FLEXIBLE WORKING POLICY

PEOPLE AND CULTURE
AIM

Our University Strategy 2019-25 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 staff 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.
CONTENTS

1 POLICY STATEMENT  4
2 SCOPE  5
3 ROLES AND RESPONSIBILITIES  5
4 TYPES OF FLEXIBLE WORKING  6
5 PROCEDURE FOR CONSIDERING FLEXIBLE WORKING REQUESTS  7
6 FLEXIBLE WORKING AND TEACHING  9
7 FLEXIBLE WORKING AND TEAMS  10
8 RECRUITMENT  10
9 RESTRUCTURING  10
10 MONITORING  10
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 members of staff 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.

1.3 Informal day-to-day flexibility is as important as having a permanent flexible working arrangement. The focus for managers should be on what people achieve in their role. We all share responsibility for trusting each other and not making judgements based solely on presence.

1.4 There is a difference between work life balance and flexible working. Whilst 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 within the context and requirements of their role should do so in discussion with their reporting manager.

1.5 This policy aims to allow all our employees to have a good work life balance. It is not only reserved for people with caring responsibilities. Our Equality, Diversity and Inclusion 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

2.1
This policy applies to employees of the University of Essex, both academic and professional, and those on all types of employment contract. All grades and job roles should be treated in an equitable and consistent way.

2.2
Changes which are approved following a flexible working request are permanent and 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.

3. ROLES AND RESPONSIBILITIES

3.1
Employees

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.

3.2
Managers / Heads of Department

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. Reporting 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, reporting managers will consider these with a view to making them work, which may mean thinking creatively about how the team and delivery currently works.

3.4
People & Culture

People & Culture Section will support 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

¹ See Equality and Diversity Policy and Strategy
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. This may be a few weeks or up to a year, and may involve changes to working pattern or hours.

- Changes to working pattern: a different pattern to the standard contracted hours, whilst recognising that not all staff 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.

- Working from home: where employees work from home, either on an ad hoc or on a regular basis. The University does not currently offer any roles that are based primarily at home. It is important that the home environment is appropriate for work, and a health and safety risk assessment [link] must be undertaken. Homeworking cannot be used in lieu of childcare as it is not possible to work effectively while taking care of children. Homeworking should also not be used where an employee is unwell and should be taking sick leave - employees must take time to recover and not feel as though they should be working.

- Career break: an extended period of unpaid time away from work. Employees must have been working for the University for 2 years and have a permanent contract. The minimum duration is 3 months and the maximum is 2 years. Applications for a career break must usually be submitted at least 6 months before it is intended to start.

- 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.
5. PROCEDURE FOR CONSIDERING FLEXIBLE WORKING REQUESTS

5.1 Flexible working arrangements can be agreed by reporting managers or Heads of Department. Where changes involve changes to working hours or a career break, 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 reporting manager/Head of Department and employee, with no need for a flexible working request.

- Short term flexibility should be arranged between the reporting manager/Head of Department and the employee. The agreement should be noted briefly in writing/email by the reporting 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 reporting manager / Head of Department.

- Changes to working hours – a formal request to be decided by the reporting manager or Head of Department, in discussion with and with the agreement of more senior managers.

In coming to a decision, reporting 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 be 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 after 26 weeks of employment and to make one request in a 12 month period. The University does not apply such a time limit – 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, only one request may usually be made in a rolling 12 month period in order to limit disruption to delivery.

5.3 Formal requests should be made on the Flexible Working Form. Managers must arrange a meeting with the employee as soon as practicable. Where a request is from an employee who is pregnant, disabled, has health issues or is returning from maternity or adoption leave, advice must always be sought from People & Culture. Employees may be accompanied by a work colleague or a trade union representative. The meeting provides an opportunity to discuss the reasons for the request and any variations to the request that might be more capable of being accommodated.

5.4 Managers must make a decision as soon as practicable but within 6 weeks of the request being made. Managers may use a trial period to assess how an arrangement may work, usually a period of 3 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.

2 See Equality and Diversity Policy and Strategy
5.6 Further guidance is available on how these reasons may be used in practice.

5.7 Whether a change is agreed or not agreed, 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 manager and employee review how the arrangement is working regularly and make adjustments where necessary.

5.8 Where flexible working requests cannot be accommodated, this news will be delivered face-to-face and in writing with a reason given. Appeals may be made within 14 days to the next level of management using the Appeals Policy. A decision on the appeal must be made within 4 weeks.

5.9 Formal flexible working request process:

- Formal request submitted
- Manager arranges meeting, applicant may be accompanied
- Decision within 6 weeks – delivered face-to-face and in writing
- Appeal within 14 days to senior manager
- Appeal heard using Appeals Policy, decision within 4 weeks
6. FLEXIBLE WORKING AND TEACHING

6.1 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 staff i.e. not just for caring responsibilities but the need to meet teaching requirements will impose limits.

6.2 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 2020 will begin in October 2020 for the academic year 2020/21. In exceptional cases, e.g. for health reasons, a change to working pattern/hours that has an impact on teaching can be made during the academic year.

6.3 Changes which are approved following a flexible working request are permanent and 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. Academic staff 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.

6.4 Each year, all teaching staff will have the opportunity to submit a teaching constraint form, agreed with their line manager, which allows teaching to be arranged around other regular work commitments, for example research group meetings or facilitating department seminars. This does not cover personal commitments (such as caring responsibilities), which must be managed under the flexible working policy.

6.5 As part of the annual timetabling process, during the draft timetable period (see Timetabling Policy) all staff 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.
7. FLEXIBLE WORKING WITHIN TEAMS

7.1 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.

7.2 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, managers must take account of demands on that role and on the wider team.

7.3 Where a flexible working request is made, this will take into account the working arrangements of the rest of the team. Working flexibly should not put a burden on other team members except for people taking their turn in providing cover.

7.4 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.

8. RECRUITMENT

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

9. RESTRUCTURING

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

10. MONITORING

10.1 HR and Equality and Diversity Group (HREDG) will monitor the impact of this policy, and work with reporting managers and Heads of Departments and Sections to consider the flexible working culture within their areas. HREDG will receive an annual report on the cumulative impact of flexible working arrangements (autumn term meeting).