



Flexible Working Policy/Procedure

This policy / procedure is not contractually binding upon employees or the College, except to the extent required by law. Where the terms of this policy/procedure are in conflict with an employee's terms and conditions of employment, the terms and conditions of employment shall prevail.

Written by: Human Resources

Consulted with: Recognised Trade Unions

Approved by: Business Service Committee and the Board April 2004

Reviewed: November 2007, November 2009, February 2010

Next Review Date: February 2012

1. Introduction

The College believes that the promotion of flexible working can increase motivation, promote work-life balance, reduce stress and improve performance and productivity.

The aim of the policy is to facilitate discussion and to encourage the employee and the College to consider flexible working patterns and to find a solution that suits both. The new regulations do not provide an automatic right to work flexibly, as there may be occasions when the College is unable to accommodate the employee's desired work pattern.

A request for flexible working can include a request for a change to the number of hours the employee works, a request for a change to the pattern of hours worked or a request to work from an alternative location.

2. Who is Eligible

2.1 All employees, including Senior Post holders, are eligible if they have:

- 26 weeks' continuous employment with Exeter College at the date the application is made;
- Not made a previous application for flexible working within the last 12 months;

And if the application has been made under the 'Work and Families Act 2006':

- One or more children under the age of 17 (18 if a child is disabled);
- Parental responsibility for the child.
- Caring responsibilities for an adult aged 18 or over who is their spouse, partner or civil partner; a relative; or someone who lives at the same address.

3. How to Apply

3.1 The employee will need to notify their manager in writing (copied to the HR Advisor) that they wish to make a change in their working pattern. This should be done by filling out a Flexible Working Application Form (a copy of which can be downloaded from the HR area of the portal) preferably well in advance of the requested change. If the application has been made under the 'Work and Families Act 2006' a declaration of how they meet the conditions regarding the relationship to the child or adult to be cared for will be required. You may also be asked for evidence of your relationship i.e. birth certificate. In order for an employee's request for flexible working to be valid, it must be in writing. Further interactive help on completing an application can be obtained from

www.direct.gov.uk/en/employment/employees. Each request will be dealt with on a case by case basis, taking into account the anticipated effects that the proposed changes to working pattern or place of work are likely to have on the College, Faculty/department, colleagues and students. Agreeing to one employee's request will not therefore set a precedent or create a right for another employee to be granted a similar change to his/her working pattern.

3.2 The application should:

- Specify the change applied for, i.e. the pattern of working the employee wants; and the date the employee wants the change to take effect
- Whether the employee has made a previous application for flexible working, and if so when the application was made;
- Explain what effect, if any, making the change applied for would have on the department and proposals from the employee on how such a change might be dealt with.

3.3 Eligible employees will be able to request:

- A change to the hours they work.
- A change to the times when they are required to work e.g. the days of the week worked and start/finish times.
- A change in their place of work, which could include working from home.

4. What Happens Next

4.1 The appropriate manager will set up a meeting within 28 days of receiving the request. The purpose of the meeting will be to discuss the changes the employee has proposed, the effects of the proposed changes and any possible alternative arrangements that might suit both parties. The meeting will usually be held by the manager, with a senior HR representative present if requested by the manager or employee. Whilst it is not usual, the employee is entitled to be accompanied by a Trade Union representative or a work colleague if they wish. A decision will be made and communicated in writing within 14 days of the meeting. If the proposal is accepted the employee will be notified and given an agreed start date. If the proposal is rejected, clear business reasons will be given. Please see 'Grounds for Refusal' section 5.

4.2 There may also be occasions when the College wishes to take further action or discussion before notifying the employee of their final decision. Any agreed variation to the procedure will be notified in writing.

4.3 If the proposed change is provisionally acceptable the manager will put the request to the SLT for final approval.

5. Grounds for Refusal

5.1 Requests for flexible working may be refused where one or more of the following grounds apply:

- 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 change.

6. Appeal

6.1 If the employee is unhappy with the decision made they have the right to appeal within 14 days of being notified of that decision. Appeals should be made by filling out a Flexible Working Appeal Form (a copy of which can be downloaded from the HR area of the portal) and sending it to the Head of Human Resources. The appeal hearing will be arranged by the HR department and will be heard by a more senior post holder and senior HR representative. If the appeal is upheld, the letter will state the variation in working hours agreed and the date from which it will apply. If the appeal is dismissed, the letter will state the grounds for the decision and why those grounds apply.

