Flexible Working Policy

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Form: Flexible working application (Office document, 122kB)

1. Introduction

'Flexibility' and 'flexible work' are terms used to describe a wide range of work styles and employment practices. Broadly speaking, they include all kinds of employment which differ from the traditional nine to five full-time job. Getting the work-life balance right is increasingly becoming high on the agenda for many colleagues who have personal responsibilities and interests outside of work. Research shows that more people now want increased flexibility over other benefits. As a result, flexibility in the way that colleagues undertake work can have a real and positive impact on the performance of individuals and teams.

The 'flexible' aspect of work can in different instances relate to the employee, or to the employer, or to both. From the employee’s point of view, flexible work may allow more freedom to organise their employment
to fit in with other parts of their life. For the employer, flexibility may come with the ability to organise people resources more in line with the varying needs of ‘customers’, or with peaks and troughs of demand. Flexibility can have a positive impact for all.

The University of Bristol recognises that flexible working can provide benefits to both the employer and the employee. As part of continuing to develop a Positive Working Environment, the University is committed to enabling staff to achieve an appropriate work life balance. This policy applies to all staff, regardless of length of service, grade, or personal circumstances.

There are a number of reasons why managers should consider moving away from traditional patterns of work, and offering flexibility in work patterns:

- the increasing need to improve efficiency and contain costs;
- the need to cover a working day that is increasingly outside the traditional nine to five in line with the demands of ‘customers’;
- the changing academic cycle of a year;
- the need to recruit and retain the highest quality staff by offering a flexible approach to work as a real employee benefit;
- the need to promote equality of opportunity.

There are a great deal of flexible working practices within the University. This document brings these practices together and describes the various strategies which managers might adopt to meet the needs of both the University and the individual.

2. Statutory provisions

All employees with at least 26 weeks' continuous employment have a statutory right to request a flexible working arrangement. Employers have a statutory duty to consider a request in a reasonable manner and can only refuse a request for flexible working where there is a clear business reason for doing so.

Managers should contact their HR Manager for advice and guidance before implementing this policy and procedure.
3. Job share

All University posts are open to consideration under job share arrangements.

Job sharing is defined as the division of one full-time post between two or more people, with each sharer undertaking a proportion of the duties of the post and receiving proportionate pay and benefits. Job sharing is different from job splitting, which occurs when a job is split into two separate part-time jobs requiring very little interaction. Job sharing requires a high level of co-operation and communication between the sharers.

Any manager who receives a request from a member of staff to job share must seriously consider it, and Human Resources must be consulted before any decision is taken. If the request is approved in principle, the University will advertise for a fellow job sharer in the normal way. If no suitable partner can be found after at least two recruitment attempts, the request will be denied. Job share should also be considered on request when recruiting to any vacancy, and any applications for a job share must be fairly considered in line with this policy. All our adverts will make reference to job sharing.

Prospective job sharers will be interviewed in accordance with normal University practice and every opportunity should be given for prospective job sharers to meet.

Where one of the job share partners resigns, the remaining partner will be offered the post at the total contracted hours. If this is not possible or acceptable, the remaining partner will be involved in the recruitment and selection process in order to ensure compatibility (eg in respect of working methods, communications, etc). The post will be advertised in the normal way. If no suitable partner can be found for an existing job share employee after at least two recruitment attempts, then the University reserves the right to terminate the remaining job sharer's contract after discussion with the employee, at which the employee may be accompanied by a trade union representative or friend.

Circumstances where job share arrangements may be particularly suitable include:
where job share presents an opportunity to retain the services of trained staff who due to personal circumstances might otherwise find continuation in employment difficult, particularly after a period of maternity leave or a career break;

where there is a need for flexible working to suit changing operational needs and the needs of the individual;

where there is a need to broaden the potential pool of applicants.

Experience elsewhere has shown that job share arrangements can provide many advantages for managers and employees, including for managers:

- proven improvement in retention and attendance;
- increased efficiency through greater flexibility, peak period coverage and continuity of attendance;
- access to a wider range of skills and knowledge;
- tapping into a wider employment pool;
- enhanced levels of responsibility;

and for employees:

- more opportunities for part-time work at levels commensurate with previous or current experience and salary;
- easier return to work after maternity leave and career breaks;
- improved work/life balance;
- enabling people to work part-time and share child care with their partner;
- providing work opportunities for certain categories of people who otherwise may not be able to work at all (eg single parents and those with health limitations or disabilities).

