



Exeter College

Flexible Working policy

1. Introduction

All employees of Exeter College with at least 26 weeks' of continuous service have the statutory right to request a change to their terms and conditions of employment in order to work flexibly. However, this is not an automatic right to work flexibly, and it should be emphasised that it is not suitable for some roles or at certain times. Instead, those who qualify are entitled to request flexible working, and the College is then obliged to give that request serious consideration.

We will therefore treat each request for flexible working on an individual basis, and the fact that another employee has requested, or been granted, permission to work flexibly does not confer any obligation to make or grant further requests from other employees. Any agreed arrangements need to be seen as flexible and responsive to the organisation's needs at any particular time.

This policy is non-contractual, but sets out the way in which Exeter College intends to deal with flexible working requests. It has been drafted with reference to the ACAS code of practice, and the ACAS guidelines on flexible working.

2. Scope of the policy

This policy covers all employees with a minimum of 26 weeks' service who may wish to request a more flexible way of working.

3. Aims of the policy

This policy aims to set out a clear procedure to enable employees who wish to make a flexible working request to do so and to enable managers to handle such requests in a fair and consistent manner.

4. Legal considerations

The following pieces of legislation apply to this policy:

- the Employment Rights Act 1996
- the Employment Act 2002
- the Employment Relations Act 2004
- the Children and Families Act 2014

In addition, the *ACAS Code of Practice for Handling Requests to Work Flexibly in a Reasonable Manner* should be taken into consideration.

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Page 1 of 5	Version 1.1	Effective from 1 January 2016	Last reviewed October 2015
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5. Eligibility to request flexible working

In order to qualify for the statutory right to request flexible working, the employee must:

- Have worked continuously for Exeter College for 26 weeks at the date the application is made;
- Not have made another application to work flexibly under the right during the past 12 months (regardless of the outcome).

Employees who do not meet the eligibility criteria will not have the statutory right to request flexible working. However, they may still make an informal request to the College, which will be considered as appropriate.

6. Scope of the request

Eligible employees are entitled to request a change in their terms and conditions of employment, which typically may include:

- A change to the number of hours that they work;
- A change to the times they are required to work (e.g. start and finish times).

Applications for a change in working conditions will not always require significant alteration – for example, should an employee wish to start work half an hour later in order to take a child to school, this could possibly be accommodated via an informal arrangement with their line manager.

7. Requesting to work flexibly

The employee should make a considered application in writing to their line manager and HR. The employee will only be able to make one request in any 12-month period, and an accepted application will mean a permanent change to the employee's terms and conditions of employment.

When making a statutory request to work flexibly, the member of staff must:

- State that the request is being made under the terms of the statutory right to request flexible working;
- If appropriate, state that the request is being made in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability);
- Confirm whether any other flexible working requests have been made previously, and (if so) when;
- Ensure that the request is in writing, and that it is dated;
- Detail what the requested change is, and when they wish the requested change to start;
- Address any effects they think the requested change will have on the College's business operation, and how (in their opinion) these effects might be dealt with

Whilst they do not need to include this within their application, employees should nonetheless also ensure that they have given careful consideration to exactly what working arrangements will suit them best, and any financial implications that may occur in cases where the new working arrangement will involve a reduction in salary (e.g. reduced hours of work).

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Page 2 of 5	Version 1.1	Effective from 1 January 2016	Last reviewed October 2015
-------------	-------------	----------------------------------	-------------------------------

8. Considering the request

The College will consider any requests as soon as possible. If we are happy to simply accept the request we will confirm this in writing. If we wish to discuss the request, we will invite the employee to attend a meeting if the request cannot be agreed without the need for further discussion. The employee will be able to bring a work colleague to the meeting, if they so wish.

During the meeting, we will discuss how the request might work in practice, and any alternative options may be put forward for discussion by either side. To improve the chances of success, the working pattern should be carefully planned; the requirements of the role be carefully considered, and cover during working hours and breaks taken into consideration. We will consider the benefits of the requested changes in working conditions for the employee and the College as well as any adverse business impact of implementing the changes, whilst ensuring there is no unlawful discrimination.

As soon as possible after the initial meeting the College will write to the employee to either agree to the flexible working request (or to accept it with modifications) and confirm a proposed start date, or to provide business grounds why the request cannot be accommodated.

Should the College require more time to fully investigate the impact the new working pattern will have on its business, it will discuss this with the employee and agree a deadline by which the investigations will be completed and a decision made.

The whole process (including any appeals) must normally be completed within three months of receipt of the request, unless a longer period has been jointly agreed.

In the event that the College agrees to the request, the employee will not have the statutory right to request another variation in contractual terms for a period of 12 months.

