

Flexible Working Policy

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1. About this policy

- 1.1 The university is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. This Flexible Working Policy gives eligible employees an opportunity to request a change to their working pattern in accordance with the statutory right to request flexible working (a 'statutory request').
- 1.2 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.3 This policy does not form part of any employee's contract of employment and the university may amend it at any time.

2. Forms of flexible working

- 2.1 Flexible working can incorporate a number of possible changes to working arrangements, such as:
 - reduction or variation of working hours;
 - reduction or variation of the days worked; and/or
 - working from a different location (for example, from home).
- 2.2 [Appendix A](#) to this policy provides examples of the types of flexible working arrangements that might be requested.

3. Eligibility

- 3.1 In order to be eligible to make a statutory request for flexible working you must:
 - be an employee;
 - have worked for DMU continuously for 26 weeks at the date your request is made; and
 - not have made a statutory request to work flexibly during the last 12 months.
- 3.2 Employees who do not meet the eligibility requirements to make a statutory request, may still make an informal request to their manager who will consider the request taking into account business and operational needs. See [Informal or short term flexible working requests](#).

4. How to make a statutory request for flexible working

- 4.1 Any employee interested in flexible working is advised to speak informally with their manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery, before submitting a statutory request.
- 4.2 If you wish to make a statutory request for flexible working you must do so in writing and your written request must include the following information:
 - a) The date of your application, the change to working conditions you are seeking and when you would like the change to come into effect.

- b) Explain the reasons for your request, especially if you think the university's equal opportunities policies may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.
- c) What effect, if any, you think the requested change will have on the university (including work colleagues) and how, in your opinion, any such effect might be dealt with.
- d) A statement that this is a statutory request and if and when you have made a previous application for flexible working.

- 4.3 A [template letter](#) is available that you can use for this purpose. Your written request should be dated and sent to your manager.
- 4.4 You should submit your statutory request in good time and ideally at least two months before you wish the changes you are requesting to take effect.
- 4.5 If your manager is able to agree your request without the need for a meeting, they will write to you, confirming the decision. See [Request accepted / accepted with modifications](#).
- 4.6 If your request cannot be accommodated, discussion between you and your manager may result in an alternative working pattern that can assist you.

5. Discussion and consideration

- 5.1 Your manager will arrange to meet with you to discuss your request. A meeting may not always be required if your manager intends to accept your request.
- 5.2 If a meeting is required, you may bring a work colleague (who may also be a trade union representative) to the meeting as a companion if you wish.
- 5.3 The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will be of benefit to you and help accommodate your needs. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 5.4 Your manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the university.

6. Decision

- 6.1 Following the meeting (if applicable), your manager will notify you of the decision in writing.

Request accepted / accepted with modifications

- 6.2 If your request is accepted, or it is accepted with modifications agreed as part of a discussion with you, you will receive a letter with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment (if any) and the date on which they will commence. If there are any changes to your contract of employment eg changes to hours, salary and annual leave entitlement, you will receive a letter from HR confirming the changes.

- 6.3 You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm your acceptance of the variation to your terms of employment.
- 6.4 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another statutory request until 12 months after the date of your most recent request.

Request not accepted

- 6.5 There will be circumstances where, due to business and operational requirements, your manager is unable to agree to your request. In these circumstances, your manager will write to you:
- a) giving the business reason(s) for turning down your request; and
 - b) setting out how you can appeal the decision.
- 6.6 The eight business reasons for which your manager may reject your request are:
- a) The burden of additional costs.
 - b) Detrimental effect on ability to meet customer demand.
 - c) Inability to reorganise work among existing staff.
 - d) Inability to recruit additional staff.
 - e) Detrimental impact on quality.
 - f) Detrimental impact on performance.
 - g) Insufficiency of work during the periods the employee proposes to work.
 - h) Planned structural changes.

7. Appeal

- 7.1 If your request is rejected, you may appeal the decision.
- 7.2 You will need to write to the person specified in your decision letter (this will normally be your manager's manager) setting out your reasons for appealing the decision. Your letter must:
- a) be in writing and dated
 - b) set out the grounds* on which you are appealing, and
 - c) be sent to the specified person within seven working days of the date on which you received the written decision.

* An appeal might be raised on the following grounds (examples only):

- a) The manager's view in rejecting the request was based on incorrect facts.
 - b) New information has come to light which was not known at the time of your request and which, had it been considered at the time, might have resulted in a different decision being reached.
 - c) There was an omission in following a reasonable procedure when considering your request.
- 7.3 Where necessary, you will be invited to a meeting to discuss your appeal. If a meeting is required, you may bring a work colleague (who may also be a trade union representative) to the meeting as a companion if you wish.

