

# Flexible Working Policy

## UPR HR32 version 01.0

### Policies superseded by this document

This is the first UPR with this title which replaces the previous HR Policy of the same name.

### Summary of significant changes to the previous version

The original policy has been updated to include the provisions of The Flexible Working (Amendment) Regulations 2023 which remove the 26-week continuous service requirement for any flexible working applications that are made on or after 6 April 2024 and allow requests to be accepted from day one of employment. This policy has also been amended to allow for up to two flexible working requests within any 12-month period, rather than the original one in 12 months and for the process to be completed in 2 months rather than 3. These amendments are also as a result of the legislative changes due to take place at the same time.

### Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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## 1 Introduction

- 1.1 This policy is one of a suite of policies to help employees balance their work responsibilities with family and other commitments outside of work.
- 1.2 The University supports flexible working where it is reasonable to do so and business objectives can still be met.

- 1.3 Requests can be made to make changes to work arrangements. The change is permanent unless agreed otherwise. Shorter term needs not impacting on salary should be managed locally.
- 1.4 This policy takes account of the provisions of the Children & Families Act, 2014 and Employment Rights Act, 1996. The University follows the ACAS 'Code of Practice on handling in a reasonable manner requests to work flexibly' and 'handling requests in a reasonable manner to work flexibly: an ACAS guide'. The Flexible Working (Amendment) Regulations 2023 which come into force from 6th April 2024 alter the original provisions. In summary this means:
  - a) Individuals may make a request from day one of employment.
  - b) The request must be in writing. (See Section 4.1).
  - c) Line managers reviewing such applications must do so in a reasonable manner, meet the individual member of staff to discuss the matter and give a decision in writing. (see Section 4.2).
  - d) The request may be considered as withdrawn if a meeting has been arranged to discuss the request, or to appeal the decision, and the employee fails to attend this and a rearranged meeting without good reason. (See 4.2.6).
  - e) There is a right of appeal. (see section 4.3).
  - f) The whole process from initiated request to final decision will take no longer than 2 months unless agreed otherwise. It is expected that in most cases a decision can be made much sooner. (see 4.2.3 and 4.3.2).

## 2 Scope

- 2.1 The University provides the right to request flexible working to all staff. Individuals do not have to be a parent or carer to make such a request.
- 2.2 An employee can only make a statutory request twice in any 12-month period.
- 2.3 The request can include proposed changes to hours, times and place of work.
- 2.4 There are a number of flexible working options and individuals should check what is suitable for their team within their Strategic Business Unit..
- 2.5 Employees who are not members of either Local Government Pension Scheme or Teachers' Pension Scheme and who wish to reduce their hours/grade in the approach to retirement may make an application for reduction in hours using the provisions of this policy as referenced in the flexible retirement sections of the University's Retirement Policy (UPR HR30).

## 3 Definition of Terms Used

- 3.1 **Line manager** is the person to whom a member of staff reports and is directly responsible (e.g. Subject Group Leader; School Administration Manager; Technical Manager or equivalent).
- 3.2 **Senior Manager** is the next level of management above the Line Manager.

