

Flexible Working

All members of staff can apply to work flexibly under this procedure and some members of staff have a statutory right to do so under the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2006 and the Flexible Working (Eligibility, Complaints and Remedies) (Amendment) Regulations 2009.

Arrangements to work flexibly do not have to be considered formally under this procedure, but arrangements should only be agreed informally when the change will neither impact on other staff in the Faculty/Support Department or on the work that needs to be done nor affect the member of staff's salary or other contractual terms and conditions of employment. Examples of such a situation are:

- where a member of staff currently working from 9.00 to 5.00 wishes to change her/his hours of work to 10.00 to 6.00 and the Dean of Faculty/Head of Support Department is willing to approve the request and believes that there will not be any wider impact (ie cover will not have to be provided from 9.00 – 10.00, the member of staff's ability to carry out her/his duties will not be affected and the fact that she/he will no longer be available from 9.00 to 10.00 will not affect other members of staff);
- where a part-time member of staff wants to work on a Tuesday instead of a Friday and the Dean of Faculty/Head of Support Department is willing to approve the request and believes that there will not be any wider impact (along the lines of that in the previous example).

Details of the qualifying conditions, how to make an application and how the Institute will deal with an application are set out below.

Qualifying Conditions	1	The member of staff must have 26 weeks' continuous service at the date the application is made.
	2	Normally, the member of staff must not have made another application to work flexibly during the previous 12 months. Please note that the statutory right to apply is dependent on the member of staff not having made another application to work flexibly during the previous 12 months.

	<p>3 A statutory right to apply to work flexibly applies in the case of a member of staff who:</p> <ul style="list-style-type: none"> • either: <ul style="list-style-type: none"> ○ has a child aged 16 and under or, in the case of a child receiving a disability living allowance, aged under 18 (but see 5 below); or ○ is the carer of an adult dependant; and • meets the conditions set out in 5 and 6 below respectively.
	<p>4 Applications from members of staff who do not have a statutory right to apply to work flexibly will also be considered under this procedure.</p>
	<p>5 In the case of a member of staff with a child aged 16 and under or, in the case of a child receiving a disability living allowance, aged under 18:</p> <ul style="list-style-type: none"> • the application must be made before the day on which the child concerned reaches the age of 17 or, if disabled, 18; • the member of staff must have or expect to have responsibility for the child's upbringing; • the member of staff must be making the application to enable her/him to care for the child; and • the member of staff must be either <ul style="list-style-type: none"> ○ the mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child; or ○ married to or the partner* of the child's mother, father, adopter, guardian, special guardian, foster parent or private foster carer. <p>* A person who lives with the child and the mother, father, adopter, guardian, special guardian or foster parent in an enduring family relationship but is not a relative.</p>

	6	<p>In the case of a member of staff who is a carer of an adult dependant:</p> <ul style="list-style-type: none"> • the member of staff must be making the application to enable her/him to care for the adult dependant; and • the member of staff must either: <ul style="list-style-type: none"> ○ be married to, the partner, or the civil partner of the adult dependant; ○ be a relative* of the adult dependant; or ○ if falling into neither of the above two categories, be living at the same address as the adult dependant. <p>* 'Relative' for these purposes means a mother, father, adopter, adoptee, guardian, special guardian, parent-in-law, step-parent, son, step-son, daughter, step-daughter, daughter-in-law, son-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent. Adoptive relationships and relationships of full or half blood are included.</p>
What can be Requested	1	<p>The member of staff can request:</p> <ul style="list-style-type: none"> • a change to her/his hours of work; • a change to the times when she/he is required to work; or • to work from home (whether for all or part of the week).
	2	<p>“Flexible working” covers working patterns such as annualised hours, compressed hours, flexitime, homeworking, job-sharing, self-rostering, shift working, staggered hours and term-time working. Changes will not always involve a significant alteration (for example, the member of staff may wish to start work half an hour later and make up the time later in the day).</p>
	3	<p>An accepted application will mean a permanent change to the member of staff’s terms and conditions of employment, unless otherwise agreed. The member of staff has no right to revert back to her/his previous working pattern.</p>

How to Apply	1	<p>The member of staff should make an application in writing to her/his Dean of Faculty/Head of Support Department, using the Application for Flexible Working available from Human Resources and copying it to Human Resources. The application should:</p> <ul style="list-style-type: none"> • if appropriate, state that the application is being made under the statutory right to request a flexible working pattern; • if appropriate, confirm that the member of staff either: <ul style="list-style-type: none"> ○ has responsibility for the upbringing of the child and is either the mother, father, adopter, guardian, special guardian or foster parent of the child or married to or the partner of the child's mother, father, adopter, guardian, special guardian or foster parent; or ○ is the carer of an adult dependant and is either: <ul style="list-style-type: none"> ▪ married to, the partner, or the civil partner of the adult dependant; ▪ a relative of the adult dependant; or ▪ if falling into neither of the above two categories, living at the same address as the adult dependant; • explain what effects, if any, the member of staff thinks the proposed change would have on the Faculty/Support Department and how, in her/his opinion, these might be accommodated; • specify the flexible working pattern for which the member of staff is applying; • state the date on which it is proposed that the change should become effective (this should allow time for the application to be considered and, if approved, implemented – the process can take up to 14 weeks to complete and, if a problem arises, sometimes longer); • state whether the member of staff has made a previous application to work flexibly and, if so, when it was made.
	2	<p>As the change will be permanent, it is important that before making the application the member of staff gives careful consideration to:</p> <ul style="list-style-type: none"> • which working pattern will help her/him best to care for her/his child or adult dependant, if appropriate; and • the financial implications when the desired working pattern will involve a drop in salary.

