



University of the
West of England

FLEXIBLE WORKING REQUEST PROCEDURE

Background

The University has had a policy of encouraging flexible working for some time, recognising the need for staff to balance home and work commitments and believes that flexible working is one way in which it can recruit and retain high quality motivated staff.

The HR Strategy 2000-2005 includes as a strategic aim:

"To enable and encourage staff to maintain a healthy balance between their working, personal and family lives"

and states that the University will:

"encourage managers to respond flexibly to staff requests for part-time working, job share, flexitime and other arrangements which allow staff to balance work and home lives and where this will not affect the service adversely".

The Flexible Working Regulations 2002, operative from 6 April 2003, requires all employers to follow a prescribed procedure to consider requests for flexible working from employees with parental responsibilities. In addition, the Work and Families Act 2006, effective from 6 April 2007, has extended the scope of the legislation to include employees who care for, or expect to care for, certain adults.

Under the University policy all requests for flexible working are to be given due consideration and these are normally dealt with by managers informally. However in order to comply with the legal requirements it has been necessary to produce a specific formal procedure for those requests which are not resolved through informal mechanisms and which fall within the scope of the Regulations. This document sets out this procedure. A summary of the process is shown in Appendix A.

Scope of the Procedure

This procedure applies to all staff with at least 26 weeks' continuous employment with the University who are seeking a change to their working arrangements as a result of either: having, or expecting to have responsibility for the upbringing of a child; or caring or expecting to have responsibility for caring for an adult. Once a request has been made, the employee can only make a further request after 12 months have elapsed. This is regardless of whether a previous application was made in respect of a different caring responsibility.

Where there is agreement to a change in working arrangements/hours, the expectation is that this will result in a permanent contractual change.

Parental Responsibilities:-

These parental responsibilities must be in relation to a child who is under 6 years of age (up to and including children of 16 years of age with effect from 6 April 2009), or a disabled child who is under 18 years of age, as at 14 days before the request is made.

Someone is deemed to have parental responsibilities if they are either:

- mother, father, adopter, guardian or foster parent of the child, or
- married to the mother, father, adopter, guardian or foster parent of the child, or
- the partner (irrespective of sex¹) of the child's mother, father, adopter, guardian or foster parent who lives with them both in an enduring family relationship.

Carer Responsibilities:-

To be eligible to make a request for flexible working, the care should be for a 'qualifying' adult, defined as someone who is aged 18 and above who is either:

- married or is the partner ((irrespective of sex²) or civil partner of the employee
- a relative of the employee
- falls into neither of the above categories but lives at the same address as the employee

The definition of "relative" is very wide and includes parents, parents in law, an adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts, grandparents and step relatives. Half-blood relatives are included, as are adoptive relationships and relationships which could have existed but for an adoption i.e. an employee's natural relatives. The adult concerned must of course be in need of care for the employee to be able to make a request for flexible working.

The sort of care-giving activities in which carers of adults who request flexible working are likely to be involved (to a greater or lesser extent) include:

- help with personal care (e.g. dressing, bathing, toileting)
- help with mobility (e.g. walking, getting in and out of bed)
- escorting to appointments (e.g. GP, hospital)
- practical household tasks (e.g. preparing meals, doing shopping, cleaning)

This is not an exhaustive list: some activities feature more prominently for some groups of carers than others.

Application Procedure

An eligible employee who is seeking a change to their working arrangements within the scope of this procedure will complete an "Application for Flexible Working" Form detailing the nature of the flexibility they are seeking (copy of Form attached at Appendix B). The request can be for a variation in:

- the hours required to be worked
- the times when required to work
- the place where required to work (i.e. home or University premises)

The Form will be submitted to HR in the first instance who will then refer the matter to the appropriate manager.

¹ Partner refers to a person you are in a relationship with, who is of the same sex, of the opposite sex, or is trans.

² See footnote 1

The application must be considered and either agreed or a meeting held with the employee within 28 days of receipt of the Form. However, if the manager who needs to consider the application is absent due to annual leave or sickness, the 28 day period will run from the date of the manager's return to duty or from 28 days after the application is received, whichever is the sooner.

A member of HR will contact the employee's line manager and discuss the request. If the manager agrees the request, HR will provide the employee with written notification of the variation in contract within 28 days of receipt of the application including the date from which it is to take effect.

