



## **FLEXIBLE WORKING POLICY**

### **PURPOSE**

UoNSU is committed to supporting the welfare and wellbeing of all employees. As part of this we offer options around flexible working to support staff in managing their work, personal and family commitments. This covers a variety of working patterns beyond 'traditional' working arrangements and hours.

We recognise that this can aid personal health and work-life balance, and can also offer the organisation benefits around managing the needs of a diverse staff team and greater flexibility in meeting the needs of our members.

This policy exists to explain how flexible working operates at UoNSU. It outlines the different options around flexible working, and the responsibilities of both staff and the Union in implementing and managing them.

### **POLICY**

#### **INTRODUCTION**

The following options are contained in this policy:

- **Flexi-time** Scheme- this is a new arrangement where staff can flex their hours, whatever their working pattern, as long as it supports operational needs. Note that this is not available for staff who work fixed shifts or annualized hours.
- **Statutory Procedure for Flexible Working** – this is where staff can apply to change their working pattern. It includes options such as compressed hours and part-time working. This is a formal process which results in a change to the individual's contract.

There are different requirements and responsibilities for these options and these are fully explained below. Please talk to your line manager if you have any questions around how these options work and what might be most beneficial for your situation.

#### **FLEXI-TIME SCHEME**

Flexi-time gives staff flexibility around how they manage their working hours without the need to apply formally to change their contractual working pattern. This is a new scheme which is based on the following principles:

- Business need and customer service delivery are of paramount importance and must be the key priority for decisions around working hours
- Presents an attractive option for staff to assist with recruitment and retention
- Has Health and Safety concerns at its heart – we want to ensure that long working hours are not encouraged and that people work within the limits of the Working Time Directive legislation
- Gives responsibility to both line managers and individuals in making it work in practice
- Equality, as applied to people who have changed their working patterns e.g. to compressed hours or part time working via a Flexible Working Request.

Flexi-time allows you to manage your working hours to suit your personal preferences, within certain parameters and as long as business needs are met. It can be used to provide flexibility to attend medical appointments, donate blood, to manage work around adverse weather conditions, to manage caring responsibilities and to help you work most effectively.

Flexi-time applies to staff who work full-time, part-time, compressed hours and term-time workers. It does not apply to members of staff who work on a rota basis or on annualised hours. The flexibility within these particular patterns comes with the ability to set hours/schedules on a regular basis.

## **Definitions**

The following definitions are important:

Office Hours Cover – the time which every office will be open. Cover must be maintained during this period. This is subject to departmental operating times.

Bandwidth – ranging from the earliest time at which anyone is permitted to start work within the FWH scheme to the latest possible finishing time. Hours worked outside of bandwidth hours can still be incorporated with prior managerial approval. Bandwidth is from 7am to 7pm.

Standard Day – This remains the same as one fifth of the working week – i.e. Full Day is 7hrs and Half Day is 3.5hrs.

Core Time – Under the FWH scheme there are no core hours. The scheme allows for teams to build their own core hours and to set controls to meet customer and business needs.

Removing set core hours has a number of advantages for staff and UoNSU:

- It's attractive to staff needing to balance their home and work lives, including caring responsibilities.
- It assists flexibility within the working day, e.g. the option to start later when attendance at an evening event is required and reduces everyone leaving work at the same time at the end of core hours.
- It allows greater flexibility for staff to attend other appointments, such as doctors and dentists, outside of their working hours.

## **The Flexi-time Framework**

Although traditional core times will not be applied, you are expected to work a minimum of 5 hours per day (2.5 hours per half-day) between bandwidth hours. It's also important to note that you can only attend work if suitable work is available for you to do.

Line managers are responsible for making sure that minimum cover is achieved and that service requirements are met, but we encourage staff to be involved and take an active part in planning for this. Minimum cover requirements will vary according to the nature of the service provided and this must be considered, for example:

- Different requirements depending on the nature of the service being delivered
- Whether people with specific skills are required at various times
- Customer demand and expectations
- Whether visitors are expected
- Whether employees are required in the office or are contactable by telephone
- Fluctuating workloads and task deadlines - minimum cover may vary at different times of the day, week, month or year, dependent on service need.

