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FLEXIBLE WORKING REGULATIONS POLICY

1. Introduction

- 1.1 Birmingham Newman University is committed to helping its employees balance their personal and work commitments (work-life balance). Work-life balance is about employees having a measure of control over when, where and how they work. It is achieved when an individual's right to a fulfilled life both inside and outside of paid work is accepted and respected as the norm, to the mutual benefit of the individual, institution and society.
- 1.2 The term 'flexible working' includes flexibility in relation to time (e.g. part-time work and shift work), location (e.g. home working), the pattern of hours worked or job sharing.
- 1.3 It is acknowledged that as a research active institution, some staff are able to adopt flexibility in their working lives in order to fulfil their roles which does not require the implementation of a formal flexible working agreement.
- 1.4 The operational requirements of Birmingham Newman University must be taken into account when considering the needs of its employees, students and other stakeholders.

2. Statement of Intent

- 2.1 Birmingham Newman University accepts its employment obligations under the Employment Relations (Flexible Working) Act 2023 and, in order to achieve mutual benefit for the individual, institution and society, the institution will act in a fair and reasonable manner in considering and approving applications for flexible working in relation to these statutory duties.
- 2.2 The university will not subject an employee to any detriment or dismissal because of any of the following:
 - An employee has made or intends to make a request for flexible working,
 - An employee has issued legal proceedings against the University, or has stated that there are circumstances which could constitute a ground for bringing legal proceedings in relation to their right to request flexible working.
- 2.3 When handling requests for flexible working, the University will not discriminate unlawfully against the employee in relation to any of the protected characteristics set out in the Equality Act 2010.

3. Policy

- 3.1 The scope of the policy and procedures applies to all employees of Birmingham Newman University and covers the arrangements for requesting and approving applications for flexible working subject to their eligibility under the Employment Rights Act 1996, Children and Families Act 2014 and Employment Relations (Flexible Working) Act 2023 (SI 2014 / 1398).
- 3.2 All eligible employees may request to work in a more flexible way or vary their working patterns.

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4. Eligibility

- 4.1 All employees of Birmingham Newman University, regardless of their length of service, have the right to request flexible working and to have their request considered seriously by the institution.

5. What Type of Changes Can Be Applied For?

- 5.1 Employees will be able to request:
- a change to the hours they work
 - a change to the times when they are required to work
 - to work from home
 - a change to working patterns such as annualised hours, compressed hours, flexi-time, job-sharing and term-time working.
- 5.2 The Policy does not provide employees with an automatic right to work flexibly as there will always be circumstances when the University is unable to accommodate the employee's desired work pattern. The employee has a responsibility to carefully consider their request for flexible working when making an application. The University has a responsibility to act reasonably and follow the procedure specified below to ensure requests are given serious consideration.

6. Procedure

- 6.1 In summary, the procedure is as follows:
- 6.2 The employee makes a considered application in writing to their manager. Any request made under this policy must include:
- The date of the application
 - A statement that this is a statutory request
 - The changes that the employee is seeking to their terms and conditions
 - The date on which the employee would like the change in terms and conditions to come into effect
 - Whether or not the employee has made a previous application for flexible working
 - If the employee has made a previous request, when the employee made that application
- 6.3 A maximum of **two** applications per rolling year may be made. There must also only be one 'live' request for flexible working with the university at any one time. A request is considered 'live' unless any of the following apply:
- a decision on the request has been made by the University
 - the request has been formally withdrawn by the employee
 - an outcome to the request has been mutually agreed by the employer and employee
 - the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome
- 6.4 Accepted applications will mean a **permanent** change to the employee's own terms and conditions of employment, unless temporary arrangements are specifically agreed between the University and employee. It is important therefore that, before making an application, the employee gives careful consideration to the working pattern and any financial implications.

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- 6.5 Following receipt of the request, the line manager will arrange without unreasonable delay, a meeting with the employee to discuss the request. The purpose of this meeting will be to explore the proposed work pattern in depth, discuss how best it might be accommodated and any difficulties that the request presents and if there are any alternative solutions that could be considered which would be suitable for the university and the employee. A representative from Human Resources will be invited to attend the meeting. The employee can, if they wish, be accompanied at the meeting(s) by a workplace colleague or a Trade Union Representative.
- 6.6 Following the meeting, the line manager with support from Human Resources, will, without unreasonable delay, write to the employee to either agree a new work pattern and a start date; or to provide business grounds why the application has not been approved and setting out the appeal procedure. If the request is not accepted, it will be for one of the following business reasons as set out in the Employment Rights Act 1996:
- The burden of additional cost
 - An inability to reorganise work amongst existing staff
 - An inability to recruit additional staff
 - A detrimental impact on quality
 - A detrimental impact on performance
 - Detrimental effect on ability to meet student needs or customer demand
 - Insufficient work for the periods the employee proposes to work
 - A planned structural change to the institution.
- 6.7 **There is a two-month time limit**, starting with the date on which the application is made, within which the University must make a decision about the request, but the time periods can be extended where both Birmingham Newman University and the employee agree. Any extensions must be recorded in writing by the University and copied to the employee.
- 6.8 Where an employee fails to attend both a first meeting and a rearranged meeting, either at the initial decision stage or an appeal stage, without good reason, the University may treat the application as having been withdrawn by the employee. The University will notify the employee in writing that it has decided to treat their conduct as a withdrawal of the application.

7. Appeal Procedure

- 7.1 An employee has the right to appeal against the University's decision within 14 days of their outcome being provided to them in writing. This appeal should be made in writing to the relevant senior manager (and a copy to Human Resources) and must clearly outline the grounds of the appeal, examples of a reason an employee would submit an appeal may include new evidence/information that they wish to be considered which did not form part of the original request, or if they believe the request has not been handled in accordance with this process set out in this policy and procedure document.
- 7.2 Human Resources will convene an appeal meeting without reasonable delay, with all relevant parties (see section 6.5), with the senior manager (in section 7.1) chairing the appeal meeting.

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- 7.3 The senior manager will hear the appeal and make a final decision, with support from Human Resources, on the request for flexible working; they will outline the reason/s why the application has been approved or rejected. The decision will be in writing and given to the employee without reasonable delay.
- 7.4 The employee has no further recourse to appeal against the final decision within the University.

8. Policy Review

- 8.1 This policy will be reviewed 5 years from the date of implementation and earlier if circumstances or legislation dictates.