Flexible Working Guidelines

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https://intranet.birmingham.ac.uk/flexible
Flexible Working Guidelines

1. **Scope and Purpose**

1.1 These guidelines set out the criteria, process and conditions for making and considering a flexible working request under the statutory right to request a flexible working pattern, as set out in the amended Employment Rights Act 1996. The guidelines also reflect the 2014 amendments to the Flexible Working Regulations, which, extended the right to request flexible working to all employees with 26 weeks service, regardless of the reason for the request.

1.2 These guidelines also include advice about how to request changes to working patterns to enable mothers to continue to breastfeed after a return to work. Although these are potentially short-term changes which might not require a change of contract, it may be useful to consider them at the same time as other aspects of flexible working. The information relating to breastfeeding is contained in section 8.

1.3 This information will be updated by Human Resources to reflect any changes to statutory arrangements or University practices, and is correct as of October 2016.

2. **Introduction to flexible working**

2.1 'Flexible working' describes any working pattern where the number of hours worked, or the times when work takes place, varies from the standard practice for a post. It may involve working fewer hours, such as part-time working or job share, or changing when or where contractual hours are worked.

2.2 Flexible working patterns can have benefits both for staff and for the University. For example, they can help staff achieve a better balance between their home and work responsibilities, and enable departments to structure working patterns around the peaks and troughs of demand. Examples of flexible working patterns include:

- Part-time working
- Job sharing
- Term-time only working
- Compressed hours
- Staggered hours
- Home working

2.3 Further information on different types of flexible working is attached in section 7.
3. **Right to request a flexible working pattern**

3.1 Under the amended Employment Rights Act 1996 and Flexible Working Regulations, staff have a statutory right to request a flexible working pattern provided they have a minimum of 26 weeks continuous service at the University at the time of applying. Staff can make only one statutory request to work flexibly in any 12-month period. Staff can request a flexible working pattern for any reason, including caring for children and adults.

3.2 The University has a statutory duty to seriously consider flexible working requests and may decline a request where there are recognised business grounds for doing so.

3.3 Where a staff member has a disability, and moving to a flexible working pattern has been recommended by the Staff Disability Adviser as a ‘reasonable adjustment’ to their working practices, an application under these guidelines does not need to be made.

4. **Making an Application**

4.1 Staff who meet the criteria set out in 3.1 should make their request using the [Flexible Working Application Form](#). The application form asks you to state:

- The flexible working pattern you wish to move to
- The date you wish it to be effective from
- What effect the change will have on your colleagues and department (for example, if hours are reduced, what will the effect of you being absent during those hours be?)
- Your suggestions as to how these effects be dealt with
- Whether you are requesting a trial period before a permanent change is made

You are asked to provide this information to help your manager seriously consider your request.

4.2 Once a flexible working arrangement has been agreed to, there is no automatic right to change back to your old working pattern, unless this was agreed at the time the application was made. As flexible working often involves reducing the number of hours/proportion of the week worked, thought should be given to the effect this will have on your salary, pension contributions, holiday leave and other benefits, all of which will be reduced pro rata.

4.3 Staff are advised to also read the [Flexible Working FAQs](#) before submitting an application.

4.4 The form should be submitted to your line manager and a copy sent to Ask HR at askhr@contacts.bham.ac.uk. Ideally, the form should be submitted as far in advance
of the proposed change as possible, to ensure there is adequate time for the request to be considered. All requests, including appeals, should be considered expeditiously and, in any event, decided upon within a period of three months from first receipt, although this period may be extended by mutual agreement.

5. **Considering the Request**

5.1 Managers have a duty to give serious consideration to a statutory flexible working request and whether it can be reasonably accommodated. Requests may be declined if they cannot be accommodated on business grounds, (see 5.6). When considering a statutory request, managers should seek to accommodate the staff member’s needs, but will need to balance those needs against the operational needs of their team or department and the wider interests of the University.

5.2 If the flexible working request can be agreed to on the basis of the application alone, it is not necessary to hold a meeting with the staff member and they should be informed of the decision in writing (as outlined in 5.7). In all other cases, a meeting should be held as soon as reasonably possible. The purpose of this meeting is to discuss in further detail the changes that the staff member is looking for, and to discuss alternatives if the request cannot be accommodated in its current form.

5.3 If a meeting is arranged to discuss the application (including any appeal) and the staff member fails to attend, the meeting should be re-arranged. If the staff member fails to attend both of these meetings without good reason, the line manager may consider the application to be withdrawn and will inform the staff member of this.

5.4 One outcome of the meeting may be that both parties agree flexible working be undertaken for a trial period before a decision on granting the request is made. This agreement should be put in writing by the manager, and a date for a further meeting to discuss the request and outcome of the trial period agreed. The process, as detailed in 5.6 onwards, will then continue to apply.

5.5 If the request – or an alternative arrangement – is agreed to, the line manager will send a written confirmation of this to the staff member, together with a copy to Ask HR at askhr@contacts.bham.ac.uk. This written confirmation will include the new working arrangement, the date it will begin from and, if appropriate, the date it will end.