6.2 Decisions given at appeal will be final.

7. Further Conditions

7.1 Any changes to the employee's terms and conditions of employment will be permanent unless the employee and their manager agree otherwise.

7.2 Employees can only make one request within a 12 month period. It is, therefore, important that before making an application the employee gives careful consideration to the working pattern they have proposed.

7.3 The college may wish to consider a specified trial period first.

7.4 If the proposal is accepted and it is agreed there is a reduction in the hours worked per week, all holidays accrued prior to the agreed reduction will need to be cleared before the proposed new working pattern takes effect.

7.5 On acceptance of a new contract, any employee who has previously elected not to join the Teachers Pensions Scheme or Local Government Pension Scheme will automatically be opted in to the relevant scheme, unless an opting out form is signed and returned with their new contract of employment.

8. Right to be Accompanied

8.1 The employee has the right to be accompanied by a Trade Union Representative or a work colleague, both at the meeting at which the request for flexible working is discussed and any subsequent appeal hearing. The companion will be permitted to address the meetings (but not to answer questions on behalf of the employee) and to confer with the employee during the meeting.

9. Law Relating to the Policy

9.1 This policy/procedure is based upon, but not limited to, the following legislation:

- Exeter College's Instrument and Articles of Government (2008)
- Employment Rights Act 2004
- Employment Act 2002
- Civil Partnership Act 2004
- Flexible Working Regulations 2006
- Work and Families Act 2006

10. Review

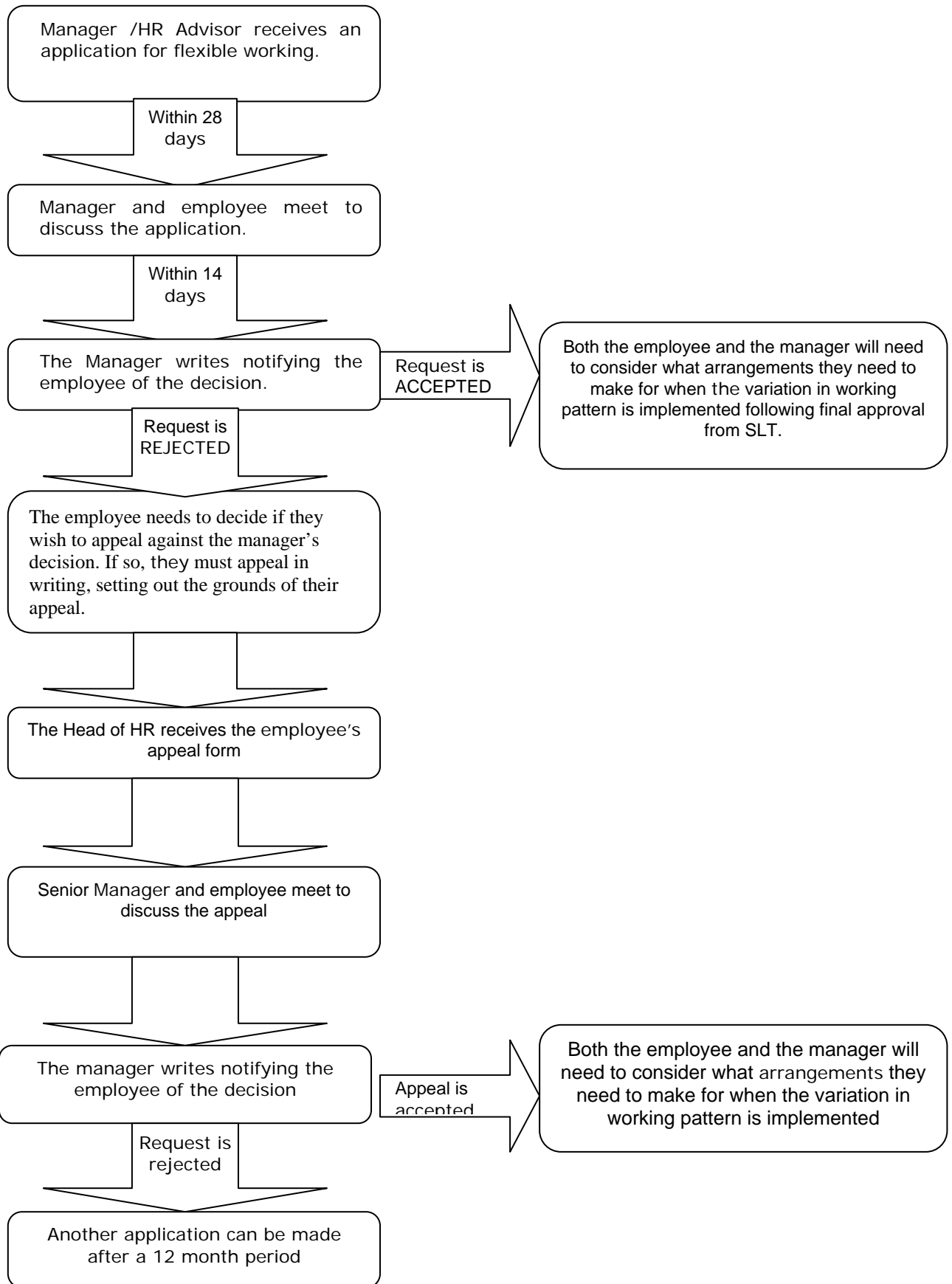
10.1 This policy/procedure will be reviewed every 2 years or in response to changes to legislation or best practice, whichever is the sooner.

