

Document Title:	Flexible Working (including Flexible Retirement) Policy
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1.0 POLICY STATEMENT

- 1.1 The University recognises the importance of work-life balance and that the ability to work flexibly can provide an effective way for employees to manage the responsibilities of work and home including child care, caring for relatives, dealing with health issues, disability or preparation for retirement. The University therefore supports the principle of flexible working and undertakes that all requests will be given due consideration. 1.2 Whilst there is a right to request flexible working, there is not an automatic right for this request to be granted. Furthermore, not all working patterns or flexible working options will be suitable for all job roles and departments.

2.0 SCOPE

- 2.1 This policy applies to all employees who have at least 26 weeks continuous service at the date of the application.
- 2.2 Only one application for flexible working can be made in any 12-month period. There may be exceptional circumstances where requests will be considered from employees who do not meet these requirements.
- 2.3 Additionally employees considering flexible retirement must be eligible under the appropriate pension scheme rules for [flexible retirement](#).
- 2.4 This policy does not cover individuals who are not currently employees but who are applying for a position at the University. Similarly existing employees applying for alternative positions with the University should do so on the basis of the working arrangements advertised and should not assume that it will be possible to maintain any existing flexible working arrangements.

3.0 DEFINITIONS

3.1 Flexible Working

Any working arrangement where the number of hours worked or the time that work is undertaken varies from standard practice. Examples include:

<i>Part Time</i>	Working less than the standard full time hours for the post. This may be by reducing the number of days worked per week, or reducing the number of hours worked each day.
<i>Compressed Hours</i>	Working full time hours but over a shorter period of time. This needs to be compliant with the working time directive.
<i>Job-Share</i>	Normally involves two people sharing the duties and responsibilities of one full time role. The division of hours is usually 50/50, although some arrangements may involve other options such as alternative weeks, mornings/afternoons, 2/3 days.
<i>Term Time</i>	Work is carried out only during University term times. Working time during term times may be full or part time.
<i>Staggered Hours</i>	Start, finish or break times may differ from the normal office hours, i.e., starting at 8am and finishing at 6pm.

3.2 Flexible Retirement

Flexible retirement allows the employee to draw a proportion of their pension benefits, and to continue working, albeit this must be at reduced hours and salary. Employees must meet the requirements of their relevant pension scheme before they can apply for flexible retirement.

For more information on USS flexible retirement visit:

www.uss.co.uk/for-members/thinking-about-your-future/understanding-your-options/your-options-at-different-ages-and-stages

For LGPS members visit:

<https://www.lgpsmember.org/tol/thinking-leaving-when.php>

For NHS members visit:

<https://www.nhsemployers.org/your-workforce/pay-and-reward/pensions/pension-scheme-flexibilities/what-are-retirement-flexibilities>

4.0 PRINCIPLES

- All applications for flexible working will be fairly considered by the manager/Head of Department, and where appropriate with advice from HR and the authorisation of the Dean (or equivalent)
- All reasonable requests will be seriously considered on the basis of need and accommodated wherever possible
- Informal ad hoc arrangements will not be covered by this policy
- The ability to provide an effective service to students and staff will be paramount when considering applications for flexible working
- The principles of the Equalities Act 2010 will be observed including disability where there is legal requirement to consider reasonable adjustments
- Only one application can be made for flexible working in any 12 month period
- The agreement to one employee's formal request (either within the same area or in a different area of the University) will not set a precedent or create a right for another employee to be granted the same or a similar change to their working pattern.
- Not all flexible working arrangements will be appropriate, this will be dependent upon the job role/requirement and needs of the department
- A successful request for flexible working will result in a permanent change to terms and conditions of employment. A temporary variation may be considered up to a maximum of 2 years
- Employees do not have an automatic right to return to their original contract if the variation is permanent, although they can request it
- An employee may be accompanied by a work colleague or a recognised trade union representative at all meetings to discuss their flexible working request.

5.0 RESPONSIBILITIES

5.1 To ensure appropriate application of the policy, the following responsibilities have been identified.

5.1.1 Head of Department/Senior Manager

- Establish and maintain a culture that is supportive of a positive work-life balance and an enabling approach to flexible working
- Give due consideration to formal requests for flexible working wherever possible in light of the needs of the department
- Seek the authorisation of the Dean (or equivalent) as required
- Follow the procedure when dealing with requests for flexible working, ensuring time-scales are met
- Provide the employee with an appropriate rationale, in line with the business reasons outlined in 6.5, if the request is rejected
- Seek advice and support from HR as required.
- Advise HR of the outcome of any requests

5.1.2 People & Organisational Effectiveness

- Provide guidance and advice to employees, managers and Heads of Department regarding the Flexible Working Policy and the relevant legislative requirements
- Receive appeals from employees whose request for flexible working has been rejected.
- Appoint an appropriate manager to hear the appeal
- Provide formal notification to employees of changes to contractual arrangements (where applicable)
- Liaise with the relevant pension scheme, in cases of flexible retirement
- Monitor and review the working of the policy, including monitoring for diversity impact.