If the manager is unable to agree to the request as set out on the Form, HR will arrange a meeting at a mutually convenient time between the employee, the manager and a member of HR to discuss the application. The employee may choose to be accompanied by a fellow employee. This meeting must take place within 28 days of receipt of the application. If the employee or their accompanying employee cannot make the proposed date there are timescales for determining an alternative date.

Following the meeting HR will notify the employee of the manager's decision within 14 days of the meeting date. If a contract variation has been agreed this will be provided in writing, including the date the variation is to take effect. If the application has been refused HR will notify which of the statutory grounds for refusal apply (as set out in Appendix C) and why those grounds apply. The notification will also set out the appeal procedure.

Appeal Procedure

If the application is refused the employee has a right of appeal. The appeal must be submitted in writing, setting out the grounds of the appeal, within 14 days of the decision. The appeal will be to the Head of HR, unless the Head of HR is the manager in which case the appeal will be to the Deputy Vice Chancellor (Resources).

A meeting with the employee to discuss the appeal will be held within 14 days of the receipt of the appeal. The employee may choose to be accompanied by a fellow employee. The employee will be notified of the decision on the appeal within 14 days of the date of the appeal meeting.

Withdrawal of an Application

The University may treat an application as being withdrawn where the employee has:

- notified the withdrawal orally or in writing
- failed to attend a meeting under this procedure more than once without reasonable cause
- refused to provide information necessary to assess the application without reasonable cause.

Except where the employee has notified withdrawal in writing, HR will confirm the withdrawal to the employee in writing.

General

The timescales for considering an application or an appeal may be varied by mutual agreement of the parties.

The accompanying employee will be given time off during working hours to attend any meetings with the employee specified by this procedure. At such meetings the accompanying employee is permitted to address the meeting, but not to answer questions on the employee's behalf, and is permitted to confer with the employee during the meeting.

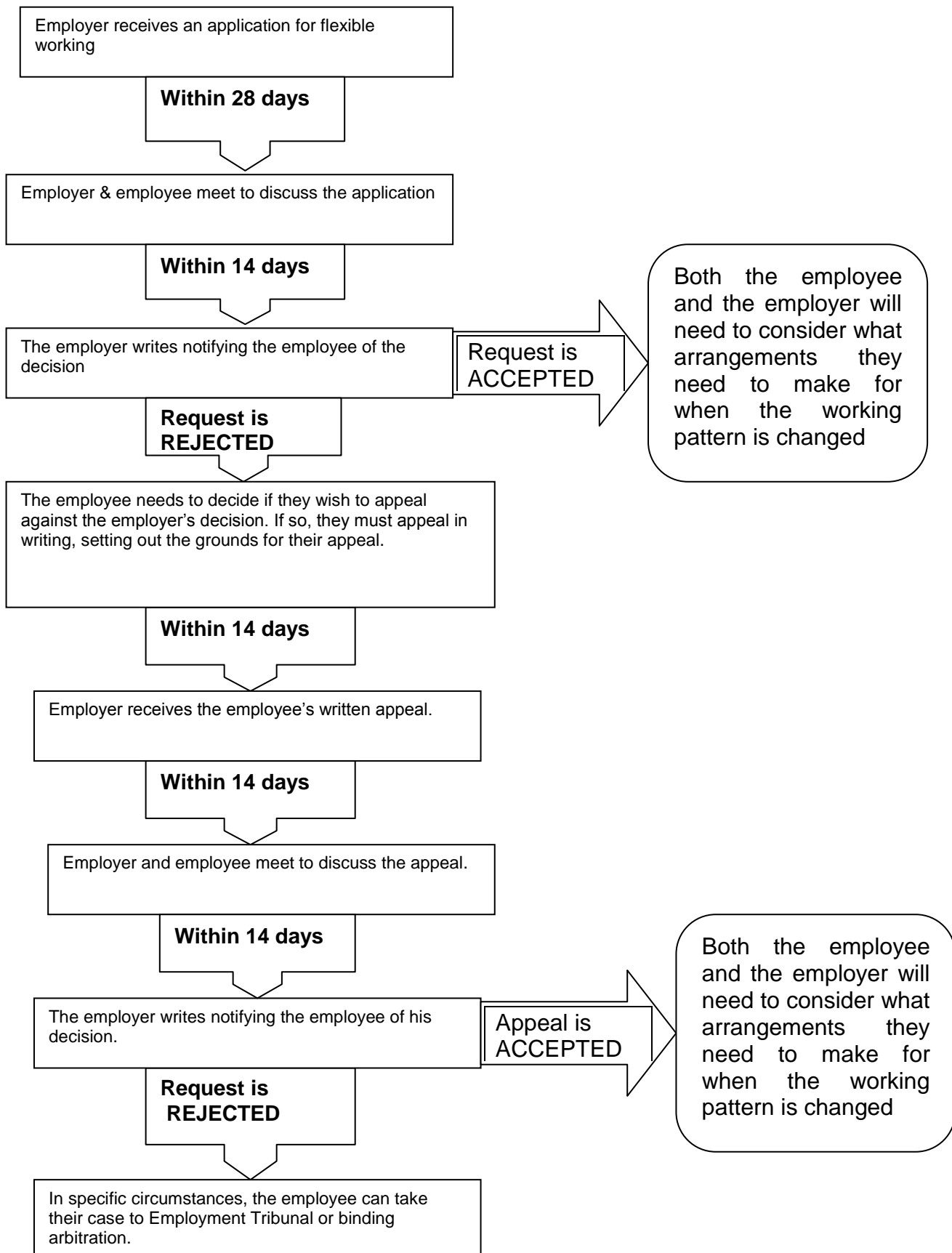
Once a request has been made, the employee can only make a further request after 12 months have elapsed. This is regardless of whether a previous application was made in respect of a different caring responsibility i.e. an employee wishing to make a request to care for an adult would still have to wait a year even if their previous request had been to enable them to care for a child.