11. Equality Impact Assessment

As a College that is committed to Diversity, this policy has been written and will be implemented in a way that demonstrates this commitment. In-line with this an Equality Impact Assessment (EqIA) has been carried out.

Dated:

FLEXIBLE WORKING FLOWCHART - HOW DOES THE PROCESS WORK?



**FLEXIBLE WORKING POLICY
APPLICATION FORM**

Please fill out this form if you wish to apply to work flexibly. Please submit this form well in advance of the date that you wish to work flexibly.

Please fill out the information below as fully as possible. All questions must be completed.

Section 1 – Personal Details

Name		Faculty/Department	
Job Title		Manager	

I would like to submit an application to work flexibly and confirm that I meet following criteria: [as we use this for all application to changes hours some not all of the criteria below will be applicable]

- I have 26 weeks' continuous employment with Exeter College at the date the application is made;
- I have not made a request to work flexibly under this right during the last 12 months.

If applicable please indicate which of the follow apply:

- I have one or more children under the age of 17 and/or a child aged 18 or under who is disabled.
- Parental responsibility for a child
- Carer responsibilities for an adult aged 18 or over who is my spouse, partner or civil partner; relative; someone who lives at the same address as me.

Section 2 – Current Working Pattern

Please describe your current working pattern i.e. days/hours/times worked

Section 3a – Proposed Working Pattern

Please describe the working pattern you would like to work in future i.e. days/hours/times to work in as much detail as possible.

(Please continue on a separate piece of paper if necessary)

Section 3b – Proposed Start Date

I would like my new working pattern to start on:

Section 4 – Impact of New Working Pattern

I think that this change may have the following impact in my department:

Section 5 – Effect of Proposed Working Arrangements

I think that the effect of my proposed working arrangements could be dealt with as follows:

Signature _____ Date _____

If the application has been made under the 'Work and Families Act 2006' you may be asked to provide proof of relationship, e.g. Birth Certificate or a declaration of how you meet the conditions regarding the relationship to the child or adult to support your application.

Please send completed form to your manager and also send a copy to the HR Advisor. You will receive an acknowledgement of your application and a meeting will be arranged within 28 days to discuss your application.



**FLEXIBLE WORKING POLICY
APPEAL FORM**

Please fill out this form if your application to work flexibly has been refused and you wish to appeal. You have 14 days to appeal (from receiving written notice from Exeter College that your application has been rejected).

Please fill out all sections of this form and ensure that you set out the grounds on which you are appealing.

Section 1 – Personal Details

Name		Faculty/Department	
Job Title		Line Manager	

Section 2 – Grounds for Appeal

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following grounds:

(Please continue on a blank sheet of paper, or overleaf if necessary)

Signature _____ Date _____

Please send this form to the Head of Human Resources, HR Department, Hele Road.