

Scope: All Staff	Effective Date: July 2011	Responsible Dept: Human Resources	Equality Impact Assessment: Yes
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Flexible Working Procedure

1. Introduction

- 1.1 The University is committed to assisting all staff to achieve work-life balance regardless of their personal circumstances. We recognise the sometimes complex and busy lives that our employees lead and the impact that juggling work, family and other commitments can have on health, welfare and productivity. We understand that career choices can be influenced by the ability to combine work and family life and we want to support our staff to achieve a work-life balance that enables them to give due attention to the many aspects of their lives.
- 1.2 Whilst we wish to support work-life balance for our staff the University's commitment to providing quality services to students and other clients must remain paramount. We recognise that flexible working patterns can assist in the recruitment and retention of staff and have a positive impact on staff morale and commitment, thus improving the quality of what we do, however there may be occasions when the needs of the business cannot accommodate individual requests to work flexibly.
- 1.3 Our provisions for flexible working extend to all York St John employees who meet the eligibility criteria and in doing so meet the statutory requirements.
- 1.4 Managers should ensure they give proper consideration to all requests (which meet the criteria) and respond, in line with the process set out below, without undue delay. In any event decisions must be made within 3 months of receiving the request, unless an extended timeframe has been mutually agreed.

2. Scope

- 2.1 This procedure is applicable to all employees who have worked for the University continuously for 26 weeks by the date the application is made. It is anticipated that employees will not have made another application to work flexibly under this procedure during the previous 12 months, unless personal circumstances have radically altered.
- 2.2 This procedure does not apply to a member of staff who is requesting flexible working as a reasonable adjustment to accommodate disability-related requirements. The process for reasonable adjustments is contained in the University's Support for Staff with Disabilities Policy.

3. Reasons for requests

- 3.1 A request for a change in working hours or working arrangements may arise for a variety of reasons. These might include:
 - a) To accommodate childcare responsibilities

- b) To reduce hours as pensionable age approaches (please refer to the Flexible Retirement Policy for further guidance)
- c) To make time available to pursue further education
- d) To accommodate caring commitments for elderly, disabled relatives or other dependents
- e) To make time available for voluntary work or to pursue personal interests
- f) To accommodate religious practice

3.2 The University is committed to working with the employee to find the working pattern/arrangements that best suits both the service and individual needs. However it should be stressed that the University's service to students and other clients must remain paramount and the effect on the service and impact on others (including service users and other staff) will therefore be fully considered.

4. What is flexible working?

4.1 The term 'flexible working' relates to formalised working arrangements in relation to working time, working location and the pattern of working (informal and temporary flexible working arrangements, such as a short period of working from home during a transport strike for example, do not usually require a change in contract and will be agreed by the line manager subject to the needs of the service). Forms of flexible working might include:

- **Part-time working:** where employees are contracted to work anything less than full-time hours.
- **Term-time working:** a form of part-time working where employees work a set number of weeks per year during term time and do not work during vacation times
- **Job-sharing:** a form of part-time working where typically two people work together to share the responsibility for a job (please refer to Appendix 1).
- **Compressed hours:** compressed working weeks (or fortnights) don't necessarily involve a reduction in total hours or any extension in individual choice over which hours are worked. The central feature is reallocation of work into fewer and longer blocks during the week.
- **Annualised hours:** the hours which the employee must work are defined over a whole year rather than over a week allowing the employee to work variable hours over the year.
- **Staggered hours:** allows employees to start and finish their day at different times from normal office hours.
- **Homeworking:** regularly spend time working from home (see 4.2 below). Note that the University is required to carry out a risk assessment of the activities undertaken by the homeworker and the environment before such a request can be approved.
- **Flexible retirement:** eligible employees aged 55 and over can draw on their pension benefits whilst remaining in employment by requesting to reduce their hours and/or salary (please refer to the Flexible Retirement Policy for further guidance).

4.2 Homeworking: While flexible working is often valued by staff as it enables them to balance work and family commitments it is important that the two activities are kept separate and that the member of staff who works flexibly gives the same attention to work and has the same performance standards as colleagues who do not work flexibly. For this reason (as well as for reasons relating to the quality of care) a member of staff

who works from home may not combine home-working with childcare or with any other caring responsibility that is likely to interrupt the work hours or distract the individual from their work.

5. Process for requesting a change in working hours

5.1 Employees who wish to alter their working hours by either reducing or changing the pattern of their work should complete the Flexible Working Request Form (appendix 2).

Any application must:

- be in writing
- specify the flexible working pattern applied for
- explain what effect, if any, the employee thinks the proposed change would have on the employer and how, in her/his opinion, any such effect might be dealt with
- state the date on which it is proposed the change should become effective, allowing the University sufficient time for the application to be considered and implemented. This may take 8 to 10 weeks.
- state whether a previous application has been made and if so the date on which it was made
- be signed and dated

This form should be sent to their line manager.

