



Flexible Working Request Policy & Procedure



Core Documentation Cover Page					
<h2 style="text-align: center;">Flexible Working Request Policy & Procedure</h2>					
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V1.0	December 2017 SMT	New policy to provide guidance to staff and managers about the process for requesting a change to working arrangements.	Laura Calvert Head of HR	J:\0 Quality Team - Core Documentation Intranet	December 2020
Equality Impact					
Positive equality impact (i.e. the policy/procedure/guideline significantly reduces inequalities)					
Neutral equality impact (i.e. no significant effect)					X
Negative equality impact (i.e. increasing inequalities)					
<p style="text-align: center;">If you have any feedback or suggestions for enhancing this policy, please email your comments to: quality@uco.ac.uk</p>					

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1. SCOPE OF POLICY & PROCEDURE

- 1.1 This policy is applicable to staff employed by The University College of Osteopathy (UCO). This policy does not apply to self-employed contractors, engaged on a contract of service, or casual workers.
- 1.2 This policy is non-contractual and may be updated or varied by the UCO from time to time.

2. INTRODUCTION

- 2.1 The UCO believes in adopting a flexible approach to support employees in achieving work-life balance. However, we also recognise that arrangements for flexible work requests have to be effectively managed, to ensure that our students and stakeholders needs are met.
- 2.2 The UCO has a high proportion of part time and hourly paid staff. Whilst we will continue to support part time working where appropriate, the UCO aims to employ staff on more substantial contracts. This objective has been adopted to improve quality, streamline line management and enable us to invest in staff that are able to commit more hours at the UCO.
- 2.3 An employee cannot unilaterally change their contract or working arrangements and this includes circumstances where the work is salaried, hourly paid or a combination of both. An employee cannot therefore 'resign' from one element of their work at the UCO whilst retaining work in another area, or for example teaching on a different pathway. This includes written, verbal or any other agreement to current working practices within the UCO.
- 2.4 In circumstances where an employee wishes to request a change to their current working arrangements, they should follow this procedure and seek advice from Human Resources.
- 2.5 The legislation enables employees to request a flexible working arrangement. We will carefully consider all requests; however, this does not provide an automatic right to work flexibly. There may be circumstances when the UCO is unable to accommodate a proposed change or desired working pattern. This procedure aims to facilitate discussion and encourage both the UCO and employees to consider flexible working patterns and to find a solution that suits both parties.
- 2.6 The employee has a responsibility to think carefully about their desired work pattern when making an application and to consider the impact to the UCO, along with how the impact could be mitigated.
- 2.7 The Head of Human Resources can provide further advice and guidance and should be informed of all flexible working requests as soon as a request is received.

3. ELIGIBILITY

- 3.1 The following criteria is necessary in order to make a flexible working request:
- a) be an employee, (i.e. not an agency worker, casual worker or volunteer);
 - b) have worked for the UCO continuously for 26 weeks' at the date the application is made;
 - c) not have made an application during the past 12 months (the date is taken from the conclusion of the previous flexible working request, including any appeal).

4. SCOPE OF FLEXIBILITY

- 4.1 Employees may request any form of flexible working, the most common being:
- a) A request to cease teaching or managing one element of work but retain a different element, for example, to continue teaching on the part-time pathway but discontinue teaching on the full time pathway.
 - b) A change to the number of hours worked.
 - c) A change to the times when an employee is required to work.
 - d) A request to work from home.
- 4.2 Other examples of working arrangements that may be requested include:
- a) Part-time working: working less than the normal full-time hours, either by working fewer days per week, or shorter hours per day.
 - b) Flexi-time: choosing when to work outside of a core time during which an employee is required to work.
 - c) Annualised hours: hours that are worked out over a year.
 - d) Compressed hours: working agreed hours over fewer days.
 - e) Staggered hours: different starting, break and finishing times for employees in the same workplace.
 - f) Job sharing: sharing a job designed for one person with someone else.
 - g) Term-time working: working during the academic terms.

5. PROCEDURE FOR MAKING AND CONSIDERING REQUESTS

- 5.1 An employee who wishes to change their working arrangements should initially make a considered application to their line manager in writing, sending a copy to Human Resources. An employee will only be able to make one application a year and an accepted change will mean a change to the employee's terms and conditions of employment. It will be important therefore that before making an application, the employee gives careful consideration to the request including any financial implications it might have on them, any effects it may have on the running of their department and how these effects can be accommodated.