Consideration of Application	1	<p>If the member of staff does not provide all the required information, the Dean of Faculty/Head of Support Department will, in writing:</p> <ul style="list-style-type: none"> • inform the member of staff what has been omitted; • ask her/him to re-submit the application when it is completed; and • inform the member of staff that the application will not be considered until it is complete and re-submitted.
	2	<p>Otherwise, the Dean of Faculty/Head of Support Department will acknowledge receipt of the application, using the form at the end of the Application.</p>
	3	<p>The Dean of Faculty/Head of Support Department will arrange to meet with the member of staff within 28 days of receipt of the application*. The meeting should be held at an appropriate time and place that is convenient to all parties.</p> <p>* It is not necessary to hold a meeting if the Dean of Faculty/Head of Support Department is prepared to agree to the application and does not think a meeting is required (for example, where the proposal has already been discussed informally).</p>
	4	<p>If it is difficult to arrange a meeting within 28 days after receipt of the application at a time and date convenient to all parties, the Dean of Faculty/Head of Support Department should seek the member of staff's agreement to an extension of the period. (Please refer to the section 'Extension of Time Limits' below.)</p>
	5	<p>If the member of staff so wishes, she/he may be accompanied by a work colleague who</p> <ul style="list-style-type: none"> • can address the meeting or confer with the employee during the meeting, but • is not allowed to answer questions on the employee's behalf. <p>The member of staff should inform the Dean of Faculty/Head of Support Department that she/he will be accompanied by a work colleague. If the work colleague is unable to attend the meeting, the member of staff should either re-arrange the meeting for a date within seven days of the originally proposed date, ensuring that the new time is convenient for all parties, or consider an alternative work colleague.</p>
	6	<p>The Dean of Faculty/Head of Support Department should consult Human Resources before the meeting and, if deemed appropriate, may ask a member of Human Resources to attend the meeting. The member of staff will be informed if this is the case.</p>

	7	<p>At the meeting, the Dean of Faculty/Head of Support Department and the member of staff will:</p> <ul style="list-style-type: none"> • explore the desired work pattern; • discuss how best it might be accommodated; • consider other alternative working patterns should there be problems in accommodating the desired work pattern; and • consider whether it would be appropriate for the new working pattern to take place for an agreed trial period in order to see how it suits both parties.
Grounds for Refusal		<p>An application to work flexibly can be refused on one or more of the following grounds:</p> <ul style="list-style-type: none"> • burden of additional costs; • detrimental effect on the ability to meet customer demand; • inability to reorganise work among existing staff; • inability to recruit additional staff; • detrimental impact on quality; • detrimental impact on performance; • insufficiency of work during the periods the employee proposes to work; and • planned structural changes.
If the Application is Successful	1	<p>Within 14 days of the date of the meeting, the Dean of Faculty/Head of Support Department will write to the member of staff:</p> <ul style="list-style-type: none"> • agreeing to a new work pattern, • setting out details of that work pattern; • giving the date from which it will be implemented; • referring to any trial period and any other relevant information; • stating that the change is permanent, unless agreed otherwise; and • ensuring that the notice is dated.
	2	<p>The Faculty Human Resources Manager/Head of Support Department will then forward to Human Resources a Request for a Variation of Appointment, together with all the papers relating to the application (the original application, the acknowledgement, the letter agreeing to the new work pattern and any other relevant documentation).</p>
	3	<p>Human Resources will then prepare a variation of contract for the member of staff.</p>
If a Decision is Not Taken within 14 days or the Application is Unsuccessful	1	<p>If the Dean of Faculty/Head of Support Department needs more time in which to consider the application, she/he must agree with the member of staff an extension of the time limit of 14 days. (Please refer to the section 'Extension of Time Limits' below.)</p>