5.6 If, after giving the application serious consideration and looking at possible alternatives, it is felt that a statutory request cannot be accommodated on business grounds, the staff member will receive written confirmation of this from the line manager. The written confirmation will include the business grounds for rejecting the request and how they apply in that particular case. The staff member may appeal this decision. Under the statutory right to request flexible working, the recognised business grounds for refusing a request are:
• Burden of additional costs  
• Detrimental effect on the ability to meet customer demand  
• Inability to re-organise 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  
• Planned structural changes

6. **Appeals process**

6.1 Staff may appeal the decision to refuse their statutory flexible working request. The appeal should be made in writing as soon as is reasonably possible, and should state the grounds on which they are appealing against the decision. The letter of appeal should be sent to their Head of College or Budget Centre Ask HR at askhr@contacts.bham.ac.uk.

6.2 An appeal meeting will be held by the Head of College or Budget Centre, or their representative, as soon as reasonably possible after receiving the appeal letter.

6.3 Following the meeting, written notification of the outcome of the appeal will be sent to the staff member. If the request to work flexibly is accepted, this will confirm the new working arrangement, the date it will begin from and, if appropriate, the date it will end. If the appeal is rejected, the letter will state the business grounds for this decision and how they apply in that particular case.

7. **Types of Flexible Working**

7.1 The term ‘flexible working’ encompasses a wide range of activities and types of working. Typically it involves some form of change to how much time is worked, when work is undertaken or where that work is undertaken, or a combination of these.

**Changes to how much time is worked**

• Part-time working involves working less than the standard full-time hours for a post. This may be by reducing the number of days worked per week, or by working a full week but reducing the number of hours worked each day. There are a number of variations on part-time working, such as job-share and term-time only working.

• Job sharing involves two people sharing the duties and responsibilities of one full-time post, on the appropriate pay scale and terms of employment designed for that particular job. The division of hours is often 50/50; although some job-share arrangements involve other options, (e.g. alternate weeks, mornings/afternoons, two days/three days etc.).
• **Term-time only** working involves working only during University or school term-times. Actual working hours during term time may be full- or part-time, and salaries may be paid pro rata during the year or holidays may be treated as unpaid leave.

• Arrangements that involve **reducing the number of hours worked** will result in a reduction in salary and also other forms of remuneration and benefits, such as pension contributions and holiday leave.

**Changes to when work is undertaken**

• Staggered hours arrangements are when the staff member works set hours every day, but the start and finish times are earlier or later than standard. The staff member may still work their standard weekly hours, or may combine this arrangement with a reduction in the number of hours worked.

• Compressed hours arrangements involve extending the number of hours worked per day, so that standard weekly hours are worked over 4 or 4.5 days instead of 5, or standard fortnightly hours worked over 9 days instead of 10. Working arrangements will still need to be compliant with the Working Time Directive, and staff considering compressed working hours should give full consideration to the impact of extended working hours on their work-life balance.

• Seasonal/annualised hours are most effective in posts where there are significant variations in workload from one time of the year to another. Working hours are calculated over the period of a year, rather than a week, and work arranged in accordance with the peaks and troughs of the workload. This results in staff working their standard annual hours, but with more weekly hours then standard being worked at particular times of the year and fewer at other times.

**Changes to where work is undertaken**

• Homeworking/remote working involves a staff member working from home for part of their standard working hours. Home working enables staff to focus on their work in a quiet environment and so is suited to work that requires sustained periods of concentration and minimum face-to-face interaction with other staff and customers. It will involve the provision of appropriate home computing and telephone equipment to enable effective communication, and any necessary health and safety checks will also need to be undertaken. Managers and staff will also need to reach agreement on monitoring the output of work undertaken at home.

• The University has produced homeworking guidance, attached as appendix 1 to this document.
8. **Changes to working patterns to accommodate breastfeeding**

8.1 [The New and Expectant Mothers at Work Guidelines](#) sets out the University's obligations in providing facilities for breastfeeding mothers. This section of the Flexible Working Guidelines is concerned with making requests to change working patterns on a temporary basis in order to accommodation breastfeeding.

8.2 Breastfeeding/expressing can be a sensitive issue for an employee to broach. Therefore the request can be made in several ways, to enable employees to choose the route that they are most comfortable with.

8.3 A written request can be made to your line manager and a copy sent to your Human Resources Team. This can be done at the same time as a flexible working request.

8.4 Alternately, a member of staff may prefer to discuss this with their line manager or a member of the HR team at a KIT day, or by telephone. A note should be made of what was discussed and agreed.

8.5 Discussion will need to cover what changes are requested and how these might be accommodated by the University. Examples might include taking short breaks in order to express milk.

8.6 As it is difficult for mothers to estimate how long they will wish to breastfeed for, it is good practice to set a date to review arrangements, rather than to make them for a specified period.