- 5.2 The following information must be included in the request:
- a) The date of the application.
 - b) The change to working conditions they are seeking.
 - c) When they would like the change to come into effect.
 - d) What effect, if any, they think the requested change would have for their department and/or the UCO and how, in their opinion, any such effect might be dealt with.
 - e) A statement that this is a statutory request and if and when they have made a previous application for flexible working.
- 5.3 The employee is not required to disclose why they are seeking to make changes to their working conditions. However, employees should state if they are making their request in relation to the Equality Act 2010, for example, reasonable adjustments for a disability.
- 5.4 Requests must be considered objectively and should be carefully considered, looking at the benefits of the requested changes in working patterns for the employee and the UCO, and weighing these against any adverse organisational or departmental impact of implementing the requested change.
- 5.5 When considering a request, the line manager must not discriminate unlawfully against the employee.
- 5.6 If the request is able to be approved without amendments, then there will be no need to meet with the employee. However, no confirmation, either verbally or in writing of a proposed change must be made by the line manager to the employee without the line manager first contacting HR and complying with the approvals process for changes to terms and conditions of employment.
- 5.7 If further information is required in order to consider a request, or it is not considered possible to agree to a request without amendments, then the line manager should arrange to meet with the employee to discuss their request in more detail. Although there is no legal right for the employee to be accompanied to a meeting, the UCO may agree to an employee bringing a workplace colleague should they wish, as long as this does not result in unnecessary delays in arranging the meeting. A member of Human Resources will normally be present.
- 5.8 Once a decision is made, the outcome will be communicated to the employee in writing. If the UCO accepts the employee's request, or an alternative to the request, a further discussion may be necessary about how and when the changes might be implemented. Unless a review period is agreed, or the arrangements are for a short period of time, the change will constitute a permanent change to their contract of employment and will be confirmed in writing by HR.
- 5.9 The UCO may decide to put a review date in place to ensure that the change meets stakeholder needs and for the employee and line manager to provide feedback.

6. TIMESCALES

- 6.1 Flexible working requests must be dealt with in a timely manner. The law requires the consideration process to be complete within three months of receiving the request, including an appeal (unless an extension is agreed).
- 6.2 If an extension is agreed between the employee and line manager, there is no specific time limit. The length of the agreed extension would depend on the facts of each case, taking into account the following factors:
- A genuine agreement to extend the deadline exists.
 - The extension is for a specific reason.
 - The length of the extension is reasonable in order to meet the needs of both parties.
 - Short-term or trial arrangements
- 6.3 If it is not possible to agree to a specific request, it may be possible to consider approving a request on a short-term or trial basis, e.g. to assess the impact of the arrangements. In this situation, it will be made clear to the employee that they will revert back to their old conditions after a specified time period or after the occurrence of a specific event, e.g. graduation, and that each party can bring the arrangement to an end if they wish to. Employees will be made aware that if the UCO approves the application under the right to request, they do not have a statutory right to request another variation to their contractual terms for a period of 12 months.

7. IF A REQUEST CANNOT BE ACCOMMODATED

- 7.1 If the UCO cannot agree a request and alternatives have been explored but are not viable, then the employee will be informed that their request has been rejected. Requests that are rejected will be for one of eight possible business reasons:
- 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
 - A detrimental effect on the ability to meet customer demand
 - Insufficient work for the periods the employee proposes to work
 - A planned structural change to the business

8. APPEAL

- 8.1 Although there is no legal right to an appeal process the UCO may consider an appeal.

- 8.2 All appeals should be submitted to the next-in-line manager in writing with a copy sent to Human Resources, within 5 working days of the employee receiving written confirmation that the request has been rejected.
- 8.3 The next-in-line manager will consider the appeal and either meet with the employee, discuss their appeal by telephone or they may carry out a paper review of their appeal, depending on the circumstances. The reviewing managing will normally confirm that has been considered and provide a written outcome.

9. MULTIPLE REQUESTS AND EQUAL OPPORTUNITIES

- 9.1 Requests for flexible working will be considered in the order they are received, and each case will be considered on its own merits, looking at the business case, the possible impact of refusing the request and discussing alternatives where possible to accommodate the request. This means that if a number of requests are made in succession, whereas it may be possible to approve the first request, the context will then have changed and this will be taken into account when considering the second and subsequent requests.
- 9.2 The UCO will be careful not to inadvertently discriminate against particular employees because of a protected characteristic, e.g. where flexible working arrangements would be a reasonable adjustment for a disabled person, or when dealing with requests arising out of childcare responsibilities.