- 7.4 You will be informed of the final decision following this meeting as soon as possible after the meeting. You will be kept informed of any delays. See also [Timescales](#).
- 7.5 The outcome of the appeal will either be either that:
- [Request accepted / accepted with modifications](#); or
[Request not accepted](#)
- as set out in 6.2 to 6.6.

8. Timescales

- 8.1 Statutory flexible working requests will be considered within an overall period of three months from the date of receipt of the written request (the 'decision period'). The decision period includes any final decision following an appeal. A flowchart is shown at [Appendix C](#).
- 8.2 If your manager needs more time to consider your request, they may ask for your agreement to extend the decision period. A request for an extension may be of benefit, for example, your manager may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 8.3 Where an extension of time is agreed with you, your manager will write to you confirming the extension and the date on which it will end.

9. Withdrawing a request

- 9.1 If you withdraw a statutory request for flexible working, you will not be eligible to make another statutory request for 12 months from the date of your original request.

Failure to attend meetings

- 9.2 In certain circumstances, a statutory request will be treated as withdrawn if you fail to attend a meeting and a re-arranged meeting arranged to discuss your request without good cause. In such circumstances, your manager will write to you confirming that the request has been treated as withdrawn.
- 9.3 This will also apply where you have appealed the decision and fail to attend an appeal meeting and a re-arranged appeal meeting without good cause.

10. Informal or short term flexible working requests

10.1 Employees who wish to make an informal request for flexible working, or who are seeking short term flexibility to help them manage a short term need (eg to cope with a bereavement or for a short course of study), may make a request to their manager who will consider it taking into account the needs of the employee and the university.

10.2 It will help your manager to consider your request if you:

- a) make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
- b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- c) think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application.

10.3 Your manager will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

NB If you are making a request under the statutory right to request process you will not have a statutory right to request another variation in contractual terms for a period of 12 months although you may still ask without the statutory right.

Appendix A: Flexible Working Options

The university does not impose any restriction on the type of flexible working arrangement that can be requested; however, examples are provided below.

- [Flexible lunch period](#)
- [Compressed hours](#)
- [Variation in working hours](#)
- [Job share](#)
- [Seasonal hours](#)
- [Staggered hours](#)
- [Remote working/working from home](#)

If you are considering extended unpaid leave or flexible or phased retirement, please refer to the **Special Leave Policy** or the **Retirement Policy** respectively.

Any flexible working option requested will need to comply with the requirements of employment legislation eg the Working Time Regulations. Your HR adviser can advise on relevant considerations.

Flexible lunch period

Employees can request to take a shorter lunch break with an agreed permanent amendment to their start/finish times in the standard working day.

The minimum period is an uninterrupted 20-minute break, away from the workstation if the employee's daily working time is more than six hours (as required by the Working Time Regulations). The 20 minute break must take place within the six hour period, not at the start or at the end of the working day.

There will be no impact on pay or other benefits as the employee's overall hours of work will not change.

Compressed hours

Compressed hours (or compressed working weeks) involves the reallocation of work time into fewer and longer blocks during the week. The number of hours worked during the week will stay the same. For example, depending on the needs of the university, it may be possible to allow an employee to work full time hours over four or four and a half days instead of five, or nine days out of a fortnight. This can be accommodated by employees starting work earlier and/or finishing later, so that additional hours are built up, which can then be used to take a half day or full day off work.

Whilst the employee's annual leave would not reduce, it would be calculated in hours as opposed to days. Essentially for each day of leave taken, the employee will need to use the number of hours annual leave equivalent to the hours that they were due to work that day.

Employees and managers are strongly advised to agree to a [trial period](#) before any permanent change is made to the employee's contract.

Variation in working hours

Employees can request to change the number of working hours in a day, the number of working days in the week or the number of weeks in the year. All requests, including requests to increase hours, will be considered but will be subject to budgetary constraints and other operational requirements.

Employees who are members of the Local Government or Teachers Pension Schemes should contact the payroll and pensions team to determine how the change will affect their pension.

Annual leave entitlement will be adjusted pro rata to reflect the variation in hours worked.

If agreed, this would represent a change to the employee's terms and conditions of employment eg changes to hours, salary, annual leave entitlement, and therefore it will require a letter from HR confirming the changes which the employee will need to agree and sign to confirm their acceptance.

Employees and managers are strongly advised to agree to a [trial period](#) before any permanent change is made to the employee's contract.

Job share

Job sharing is where two employees share the duties and responsibilities of one full time post. The majority of job share arrangements are 'split' 50/50 ie 18.5 hours for each job sharer. In determining the best 'split', consideration should be given to both the needs of the employees concerned and the requirements and work demands of the role.

An overlap period for 'contact and co-operation' can be built into the arrangements, so that job sharers can exchange information or carry out some work together. The detailed arrangements in relation to hours/days of work should be agreed between the job sharers and their manager.

It is possible for job sharers to be paid on different points on the pay spine, for example, one job sharer may have longer service with the university.

