Brief Details of Discussion:

Flexible Working Request – Accepted/Rejected (please delete as necessary.
If rejected, please give reason:

If accepted, please give details of new arrangements:

Hours worked (per week):.....

How worked

Effective date:.....

Signed: _____ Signed: _____

(Employee)

Name: _____ Name: _____

Date: _____ Date: _____

Please pass one copy to employee and one copy to HR

HR to ensure copy of all requests (accepted or rejected) are kept, with a copy on employee's personnel file