University of Essex

Flexible Working Policy

Authors:	People & Culture
Publication date:	June 2016
Amended:	March 2024
Review date:	March 2027

Table of Contents

Flexible Working Policy **3**

Aim 3

1. Policy Statement 4

2. Scope and Exclusions 4

3. Roles and Responsibilities 5

4. Types of flexible working 6

5. Procedure for considering flexible working requests 7

6. Appeals 9

7. Flexible working and teaching 10

8. Flexible working within teams 11

9. Recruitment 11

10. Restructuring 11

11. Equality impact assessment 12

12. Monitoring 12

13. Related university policies and procedures 12

14. University sources of information 12

Flexible Working Policy

Aim

Our University Strategy 2019-28 sets out our mission of excellence in education and research, for the benefit of individuals and communities. To help us deliver this, we have set a priority of inspiring, empowering and supporting all students and employees across academic departments and professional services sections to fulfil their potential, establishing a flexible, digitally fluent working culture which leads to self-managed time with a focus on outcomes.

Our aim is for a flexible working culture to be the norm in how we do things and for this to help us deliver our mission. We have trust and confidence in our people to focus on delivery of the University's mission while managing their own time effectively to achieve required outcomes.

A flexible working culture offers many benefits:

- improved well-being, as our employees are empowered to manage their own time and have control over how they work
- enhanced productivity, as employees can maximise their own efficiency
- better recruitment and retention, as we attract a richer pool of people and make it easier for them to stay with us
- heightened contribution to the community, as employees may use flexibility to play a role in wider society
- strengthened employee engagement, as we trust our employees and their commitment grows in return

---

A flexible working culture is embedded into the way that we work at Essex. It is intrinsic to how we do things and plays an imperative part to help us deliver our mission. We have trust and confidence in our people to focus on delivery of the University's mission while managing their own time effectively to achieve required outcomes.

1. Policy Statement

1.1 In delivering the needs of the University, all employees should expect some degree of flexibility in how they deliver their role. The extent of flexibility available will always be balanced with the impact on teams and the requirement to be present on our campuses. This means that for some of our employees, especially those delivering a direct service, it may not be possible to take advantage of the full range of flexible working options. Our aim is to allow all employees to have a healthy work life balance and to take advantage of flexibility where possible.

1.2 Managers and employees share responsibility for making flexibility work, which will mean that flexible arrangements may sometimes need to change or that we need to think creatively about how to provide flexibility. Informal flexibility in how employees fulfil the requirements of their roles, agreed with their line manager, can be as important as formal flexible working arrangements. However, if you are reducing the amount of your work, or your availability to work, this will always be managed as a formal flexible working request and will result in a permanent change to your contract of employment and, where relevant, to your salary to reflect reductions in your contracted hours. The focus for line managers should be on what employees achieve in their role. We all share responsibility for trusting each other and not making judgements based solely on presence.

1.3 There is a difference between work life balance and flexible working. Flexibility in delivering the mission of the University creates mutual expectations for both employees and the University as employer. Our support for flexible working does not mean that our employees are expected to be working or available to work at all times. Employees who wish to explore ways that they can work flexibly either formally or informally within the context and requirements of their role should do so in discussion with their line manager.

1.4 This policy aims to allow all our employees to have a good work life balance. It is not only reserved for employees with caring responsibilities. Our Equality, Diversity and Inclusion Policy and the Equality Impact Assessment for this Flexible Working policy sets out our responsibilities towards protected groups that do require special consideration, such as those who are pregnant or have a disability.

2. Scope and Exclusions

2.1 The Flexible Working Policy applies to all permanent and fixed-term employees at the University of Essex. Employees have a day one right at to apply for flexible working. Employees of the University of Essex Campus Services (UECS) or Wivenhoe House Hotel have their own specific policies and procedures.