To ensure the success of any job share, it is essential that it is appropriately managed, and before the job share arrangement commences managers will need to consider such issues as:

- work stations/accommodation (eg can this be shared or are separate accommodations required for each, etc);
- work patterns (eg what coverage is required, will there be an overlap to cover peak period demands, etc);
- handover periods (eg how frequent, how long, etc);
• cover arrangements (Managers should note that under this policy no job sharer will be compelled to work additional hours to cover the absence of their partner, and any requests to provide such cover must give full sympathetic regard to the personal circumstances of the person providing cover. Additional hours may be offered, at the manager's discretion, and time off in lieu or payment at the basic hourly rate will be received in compensation.);
• communications (eg how will the Department schedule meetings so that the sharers can attend, how will the sharers communicate, how will the Department communicate the arrangements to the sharer's 'customers', etc).

4. Flexible working hours

Flexibility of working hours (whether full- or part-time) can assist recruitment, reduce absenteeism and improve morale, while tailoring working hours around workload requirements. Flexible working hours can be especially advantageous for those with caring responsibilities, or those who have to commute long distances.

It is true to say that a great deal of flexibility exists on working hours across the University, and the University wishes to support and encourage such an approach where possible. However, it is important that whether your Department operates a formal or an informal system, the following considerations are taken into account:

• The needs of the Department will vary over time. Ensure that any scheme you introduce is appropriate to the current situation and includes a mechanism for review.
• Ensure that staff are aware that flexibility is dependent upon the operational needs of the Department.
• Ensure that staff are aware of how much flexibility is available and where any lines are drawn.
• if some staff are offered more flexibility than others, ensure that this is justifiable. Explain clearly the reasons and consider the impact of flexibility on colleagues.
• Decide whether any records are to be kept (in many cases this is advised to ensure consistency). Designate someone for this purpose and ensure that all staff know what information is required by whom.
Consider what arrangements will operate for instances of sickness, holidays, overtime, etc.
Consider how you might be equipped to deal with abuses of the flexible working hours system.

Further advice is available from your HR Manager.

5. Part-time working

The University makes a great deal of use of part time working. When recruiting to a post, it is essential that managers consider the number of hours of work required and when they could most effectively be worked. Part-time hours can accommodate peaks of workload, whether they occur on a daily basis (ie heavier workload requirements in the afternoons, mornings, or over midday), or over the week (ie heavier workload requirements towards the start, middle or end of the week). You will also need to consider, and make clear to the member of staff, the degree of flexibility you might require around the work pattern.

As is the case with job sharing, any requests from staff to move to part-time hours must be seriously considered and any effects upon operational requirements considered carefully.

6. Term time or seasonal working

Term time contracts are likely to be extremely attractive to those with responsibility for caring for school age children. It may also be appropriate to offer this option where the needs of the service fit around the academic cycle.

The member of staff is engaged to undertake the required number of hours per week, over either the University or school term time. Salary and other terms and conditions of employment are pro rata.

Seasonal working is where the member of staff is engaged to work for less than 52 weeks per year, but the weeks that they do not work can fall at any time of the year (rather than necessarily during University or school vacations). For instance, there may be occasions during the academic year when workload is higher than during other times during the year, (for
example, around the examinations period). Seasonal adjustments to time worked during this period may help.

It is important that members of staff engaged on a term time or seasonal basis are clear about their work pattern (i.e., whether half terms are included, etc).

7. Annual hours working

Annual hours contracts can 'average' full- or part-time employment across the period of a calendar year.

Annual hours contracts specify the number of hours to be worked during the course of the year and, where this equates to less than full time, terms and conditions of employment are pro rata to those of full time staff. This flexible method of employment ensures that the individual works at those times most suited to the workload requirements.

While the increased flexibility can be beneficial to the employer and the employee, it should be recognised that too great a degree of uncertainty in relation to work pattern can be stressful and even impractical to potential employees, so patterns should be specified as far as possible.

