

MSU FLEXIBLE WORKING POLICY

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1 Policy statement

- 1.1 We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make

such a request informally without following the statutory procedure. Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.

- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 We are committed to a programme of action to make this policy effective and to bring it to the attention of all staff.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 **Scope and purpose of the policy**

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees with at least 26 weeks' continuous service who have caring responsibilities for children under 17, disabled children and adults in need of care have a statutory right to request flexible working. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in Paragraph 5.
- 2.3 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request under Paragraph 11 to their line manager, who will consider the request according to our business and operational requirements.
- 2.4 Any employee interested in flexible working is advised to request an informal meeting with their line manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

3 Personnel responsible for implementing the policy

- 3.1 Senior Management has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Senior Management has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the General Manager.
- 3.2 Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote our aims and objectives with regard to flexible working. To facilitate this process, managers will be given training on equal opportunities awareness and best practice and encouraged to seek advice from the University Human Resources Department on flexible working issues.
- 3.3 All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the General Manager.

4 Forms of flexible working

- 4.1 Flexible working can incorporate a number of possible changes to working arrangements:
 - 4.1.1 reduction or variation of working hours;
 - 4.1.2 reduction or variation of the days worked; and/or
 - 4.1.3 working from a different location (for example, from home).

Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time.

5 Eligibility for the formal right to request procedure

- 5.1 Requests under the formal procedure set out in Paragraph 6 to Paragraph 9 of this policy can only be made by employees who meet the criteria set out below.
- 5.2 To be eligible to make a request under the formal procedure, you must:
- 5.2.1 be an employee;
 - 5.2.2 have worked for us continuously for 26 weeks at the date your request is made;
 - 5.2.3 be making the request because of your caring responsibilities; and
 - 5.2.4 not have made a formal request to work flexibly during the last 12 months
- 5.3 You can make a flexible working request to care for an adult who is in need of care if you are (or expect to be) the person who cares for that adult, and they are either:
- 5.3.1 your spouse, partner or civil partner; or
 - 5.3.2 your relative; or
 - 5.3.3 neither of the above, but living at the same address.
- 5.4 “Partner” means someone you live with as if you were married or in a civil partnership.
- 5.5 “Relative” means your mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and includes adoptive relationships and relationships of half blood.

6 Making a formal flexible working request

- 6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.
- 6.2 Your written and dated application should be submitted to your line manager and, in order to meet the requirements of the formal procedure and to help your line manager consider your request, should:
 - 6.2.1 state the reason for your request, whether to care for a child or adult;
 - 6.2.2 give details of the demands of your caring responsibilities;
 - 6.2.3 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;
 - 6.2.4 identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
 - 6.2.5 provide information to confirm that you meet the eligibility criteria set out in Paragraph 5 of this policy;
 - 6.2.6 state whether you have made a previous formal request for flexible working and, if so, when; and
 - 6.2.7 be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.
- 6.3 We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, your line

manager will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.

- 6.4 If your proposal cannot be accommodated, discussion between you and your line manager may result in an alternative working pattern that can assist you.

7 Formal procedure: meeting

7.1 Where necessary, your line manager will arrange to meet with you within 28 days of your application being submitted. The meeting will also be attended by any other attendee. You may bring a colleague to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

7.2 In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.

7.3 The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your caring responsibilities. 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.

7.4 Your line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your role.

8 Formal procedure: decision

8.1 Following the meeting, your line manager will notify you of the decision in writing within 14 days.

- 8.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, your line manager will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your line manager will discuss with you.
- 8.3 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 formal request until 12 months after the date of your most recent request.
- 8.4 If your line manager needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, your line manager may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request.

In these circumstances, your line manager will write to you:

- 8.5.1 giving the business reason(s) for turning down your application;
 - 8.5.2 explaining why the business reasons apply in your case; and
 - 8.5.3 setting out the appeal procedure.
- 8.6 The eight business reasons for which we may reject your request are:
- 8.6.1 the burden of additional costs;
 - 8.6.2 detrimental effect on ability to meet customer demand;
 - 8.6.3 inability to reorganise work among existing staff;

- 8.6.4 inability to recruit additional staff;
- 8.6.5 detrimental impact on quality;
- 8.6.6 detrimental impact on performance;
- 8.6.7 insufficiency of work during the periods that you propose to work;
and
- 8.6.8 planned changes.

9 **Formal procedure: appeal**

- 9.1 If your request is rejected, you have the right to appeal.
- 9.2 Your appeal must:
 - 9.2.1 be in writing and dated;
 - 9.2.2 set out the grounds on which you are appealing; and
 - 9.2.3 be sent to the Human Resources Department within 14 days of the date on which you received the written rejection of your request.
- 9.3 The Human Resources Department will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague.
- 9.4 An Appeal Panel will be selected, specifically for the appeal, from our Senior Management team.
- 9.5 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 9.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There

may also be some additional practical matters, such as arrangements for handing over work that your line manager will discuss with you.

9.7 You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original application.

9.8 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

10 Breaches of the formal procedure

10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, your line manager will write to you confirming the extension and the date on which it will end.

10.2 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

10.2.1 you fail to attend two meetings under the formal procedure without reasonable cause; or

10.2.2 you unreasonably refuse to provide information we require to consider your request.

In such circumstances, your line manager will write to you confirming that the request has been treated as withdrawn.

11 **Making an informal flexible working request**

11.1 Employees who wish to make an informal request for flexible working may make a request to their line manager, who will consider it according to our business and operational requirements.

11.2 It will help your line manager to consider your request if you:

11.2.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;

11.2.2 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.

11.2.3 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 our service delivery and that of your team. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. Your line manager can consider whether they are workable; and

11.2.4 give details of the demands of your caring responsibilities, if you have any.

11.3 Your line 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.

12 **Monitoring and review of the policy**

12.1 This policy is reviewed **FREQUENCY TBA** by the board

12.2 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.