2.2 Changes which are approved following a formal flexible working request are permanent and will result in changes to contract and, where relevant, to pay. If agreed, a formal flexible

working arrangement will remain in place until either another request is made by the employee or organisationally there is a requirement to review the needs of the service and consult regarding change. If an employee makes another formal flexible working request to their line manager this will be considered as a new request and as stated before if this is agreed it will result in permanent changes to contract and, where relevant, to pay.

2.3 Additional requirements for employees engaged in teaching can be found in section 7.

2.4 Information on career breaks can be found in the Career Break Policy (.pdf).

3. Roles and Responsibilities

Employees

3.1 A flexible working culture relies on employees taking responsibility for delivering their objectives and managing their time accordingly. Flexibility must always take full account of the needs of the University and teams within it. Flexibility also involves give and take, which may mean thinking differently about a formal flexible working request or being flexible about which day to work from home. Employees must also contribute to developing a culture of trust by being transparent about their own working practices.

Line managers / Heads of Department

3.2 Line managers play a critical role in creating and sustaining a flexible working culture, and in acting as a role model to their teams. This starts with establishing a culture of trust, where employees are clear about their objectives and wider expectations about how the team works – in return, employees are trusted to get on with their job. Line managers will need to have regular discussions with their team to provide support and guidance, but they will do this in a way which is empowering. Performance management will focus on outcomes and impact rather than the perception of presence required to complete tasks. Heads of Department will need to consider flexible working requests while considering the impact on teaching.

3.3 Where formal flexible working requests are made, line managers will consider these with a view to making them work, which may mean thinking creatively about how the team and delivery currently works.

People & Culture

3.4 People & Culture Section will support line managers in creating a flexible culture in their teams, and in managing performance in this environment. People & Culture will also advise on responding to flexible working requests where necessary and in particular where

employees are pregnant, have a disability, have health issues or are returning from maternity or adoption leave and have requested flexible working.[1]

4. Types of flexible working

4.1 There are many different ways of working flexibly – the University encourages creativity when exploring ways of working flexibly that do not inhibit employees from undertaking their role as required:

- day to day flexibility: it is expected that the majority of roles will allow some degree of day-to-day flexibility. For example, this may be arriving and leaving slightly earlier than usual or taking breaks when needed
- short term flexible arrangements: it may sometimes be necessary to make short term arrangements to allow someone to manage personal pressures
- changes to working pattern: a different pattern to the standard contracted hours, whilst recognising that not all employees have contracts that reflect Monday to Friday arrangements. This may be a formal agreement e.g. compressed hours, annualised hours, term time working. It could be more informal e.g. starting or finishing at an earlier/later time
- hybrid working: The University supports hybrid working where roles and operational requirements allow. If working off campus an employee's working environment needs to be suitable and free from distractions, allowing them to focus on their work. Employees may need to vary the days that they are on campus depending on the needs of their role. Although hybrid working may provide opportunities to participate in family activities (ie. school drop off) it should not be used as a substitute for childcare. Employees should discuss their arrangements with their manager. Please see our hybrid working principles and hybrid support for further information.
- changes to working hours: where an employee would like to decrease or increase their hours. Where hours are reduced for an employee, it is important that the objectives of the role match the reduced hours of work, rather than expecting someone to do the same work in reduced hours. Flexible working requests that would result in a increase or decrease in working hours would constitute a formal flexible working request and would result in a permanent change to your contract of employment and, where relevant, to your pay

[1] See *Equality and Diversity Policy and Strategy*

5. Procedure for considering flexible working requests

5.1 Flexible working arrangements can be agreed by line managers or Heads of Department. Where changes involve changes to working hours, this will need to be discussed and agreed with more senior managers.

- Day to day flexibility should be agreed on an ad hoc basis between the line manager/Head of Department and employee, with no need for a flexible working request.
- Short term flexibility should be arranged between the line manager/Head of Department and the employee. The agreement should be noted briefly in writing/email by the line manager with a clear statement that this is a short-term arrangement and noting the timescale.
- Changes to working pattern – a formal request to be decided by the line manager / Head of Department.
- Changes to working hours – a formal request to be decided by the line manager or Head of Department, in discussion with and with the agreement of more senior managers.