9. Grounds for refusal

The business grounds under which the College may reject a request for flexible working are:

1. The burden of additional costs is unacceptable to the College;
2. An inability to reorganise work amongst existing staff;
3. An inability to recruit additional staff;
4. The College considers that the change would have a detrimental impact on quality;
5. The College considers that the change would have a detrimental impact on performance;
6. The College considers that the change would have a detrimental effect on the ability to meet customer demand;
7. Insufficient work for the periods the employee proposes to work;
8. A planned structural change to the College's business operation

Where the College receives requests to work flexibly from a number of different employees in quick succession, it will normally consider the requests in the order in which they are received. Each request will be considered on its merits, and taking account of the business context at the time.

10. Reduced hours

Employees should note that a reduction in hours will lead to a pro rata reduction in pay and benefits. A change in work pattern of the same hours will not normally alter other terms and conditions unless a shift premium applies.

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Page 3 of 5	Version 1.1	Effective from 1 January 2016	Last reviewed October 2015
-------------	-------------	----------------------------------	-------------------------------

Exact agreements will be discussed according to particular situations and circumstances and any agreed changes confirmed in writing. Each agreed arrangement is specific to the individual and does not set a precedent for any future requests from other employees.

11. Conflicting requests

Where more than one person within a team requests flexible working, all requests will be given fair consideration. Care will be taken not to inadvertently discriminate against particular employees because of any protected characteristic and we note that flexible working may well be a "reasonable adjustment" for a disabled employee.

Requests will normally be considered in the order they are received. Each case will be judged on its merits and we will consider the effect on the business case and the possible impact of refusing a request. Employees should note that where one or more employees within a team have already been granted a flexible working request, the business context in which the second request is made will be different, and this will be taken into account when considering further requests. If we are unable to agree to a request because a number of other employees are already working flexibly and any further flexible working arrangements will impact adversely upon the business, we may discuss the situation with other employees in case they are willing to change their contracts to other arrangements, thereby enabling us to grant new requests to work flexibly.

12. Appeals

Employees whose request is refused will have the right of appeal, if there is new information that was not available to the College at the time that it made its decision, or if the employee thinks that their application was not handled reasonably in line with the College's policy. The appeal should be made in writing to the HR Officer as soon as possible after the date of the decision, and should clearly state the grounds for the appeal.

The College will hold an appeal meeting as soon as possible after receiving notice of the appeal. The employee is entitled to be accompanied by a work colleague.

The decision will be confirmed in writing as soon as possible after the appeal meeting.

The decision resulting from the appeal meeting will be final.

13. Trial Periods and contractual changes

If the College is uncertain about the impact that a flexible working request will have on its business, it may suggest that the employee works under the requested flexible working arrangement on a 'trial period' to determine whether the arrangement would have an adverse effect on the College. This will particularly apply in circumstances such as where the request is made following a bereavement, or to cope with short-term care issues, to undertake a short course of study, or where we are unsure as to whether we can sustain the revised working arrangements.

In a trial period situation, the College will normally specify:

- That its agreement to the employee's flexible working request is subject to the outcome of the trial period;
- That the change to the employee's terms and conditions of employment during the trial period is a temporary change;

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Page 4 of 5	Version 1.1	Effective from 1 January 2016	Last reviewed October 2015
-------------	-------------	----------------------------------	-------------------------------

- Review dates when the College and the employee can jointly discuss how the new arrangements are working and make any adjustments necessary (including reverting back to the original work arrangements);
- The date that the employee will revert back to his or her previous terms and conditions of employment if the trial period is not deemed to have been successfully completed to the satisfaction of both parties.

Any such arrangements will normally specify an agreed duration and then, unless the employee reverts to his/her previous working arrangements, if deemed worth continuing, may be either confirmed as a permanent alteration or may be subject to on-going regular reviews (as specified).

Regular reviews may result in the termination of a flexible arrangement which has been agreed on a trial basis, for business, economic or other reasons. Reasonable notice will be given by either party in the event of a necessary change or termination.

Where a change to the contract is agreed on a permanent basis, the employee should consider that this is a permanent change and that only one flexible working request may be made in each twelve month period.

Employees who have been granted flexible arrangements on anything other than a trial basis will not have the right to insist on a return to full-time working (or a return to their previous hours or pattern of working, whatever these were) if their circumstances change. Therefore any proposal for change should be fully considered, especially where this may result in a drop in salary.

14. Withdrawing a request

A request to work flexible can be withdrawn at any time before it has been accepted, and any new terms and conditions agreed and put in place. An employee who withdraws his or her application will not be eligible to make another flexible working request for a further 12 months.

If an employee fails to attend more than one meeting arranged to discuss the request and does not provide a reasonable explanation, the College may assume that the application has been withdrawn and will inform the employee accordingly.

15. Monitoring and review of this policy

This policy will be reviewed on a regular basis following its implementation, and additionally whenever there are relevant changes in legislation or to our working practices.

The College reserves the right to amend this policy at any time, and to advise employees accordingly.

16. Related policies

- Equal opportunity & diversity policy
- Maternity, adoption, paternity, and shared parental leave policy
- Parental leave policy
- Time off to care for dependents policy

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Page 5 of 5	Version 1.1	Effective from 1 January 2016	Last reviewed October 2015
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