



## University of Brighton

### Flexible Working Requests - Policy & Procedure

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Policy Author: Human Resources  
Month & Year of JNC Ratification: July 2018  
Implementation Date: 1 October 2018  
(This document remains valid whilst under review)

## **1. Introduction**

This policy aims to encourage staff to consider flexible working arrangements and will help ensure consistency in handling requests.

The university recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. The university wants to support its employees in achieving a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

In addition, this policy will provide a structure within which managers can meet their obligations under the Equality Act 2010 and Flexible Working Regulations 2014.

The university is committed to accommodating flexible working arrangements, provided that the needs and objectives of both the university and the employee can be met.

## **2. Equality and Diversity Statement**

The University is committed to equality and embraces diversity in our working, learning, research and teaching environment. Our policies, procedures and guidance are inclusive of all staff, including fixed-term, permanent, part-time, full-time and hourly paid lecturers and apply irrespective of age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **3. What is flexible working?**

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. Typical arrangements that an employee may request include:

- Annualised hours
- Compressed hours
- Flexitime
- Home-working
- Job-sharing
- Part-time working / change of hours e.g. increase or decrease
- Term-time working
- Change of working pattern (without a change of working hours)

The university recognises that there may be alternatives or a combination of options which are suitable to both the university and the employee.

### **Flexible Retirement**

Flexible retirement options may be available to employees in the TPS or LGPS pension schemes, with consent from the University. Further information can be found on the relevant pension website.

### **The needs of the university**

Whilst the university is committed to providing a range of appropriate working patterns, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

There will be circumstances where, due to the needs of the organisation, the university is unable to accept a request for flexible working. Requests will only be turned down where the business grounds for refusal falls within those recorded by legislation which are:

- it will entail extra costs that will damage the business
- the work can't be reorganised among other staff
- people can't be recruited to do the work
- flexible working will affect quality and performance
- the business won't be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

#### **4. Scope**

The policy does not provide an automatic right to work flexibly, and the ability for the university to provide an effective service to students, colleagues and stakeholders is paramount. It is recognised that not all working patterns or flexible working options will be suitable for all departments or sections. It may also be difficult to accommodate the flexible working requests of a number of employees in the same area.

This policy applies to all employees who have:

- worked for the university continuously for 26 weeks at the time the request is made
- not made another application in the previous 12 months

Employees who qualify as above do not need to give a reason for their flexible working

An employee may submit an application within their first 26 weeks of service or within 12 months of a previous application but are required to state the reason for their request.

Existing employees applying for alternative positions within 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. An informal discussion with the recruiting manager is advised.

#### **5. How the university will implement the policy**

The university requires all employees and managers to support the principles of flexible working. Flexible working requests will be handled objectively and fairly.

#### **6. Roles and Responsibilities**

##### **a) University Executive Board (UEB)**

To demonstrate their commitment and support to this policy and to reflect the policy's strategies within their own management practices.

##### **b) All Managers, Heads of Schools and Departments**

To consider all flexible working requests in line with this policy and to support the implementation of the policy and apply it in a fair, transparent and timely way with regard to the university's Equality, Diversity and Inclusion Policy.

To notify Human Resources of all flexible working requests received.

**c) Human Resources**

To consult with the relevant Trade Unions in implementing and updating the policy to reflect the university and employee's needs. Advise all employees on matters relating to the policy and procedure. Monitoring and reporting on requests and outcomes.

**d) Equality and Diversity Team**

To raise any equalities issues identified through review of equalities data or other feedback, in relation to the implementation of this policy.

**e) Employees**

To consider carefully the impacts of any requests for flexible working and to engage fully in discussions with managers to ensure the best outcome.

**f) Trade Unions**

The right to review and agree any modifications to the policy with management and to support members in their applications where applicable.

## **7. The legal position**

The legislation underpinning this policy are:

- Employment Rights Act 1996
- Flexible Working Regulations 2014
- Equality Act 2010

## **8. Further information**

Any associated documents (internal or external) that are referenced or link to/should be read in conjunction with this policy.

- Supporting Staff who have caring responsibilities – Policy and Procedure [here](#)
- Equality Diversity and Inclusion Policy [here](#)

## **9. Monitoring Compliance**

The HR Department will record all applications received and if outcome is agreed in full, part agreed or refused and ensure that the timescales set out in the procedure are met.

HR will run annual reports including analysis of the data which will be provided to JNC and the Leadership Forum.

## **10. Consultation, Approval, Ratification & Review**

Unison and UCU have been consulted in the writing of this policy.  
To be reviewed every four years or before if legislation changes.