Before approving any flexi-time, staff and line managers must make sure minimum cover is in place. Line managers must also ensure that approving flexi-time for one person does not unreasonably affect the flexibility of others in the team.

You must not exceed the 48 hour working hours limit within any 5-day week period, averaged out over 17 weeks. Line managers must ensure that the regular working week (35 hours for full-time staff, pro rata for part time staff) is the minimum average hours worked over a 17-week period.

A member of SLT may require an individual to work beyond the time they have set for arrival or departure on any one day if there is an unforeseeable or urgent need or demand for the service.

### Breaks

The following conditions apply to breaks:

- You must have an 11-hour break between completing one work day and starting work the following, unless an exception under the Working Time Regulations has been formally agreed.
- You must take a minimum of a complete 30-minute break within the minimum 5-hour working day. This must not be taken immediately at the start or end of the day.
- You may take several breaks during the working day, providing that minimum cover is in place. The minimum break that can be taken is 5 minutes

## Credits

Sickness absence, training courses and any other authorised leave will remain at a standard day or half-day.

If you attend a training day for a whole or part day, any time over and above your normal work pattern and home to work journey time will be a credit, subject to the normal bandwidth hours.

## Accounting Periods

The accounting period will be 13 weeks. This will give greater flexibility and enable both managers and staff to manage their time around fluctuating workloads and demands. This will also assist staff to manage their time to ensure that they do not accrue hours that will take them over the carry forward limits.

## Time Recording

Time keeping will be kept on the standard issue spreadsheet issued annually. These must be completed on a daily basis, and signed off by the line manager at the end of every 13 week accounting period.

Audits of time sheets will be carried out to ensure they are completed accurately and on time.

## Carry Forward Limits

At the end of a 13-week period, the credit limit will be 28 hours (4 days). The debit limit will be 7 hours (1 day). No credit can be carried forward into the next holiday year. Note that full-day equivalent hours are used for simplicity when calculating part-time pro-rata amounts.

## Time Off In Lieu Credits

Before approving any flexi-time leave (a full or half-day), staff and managers must make sure the minimum cover is in place. Also, approval must not unreasonably affect the flexibility of other members of the team, for example, an employee regularly requesting Friday afternoon off.

When taking flexi-time leave, you must ensure that you have enough credit to take, and this cannot leave you with a debit balance. This means at the time of booking, and at the time of taking the leave, you must have at least 5 hours of credit for each day you wish to take. The maximum amount of flexible working leave per 13-week accounting period is 4 days. Therefore, a maximum of 16 'flexi' days per year could be taken.

## **Staff Starting and Leaving**

New staff may join the flexi-time scheme at any time during the accounting period. Staff leaving UoNSU must clear all debits and credits before leaving. Line managers will assist staff taking any outstanding credit before they leave as credit balances will not be reimbursed with pay. Any debits can be offset by using outstanding annual leave credit balance, or will be deducted from final salary, or if that has already been processed, invoiced after leaving.

## **Abuse of Flexi-time**

Abuse of flexi-time will result in disciplinary action under our Disciplinary Policy and may be considered a matter of gross misconduct.

If staff misuse or fail to co-operate with the flexi-time framework, UoNSU reserves the right to amend the terms and conditions, following appropriate consultation with an employee.

## **STATUTORY PROCEDURE FOR FLEXIBLE WORKING**

The Statutory Procedure for Flexible Working offers all staff the entitlement to request formally the possibility of changing their working arrangements to accommodate their wider commitments and personal preferences. We will comply with the Flexible Working Regulations amended on the 30<sup>th</sup> June 2014, which states that organisations have a duty to consider all flexible working requests in a reasonable manner. This includes consideration of the operational needs of the organisation as well as the wishes of the individual themselves.

Under this law, staff who have worked continuously for UoNSU for at least 26 weeks may apply to change their terms and conditions. These changes can relate to the number of hours worked, the pattern or times of work, or the location. Note that only one request for flexible working can be made within a 12-month period under this law.