- 3.3 **Reduced hours** - allows the employee to work fewer hours than they are currently working whether full or part-time. Pay is reduced on a pro-rata basis.
- 3.4 **Job sharing** - takes place when two people divide the hours and duties of a full time post between them with the salary shared pro rata and not necessarily on an equal sharing of the hours. This encompasses all full-time posts within the University, unless an exceptional case can be made as to why the post is not suitable.
- 3.5 **Term-time only working** - allows staff to be contracted for a specific number of weeks in the year (e.g. 40) which relate directly to the University's terms or school terms. Staff are paid a salary which includes payment in lieu of holiday for an extra number of pro rata weeks and salaries are spread over 12 months.
- 3.6 **Shift working** - enables employees to work outside the normal University opening hours of 8.30am - 5.00pm.
- 3.7 **Compressed hours** - allows the employee to work their total number of agreed hours over a shorter period. For example, employees might work their full weekly hours for a fortnight over nine rather than ten working days.
- 3.8 **Flexi time** - flexible working allows employees to choose within set limits the times they start and finish work. Employees are usually allowed to carry over any excess or deficit of hours beyond an accounting period of four weeks. Excess hours may be taken as flexi-leave - usual practice is that this is available to employees in most areas, except those Sections where, in the reasonable opinion of management, the nature of the duties and responsibilities precludes their participation e.g. where either a rota system is worked or a front-line service has to be provided. It might be possible to use a more limited flexi system in these areas, in order to maintain the opening hours to customers.
- 3.9 **Home working** - home working is when the employee spends at least part of the week working from home, liaising with their office as necessary. An arrangement of hours is usually identified by the employer to enable the employee to manage their time. For such arrangements, a risk assessment should be carried out by the line manager in conjunction with the employee.
- 3.10 **Staggered hours** - enables part-time or full-time employees to start and finish their day at different times and can help cover periods of the day when there is greater activity in offices, whilst also adjusting for quieter periods.

## 4. Procedure

The University's procedure sets out the three stages of making a request, dealing with a request and appealing a decision.

### 4.1 Stage 1 – Making the Request

- 4.1.1 Individuals making a flexible working request must put that request in writing by completing the application form.
- 4.1.2 Individuals may discuss making the request with their line manager before putting it in writing.

- 4.1.3 Individuals can request consideration of the flexible working options set out in this policy and can request to:
- a) Change the hours they work
  - b) Change the times when they are required to work
  - c) Change the work location and, most typically, to work from home whether for all or part of a week.
- 4.1.4 The University's flexible working application form must be completed in full and must include:
- a) The date of the application
  - b) The proposed change to working arrangements
  - c) When that change is requested to come into effect
  - d) Confirmation it is a statutory request and when a request was last made.
- 4.1.5 The completed form is to be submitted to the line manager. When the line manager takes receipt it is expected the matter will be resolved in full within 2 months.
- 4.1.6 Up to 2 applications may be made within any 12-month period. Once a second application is made, another request cannot normally be made by the individual until 12 months have elapsed from date the first application was received.

## **4.2 Stage 2 – Dealing with the Request**

- 4.2.1 The University will consider all requests and will do so reasonably making sure the decision to agree or not to agree is made in good time and is based on the facts of the request. The benefits of the requested changes in working arrangements will be weighed against any adverse business impact of implementing the changes including impact on the rest of the work team. The manager must not reject a request without first consulting the employee.
- 4.2.2 The line manager should acknowledge receipt of the request and the date on which it was received. If the individual making the requests fails to provide all the required information, the line manager will inform them and ask them to complete their application and re-submit it, advising the individual that the application will be considered from the date it is re-submitted.
- 4.2.3 Time limits to reach a final decision may be extended through agreement between the line manager and the individual member of staff. They should be recorded in writing by the line manager including the period the extension relates to, the date on which the extension is to end and be signed and dated and sent to the individual.
- 4.2.4 The line manager will discuss the matter with the member of staff before making a determination. That meeting should be held as soon as possible. The employee will have the right to be accompanied and represented at this meeting by a workplace colleague employed by the University or an employee or official of a Trade Union. The role of such a representative does not permit them to answer direct questions

for the employee, but they may present the employee's case and confer with the employee during the meeting as required. A Human Resources Business Partner may attend the meeting also. Note that if the chosen workplace colleague or Union representative is unavailable for the meeting, it may be possible to rearrange.