5.1.3 Employees

- Discuss their interest in flexible working with their manager/Head of Department
- Submit a written request under the Flexible Working Policy, including all relevant information
- Consider the impact of any changes to their terms and conditions as a result of flexible working, i.e. reduced salary, impact on pension and holiday entitlement
- Respond promptly and positively to requests for further information and with regard to arrangements for meetings
- Consider alternative approaches if their original request cannot be accommodated

6.0 PROCEDURE

Flexible Working

6.1 Employees who wish to make an application for flexible working should apply in writing to their manager/Head of Department by completing parts A & B of [Form FW1](#). Employees should, wherever possible, submit the application at least 3 months before the proposed arrangements are to commence. This is

to allow for the whole process to be completed, including any appeal.

- 6.2 Where the application is incomplete the manager/Head of Department should request further information from the employee and ask them to re-submit their application. Where this occurs the date of re-submission will constitute the formal date of application.
- 6.3 The manager/Head of Department (or nominee) must arrange to meet with the employee within 20 working days of receipt of the written request. If the request is straightforward and the manager/Head of Department intends to approve the request, a meeting may not be required. The purpose of the meeting is to explore and discuss the request, clarify how it will work in practice, consider and mitigate any impact and clarify understanding between the employee and manager/Head of Department. If appropriate, a HR representative may be present at the meeting.
- 6.4 If the request requires a replacement post (or appointment) before it can be agreed, or if the request has other resource implications or a potential impact on the academic strategy of a department, it must first be discussed with and approved by the Dean (or equivalent). A request for a replacement post (or appointment) will require a business case to be produced.
- 6.5 Within 10 working days of the meeting, the manager/Head of Department (or nominee) must inform the employee of a decision. The decision will be to: agree to the original flexible working request; agree to the request but with modifications; or reject it. Section C of Form FW1 must be completed and a copy sent to the employee and HR services.
- 6.6 Managers/Heads of Department must give careful consideration to all requests for flexible working and applications. If the application is rejected this should be for a valid business /operational issue as set out in legislation as follows:
 - 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
 - insufficient work for the periods the employee proposes to work
 - a planned structural change to the business

In addition, managers/Heads of Department must ensure that when rejecting the application this does not discriminate against the employee. Advice can be sought from HR.

Flexible Retirement

- 6.7 Employees who wish to be considered for flexible retirement should in the first instance ensure that they meet the requirements of the pension scheme.
- 6.8 Having sought advice from the relevant pension scheme about eligibility, applications should be made to the Head of Department as outlined in 6.0.

7.0 WITHDRAWAL OF APPLICATIONS

7.1 The University will treat an application as withdrawn if the employee has:

- notified their manager/Head of Department that their application is being withdrawn;
- failed, without reasonable cause, to attend a meeting or appeal meeting convened under this policy on more than one occasion; or
- refused, without reasonable cause, to provide information, which the University considers necessary to assess whether the employee's request to work flexibly should be granted.

7.2 Where an application is deemed as withdrawn by the University a new application will not normally be permitted for a period of 12 months.

8.0 APPEAL

8.1 An employee who has been notified that their application has been rejected has a right of appeal.

8.2 The employee should write to the Director of Human Resources within 10 working days of the date of the original decision setting out the grounds of the appeal.

8.3 The Director of Human Resources will nominate an Appeals Manager not previously involved to review the case. The Appeals Manager will convene a meeting with the employee within 10 working days of the date of the appeal.

8.4 The Appeal manager will provide the employee with written notification of the outcome of the appeal within working 10 working days, including details of the new working arrangements if the appeal is successful.

8.5 The appeal decision is final and there is no further right of appeal under this policy.

9.0 REVIEW

9.1 This policy does not form part of any employee's contract of employment and will be kept under regular review and may be amended or withdrawn to reflect changes in legislation or changing University requirements.

10.0 SUPPORTING DOCUMENTATION

- [Form FW1](#) - Flexible Working