## **Procedure**

### **1. Submitting a flexible working request**

All employees are entitled to submit a flexible working request. If you have less than 26 weeks service or have submitted a request in the previous 12 months you are required to state a reason for your request.

All requests must be made by fully completing the Flexible Working Request Form. (Appendix 1)

Any request must include:

- The date of the application;
- The changes being sought to terms and conditions;
- The requested date for the proposed change to come into effect;
- What effect the employee thinks the requested change would have on the university;
- How, in their view, any such effect could be dealt with;
- Whether a previous application for flexible working has been made;
- The dates of any previous applications.

Where applications specifically relate to health matters, the university's sickness absence management policy will apply.

If an incomplete application is received, the application will be returned to the employee advising what additional information is required prior to resubmission.

### **2. Meetings regarding flexible working**

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt or, in the case of incomplete applications, the resubmission date, unless an extension has been agreed with the employee.

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is not suitable, then one further date will be proposed. If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

At the meeting the employee will be given the opportunity to discuss how their request may impact on service and colleagues.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.

Where a request can, without further discussion, be approved as stated in the employee's written application, a meeting to discuss the request may not be necessary. The employee will be informed of the Line Manager's agreement to the request by a confirmation letter no later than 28 days of receiving the request.

Human Resources must be informed of this decision as it may impact the member of staff's pay and terms and conditions of employment. Where this specifically involves a reduction or increase in working hours, a Change of Hours form will need to be submitted on HR Platform in addition to the confirmation letter.

### **3. Responding to a flexible working request**

The Line Manager will have the responsibility of considering the proposed flexible working arrangements, looking at the potential benefits, and / or adverse effects to the employee and the university in implementing the proposed changes. Advice must be sought from Human Resources.

Each request will be considered on a case-by-case basis and agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the Line Manager's decision as soon as is reasonably practical and no later than 14 days from the date of the meeting.

The request may be granted in full, in part, or refused for one or a combination of the business grounds referred to in the Policy. Where a request can't be agreed in full, the Line Manager will, where possible, try to work with the member of staff to find an alternative option which meets both the employee's and organisation needs. The employee may be asked to try the flexible working arrangement for a trial period.

If the request is agreed, the employee will receive a confirmation letter. On receipt of a Change of Hours form, a revision of terms and conditions will be issued by Human Resources. If the employee has any concerns or wishes to discuss the new arrangements further, they should contact their Line Manager.

### **4. Trial Period**

If a trial period is arranged, sufficient time should be allowed for the employee and the manager to implement and become used to the new working practices, before taking a decision on the viability of the new arrangement. It is suggested that a three month period should suffice in most instances and therefore, to ensure compliance with the three month timeline for the process to be completed, the request for flexible working is 'on hold' until completion of the trial period.

The employee will be provided with a document detailing their new working pattern, clearly stating that this is a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the trial period may be reduced or lengthened where necessary with the agreement of the employee). The Line Manager will monitor the effectiveness of the arrangement during the trial period. If the trial period is successful, the employee will be informed of the Line Manager's agreement to the request by a confirmation letter.

Human Resources must be informed of this decision as it may impact the member of staff's pay and terms and conditions of employment. Where this specifically involves a reduction or increase in working hours, a Change of Hours form will need to be submitted on HR Platform in addition to the confirmation letter.

If the trial is unsuccessful, the university reserves the right to require the employee to revert to their previous working arrangement.

### **5. Withdrawing an Application**

If, having carried out the trial period the member of staff decides that they no longer wish to pursue their request to change their working pattern, they would be required to submit in writing to their manager, the fact that they wish to withdraw their flexible working request and they would revert to their previous working pattern.

An application will be treated as withdrawn if two meetings are missed (without good reason).

If a response is not received from the member of staff in response to extra information requested to enable a decision to be made, the application will be treated as withdrawn.

## **6. Right to appeal decision**

In cases where an application cannot be agreed, the appropriate business ground(s) will be stated within the letter declining the application along with a sufficient level of explanation as to why the business ground(s) for refusal applies in the circumstances.

The employee has the right to appeal the decision if their request is refused or is only agreed in part. The employee may lodge an appeal within 14 days of being notified of the decision by setting out in writing the grounds on which they wish to appeal. The appeal will be heard within 14 days of receipt and the outcome will be communicated within 14 days of the appeal hearing.

An Appeal must be based on one or more of the following

- New information is available
- An error in the process
- A manifestly unreasonable decision

If the member of staff does appeal, arrangements should be made for the appeal to be heard by a different manager. A member of Human Resources will attend the appeal hearing and the member of staff has the right to be accompanied at the appeal hearing by a work colleague or a Trades Union representative.