In coming to a decision, line managers / Heads will need to consider whether the role remains full time even if the individual moves to part time hours. If the role remains full time, then consideration will need to given to how to cover the remaining hours e.g. another part time role, job share, re-organising work in some other way (but which ensures that no-one has a role which is over loaded).

5.2 All employees are legally entitled to make a request from day one of employment – requests can be made from commencement of employment. The University will also show flexibility on the number of requests that can be made to working patterns, on the understanding that this can sometimes be difficult to get right. Where changes are to working hours, two requests may be made in a rolling 12 month period in order to limit disruption to delivery. To submit a second request an employee must wait until after:

- the first flexible working request has been considered
- any appeal in relation to the first flexible working request has been dealt with

5.3 Formal requests should be made on the Flexible Working Form. Line managers must arrange a meeting with the employee as soon as practicable. The employee is no longer required to explain the effect of the proposed change in the meeting Employees may be accompanied by a work colleague, a trade union representative (if they are a member of a trade union) or an official employed by a trade union. Please see *Guide to Workplace Representatives* for more information. The meeting provides an opportunity to discuss the request and any variations to the request that might be more capable of being accommodated.

5.4 Line managers must make a decision as soon as practicable but within four weeks of the request being made. Line managers can use a trial period to assess how an arrangement may work, usually a period of three months. See further guidance on managing this process.

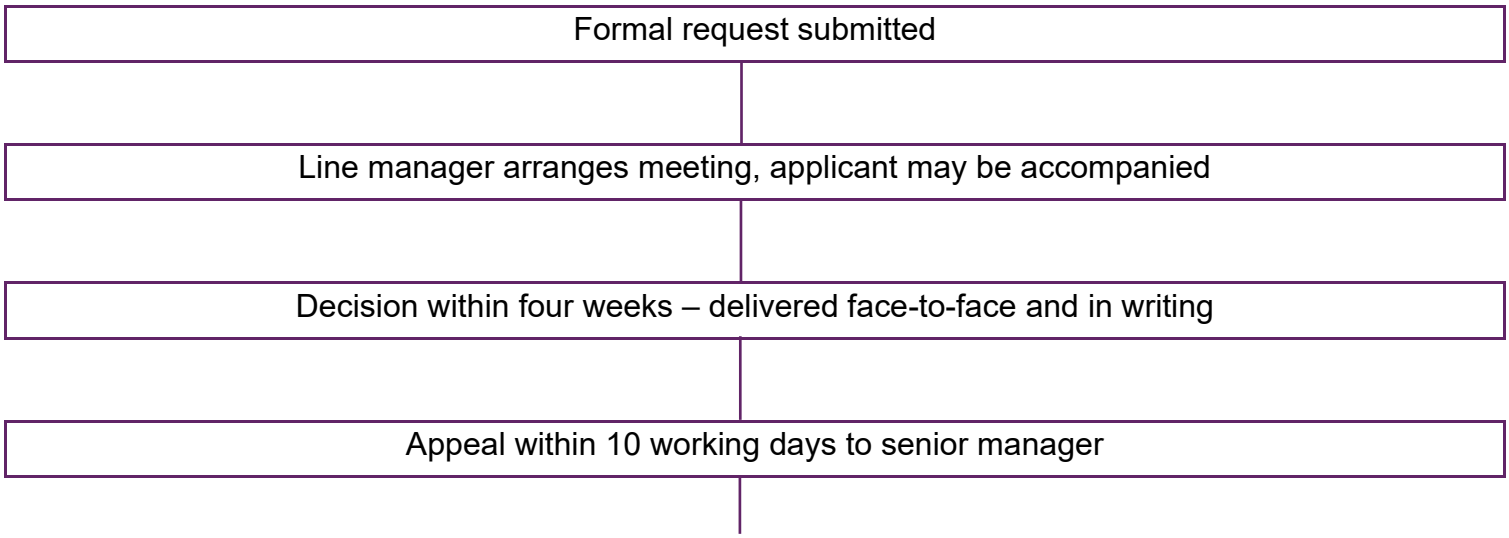
5.5 Requests must be considered in a reasonable manner and can legally only be turned down for one or more of the following reasons:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff, inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance, insufficiency of work during the periods the employee proposes to work
- planned structural changes

5.6 Whether a change is agreed or not agreed, line managers must forward the form to People & Culture (staffing@essex.ac.uk), which will confirm the response and any change to working arrangements in writing. Where there is a change, it is important that the line manager and employee review how the arrangement is working regularly and make adjustments where necessary.

