

# **Flexible Working Policy and Procedure 2024**

## Flexible Working Policy and Procedure

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## 1. Policy

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- 1.1 Queen Mary recognises that flexible working arrangements can provide positive benefits to both the employer and employees. Queen Mary is committed to developing a motivated, engaged workforce and to enable employees to achieve a positive work-life balance. At the same time, the policy will support managers in developing a more flexible workforce in-line with service needs.
- 1.2 This policy and procedure provide a framework for considering individual flexible working requests and meets the requirements of the statutory right to request flexible working.
- 1.3 This procedure should be used when requesting permanent or longer-term changes (for a fixed period of over 3 months duration). Any ad-hoc, occasional requests to work flexibly for a shorter period may be discussed and agreed with the line manager informally, without the need to complete a formal application. Regardless of whether a formal application is required (and approved), or otherwise, line managers **must** advise the HR Operations team of any changes in working hours or working patterns etc that would affect holiday entitlement and/or pay (see sections 5&6, below).
- 1.4 All applications will be considered on merit and in-line with the service needs of the University. Whilst the policy does not provide an automatic right to work flexibly, Queen Mary is committed to considering all requests to enable employees to achieve work-life balance. It is recognised that not all working patterns or flexible working options will be suitable for all departments, or sections, and the needs of the University to deliver its service is paramount. If requests for flexible working are not agreed, reasons for not being able to accommodate the request will be provided, and alternatives explored, wherever possible.

## 2. Procedure - General

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- 2.1 As an inclusive employer, Queen Mary welcomes flexible working requests from any employee. There is no service requirement before a request can be made. Up to, 2 flexible working requests may be submitted within any rolling 12-month period (regardless of whether requests have been approved, or otherwise).
- 2.2 Employees have a right to be accompanied by a trade union representative or workplace colleague (not acting in a legal capacity) at the formal stages of a flexible working request. Employees will be provided with 7 calendar days' notice of the formal meeting. If a trade union representative or work colleague is not able to attend a meeting, an alternative date should be arranged within 7 calendar days of the original meeting.

## 3. Responsibilities

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### 3.1. Line managers are responsible for:

- ❖ determining if the request can be accommodated (having discussed this with their manager)
- ❖ ensuring any agreed flexible working arrangements include appropriate rest breaks during periods of working time as well as mitigate risks regarding lone working.
- ❖ seeking advice from HR and consulting the EDI team, as required, to ensure fair and consistent application of this policy
- ❖ meeting the employee within 14 calendar days of receipt of the request (unless an extension is mutually agreed), noting that a meeting is not necessary if the request can be agreed as submitted
- ❖ ensuring that all requests, including any appeals are considered and decided on within two months of receipt of the request (unless an extension is mutually agreed)
- ❖ notifying HR of decisions on requests (see section 6, below)
- ❖ notifying HR of any agreed changes in working hours or working patterns etc that would affect holiday entitlement and/or pay via a contract variation request on the Oleo system (see section 6, below)
- ❖ adhering to this policy and procedure

### 3.2. Employees are responsible for:

- ❖ submitting any request at least 2 months before the date on which they want the changes to commence (see section 5, below)
- ❖ confirming the details of the proposed change(s) to their working arrangements
- ❖ securing a representative if they wish to be accompanied at any meetings
- ❖ continuing with their normal working arrangements until a decision on the request has been made

### 3.3. The employee may be accompanied by a Trade Union representative or work colleague at formal meetings. The chosen representative or companion can:

- ❖ take notes
- ❖ address the meeting
- ❖ confer with the employee
- ❖ respond on behalf of the employee to any view expressed at the meeting

### 3.4. The chosen representative or companion may not:

- ❖ answer questions on behalf of the employee
- ❖ address the meeting if the employee indicates that he or she does not wish the companion to do so

3.5. HR are responsible for:

- ❖ briefing and advising managers on the application and implementation of this policy
- ❖ attendance at formal meetings if required
- ❖ processing any payroll changes as a result of a flexible working request
- ❖ recording of data on numbers of flexible working applications and outcomes for monitoring purposes.

## 4. Types of Flexible working

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4.1 Please refer to appendix 1 for definitions of the types of flexible working that could be considered. This is not an exhaustive list and is provided for illustrative purposes. An employee may request any form of flexible working that meets their needs, in line with the provisions of section 5, below.

## 5. The Request

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5.1. Employees who wish to be considered for flexible working arrangements are advised to discuss their request in the first instance with their line manager. This will facilitate joint consideration of implications, and consideration as to whether any further information is needed, before a decision on a formal request is made. Line Managers may want to seek advice from the HR/EDI teams before making this decision.

5.2. Requests for flexible working should be submitted by employees via the Oleeo system.

Oleeo can be accessed here: [Flexible Working - Human Resources \(qmul.ac.uk\)](https://www.qmul.ac.uk/hr/flexible-working)

5.3. Any formal request should be submitted at least 2 months before the date on which the proposed changes are due to commence to provide time for proposals to be considered. Line managers, at their discretion, can allow shorter time frames to make a decision on a request, particularly where the circumstances of the request are such that an employee is seeking to respond to a situation that has arisen unexpectedly.

5.4. The flexible working arrangements in 5.1 above relates to:

- ❖ the hours an employee is required to work
- ❖ the times an employee is required to work
- ❖ where the employee will work

5.5. An approved request for flexible working will usually lead to a permanent change to an employee's contract of employment, unless a fixed-term change is requested. Where a permanent change is agreed, there will be no automatic right to revert to a previous working pattern. In certain circumstances, it may be possible to agree a fixed-term arrangement of, up to, 12 months' duration, rather than a permanent change. This may be appropriate in

situations where the reason for the request only applies for a fixed period of time (for example, during a period of study, acting as a carer, or to cover a particular period of childcare). The duration of the fixed-term arrangement will depend on the nature of the request: on its conclusion, the employee will return to the previous working pattern which was in place immediately before the fixed-term arrangement commenced.

- 5.6. A trial period may be required to assess the impact of change before a longer fixed-term or permanent change can be agreed. Employees may also request a trial period as part of their application. The length of a trial period should be considered based on the request and of the requirements of the job role. For Professional Services staff, a trial period could, for example, be 3 months, depending on the job role. For academic staff, as the assessment of the impact of the change may take longer, the trial period could be up to a year. Line managers should review the impact of change regularly over the trial period.
- 5.7. If the line manager is able to agree to the request based on the information provided in the application form, a meeting may not be required. In all other cases, the request will be discussed in further detail at a meeting arranged by the line manager, to be held within 14 calendar days of receipt of the request.
- 5.8. If it is not possible to agree to the request, a line manager may suggest possible alternatives that could be accommodated. These alternatives should be discussed between the line manager and the employee before a final decision (see section 6) is made about the outcome of the request.
- 5.9. Flexible working requests can only be turned down on one of more of the eight statutory business grounds below:
  - ❖ the burden of additional costs
  - ❖ a detrimental effect on the ability to meet customer demand
  - ❖ inability to reorganise work among existing staff
  - ❖ inability to recruit new staff
  - ❖ a detrimental impact on quality
  - ❖ a detrimental impact on performance
  - ❖ insufficiency of work during period of work proposed by the employee
  - ❖ planned structural changes
- 5.10. A request will be considered as withdrawn if the employee, without good reason, fails to attend two consecutive meetings to discuss the request or an appeal.

## 6. Outcomes following a flexible working request

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- 6.1 Line managers should confirm the decision in writing within 7 calendar days of a meeting to consider it. The decision notification should include either confirmation of the decision and the implementation date of the changes to working arrangements, or the grounds on which the request was rejected and details of the right to appeal. Where a request is agreed without the need for a meeting to consider it, this should be confirmed in writing within 14 calendar days of receipt of the request.

6.2 Line managers **must** also advise the HR Operations team of any changes in working hours or working patterns etc that would affect holiday entitlement and/or pay via a contract variation request on the Oleo system. Failure to do so is likely to result in the employee being paid incorrectly or assigned the wrong annual leave entitlement.

Oleo can be accessed here: [Flexible Working - Human Resources \(qmul.ac.uk\)](https://www.qmul.ac.uk/hr/flexible-working)

## 7. Appeals

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7.1. An employee may appeal if not satisfied that the grounds for rejection meet the statutory grounds outlined in 5.9 above.

7.2. An appeal must be submitted in writing by the employee setting out the grounds for appeal within 14 calendar days of receipt of the written outcome, unless this is not possible for a particular, reasonable reason (when the appeal should be submitted as soon as possible thereafter).

7.3. An appeal hearing will be convened without unreasonable delay and normally within 14 calendar days of receipt of the written appeal (unless an extension is mutually agreed).

7.4. The employee may be accompanied at the hearing by a Trade Union representative or work colleague (not acting in a legal capacity) and will have the opportunity to state the grounds for their appeal.

7.5. Appeals will normally be heard by a manager within the same Department or School who is senior to the one who dealt with the initial request. They will:

- ❖ conduct the meeting to establish the relevant facts
- ❖ explore any options which may permit the issue to be resolved
- ❖ determine a fair and proportionate course of action, taking into account the interests of Queen Mary and the employee(s).

7.6. The manager hearing the appeal will decide to uphold or reject the appeal and will notify the employee(s) in writing of their decision and the reasons for it without unreasonable delay and normally within 7 calendar days of the hearing.

## 8. Equality Impact Assessment

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8. Statistics will be compiled and monitored on requests (both approved and rejected) at organisational level and by Faculty/Schools/Institutes/Departments covering all grade groups and subdivided by equality monitoring categories, as determined by the Equality Committee. These will be reported to Council and the Joint Consultative Forum no less than on an annual basis.

## Appendix 1 – Types of Flexible Working

There are a range of different options that can be considered in relation to flexible working (as set out below). In all cases, any changes to working patterns will need to accommodate both the personal requirements of the employee and operational demand.

All agreed flexible working arrangements must include appropriate rest breaks during periods of working time as well as mitigate risks regarding lone working.

### Flexitime

Flexitime involves flexibility in the start and finish times of the working day, and provides for some accumulation of hours during busy periods (which can subsequently be taken as time away from work at a quieter time). This may enable employees to manage personal commitments around their working time. However, these working arrangements may not be operationally viable in many areas, particularly where customer service is required throughout each working day.

### Compressed hours

Compressed hours involves an employee working their normal contractual, weekly hours but doing so over fewer days, for example, a nine-day fortnight, where the hours are normally worked over a five-day week, from Monday to Friday. This may enable employees to manage personal commitments around their working time. However, these working arrangements may not be possible in some areas, particularly where customer service is required throughout each working day. Another consideration that may need to be taken into account, particularly in relation to middle and senior management posts, relates to the constraints that compressed hours may impose on the availability of staff to interact with colleagues and the University more widely. It should be noted that annual leave is pro-rated when an employee moves to compressed hours to ensure equity in leave entitlement.

### Seasonal/Annualised hours

Seasonal/Annualised hours involves an employee working the same total number of hours required under their contract over a twelve-month period but doing so in an irregular monthly (or weekly) pattern over this period. Usually, this involves working more hours at particular times of the year, to take account of seasonal peaks in workloads, and fewer hours at other times, when workloads are lower. The hours to be worked by an employee are agreed in advance, and can vary on a daily, weekly or monthly basis.

### Shift working

Shift working involves an employee working either fixed patterns of work which vary from regular office hours (typically 09:00-17:00, Monday to Friday) or which vary from day to day, and week to week. Generally, shift work is operated to provide cover over longer periods than regular office hours, and may cover 24 hours a day, 7 days a week.



## Staggered hours

Working staggered hours involves an employee working fixed hours every day, with the agreed start, finish and lunch times varying over the working week to suit personal needs. This may be useful if someone has fixed activities to be accommodated each week, such as care duties. It may also be useful operationally as it could mean that the workplace is staffed for longer.

## Job share

This involves a particular role being shared by 2 members of staff, both of whom are required to cover the full range of duties and responsibilities for the post the post. There are a number of potential patterns for job sharing such as:

- ❖ Split week - This is the most common pattern, where each partner works 2.5 days per week.
- ❖ Overlapping week - Each job share partner works 3 days so that there is an overlap of 1 day.
- ❖ Split day - One job share partner works every morning while the other works every afternoon.
- ❖ Alternate week - Each job share partner has 1 or more weeks at work and then the same number off work.
- ❖ Simultaneously for 2 or 3 days per week – partners works the same days/times.

## Reduced hours

In some cases, it may be that the best way for an employee to manage personal and work commitments is for them to work reduced hours, either on a temporary or permanent basis. Reduced hours could include the following arrangements:

- ❖ Moving to regular, part-time hours
- ❖ Working only during a fixed-period in the year e.g. term-time.
- ❖ A combination of these arrangements.

## Hybrid Working

Hybrid working is a different arrangement to a flexible working request. Details of the Hybrid Working Policy are available here: [Hybrid Working Policy - Human Resources \(qmul.ac.uk\)](https://www.qmul.ac.uk/human-resources/policies/hybrid-working-policy)

The difference between a remote working request under this policy and the University's approach to Hybrid Working is that requests agreed under this policy are contractual whereas Hybrid Working arrangements are informal.

In line with our Hybrid Working Policy, the University is unable to accommodate flexible working requests for remote working overseas due to significant difficulties with tax, social security, immigration, pension and employment legislation. The exception to this is where there is a Queen Mary requirement to work abroad, rather than a personal preference to do so. If overseas working is required, advice must be taken from the Faculty Strategic HR Partner ahead of any commitment being made.