## **7. Varying an employee's contract**

Where flexible working practices are agreed as a permanent change and lead to a change in the number of hours worked, a variation will be made to the employee's contract of employment. Confirmation of any changes will be confirmed in writing to the employee by the Human Resources department.

An approved request for flexible working will usually lead to a permanent change to the employment contract. There will be no automatic right to revert to a previous working pattern.

Any flexible working arrangements agreed should be kept under review to ensure there are no detrimental effects on service delivery / student experience. Any proposed changes to agreed flexible working arrangements will be subject to consultation with the individual.

Changes may be agreed on a temporary basis depending on the circumstances of the individual and/or the needs of the business. A formal review will take place at the end of the temporary agreement.



# University of Brighton

## Appendix 1 – Flexible Working Request Form

### 1. Personal Details

Name:	School Department:
Employee No:	Start Date:
Job Title:	
Manager:	Head of School / Department:

### To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern under my rights provided under section 80F of the Employment Rights Act 1996.

I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the university for the last 26 weeks
- I have not made a request to work flexibly under this right during the last 12 months

Or

I do not meet the above eligibility criteria and the reason for my request is

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**Date(s) of any previous request(s) to work flexibly under this right:**

**2a. Describe your current working pattern (days/hours/times/location worked):**

**2b. Describe the working pattern you would like to work in future (days/hours/times/location worked):**

**2c. I would like this working pattern to commence from:**

Date:
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**3. Impact of the new working pattern:**

What effect do you believe this change would have on your role / team/ school or department / the service you provide/ the university and how, in your opinion, might this be dealt with?

I certify that I am seeking flexible working and, if approved, the corresponding change to my terms and conditions of employment.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

PLEASE SEND FULLY COMPLETED FORM TO YOUR LINE MANAGER AND A COPY TO YOUR HR ADVISER:

HR Department, University of Brighton, Mithras House, Lewes Road, Brighton, BN2 4AT

**Employer's Confirmation of Receipt** (to be completed and returned to employee)

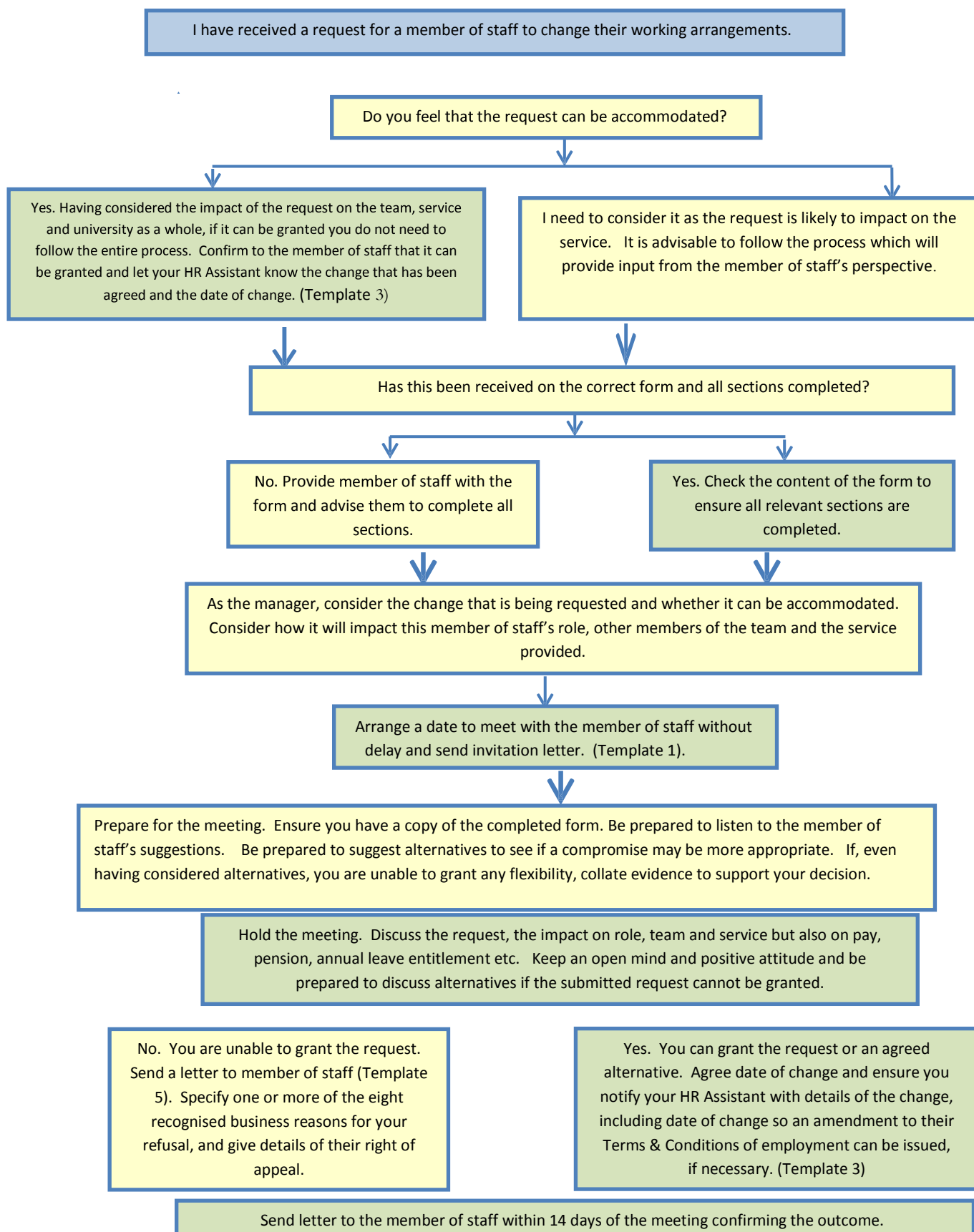
Dear:

I confirm that I received your request to change your work pattern on:

Date:

I shall notify you of my decision on this application within three months of this date, unless we agree a longer deadline for this decision.

From:



### **Appendix 3 – Letter inviting member of staff to a meeting to discuss their request**

NAME  
ADDRESS

DATE

Dear [ ]

Thank you for your completed form of [DATE] requesting flexible working. I would like to discuss your request with you to see how your proposed working pattern might work in practice and to ensure that you are fully aware of all the implications should your request be granted. I would therefore like to invite you to meet with me on [DATE] at [TIME]. You may, if you wish, bring a workplace colleague or Trade Union representative with you to the meeting.

Following the meeting, a decision will be made on the feasibility of your request and the decision will be communicated to you in writing no later than 14 days after the meeting.

We will endeavour to grant your request for flexible working if it is at all possible to do so. However, we will also need to consider the effects of your proposals on the university, the work of <your school/department> and your colleagues.

ADD FOLLOWING PARAGRAPH IF REQUIRED

Therefore, it would be helpful if you are prepared to discuss at the meeting, possible alternatives to the changes you have requested with a view to seeking a compromise that suits both parties (if this is necessary).

In the event that the university refuses your request, I will explain in writing the reason why I believe your request is not workable for the university.

Please could you confirm to me whether you are able to attend the meeting suggested above, or whether you require us to arrange an alternative time and date.

Yours sincerely

NAME

POSITION

cc. HR Department

#### Appendix 4 – Letter postponing date of meeting to discuss request

NAME  
ADDRESS

DATE

Dear [ ]

I refer to your request for flexible working, which you submitted on [date].

Thank you for contacting me on [date] to tell me that [you/your colleague/Trade Union representative] will be unable to attend our proposed meeting to discuss your request for flexible working. I am happy to rearrange the meeting to take place on [date] at [time] at [place].

[OR]

Due to unforeseen circumstances, it is necessary to reschedule our proposed meeting to discuss your request for flexible working. I ask that the meeting now takes place on [date] at [time] at [place]. I apologise for this and assure you that it will not in any way affect the meeting or its outcome.

[As previously advised, you may, if you wish, bring a work colleague or Trade Union representative with you to the meeting.]

[The delay caused by this rearranged meeting means that the normal timeframe for dealing with your flexible working request will have to be extended. Please sign and return one copy of this letter, which confirms your agreement to an extension of the time periods set out in the Flexible Working Procedure.]

Please could you contact [name] to confirm whether or not you are able to attend the rearranged meeting suggested above and, if not, to suggest an alternative time, date or place.

Yours sincerely

NAME

POSITION

Cc      HR Department

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I agree to an extension to the time period in relation to my flexible working request.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 5 – Letter confirming flexible working request

NAME

ADDRESS

DATE

Dear [ ]

Following the meeting held on [date] in which we discussed your request for a change to your pattern of working, I am pleased to confirm that your request has been granted.

We confirm that, as from [date], the terms of your employment contract will change. Your new terms will be as follows:

Your hours of work as from the above date will be [state days and hours of work]. This represents a working week of [number] hours.

