



<b>Document name</b>	<b>Flexible Working Code of Practice</b>
<b>Subject</b>	The University approach to flexible working
<b>Approving authority</b>	People and Culture Committee (Tier 2)
<b>Accountable person</b>	Director of Human Resources
<b>Responsible team</b>	Human Resources
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## 1 Purpose

“Flexible Working” should empower employees to have more autonomy over working arrangements, where they have a specific need to adapt their working pattern, hours, or location. Flexible Working refers to an agreement which allows employees to have more control over when, where, and how they work, to better suit their individual needs and circumstances.

The University believes that flexible working enhances staff motivation and accommodates the diverse needs and preferences of employees by promoting better work-life balance and increasing job satisfaction. Enriching employee wellbeing also helps improve performance and productivity. This procedure strives to accommodate the needs of the employee where operationally possible.

Employees may request changes to working arrangements for reasons that include, but are not limited to, a change in personal circumstances (eg caring responsibilities), or aspirations relating to a career development or lifestyle goal. The University promotes inclusivity by supporting employees balance professional responsibilities with individual requirements. The University recognises the importance of tailored arrangements and aims to remain responsive to the evolving needs of its employees where possible.

While this procedure does not provide an automatic right to work flexibly, it does afford employees the right to formally request flexible working.

A formal request for flexible working should be made following the process outlined in this document. This procedure sets out the University's approach to flexible working requests under the statutory procedure. Requests for short-term flexible working arrangements are outlined in the procedural steps.

This procedure does not form part of employee's contract of employment, and the University reserves the right to amend or withdraw the procedure at any time.

### ***Agile working***

A commitment to informal flexibility is offered and naturally afforded across many roles throughout the University, providing mutual benefits for both the University and the employee. In relation to these non-contractual and locally agreed changes to the way of working, please use the University's Agile Working Framework. This covers informal arrangements between line managers and employees which are typically an implicit part of a job role, applied flexibly week-by-week, based on operational goals and service delivery needs.

The University acknowledges the diverse needs of its workforce where employees may seek adjustments which extend beyond the scope of the University's approach to agile working such as requests for a change in hours. This will require a formal contractual agreement through a Flexible Working Request. Terms agreed under flexible working requests differ from standard contractual terms.

## **2 Scope**

This procedure is applicable to University of Nottingham UK employees from the first day of employment. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

[Flexible retirement](#) is not covered within the scope of this procedure, but appropriate information can be accessed on the web site. Additionally, this procedure does not apply to requests to work overseas, please contact the Global Mobility team ([BR-Global-Mobility@exmail.nottingham.ac.uk](mailto:BR-Global-Mobility@exmail.nottingham.ac.uk)) for further information.

### ***Eligibility***

All employees have the statutory right to request flexible working from day one of employment.

Under the statutory procedure, employees can make two requests in every 12-month period.

Examples of flexible working arrangements include, but are not limited to the following:

- A change to the number of hours of work
- A change to the times of work
- To work total contracted hours over fewer working days (compressed hours)
- To work remotely for an agreed number of days per week or month

### 3 Roles and Responsibilities

Role	Responsibilities
<b>Line Manager</b>	<ul style="list-style-type: none"> <li>• Consider flexible working requests by assessing and evaluating the potential business implications of implementing flexible working arrangements</li> <li>• Make every effort to accommodate requests where feasible or discuss any alternative proposals that may be available</li> <li>• Adhere to the required timescales and agree extensions with employees</li> <li>• Confirm any arrangements in writing</li> <li>• Seek advice from Human Resources where necessary</li> </ul>
<b>Head of School/ Department/ Service or designated individual</b>	<ul style="list-style-type: none"> <li>• Evaluate the potential benefits and risks of the flexible proposal on the overall service</li> <li>• Seek advice from Human Resources where necessary</li> </ul>
<b>Employee</b>	<ul style="list-style-type: none"> <li>• Fully understand any implications on financial, pension or personal circumstances ie work permit or visa requirements</li> <li>• Make an informed decision before making a request for flexible working, which may result in a permanent change to terms and conditions</li> <li>• If required, seek additional clarification from Human Resources following line manager discussions</li> <li>• Continue agreed current working arrangements until a decision on a request has been made</li> </ul>
<b>Human Resources (HR)</b>	<ul style="list-style-type: none"> <li>• Provide advice to managers and employees, including attending meetings</li> <li>• Offer guidance on adhering to the procedure, including reviewing reasons for refusal</li> <li>• Confirm any arrangements in writing</li> </ul>
<b>Trade union</b>	<ul style="list-style-type: none"> <li>• Provide advice and guidance for employees where required</li> </ul>

### 4 Procedural Steps

#### ***Making a request for flexible working***

Employees are encouraged to have an informal initial discussion with their line manager or designated individual when considering any flexible working options.

#### ***Short-term changes***

If the working arrangement being considered covers a short-term period only (3 months or less), a local decision can be made.

Whilst this remains an informal agreement, following the discussion, the outcome must be provided in writing by line managers or another designated individual.

Where there is an impact on the number of hours worked, a change to the specific working days, or a change of location, an Authority to Fill (ATF) request must be raised by the line manager or another designated individual via [Vacancy Manager](#). Where a short-term agreement has been made, the individual raising the ATF should ensure they enter the date in which any arrangements will revert to the original pattern at the end of the temporary period. This can be done by utilising the 'further hours changes' field.

If the request cannot be accommodated following careful consideration, alternative options should be explored before rejecting the informal request.

Employees can opt to proceed with a formal statutory request at any time during the process.

### ***Formal changes (statutory request)***

Where an arrangement extends beyond a 3-month period, or informal conversations have not reached an outcome locally, the formal process must be followed.

Employees can make an application via the Flexible Working application form. Employees should provide the completed form to their line manager, or appropriate designated individual.

The employee's line manager or designated individual should arrange a consultation meeting to discuss the employee's formal flexible working request. The consultation meeting will be held within 10 working days of receiving the application form. However, if this is not possible, the employee will be informed of the reason for any delay.

The consultation meeting is an opportunity for the employee to explain how the proposed working arrangements would benefit them and for the line manager to consider the request and where appropriate discuss any alternative flexible working options that may be available, keeping operational needs in mind. Where necessary, it may also be suitable to discuss the possibility of a trial period (see below). At the consultation meeting, it is important for employees to be as open as possible about their needs so that a constructive discussion about what is feasible can take place. Employees may wish to be accompanied by a workplace colleague or trade union representative and should be given the opportunity to do so.

Employees must be given sufficient opportunity to re-arrange the consultation meeting if they are unable to attend.

### ***Considering flexible working requests***

After the meeting, the manager will consider the proposed flexible working arrangements carefully, considering:

- the potential benefits to both the employee and the organisation
- any adverse impact of implementing the changes
- additional considerations such as any contractual obligations required by associated organisations eg honorary contracts for clinical staff who work with a NHS Trust or Knowledge Transfer Partnership associates

Managers must consult with the Head of School/Department/Associate Director or another designated individual to discuss the above following the consultation meeting. On occasions where managers are unsure whether they can accommodate the request, they should consult with the HR Business Partnering and Employment Relations team.

### ***Notifying employees of the decision***

Managers will inform employees in writing, within 10 working days from the consultation meeting, of their decision and provide a rationale. [Template letters](#) are available.

### ***Where the request is granted***

Flexible working application requests may be granted in full or in part; for example:

- the manager may propose a modified version of the employee's request
- employee request may be granted, but only after successful completion of a trial period (see below)

Where the request is granted in full or in part, the line manager should meet with the employee to discuss how and when the changes might be implemented. Where requests are accepted for changing hours of work, managers should revise the goals and targets within the Appraisal and Development Conversation (ADC) process to reflect such changes.

The line manager or designated individual will need to raise an ATF request via [Vacancy Manager](#). Upon approval of the ATF, the HR Employment Support Services Team will write to the employee to confirm the arrangements, detailing whether pay and other terms and conditions will be affected.

### ***Trial periods***

Trial periods may be utilised to provide both the employee and line manager with an opportunity to make an informed decision on the practicality of any new arrangements. The University reserves the right to introduce a trial period before taking any decisions on the viability of a new arrangement.

Trial periods must be detailed in the manager's outcome letter which provides confirmation of the temporary variation to the employee's terms. The start and end dates of the trial period should be noted in this letter. Where applicable, an ATF request will need to be raised via [Vacancy Manager](#) and the 'business case for change' field must be utilised to confirm to HR that a trial period will occur as part of the flexible working request.

The University can reduce or extend a trial period with agreement of the employee. Trial periods may be agreed up to 3 months, but cannot extend beyond this.

Upon completion of the trial period, a final review will take place and employees can request a reversion to their previous working pattern, if appropriate. The University will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. Where applicable, an ATF will need to be raised via [Vacancy Manager](#) to revert the employee back to the original pattern.

If the line manager is in agreement this was successful, the flexible arrangement will be made permanent for as long as the employee remains in post.

### ***Where the request is declined***

While the University is committed to encouraging flexible working patterns, in some cases, it may not be possible to accommodate a request. In line with legislation, the University is permitted to refuse a request due to the following reasons:

- the burden of additional costs
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work, and
- a planned structural change to the business

Employee's requests will not be rejected for any other reason.

Line managers must consult with the [HR Business Partnering and Employment Relations Team](#) before rejecting any requests. HR will check and challenge any reasons for refusal to ensure it is compliant with regulations. This also applies to circumstances following an unsuccessful trial period.

The manager must meet with the employee to discuss the reasons for the decision and subsequently confirm this in writing within 10 working days. Employees may wish to be accompanied by a workplace colleague or trade union representative and should be given the opportunity to do so. [Template letters](#) are available.

### ***Appeal***

Employees have the right to appeal if their formal request for flexible working is rejected or only agreed in part.

Appeals should be dated and made in writing to the Head of School/Department/Associate Director or designated individual and should be made within 5 working days after the employee receives written notice the request has been rejected. The employee should set out the grounds for the appeal.

The appeal meeting should be arranged normally within 10 working days after receiving notification that the employee wishes to appeal. Employees must be given sufficient opportunity to re-arrange an appeal meeting if they are unable to attend the first. As the Head of School/Department/Associate Director or designated individual will have originally reviewed the request, the HR Business Partnering and Employment Relations Team will identify another manager to oversee the appeal, who has had no previous involvement in the case. This manager will be supported by a representative from the HR Business Partnering and Employment Relations Team.

Employees may wish to bring a workplace colleague or trade union representative to accompany them to their appeal meeting and should be given the opportunity to do so. If the employee and/or companion is unavailable to attend the meeting, the employee should either secure an alternative companion, or inform their line manager as soon as possible they will be unable to attend and request a suitable alternative meeting date within 7 working days of the original meeting date.

The employee will be informed of the outcome of the appeal by the manager who heard the appeal in writing within 5 working days after the date of the meeting. The written decision constitutes the final decision and is the end of the formal procedure.

### ***Treating the application as withdrawn***

An application can be treated as withdrawn in the following circumstances:

- The employee withdraws the application, preferably in writing. Where an employee does not confirm their withdrawal in writing, the manager should confirm the withdrawal in writing. In either case, the request will still contribute to the two applications within 12 months.
- If the employee fails to attend without reasonable cause and explanation, both the first and second meeting to discuss the application, or both the first and second meeting to discuss the appeal. An employee should inform their manager as soon as possible if and why they are unable to attend a meeting.
- If employees have submitted a formal flexible working request, they must wait until that one has been considered and any appeal has been dealt with, before submitting another formal request.

### ***Reasonable adjustments***

The University is both committed and legally obliged under the Equality Act 2010 to make reasonable adjustments to enable disabled staff to carry out their role successfully by removing any disadvantages as far as possible.

Line managers and employees should refer to the [University's reasonable adjustment guidance](#) to consider what changes could be made.

Agreeing flexibility in working hours may be one option which could help support disabled staff. Where an employee requires changes to working patterns and/or hours to be formally recognised as part of their terms and conditions, line managers should advise employees they need to submit a flexible working request via the application form. Employees can indicate the application is related to a reasonable adjustment using the box provided. Where discussions have already taken place between both parties as part of the reasonable adjustment process, and a working pattern has been agreed, the required consultation meeting can be waived and the usual process should then follow.

Although employees are always encouraged to have an informal initial discussion with their line manager when considering any flexible working option, flexible working requests may still be submitted as part of a reasonable adjustment without an initial discussion previously taking place. Upon receipt of these applications, line managers should proceed to discuss the request with the individual as soon as possible, using the process outlined.

Further information on [reasonable adjustments](#) can be found on the University web site.

### **Data protection**

When managing any flexible working requests, the University will process personal data collected in accordance with the University [data protection policy](#). Data collected from the point of receipt of a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working.

## **5 Internal, statutory or regulatory requirements**

### **Terms and conditions of employment**

Employees must be aware that any accepted applications may result in a permanent change to the employee's own terms and conditions of employment unless otherwise agreed between both parties.

Before making an application, employees should give careful consideration to what working pattern and/or arrangements will be suitable and the financial and pension implications which may occur when the desired working patterns involve a drop in salary.

### **Timescales**

Once the employee submits their flexible working request, it will be dealt with as soon as possible. The University has a responsibility to consider such requests in a reasonable manner and provide a response to a formal request within a timescale of two months from receipt of the request to notification of any appeal decision.

The timescales within this procedure may be extended where this is mutually agreed between the employee and manager. For example, this applies to cases where there is a requirement for an employee to arrange a suitable alternative meeting date. Any extensions must be recorded in writing by the manager and copied to the employee.

When utilising a trial period, the requirement to respond to a request within two-months may not be feasible. In such cases, before implementing a trial period, employees and managers will need to mutually agree to extend the timescale. This extension should be included in the manager's outcome letter.

### **Right to be accompanied**

Employees may wish to bring a workplace colleague or trade union representative to accompany them to a consultation meeting and appeal, and should be given the opportunity to do so.

### **Handling more than one request**

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 their working patterns.

## **6 Associated documents, appendices and resources**

### **Associated documents:**

- Special Leave
- Parental Support
- Maternity Leave
- Adoption Leave
- Career Break
- Job Share
- Carer's Leave
- Shared Parental Leave

## Process flowchart

Step	Route	Process
1	All	<ul style="list-style-type: none"> <li>Employee has informal conversation with line manager</li> </ul>
2	Short-term	<ul style="list-style-type: none"> <li>Short-term process followed when arrangement lasts 3 months or less</li> </ul>
2a	Short-term approved	<ul style="list-style-type: none"> <li>Final outcome is provided by line manager in writing (eg email)</li> <li>Line manager raises ATF via Vacancy Manager, where applicable (change to work pattern, hours, or location)</li> <li>ATF request should also detail the date in which any temporary arrangements will revert back to the original pattern; this can be done by utilising the 'further hours changes' field</li> </ul>
2b	Short-term rejected	<ul style="list-style-type: none"> <li>Request cannot be accommodated after full consideration</li> <li>Final outcome is provided by line manager in writing (eg email)</li> <li>Employees can opt to proceed with a formal statutory request at any time during the process</li> </ul>
3	Formal, statutory	<ul style="list-style-type: none"> <li>Process followed when arrangement lasts over 3 months, or informal conversations have not reached an outcome locally</li> </ul>
3a	Formal, statutory	<ul style="list-style-type: none"> <li>Employee makes request via application form and emails copy to line manager</li> <li>Line manager holds consultation meeting within <b>10 days</b> of receiving request</li> <li>Manager discusses with Head of School/ Department/ Associate Director or other designated individual</li> <li>The University has a responsibility to provide a response to a formal request within a timescale of <b>2 months</b> from receipt of the request to notification of any appeal decision</li> </ul>
3b	Formal, statutory approved	<ul style="list-style-type: none"> <li>Line manager informs employee of outcome within <b>10 days</b> of consultation meeting (including any conditions such as trial periods)</li> <li>Line manager raises ATF on Vacancy Manager</li> </ul>
3c	Formal, statutory rejected	<ul style="list-style-type: none"> <li>Line manager consults with HR Business Partnering and Employment Relations Team before rejecting any requests</li> <li>Line manager must meet to discuss reasoning for the rejection and provides written confirmation within <b>10 days</b> of consultation meeting</li> </ul>
4	Appeal process	<ul style="list-style-type: none"> <li>Employee appeals decision within <b>5 days</b> of rejection. Appeal put in writing to Head of School/ Department/ Associate Director or other designated individual</li> <li>Appeal meeting arranged within <b>10 days</b> of receiving appeal notice</li> <li>Manager who heard appeal will inform employee of final outcome within <b>5 days</b> of the meeting</li> </ul>