8.7 Changes to working pattern in order to accommodate breastfeeding are not long-term contractual changes. They do not count towards the one application per year under the flexible working policy.
Appendix 1

Homeworking Guidance for staff and managers

1. Introduction

1.1 For a variety of reasons, and with varying degrees of frequency, staff may undertake some of their duties away from their normal place of work at the University premises. Whilst there is an expectation that normally staff will be in the workplace, it is accepted that occasionally there will be circumstances where an individual and the relevant line manager agree that it is mutually beneficial for that individual to work at home, or somewhere remote from the University, whether ad hoc, regularly or permanently, (although this would be rare).

1.2 This guidance has been developed to provide a clear approach for dealing with homeworking on a regular and frequent basis. It is not intended to address ad hoc ‘one off’ arrangements for home working for short periods, or existing arrangements or working practices.

2. What is homeworking?

2.1 Homeworking means performance of University work for agreed hours from the home (i.e. normally in the employee’s private dwelling), or another remote location. The flexibility and productivity outcomes available from homeworking can be attractive to both the University and employees, with the arrangement based on a management philosophy of trust and mutual benefit.

2.2 Both staff and managers should be aware of the following points when making and considering an application for homeworking:

3. Role suitability and homeworking

3.1 Working from home should not create additional workload for other employees, or otherwise affect operational efficiency and effectiveness. Positions with one or more of the following requirements will not normally be considered for homeworking:

- direct face to face contact on a frequent basis (for example reception duties for internal and external visitors);
- being a member of a team who needs to have face to face contact with other team members such as checking or signing documents, providing cover during breaks etc.;
- servicing and serving other University facilities or assets (e.g. security office, physical recreation assistant, grounds worker); where there is a need for face to face supervision such as allocating work on an ongoing basis, dealing with queries, checking work, organising rotas.
4. **Health and safety considerations**

4.1 University Policy requires the University to make arrangements to ensure the health and safety of its staff when carrying out work on behalf of the University. This includes when they carry out University work at home.

4.2 For practical reasons the University cannot check individual's homes and reliance is placed on the individual to assess their own workstation and other working arrangements to ensure that they are working in a healthy and safe manner. The University has produced guidance will help them do this. The guidance can be accessed at: [https://intranet.birmingham.ac.uk/hr/wellbeing/worksafe/topics/offcampus.aspx](https://intranet.birmingham.ac.uk/hr/wellbeing/worksafe/topics/offcampus.aspx)

5. **Provision of equipment**

5.1 As the University campus remains a work base for the homeworker and a desk and equipment is provided on campus, the University will not normally provide the homeworker with additional IT equipment, phone, broadband connection or furniture to work from home.

5.2 The homeworker is responsible for ensuring that they have suitable telephone and broadband services where required, and for contacting the service provider in the event of any technical issues. It is not possible for the University to provide IT support for equipment owned by members of staff.

6. **Running costs and expenses**

6.1 Where staff perform duties at home, no contribution will be made towards any additional costs or expenses incurred, including heating, lighting, cleaning, broadband, etc. When an employee is working at or from home, journeys made to the normal office base will not be reimbursed.

6.2 Business telephone calls made from home will, however, be reimbursed, in accordance with the staff expenses guidance.

6.3 The University holds liability insurances that provide cover for the legal liabilities of the University and its employees whenever they are engaged in University business. This cover applies irrespective of where the activity is taking place. The staff member may need to consider whether they need to advise their mortgage or insurance company that they are undertaking work at home. Further guidance can be found at: [https://intranet.birmingham.ac.uk/hr/wellbeing/worksafe/topics/offcampus.aspx](https://intranet.birmingham.ac.uk/hr/wellbeing/worksafe/topics/offcampus.aspx)
7. Data and Document security

7.1 Employees who are carrying out work at home must still operate in accordance with the University’s IT security and data protection policies. Details of these can be found at: https://intranet.birmingham.ac.uk/it/governance/policy/index.aspx
Communication

1. Good communication is an essential part of any successful home working arrangement. Provision must be made to allow effective communication with work colleagues and external clients during the working day.

2. If contact is required during set hours or at specific times the employee must ensure that they are contactable at these times (email/telephone). The arrangements for contact should be agreed prior to working from home and kept up to date.

3. The employee’s home telephone number and home address and personal non work email address may not be divulged to third parties without their express permission.

4. Under no circumstances are arrangements to be made for students, clients or representatives to meet with the employee at their home. All such meetings should be carried out at the University campus or a similar professional setting in order to maintain the necessary level of professionalism and safety.

5. Visits from University staff to a home worker’s home should only take place under exceptional circumstances, such as welfare reasons or for security purposes.

Establishing measure of outputs

6. Effective flexible working is based around a focus on results and measuring employee contribution by outputs rather than numbers of hours spent in the workplace. Managers and staff need to work together to establish clear, measurable objectives by which achievements will be measured Effective measures could include:

- Quality standards
- Setting and meeting deadlines
- Financial objectives
- Customer services