The employee has recourse to an Employment Tribunal if the University fails to comply with the statutory procedure, if the refusal is based on incorrect facts, or if the refusal is not based on one of the nine statutory reasons. If the Tribunal were to find in favour of the employee it may order the University to reconsider its decision and/or award compensation to the employee.

Human Resources
May 2007
Revised April 2009

APPENDIX A

How does the process work?



APPENDIX B

APPLICATION FOR FLEXIBLE WORKING

(Under The Flexible Working Regulations 2002 and the Work and Families Act 2006)

Name:

Faculty/Service:

UWE Employment Start Date:

PREVIOUS APPLICATIONS

Have you previously made an Application under the Regulations?

YES / NO

If Yes, when was the last application made?

Date:

DETAILS OF APPLICATION

From what date are you requesting a change to your working arrangements?

Date:

Please describe below the precise nature of the flexibility in your working arrangements that you are seeking in relation to: the hours you are required to work, the times you are required to work and/or the place you are required to work.

What effect, if any, do you believe this change would have on the University and how in your opinion might this effect be dealt with?

Continue on separate sheet if necessary

**PLEASE COMPLETE EITHER DETAILS OF PARENTAL RESPONSIBILITIES OR
DETAILS OF CARER RESPONSIBILITIES AS APPROPRIATE**

DETAILS OF PARENTAL RESPONSIBILITIES

Date of Birth of the Child

Is the Child Disabled? YES / NO

Please describe the nature of your relationship to the child

I certify that I am seeking flexible working as a result of having or expecting to have responsibility for the upbringing of a child under 16 years of age, or a disabled child under 18 years of age, and that I am either the mother, father, adopter, guardian or foster parent of the child or that I am married to or the partner of the child's mother, father, adopter, guardian or foster parent.

Signed:..... Date:

DETAILS OF CARER RESPONSIBILITIES

Is the qualifying adult a relative of yours? YES / NO

Please describe the nature of your relationship to the qualifying adult

.....

If not related, confirm that the qualifying adult lives at the same address as you... YES / NO

I certify that I am seeking flexible working as a result of having or expecting to have responsibility for caring for a qualifying adult, and that I am either married to the named adult or their partner or their relative, or we are unrelated but live at the same address.

Signed: Date:

PLEASE SEND THIS FORM TO HUMAN RESOURCES, UWE BRISTOL, FRENCHAY
CAMPUS, COLDHARBOUR LANE, BRISTOL BS16 1QY

APPENDIX C

Statutory Grounds for Refusing a Request for Flexible Working

The refusal of a request must relate to at least one of the nine statutory reasons as follows:

1. the burden of additional costs
2. detrimental effect on ability to meet customer need
3. inability to re-organise work amongst existing staff
4. inability to recruit additional staff
5. detrimental impact on quality
6. detrimental impact on performance
7. insufficiency of work during the periods that the employee proposes to work
8. planned structural changes
9. such other grounds as may be specified by regulations