- 4.2.5 The line manager may agree the written request in full without meeting with the individual, but where this is not the case, they must consult the employee before they make a decision as per 4.2.4. It is preferred practice to meet and to at least discuss the changes to the work arrangements, the benefits and impacts including any on salary and pension contributions, how the changes might be implemented and when.
- 4.2.6 If the individual fails to attend the meeting without notification, they should contact their line manager as soon as possible to explain the absence and allow the line manager to rearrange the meeting at a mutually convenient time. If the individual fails to attend the meeting more than once and does not provide a reasonable explanation, the line manager may treat the application as withdrawn. The line manager should then confirm to the individual that the application is now considered withdrawn.
- 4.2.7 Where it is fair to do so, consideration may be given by the line manager to looking at adjusting the working patterns of other staff in order to agree a request. The line manager may ask for volunteers to adjust their work patterns and so create capacity for a request to be considered.
- 4.2.8 Managers must ensure staff with protected characteristics are given proper consideration to ensure they are treated fairly and without discrimination.
- 4.2.9 If more information is required or volunteers sought to change their arrangements, the line manager must let the individual know and agree a time limit for getting back to them.
- 4.2.10 The request may be modified by mutual agreement if that helps the request to be accepted.
- 4.2.11 Agreement in principle may be given and a suitable trial period may be undertaken before a final decision is confirmed.
- 4.2.12 If a change is agreed, it will be permanent and there will be no right to revert to previous arrangements unless otherwise agreed.
- 4.2.13 The outcome of the request is to be confirmed in writing to the individual and where agreed the request form sent to the Human Resources Employee Support team.
- 4.2.14 Requests will be refused only where there is a clear business reason to do so and may do so on one or more of the following grounds:
  - a) The burden of additional costs
  - b) An inability to reorganise work among existing staff
  - c) An inability to recruit additional staff
  - d) A detrimental impact on quality

- e) A detrimental impact on performance
- f) Detrimental effect on ability to meet customer demand
- g) Insufficient work for the periods the employee proposes to work
- h) A planned structural change for the business

4.2.15 If refusing the request, the line manager, following discussion with Human Resources, must write to the employee explaining why and must justify their decision on factual grounds making reference to 4.2.14. Information on making an appeal must also be given.

4.2.16 It might be helpful to meet with the individual again for them to speak about the decision as this may allow for new information or an omission in following this procedure to be revealed. In such cases, the request may be reconsidered.

4.2.17 Where requests are received from multiple individuals in the same team, then the University is expected to be fair rather than assess the merits of individual cases. The requests should be considered strictly in the order they are received in the first instance although the line manager may consider how to reach a compromise with the individuals making the requests.

### **4.3 Stage 3 – Appealing the Decision**

4.3.1 There is a right of appeal and the individual may appeal in writing to the Senior Manager. That appeal should include any new information and the individual may state if they consider the request was not considered reasonably and give reasons why.

4.3.2 The law requires that all requests, including any appeals, must be considered and decided on within a period of two months from first receipt of the flexible working request unless an extension is agreed. If an extension is agreed, the employer should confirm this in writing to the employee.

4.3.3 The Senior Manager will liaise with Human Resources and will normally hold a meeting with the individual, who may be accompanied, to hear the appeal and to reconsider the decision. The time and date of the meeting must be mutually convenient.

4.3.4 Following the appeal taking place, the Senior Manager must notify the decision in writing to the individual.

4.3.5 The Senior Manager does not need to meet with the employee where the appeal is upheld. In such circumstances, the individual will be notified in writing of the decision and the detail of the variation of contract. This should include a description of the new working pattern, the date from which it is to take effect and be dated.

4.3.6 If the appeal is dismissed, the grounds on which this is based and an explanation must be outlined in the decision letter which should be sent to the individual.

## 5. Monitoring

The use of this procedure will be monitored to ensure that it is consistent with the University's Equality and Diversity Policy (UPR EQ03) and legal responsibilities, including the Equality Act, 2010.

## 6. Further Information

For further support and advice on the policy please contact your HR Business Partner directly, or email [employeesupport@herts.ac.uk](mailto:employeesupport@herts.ac.uk).

Sharon Harrison-Barker  
Secretary and Registrar  
Signed: 26 March 2024

### Alternative format

If you need this document in an alternative format, please email us at [governanceservices@herts.ac.uk](mailto:governanceservices@herts.ac.uk) or telephone us on +44 (0)1707 28 6006