8. Compressed hours

Compressed hours may be useful for staff who wish to continue to work current total hours and retain current benefits but would prefer to compress the hours into a shorter working week or fortnight, thereby allowing some ‘free time’ during the normal working week. An example is a ‘nine-day fortnight’ with 10 days’ worth of hours worked over nine slightly longer days, allowing one day off per fortnight. It is important that any compressed hours arrangement does not have an adverse impact on service provision or operational requirements and does not increase the workload of colleagues. Consideration needs to be given to the suitability of such an arrangement where the member of staff does not have a fixed work attendance pattern and where there is already a degree of flexibility implied.
9. Working from home

There may be certain roles which could adapt to working from home either on a regular basis or when a particular task needs completing (for example, writing a report), which could be undertaken more easily in a quieter home environment. In certain circumstances, a formal home working contract of employment would be issued. The following list of considerations is intended to assist managers considering such requests, either for ad hoc arrangements or for a formal home working contract:

- needs of the service both generally and specifically on days in question;
- nature of work for which employed;
- practicalities of undertaking specific elements of work or tasks at home (ie availability of appropriate workstation, IT, information, etc);
- impact on those remaining in the workplace and on students;
- degree to which this is a regular or formalised element of work pattern;
- any local arrangements for requirement of notification for ad-hoc homeworking;
- health and safety (advice can be obtained from Safety and Health Services regarding risk assessment);
- the costs of equipment (ie computers, telephone, data link rentals, etc.);
- security and data protection (see the University Policy on Data Protection);
- notification of sickness absence;
- insurance for University equipment and information;
- control of work.

As well as being safe and secure, homeworking space should be free of distractions. Homeworking is not a substitute for suitable care arrangements and dependents should always be looked after by someone other than the employee during working hours.

Where a formal home-working arrangement is agreed, the following terms will apply:
Trial Periods

New home working arrangements shall normally be for a trial period, during which the arrangement will be monitored. If, at any time during or at the end of the trial period, the University considers the home working arrangements to be unsatisfactory or the requirements of the work change such that home-based work is no longer appropriate, the University may give reasonable notice to revert to a workplace-based arrangement from the University’s premises.

Health and Safety

A health and safety risk assessment should be undertaken of the employee’s home working arrangements. Risk assessments for home working are specific to each employee, taking into account personal circumstances, homework location and nature of the work. Further guidance is available on the Safety and Health Services website at [http://www.bristol.ac.uk/safety/media/gn/homeworking-gn.pdf](http://www.bristol.ac.uk/safety/media/gn/homeworking-gn.pdf). Employees are required to cooperate with this process and are responsible for ensuring they conduct their work activities in a safe manner.

Equipment and Insurance:

Insurance cover for any University’s equipment installed at home will be provided by the University. Details of the University insurance cover can be found on the Secretary’s office web pages: [http://www.bristol.ac.uk/secretary/insurance/](http://www.bristol.ac.uk/secretary/insurance/) Employees should not carry out, cause or permit any act or omission which will invalidate the insurance policy covering University property. Employees are responsible for any damage to the University Property which goes beyond ordinary wear and tear and are required to report to the University any such damage or malfunction as soon as you become aware of it.

Employees should also check with their contents insurance and mortgage lender (as appropriate) to ensure that working at home will not invalidate their policy (policies).

Right to Enter:

By agreeing to a home-working arrangement, employees consent to the University’s representatives, at reasonable times and on reasonable notice, entering their home address to:
(a) install, inspect, replace, repair, maintain or service University Property during the course of employment;

(b) carry out health and safety risk assessments of University Property and the employee's workstation during the course of employment;

(c) recover University Property on or after the termination of employment.

Confidential Information and Data Protection:

Employees are responsible for ensuring the security of confidential information in their home. In particular, employees must undertake to:

(a) encrypt and/or protect by password any confidential information held on their home computer;

(b) lock their computer terminal whenever it is left unattended;

(c) ensure any wireless network used is secure;

(d) keep all papers containing confidential information in filing cabinets that are locked when not in use; and

(e) comply with the University’s data protection policy from time to time in force regarding retention of personal data.

Further information is contained within the University’s Information Security Policy http://www.bristol.ac.uk/infosec/policies/

Please contact your HR Manager to discuss any necessary arrangements in relation to contractual changes or the establishment of a home working post.