5.7 Where flexible working requests cannot be accommodated contact People & Culture in the first instance. It is important that any possible variations to the original request have been explored between the employee and line manager before the request is declined. If no alternative arrangement is agreed and the request is declined this news will be delivered in a face-to-face meeting, followed up in writing with a reason given to the employee. Appeals may be made within 10 working days of receipt of the written outcome to the next level of management. A decision on the appeal must be made within 10 working days .

5.8 Formal flexible working request process:



Appeal heard, decision within 10 working days

6. Appeals

6.1 An employee who has made a flexible working request is entitled to appeal. The right of appeal must be exercised within 10 working days of the date of the letter of confirmation of the flexible working request being denied.

6.2 In the interests of responding to an appeal equitably and fairly, both the appellant's case and the respondent's case will be presented at the appeal hearing and both parties will have the opportunity to challenge the request or seek clarification. It is in the interest of the appellant to make their points sufficiently clear and concise to enable the grounds for appeal to be fully understood.

6.3 The letter of appeal will be reviewed by the Chair to determine, whether there are sufficient grounds for it to go to a full hearing. If they decide there are insufficient grounds the appeal will be dismissed. If there are sufficient grounds for appeal the case will proceed to an appeal hearing.

6.4 The appeal will involve a review of the decision already made in relation to the grounds for appeal i.e. to determine if the previous decision was fair, consider whether there were any factual or procedural errors and judge the reasonableness of the decision in relation to the legal reasons outlined in section 5.5.

6.5 The appeal should be addressed to the next level of management, usually the Head of Section. The People & Culture representative should also be sent a copy of the letter. Appeals will be heard by the next level of management usually the Head of Section. Advice on procedure should be taken from People & Culture.

6.6 The appeal hearing will review the decision taken at a previous stage. New evidence can only be presented at the appeal stage if there are exceptional reasons why such evidence or witnesses were not produced earlier and/or that it is necessary in the interests of fairness.

6.7 The appeal hearing should normally take place within 10 working days of the appeal being lodged. People & Culture must give notice (of at least five working days) of the appeal hearing in writing to the employee, covering:

- who will hear the appeal
- the date, time and venue of the hearing
- the possible outcomes

- the right to be accompanied by a workplace colleague, a trade union representative (if they are a member of a trade union) or an official employed by a trade union.

6.8 All parties should make every effort to attend the appeal on the date scheduled. If there are exceptional circumstances, the appeal may be re-arranged for a different date, but the appellant and respondent should be aware that this may cause delays in the process and undue anxiety in resolving the matter promptly. The employee is entitled to offer an alternative time and date so long as it is reasonable, including having regard to the availability of the senior employee hearing the appeal. It must be within five working days of the date originally proposed. Should either party not be able to attend the re-arranged date, decisions may be made in their absence on the basis of the information available.

6.9 The University will inform the employee of the final decision as soon as possible, usually within 10 working days of the appeal hearing. After this there will be no further right of appeal.

7. Flexible working and teaching

7.1 Where employees are responsible for teaching, any flexible working request will need to be considered in the context of the requirements of the teaching timetable. This is likely to mean some limits as Heads of Department will need to take into account the timetable challenges. Flexible working for employees engaged in teaching can be on the same basis as for other employees i.e. not just for caring responsibilities but the need to meet teaching requirements will impose limits.