Reimbursement for business expenses and access to training opportunities will be applied to each job sharer in full, on the same basis as full time employees.

Employees who are members of the Local Government or Teachers Pension Schemes should contact the payroll and pensions team to determine how the job share arrangement will affect their pension.

If job sharing is agreed, the university will advertise for a job share partner. This flexible working option will only commence if a suitable partner is recruited.

When a job sharer leaves, the following action will be taken in relation to the remaining employee:

- a) The job will be offered to the remaining job sharer on a full-time basis
- b) If the remaining employee wishes to continue job sharing, the university will attempt to recruit another job share partner

- c) If a suitable sharer cannot be appointed, the options available will be discussed with the employee concerned. These may include the possibility of redeployment to another post within the university and/or the possibility of being offered a new contract of employment on a part time basis.

If agreed, this would represent a change to the employee's contract of employment eg changes to hours, annual leave entitlement, and therefore it will require a letter from HR confirming the changes which the employee will need to agree and sign to confirm their acceptance.

Seasonal hours

This might be requested where the work demands fluctuate at different points in the year and the employee requests to work longer hours in peak periods and shorter hours at other times.

Depending on the request and impact on overall hours, pay and annual leave may be affected by the arrangement. Seek advice from HR.

If agreed, this would represent a change to the employee's contract of employment eg changes to hours, salary, annual leave entitlement, and therefore it will require a letter from HR confirming the changes which the employee will need to agree and sign to confirm their acceptance.

Employees and managers are strongly advised to agree to a [trial period](#) before any permanent change is made to the contract.

Staggered hours

Staggered hours means that although an employee would work fixed hours every day, the start, finish and lunch times could be agreed to suit personal needs. For example:

If the employee's standard working hours are:

Monday and Friday	8.45am to 5.00pm
Tuesday to Thursday	8.45am to 5.15pm

Staggered hours could be:

Monday and Friday	8.00am to 4.15pm
Tuesday to Thursday	8.00am to 4.30pm

The actual number of hours worked in the day would be the same as the standard contract and therefore there would be no impact on pay or other benefits.

Remote working/working from home

Not all jobs are suitable for remote or homeworking and very rarely will it be appropriate for an employee to work from home on a permanent basis. However, where an employee would benefit from ad hoc or short term flexibility, or where occasional working from home would facilitate more efficient working practices, managers might reach informal agreements with staff on working from home. Circumstances may also arise where an employee is fit for work but unable to attend their normal place of work (eg the university campus) for health-related reasons.

Work from home is subject to the following:

- The manager must be satisfied that the employee's duties can be carried out effectively at home and that it is safe for them to do so. Advice can be sought from Health and Safety and Occupational Health where required.
- The manager must keep in contact with the employee while they are working at home and receive updates on work progress as appropriate, depending on the length of time spent working from home.

Remote working or working from home will not normally be appropriate where the reason for requesting working from home is for child or adult care responsibilities although a manager might view the circumstances sympathetically where the request is a one-off and in order to deal with a very short term need. However, the employee and the manager should consider whether the university's **Special Leave Policy** and **Parental Leave Policy** are more appropriate in the particular circumstances.

Appendix B: Template letter for an employee to make a statutory request for flexible working

To: [Manager's name]

cc. [HR adviser's name]

[DATE]

Statutory flexible working request

I would like to apply to work a flexible working pattern under the university's flexible working policy and my statutory right to request flexible working.

I confirm that I am eligible to make a statutory flexible working request because:

- I have worked continuously as an employee of De Montfort University for the last 26 weeks.
- I have not exercised my statutory right to request flexible working during the past 12 months. *Where applicable* [I did, however, [insert details of any other formal or informal requests to work flexibly or change working hours and the date of the request.]]

I need to work flexibly for the following reason/s: [include details of the reason for the request eg it might be because you have caring responsibilities or it might be for any other reason.]

Where applicable [I am requesting flexible working as a reasonable adjustment under the Equality Act 2010.]

My current working pattern

[Include details of your current working pattern including place of work, days, hours and times of work.]

My proposed working pattern

I request the following flexible working arrangement: [include details of your proposed alternative pattern of work including place of work, days, hours and times of work.]

NB It is in your interests to be as clear and explicit as possible and to provide as much detail as possible about the pattern you would like to work and why. It is helpful for your manager to have as much information as possible about your situation.]

I would like this flexible working arrangement to start on: [date].

Impact and suggested accommodation of new working pattern

I think this change in my working pattern will affect the university and my colleagues as follows:

[include details of potential impact of the proposed change on your immediate colleagues, team/school, and the wider university, service delivery, potential impact on students etc.]

I think the potential impact can be dealt with as follows: [include details of any suggestions as to how to deal with the potential impact of the requested change.]

I look forward to hearing from you.

Yours sincerely,

[Your name]

[Your job title]

Appendix C: Flowchart