This policy sets out the rights and responsibilities of staff who wish to request a change to their contractual terms and conditions of employment to work flexibly.

You are asked to note our Wellbeing and Leave Policy which forms part of the Wellbeing suite of policies, as these set out other possible options which may be considered as alternatives in some situations.

## **Applying for Flexible Working**

If you wish to make a formal flexible working request, you are encouraged to discuss this informally with your line manager in the first instance. You should then complete the Flexible Working Request form which can be found at <http://UoNSU-forms.co.uk/> and send it to your line manager. Requests will be dealt with and a decision made within 28 days of the date of the request.

The information you are required to provide on the form includes the change to working hours or location requested and the date you would like it to start. It should also include the effect you think it might have on the organisation, if any, and how this could be managed. Finally, it will ask whether your application is for a permanent change or a fixed period only.

Only one application for flexible working may be made in any 12-month period from the date of any previous flexible working request. Because of this, you should also state the date of any previous request made.

### Responding to Your Application

All requests will be considered as soon as possible. Within 28 working days of receiving your flexible working request, your line manager will arrange to meet with you to discuss the application further. You will have the opportunity to talk about the reasons for the request and the changes you would like. If you wish, you may bring a companion with you to this meeting. This could be a work colleague or a Trade Union representative.

If your line manager is in full agreement with the flexible working request, and no further information is required, they will confirm their decision in writing and it won't be necessary to hold a meeting.

Your line manager will write to you within 14 working days to tell you about the outcome of the request and the reason for the decision. It may be that your request can be accepted, but with modifications. If your flexible working request is refused we will explain the reasons in writing. Staff will have the opportunity to appeal the decision as explained below.

Please note that if you, without good reason, fail to attend any meetings arranged to discuss your flexible working request or to appeal a decision to decline a request, we will write to you telling you that we consider that the request has been withdrawn.

### Decision Criteria

We will always do our best to support any applications made for flexible working under this policy. However, we do need to prioritise the services to our members and this may mean that not every request can be accepted. The law does allow organisations to decline a request for business reasons. If we do decline a request for flexible working, it will be for one of the following reasons:

- The burden of additional costs is unacceptable
- The inability to re-organise the work amongst existing staff
- The inability to recruit additional staff
- A detrimental impact on quality, performance and/or the business' ability to meet customer demands
- There is insufficient work during the periods the staff member proposes to work
- Planned structural changes, for example, where the employer intends to re-organise or change the business, and considers the flexible working changes may not fit with these plans.
- To avoid unlawful discrimination

### Trial Periods

If the flexible working request is approved, the variation in contractual terms is permanent and you have no automatic right to change back to your previous working pattern. However, you and your line manager may agree that the flexible working can be for a specified time period or for a trial period.

A trial period can be agreed in the following ways:

- Where you have made your line manager aware that you are considering flexible working and it's unclear whether a permanent change would work for both parties, a trial period can be agreed before you submit a formal request. You and your line manager can discuss it after the agreed time and your manager can give feedback about the arrangement. The formal procedure is still then open to you if you wish to continue with the arrangement.
- Where you submit a formal request, a trial period can be agreed prior to the manager making a final decision. The timescale can be extended by agreement, in order to support the decision-making process.

### **Appeal Process**

If your application for flexible working is refused, we will explain this in writing together with details of how to appeal and who would hear the appeal.

You may appeal in writing within 14 Union non-closure days (including weekend days of the date on which the line manager confirmed their decision. In this, you must explain the reasons for your appeal.

An appeal meeting will be held within 14 days Union non-closure days (including weekend days) of receiving your appeal notification. Where reasonably practicable, the appeal will be heard by a more senior manager. The process will be supported by HR. You may wish to bring a companion with you to support you at this meeting – this could be a work colleague or a Trade Union representative. We will notify you of the decision of the appeal in writing within 14 Union non-closure days of the meeting. There is no further right of appeal after this.

**END**