5.2 Managers are expected to consider all requests carefully and respond promptly using the procedure set out below. In any event decisions must be made within 3 months of receiving the request, unless an extended timeframe has been mutually agreed.

5.3 The line manager should arrange a meeting with the employee following receipt of the application. The employee may be accompanied by a work colleague or trade union representative and a representative from the Human Resources department will also attend the meeting.

5.4 The purpose of the meeting is to discuss the request for the change and to consider the detail contained within the Flexible Working Request Form. The meeting should also include a discussion about the potential contractual issues, including effect on hours, health & safety, training requirements, changes to annual leave entitlement, pension and any other terms & conditions affected following the proposed change (the HR representative will be able to provide advice as needed). If the proposed working pattern cannot be accommodated, the meeting should also provide an opportunity to discuss if an alternative working arrangement may be appropriate.

5.5 The meeting should be held at an appropriate time and place that is convenient to both parties. In most cases, this will probably be the usual place of work. However, in circumstances where this might not be appropriate the line manager will discuss with the employee whether there is a more suitable place to meet.

5.6 If the University approves the application the variation in contractual terms will be permanent (unless otherwise agreed). The employee has no automatic right to revert back to the previous working pattern. However, this does not prevent the employee submitting a request under this Procedure in the future for further changes in hours/arrangements or to convert back to original hours/arrangements. Please note

that once you have taken flexible retirement you cannot increase your hours or grade, even for a temporary period.

6. Consideration and decision

- 6.1 The manager should inform the employee of their decision in writing within 10 working days of the meeting. Where circumstances require more time to consider the request, the manager should seek to agree a more appropriate timeframe with the individual.
- 6.2 If the employee's request is accepted, the manager will detail in writing the new working pattern and confirm the starting date of the new arrangements. Any special requirements upon the employee, for example, attendance at work outside the revised hours to attend training sessions/meetings etc. should be discussed and confirmed in writing. A copy of the communication will be sent to Human Resources who will then confirm contractual changes, including any changes to pay, in a formal communication.
- 6.3 In some circumstances the manager and/or employee may have reservations about the potential success of a new arrangement. Except in the case of Flexible Retirement, the manager may agree to a trial period of up to three months to assess the impact of the arrangement. There should be a midway review to discuss whether:
- a) the arrangement is likely to continue at the end of the pilot
 - b) there needs to be some adjustment to allow the arrangement to progress effectively.
 - c) the arrangement is likely to cease and the employee will revert to her/his original hours/arrangements at the end of the period. If this remains the outcome of the trial period the request will have been rejected and the manager will need to notify the employee in writing.
- 6.4 It will not always be possible to agree a request. If an employee's request is refused it must be for one of the following permitted business reasons:
- a) Burden of additional cost
 - b) Detrimental effect on ability to meet service demands
 - c) Inability to reorganise work among existing staff
 - d) Inability to recruit additional staff
 - e) Detrimental impact on quality of service performance
 - f) Detrimental impact on performance
 - g) Insufficiency of work during the periods the employee proposes to work
 - h) Planned structural changes

In such circumstances the manager must, in writing:

- state one or more of the business reasons why the request cannot be approved
- provide an explanation of why the business reasons apply in the circumstances
- set out the appeal procedures

7. Appeal

- 7.1 An employee has 10 working days after the date of notification of the manager's

decision to appeal in writing. An appeal should be made to the next level of line management and the employee must set out the grounds of their appeal.

- 7.2 The manager hearing the appeal will arrange to meet with the employee. The meeting will be attended by Human Resources and the employee is entitled to be accompanied by a work colleague or trade union representative.
- 7.3 The manager who made the original decision may be called as a witness to the meeting to explain the reasons for their decision and/or outline procedures followed. The manager hearing the appeal and the employee will have the opportunity to ask questions.
- 7.4 The manager hearing the appeal must inform the employee of the outcome of the appeal in writing, within 10 working days of the meeting. If the appeal is successful the manager hearing the appeal will detail the new working pattern and confirm the starting date of the new arrangements as per section 6.2 of this Procedure. If the appeal is unsuccessful the written notification must state the reason(s) for the decision appropriate to the grounds for appeal.

Job Sharing

1. Definition of Job Share

A job share is defined as where two people (or more) are employed to share the duties and responsibilities of one full-time post on an hourly, daily or weekly basis, and the salary and leave entitlement is allocated on a *pro-rata* basis. The contract is held jointly and is conditional upon the offer of appointment being accepted by both the job share partners. The job share partners work under a normal contract of employment and are subject to the provisions of current employment legislation.

