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V1	New policy 2004
V1.2	internal review: July 2014 no action needed
V1.3	Reviewed June 2017 AC
V1.4	Review Feb 21, minor amendments
Next update due: 2024	3 years unless legislative update needed



## **FLEXIBLE WORKING POLICY**

### **(With Effect from 30<sup>th</sup> June 2014)**

Liverpool Hope University is a vibrant collegiate community of staff and students. Flexible working adds to the University's commitment to equality whilst trying whenever possible to promote a healthy work life balance.

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they are an employee who has worked for Hope University for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.

### **Making the request**

You must submit a written and dated request to the Personnel Department in order that the formal process of consideration can begin. Please be aware that the period from application to acceptance can take up to 3 months. It is for this reason we would ask you to make any request as soon as you can before the amendments to your working practices are required.

To help us understand the basis of your request and in order to comply with the legislation surrounding this area of the employment relationship in your letter you must;

- i) 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;
- ii) address 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;
- iii) provide information to confirm that you meet the eligibility criteria set out above
- iv) state whether you have made a previous formal request for flexible working and, if so, when; and

v) that you are making the request under Section 80F of the Employment Rights Act 1996.

Ideally this request should be submitted at least two months before you wish the changes you are requesting to take effect.

### **The next step**

Your senior manager (i.e. a member of the senior management team) may be able to authorise the change without having to meet to discuss the application with you. This would however be extremely unusual as some discussion will inevitably be required in order to identify how the change to working hours, location from where the work will be carried out, days of attendance will/can be accommodated and how that will affect your colleagues, if at all.

Assuming a meeting is to be held this would normally be arranged to take place as soon as practicable after your application has been made. You may wish to be supported during the meeting in which case you may bring a fellow work colleague or trade union representative.

During the meeting your request will be discussed in detail. It is also the opportunity to explore alternatives to your proposals if they cannot be met as requested. It is for this reason your letter requesting flexible working should be as full as possible as this will enable the manager to consider different options before the meeting.

Before formalising the arrangement you and your senior manager could agree a trial where neither party have committed to the change; this would enable us to make sure the alterations meet both your aspirations and the needs of the University or your colleagues.

### **Accepting the application**

In the event your request being approved or the arrangements prove satisfactory after a trial you will be sent a formal offer letter to change your terms and conditions. This letter will explain that any alteration will normally be a **permanent change** to your contract of employment and there will be no entitlement to revert to your old terms and conditions at a later date.

You must sign and return the offer letter within 14 days to complete the process. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period

### **Rejection of the application**

Unfortunately there may be circumstances where, due to business and operational

needs, your request cannot be granted. This is even when alternative proposals have been considered at the meeting detailed above.

If that is the case your senior manager will write to you and they will:-

- a) give the business reason(s) for turning down your application;
- b) explain why the business reasons apply in your case; and
- c) set out the appeal procedure.

The eight business reasons for which we may reject your request are:

- a) the burden of additional costs;
- b) detrimental effect on ability to meet customer demand;
- c) inability to reorganise work among existing staff;
- d) inability to recruit additional staff;
- e) detrimental impact on quality;
- f) detrimental impact on performance;
- g) insufficiency of work during the periods that you propose to work; and
- h) planned changes.

## **Appeals**

If you are unhappy with the outcome to your flexible working request then you may appeal to someone of a higher level than the original decision maker and who has no prior involvement in the decision making process.

Your appeal must be in writing setting out the grounds of your appeal which might include a change in circumstance allowing the request to be accommodated and sent to the Director of Personnel within 14 days of receipt of the rejection letter.

If your appeal is successful then your request will be accepted as per the procedure above. If your appeal is rejected then a written reason for the decision will be sent to you.

## **Trial Period**

Liverpool Hope University may decide to offer the new way of working on a trial basis initially if it is not sure what the impact of it will be on the business. In such circumstances, the change to the employee's terms and conditions of employment during the trial period is a temporary change to their terms and conditions of employment.

If the trial is not successful, the employee will revert back to their previous terms and conditions of employment. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

## **Timelines**

The law requires that all requests, including any appeals, must be considered and

decided on within a period of three months from first receipt, unless the employer and employee agree to extend this period.

If the University arranges a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, we will consider the request withdrawn. In such circumstances we will inform the employee.