10. Parental leave

There is a statutory entitlement of up to 18 weeks' unpaid leave per parent per child for colleagues with at least one year's continuous service and with children under the age of 18. Leave may be taken in blocks of one week up to a maximum of four weeks per parent per child in any year. Such provisions are in addition to maternity/paternity/adoption/shared parental leave. Please refer to the University's separate Parental Leave Policy.
11. Career break

Colleagues that have been employed for at least 3 years are eligible to take a career break. Some examples in the past have been to undertake a period of study or further long-term development, caring responsibilities for an elderly relative, or to travel. Please refer to the University’s separate Career Break Scheme.

12. Procedure for making and considering flexible working requests

The following procedure is in line with the statutory procedure for requesting flexible working.

Where a member of staff wishes to request flexible working, the following procedure will apply:

- The member of staff should make a written request to the line manager using the flexible working application form (Office document, 122kB).
- It is a statutory requirement that all requests must be decided on within three months of receipt, including any appeals, unless an extension to this timescale is agreed with the individual member of staff.
- On receipt of the request, the line manager should have a discussion as soon as possible with, as appropriate, the School/Section Manager and/or Faculty Manager and/or Head of School/Division, seeking advice from HR as needed.
- The guidance in Sections 1-9, above, details many of the issues that will need to be taken into account in considering requests. The following broad areas must also be fully considered and weighed against the reasons behind the request:
  - burden of any additional cost to the School/Department/Division;
  - impact on ability to meet the needs of 'customers' (whether these be students, staff, patients or others) and operational requirements;
  - ability to organise the work within available staffing;
  - impact on quality of outputs;
• impact on individual or School/Departmental/Divisional performance;
• ability to recruit staff to cover any gaps;
• sufficiency of work during the periods your member of staff proposes to work;
• planned structural changes.

All requests should be considered in accordance with the University’s Equality and Diversity Policy. Where requests are submitted for reasons connected to a disability, please also refer to the Disability and Employment Policy. For further advice, contact the relevant Faculty/Divisional HR Manager.

Following consideration of the request with the School/Section Manager and any other relevant parties, the line manager will normally arrange to meet with the member of staff to discuss the request further.

If there is uncertainty around whether to agree the request, if the request cannot be accommodated, or if potential amendments need to be discussed, the line manager must set up a meeting to take place as soon as possible. This is a statutory requirement and in such cases a meeting must take place even where the member of staff is on maternity or sickness leave. Line managers may ask the relevant HR Manager to attend the meeting and should note that the individual has the right to bring a friend, trades union representative or other representative to the meeting.

If it is proposed that the request be agreed without amendments, a formal meeting is not strictly required, but will generally still be helpful to enable the line manager to discuss with the member of staff how and when the changes might best be implemented.

Immediately following any meeting, the line manager should refer the proposed outcome to the School/Section manager and/or the Head of School/Division/Faculty Manager as appropriate before a final decision is reached regarding the request.

All agreed arrangements will normally be subject to a trial period during which the arrangement will be monitored.

In all cases, the decision and any relevant details must be recorded on Part B of the application form, and the form should be forwarded directly to Human Resources.
• As soon as possible Human Resources will write to the individual to confirm the outcome formally.
• The letter to the individual from Human Resources will either:
  • confirm that the request has been agreed and detail the appropriate arrangements and date from which these will start, or
  • confirm details of any amended arrangements that have been agreed and date from which these will start, or
  • confirm that the request cannot be accommodated, giving a short explanation of the reasons for this and setting out the appeal procedure.
• Where applicable, the letter will also include details of any formal review arrangements, and, if appropriate, set out any action on which the agreement is dependent.

Once agreed, at whatever stage of this procedure, any change may become a permanent change to the member of staff’s terms and conditions of employment and they may not be entitled to revert back to their old work pattern (subject to any review arrangements agreed, unless explicitly agreed otherwise or as a result of a further formal flexible working request).

14. Appeal procedure

• If an employee wishes to appeal they should write to the HR Director within 14 days of receiving the written notification of the decision, setting out the reasons for the appeal.
• The HR Director will then arrange for the appeal to be heard by an Appropriate Manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision and will be supported by HR.
• The individual will have the right to attend the hearing and to be accompanied by a friend, trades union representative or other representative. The manager who made the initial decision regarding the request may also attend if appropriate.
• The decision may be given at the appeal hearing and will in any event be confirmed in writing within fourteen days of the hearing.
• The decision following the appeal shall be final.
• The appeal process must be completed within 3 months of receipt of the original flexible working request.

Human Resources

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