	2	<p>Within 14 days of the date of the meeting, the Dean of Faculty/Head of Support Department will write to the member of staff:</p> <ul style="list-style-type: none"> • providing a clear explanation of the grounds on which the application cannot be accepted; • stating the reasons why those grounds apply in the particular instance; • ensuring that the notice is dated; and • giving details of the member of staff's right of appeal. ("You have the right to appeal against my decision. If you wish to do so, you should submit a written notice of appeal to the Director of Administration within 14 days of the date on which you receive this letter, stating the grounds for making the appeal and ensuring that it is dated.") <p>A copy of the letter should be sent to Human Resources, together with all the papers relating to the application (the original application, the acknowledgement and any other relevant documentation).</p>
Right of Appeal	1	<p>If the member of staff feels that the Dean of Faculty/Head of Support Department did not have relevant information available and/or has misunderstood the procedure, a discussion with the Dean of Faculty/Head of Support Department may resolve the matter satisfactorily without the need for a formal appeal. In such circumstances, it is recommended that the member of staff speak to the Dean of Faculty/Head of Support Department before deciding whether to lodge an appeal.</p>
	2	<p>If a member of staff wishes to appeal against the decision, she/he must write to the Director of Administration within 14 days after the date she/he receives written notice that the request has been rejected, stating the grounds for making the appeal and ensuring that it is dated. The grounds may be, for example, that relevant information was not available to the Dean of Faculty/Head of Support Department when the application was rejected or that the member of staff wishes to challenge a fact quoted in the reasons given for the rejection.</p>
	3	<p>The Director of Administration, or her/his nominee, will arrange a meeting to hear the appeal within 14 days of receipt of the appeal.</p>
	4	<p>The member of staff may be accompanied by a work colleague on the same basis as for the previous meeting.</p>

	5	The Director of Administration, or her/his nominee, must inform the member of staff of the outcome of the appeal in writing, and ensuring that the letter is dated, within 14 days after the date of the meeting, as follows: <ul style="list-style-type: none"> • if the appeal is upheld, including a description of the new working pattern and stating the date from which it is to take effect; or • if the appeal is dismissed, stating the grounds for the decision and providing an explanation as to why the grounds for refusal apply in the circumstances.
	6	The decision of the Director of Administration or her/his nominee is final and there is no further right of appeal.
Extension of Time Limits	1	The time limits set out above can be extended in two situations, as detailed below.
	2	Through agreement by the Dean of Faculty/Head of Support Department and the member of staff (eg where the member of staff will not be able to attend a meeting within the time limit due to absence on annual leave or where the Dean of Faculty/Head of Support Department requires additional time to speak to another member of staff, who is on holiday, about whether that member of staff could work the hours left uncovered by the requested working pattern). The Dean of Faculty/Head of Support Department will write to the member of staff using the form 'Application for Flexible Working – Extension of Time Limit' and stating: <ul style="list-style-type: none"> • the time limit to which the extension relates; and • the date on which the extension will end.
	3	When the Dean of Faculty/Head of Support Department who will deal with the application is absent from work due to leave or illness an automatic extension applies. The period that the Dean of Faculty/Head of Support Department has to arrange the meeting will begin either on the day of her/his return or 28 days after the application is made, whichever is the sooner. The Dean of Faculty/Head of Support Department should acknowledge receipt of the application in writing on her/his return, thus ensuring that the member of staff is aware of the extension and the period in which the meeting should be held.
Withdrawal of an Application	1	An application may be treated as withdrawn in one of three circumstances, as set out below. In each case, the form 'Application for Flexible Working – Notice of Withdrawal' should be completed and sent to the Dean of Faculty/Head of Support Department or member of staff, as appropriate.

	2	The member of staff may decide to withdraw the application (she/he should bear in mind that she/he will not be eligible to make another application for 12 months from the date on which the application was made). The member of staff should notify the Dean of Faculty/Head of Support Department as soon as possible – this can be done verbally in the first instance but should be confirmed in writing. Where the member of staff does not provide written confirmation, the Dean of Faculty/Head of Support Department should contact the member of staff to confirm her/his intentions and then, if necessary, confirm the withdrawal in writing.
	3	If the member of staff should fail to attend two meetings without reasonable cause, the Dean of Faculty/Head of Support Department may treat the application as withdrawn. On the first occasion, the Dean of Faculty/Head of Support Department should re-arrange the meeting and at that time warn the member of staff that the application may be treated as withdrawn if she/he misses another meeting without reasonable cause.
	4	In some circumstances, the Dean of Faculty/Head of Support Department may require the member of staff to provide certain information before a decision is made. If the member of staff should unreasonably refuse to provide this information, the Dean of Faculty/Head of Support Department may treat the application as withdrawn.
	5	When an application is withdrawn the Faculty Human Resources Manager/Head of Support Department should send to Human Resources all the papers relating to the application (the original application, the acknowledgement, the notice of withdrawal and any other relevant documentation).
Unresolved Applications		If after appeal a member of staff feels that her/his application has not been dealt with to her/his satisfaction, she/he should raise it under the appropriate grievance procedure.

Approved by the Finance and General Purposes Committee at its meeting on 22 May 2007

Revised in line with new structure December 2007

Revised in line with changes to legislation with effect from 6 April 2009

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