2. Advice on the Implementation of Job Share Arrangements

Hours of work - The way in which the full-time hours are divided between the job share partners will be at the discretion of the line manager to ensure that operational needs are met. Examples of how the working week can be divided are as follows:

- Half or split days, i.e. one partner working in the morning and the other partner working in the afternoon.
- Half or split weeks i.e. one partner working the first 2.5 days (Monday to Wednesday morning) and the other partner working the remaining 2.5 days (Wednesday afternoon to Friday).
- Two days one week and three days the next i.e. with the job sharers alternating to work the extra day.
- Alternate weeks i.e. job share partners each work one on week on, one week off.

This is not an exhaustive list but merely outlines a few examples. While usually the job share partners work half-time, sometimes it may be convenient to split the hours on an unequal basis i.e. one partner working 2 days and the other partner working 3 days.

Many job share arrangements benefit from a regular time in the week (or other specified period) when both partners attend work for handover, work-planning, meeting with the line manager etc. Managers should ensure that staff are not expected to work over their contracted hours i.e. the handover needs to be built into their normal working week. If such time is not built into the job share arrangement the manager will need to ensure that other arrangements are in place to ensure effective communication.

3. Terms and Conditions of Job Share Posts

A joint contract is offered to the job share partners. The offer to one candidate of the job share partnership is conditional upon the other candidate of the job share partnership accepting it. The contract will state:

- the postholder's job title,
- to which days and hours the job share relates, e.g. mornings/afternoon or 2.5 days per week each, actual hours of work to be determined by the line manager,
- the basis on which the job share partners work e.g. 50:50 each week or if the job share is held on the basis of working one week on and one week off,
- if the job share partners do not work on a 50:50 basis each, how the actual working hours are divided e.g.40:60,
- that the salary will be paid on a pro-rata basis, and in normal circumstances the expectation is that the total hours worked by the job share partners will not be more

than those of full-time staff,

- the pay grade and scale - although job share partners will be on the same grade, differences in levels of experience and/or previous employment may justify paying the job share partners on different incremental points on the same scale,
- annual holidays - the holiday entitlement will apply on a *pro-rata* basis,
- that public, statutory and customary holidays will be shared between the job share partners on a *pro-rata* basis,
- that job share partners are entitled to the normal provision of sickness payment and have to follow the same reporting procedures as all employees,
- that employees who work as job share partners are entitled to the normal maternity benefits on a *pro-rata* basis over the same length of maternity leave as a full-time member of staff,
- the normal PDR process will apply to each individual.

4. Recruitment

The University takes a positive approach to flexible working and recognises the value of job share in attracting a wide diversity of staff, however not all jobs are suitable for sharing. Guidance on determining whether a job is suitable for job sharing and recruiting job share partners is contained in the YSJ Recruitment Handbook .

5. Resignation

If one job share partner leaves and the remaining job share partner does not want to work full-time, the following procedure should be followed:

- an assessment of the needs of the Faculty/Department should be carried out to ascertain whether full-time coverage continues to be required,
- If full-time coverage is no longer required then the post should be re-designated as part time and the necessary changes made to the individual's contract
- If full time coverage continues to be required the vacant half of the job share post should be advertised, this could include an external advertisement.
- if a suitable job share partner cannot be found, a University-wide search for alternative work should be implemented for the remaining job share partner, and
- if all the above has been carried out and it is still not possible to either find a replacement job share partner or find the remaining job share partner a suitable alternative post, the only option open to the University will be to declare the remaining job share partner redundant. The YSJU Job Security Framework will apply in such cases.

Flexible Working Request Form

This form is to be used to make an application for flexible working in accordance with the University's Flexible Working Procedure.

You should submit your application well in advance of the date you wish your request to take effect in order to give the University sufficient time to consider your request and, if agreed, implement the changes. Preferably you should allow three months for consideration.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. You must complete all sections of the form otherwise your application will not be valid. When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

Once you have completed the form submit it to your line manager (you might want to keep a copy for your own records). Your manager will arrange to meet with you following receipt of this form to discuss your request.

Please note: if the request is granted this will result in a permanent change to your terms and conditions unless otherwise agreed.

Name

Job Title

Faculty/Department

If previous request for flexible working made, date of request:

Is this a request for Flexible Retirement? (If yes, please ensure you have read the Flexible Retirement Policy) **YES / NO**

Please outline your current working pattern (days/hours/times worked)

Please describe the working pattern you would like to work in the future (days/hours/times worked).

N.B. If applying for Flexible Retirement, this must be a reduction of at least 20%.

I would like this new working pattern to commence from:

What is the impact of the new working pattern on your colleagues and the Faculty/Department?

How could this impact be dealt with?

Signed:

Date:

FOR HR RECORDS

Date received by line manager: