

Scope: All Staff	Effective Date: July 2011	Responsible Dept: HROD	Equality Impact Assessment: Yes
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Est.
1841

**YORK
ST JOHN
UNIVERSITY**

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 two months of receiving the request unless an extended timeframe has been mutually agreed.

2. Scope

- 2.1 This procedure is for employees wishing to make a formal request for a change in their hours or working pattern. In most cases an agreed request would lead to a permanent change in contract. Where an employee wishes to make temporary or informal adjustments to their hours or working pattern, then they should speak to their line manager to seek agreement to arrangements on an informal basis.
- 2.2 This procedure is available to all employees on the first day of their employment. It is anticipated that employees will not have made more than two applications to work flexibly under this procedure during the previous 12 months unless personal circumstances have radically altered.
- 2.3 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 [Supporting Disabled Staff Policy & Procedure](#).

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 Guidance](#) for further information).
- 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.
- **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 Guidance](#) for further details).

- 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](#).

Any application must:

- be in writing.
- specify the flexible working pattern applied for.
- 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.
- state whether there have been any previous applications made and if so the date(s) on which these were made. (N.B. no more than 2 applications can be made within a 12-month period).
- be signed and dated.

The employee may also choose to include how they think their request may impact on the team/ service delivery and their suggestions as to how this could be dealt with.

Once completed, this form should be sent to their line manager.

- 5.2 Managers are required to consult with the applicant and ensure they consider all requests carefully. Managers should respond promptly using the procedure set out below. In any event decisions must be made within 2 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. The line manager should seek advice from the HROD team before the meeting. A member of the HROD team may also attend the meeting, if requested by the line manager.
- 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 changes. 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).
- 5.7 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, along with the application and any other relevant documents should be sent to HROD@yorksj.ac.uk, so they can be saved on the employee's file.
- 6.3 Where there is a change to hours, the manager must also submit a [HR Contract Amendment Authorisation Form](#) in OneUni to enable the contractual changes to be implemented including any changes to pay. If there is a change to the working pattern only, then the [Request to Change Working Pattern Form](#) should be completed and submitted. Please note only one of these forms should be completed.
- 6.4 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 their original hours/arrangements at the end of the period. If this remains the outcome following the trial period, the request will have been rejected and the manager will need to notify the employee in writing.
- 6.5 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 a member of the HROD team 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 the 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 and 6.3 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.