**[AND/OR]**

You will work [number] hours out of your total working week in your home, instead of at the university's premises. These hours will be [state days and working hours during which the employee will work at home].

**[OR]**

You will work [number] hours out of your total working week in your home, instead of at the university's premises. The actual hours worked at your home and in the university's premises each week will be agreed with your manager on a flexible basis.]

These new agreed terms represent a permanent variation to your contract of employment.

We are confident the new working pattern that has been agreed for you will be of benefit both to yourself and to the university.

Please sign the attached copy of this letter and return it to [Name] to signify your agreement to the changes detailed above.

Yours sincerely

NAME

POSITION

cc. HR Department

## Appendix 6 – Letter agreeing trial period of flexible working

NAME  
ADDRESS

DATE

Dear [ ]

Following [our meeting/the appeal meeting] on [date] to discuss your flexible working, I can confirm that we have agreed to the changes detailed below on a temporary trial basis. The trial period will begin on [date] and end on [date]. I will arrange a meeting with you shortly before the end date of the trial period to discuss whether or not it is possible to make the changes permanent.

The university has agreed the following changes to your contract of employment on a trial basis:

[Details of changes to be made on a trial basis including, for example, the number of working hours, what days or times will be worked or when the employee will be allowed to work at home.]

It is important to understand the above working pattern is, at this stage, agreed as a temporary variation to the terms and conditions of your contract, and the university reserves the right, at the end of the trial period, to require you to revert to your previous contract terms.

It is also important to note your flexible working request will not proceed further until the completion of your trial period, which will end on [date].

Although we will endeavour to grant your request for flexible working on a permanent basis if it is at all possible, it is first necessary to consider the effects of your proposal on the university, the work of your school / department and your colleagues. The trial period will enable us to establish these effects. In the meantime, we cannot guarantee that the university will agree to continue the new arrangements beyond the end of the trial period.

Please sign the duplicate of this letter and return it to me to indicate that you have read, understood and accepted its contents. Please also sign and return the enclosed letter to indicate that you agree to your flexible working request being put on hold until the completion of your trial period.

Yours sincerely  
NAME

POSITION

cc. HR Department

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Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **Appendix 7 – Letter rejecting flexible working request**

NAME  
ADDRESS

DATE

Dear [ ]

I refer to our meeting held on [DATE] at which we discussed your request for a change to your pattern of working.

Having given the matter thorough consideration, I regret that the university is unable to agree to your request. The [reason/reasons] for this [is/are] set out below.

You requested [a reduction to your working hours/a change to the pattern of your working hours/a change to your place of work]. Unfortunately, we think agreeing to [this change/these changes] would [list the appropriate points and expand on them as necessary. State one or more of the valid business reasons] (Refer to Flexible Working Policy)

The reason why this is relevant to your application for flexible working is [explain further why the employee's request is not workable].

You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you must do so in writing within 14 days of receipt of this letter to [name or job title of appropriate senior manager]. Your letter requesting an appeal hearing must set out the grounds on which you wish to appeal against the university's decision as set out above.

Please refer to the grounds of appeal at point 6 of the procedure. It would be helpful to attach a copy of your original flexible working request form with your appeal.

Yours sincerely

NAME  
POSITION

Cc. HR Department

## Appendix 8 – Letter confirming outcome of appeal

NAME  
ADDRESS

DATE

Dear [ ]

I refer to the appeal hearing held on [DATE] in which we discussed your appeal against the university's earlier decision to refuse your request for flexible working.

Having [given the matter thorough consideration/conducted a trial period on the flexible working pattern that you requested], I am pleased to confirm that your request has been granted.

We confirm that, as from [date], the terms of your employment contract will change. Your new terms will be as follows:

Your hours of work as from the above date will be [state days and hours of work]. This represents a working week of [number] hours. These new agreed terms represent a permanent variation to your contract of employment.

We are confident the new working pattern that has been agreed for you will be of benefit both to yourself and to the university.

Please sign the attached copy of this letter and return it to [Name] to signify your agreement to the changes detailed above.

**[OR]**

Having [given the matter thorough consideration/conducted a trial period on the flexible working pattern that you requested], [I regret that the university is unable to uphold your appeal. The [ground(s)] for this [is/are] that we believe agreeing to the changes you requested would [list the grounds for refusing the appeal].

The reason why the above grounds are relevant to your application for flexible working is [explain further why the employee's appeal cannot be granted].

Please note this is the final level of appeal.

I realise that this decision will be disappointing for you but I hope you can understand the reasons behind this.

Yours sincerely

NAME  
POSITION

cc. HR Department