7.2 Flexible working requests must be made by the end of the Spring term in order to be taken into account for the coming academic year. For example, a flexible working request agreed in April 2024 will begin in October 2024 for the academic year 2024-25. In exceptional cases, e.g. for health reasons following a recommendation from Occupational Health, a change to working pattern/hours that has an impact on teaching can be made during the academic year.

7.3 Changes which are approved following a formal flexible working request are permanent and will result in a change to employees contract of employment and, where relevant, to their pay. If agreed, a formal flexible working arrangement will remain in place until either another request is made by the employee or organisationally there is a requirement to review the needs of the service and consult regarding change. If such a change is needed, this will be discussed first with the individual concerned. If an employee makes another formal flexible working request, this will be considered as a new request. Academic employees can, of course, request a temporary arrangement. The permanent change does not preclude the individual from submitting a ‘teaching constraints’ form to accommodate other work commitments such as research group meetings etc.

7.4 Each year, all employees that have teaching responsibilities will have the opportunity to submit a teaching constraint form, agreed with their line manager and with oversight by the Executive Dean, which allows teaching to be arranged around other regular work

commitments, for example research group meetings or facilitating department seminars. Teaching constraints relate to the unavailability to teach but the employee will still be working. This does not cover personal commitments (such as caring responsibilities), which relate to unavailability to work and which must be managed under the flexible working policy. Requests that seek to constrain teaching hours at both the start and end of the working day, will require a reduction in weekly working hours and would constitute a formal flexible working request.

7.5 As part of the annual timetabling process, during the draft timetable period (see *Timetabling Policy* (.pdf)) all employees have the opportunity annually to seek a change to teaching hours that are consistently early and late, or involve long hours within one day of the teaching week.

8. Flexible working within teams

8.1 To create a flexible working culture within teams, it is important to emphasise that working flexibly is a different way of working rather than a means of opting out of some aspects of the role. The employee remains responsible for delivering the duties of their role and they should be trusted in doing so.

8.2 Making decisions on flexible working in an equitable and consistent way does not mean that everyone gets the opportunity to work in exactly the same way. Roles and expectations are different and all requests will need to be considered in the context of the team requirements at that time. In considering requests, line managers must take account of demands on that role and on the wider team.

8.4 A request to work flexibly will also take into account the University's commitment to collaborative working and community membership – there are strong reasons to want teams to be together. This may mean that a different approach will be taken with a more recent request compared to one that has been approved previously for another employee or that there may be a delay in its implementation should it be approved.

9. Recruitment

9.1 Where practicable, all vacant posts will be advertised as open to consideration for flexible working arrangements.

10. Restructuring

10.1 During a restructuring, every effort will be made to accommodate existing flexible working arrangements, in particular where this has involved part time working.

11. Equality impact assessment

11.1 The University has conducted an Equality Impact Assessment on this policy and is satisfied that its application should not result in a differential and negative impact on any groups of employees identified under the Equality Act 2010.

12. Monitoring

12.1 The People, Culture and Inclusion Advisory Group (PCIAG) will monitor the impact of this policy.

13. Related university policies and procedures

- Flexible Working Form (.pdf)
- Hybrid Principles
- Equality and Diversity Policy (.pdf)
- Family Leave Policy (.pdf)
- Special Leave Policy (.pdf)
- Timetable Policy (.pdf)
- Career Break Policy (new) (.pdf)

14. University sources of information

- Health and Wellbeing

Document Control Panel

Field	Description
Title	**Flexible Working Policy**
Policy Classification	Policy
Security Classification	Open
Security Rationale	None
Policy Manager Role	Policy and Projects Officer
Nominated Contact	develop@essex.ac.uk
Responsible UoE Section	People & Culture
Approval Body	University Steering Group
Signed Off Date	March 2024
Publication Status	Published
Published Date	March 2024
Last Review Date	November 2020
Minimum Review Frequency	3-Yearly
Review Date	March 2027
UoE Identifier	0099

If you require this document in an alternative format, such as braille, please contact the nominated contact at develop@essex.ac.uk