



# **Flexible Working Policy**

May 2024



## Contents

<b>Introduction</b> .....	- 3 -
<b>What is Flexible Working?</b> .....	- 3 -
<b>Types of flexible working</b> .....	- 3 -
<b>Submitting a flexible working request</b> .....	- 4 -
<b>Responding to a flexible working request</b> .....	- 5 -
<b>Meetings regarding flexible working</b> .....	- 5 -
<b>Making a decision</b> .....	- 6 -
<b>Right to appeal decision</b> .....	- 7 -
<b>Requesting a reasonable adjustment</b> .....	- 8 -
<b>Trialling new working arrangements</b> .....	- 8 -
<b>Varying an employee's contract</b> .....	- 8 -
<b>Complaints and further information</b> .....	- 9 -



## Introduction

Linacre College recognises that flexible working patterns can offer those with challenges such as caring responsibilities, family commitments, further learning, health issues, and difficult commutes a better work-life balance. It can improve employee motivation, performance, productivity and retention, and reduce stress.

The College is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the College and the employee can be met.

It is our policy to encourage open discussion with employees. An employee who thinks that they may benefit from flexible working is encouraged to contact their line manager to arrange an informal discussion to talk about the options.

## What is Flexible Working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be the typical arrangements that employees will request but College recognises that there may be alternatives or a combination of options which are suitable to both the College and the employee:

## Types of flexible working

- **Annualised hours** where an employee's contractual working hours are calculated as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout the year.

Usually the hours will be divided into rostered hours, which are set and unallocated hours during quieter periods. An employee can decide when to work their unallocated hours, subject to some limitations.

Payment will be in 12 equal instalments (although arrangements may be permitted where the pay for the work actually done is in the period to which the payment relates).

- **Compressed hours** mean an employee works their usual hours in fewer days by working longer blocks. There is no reduction in the employee's pay. For example, a 5-day week is compressed into 4 days, or a 10-day fortnight into 9 days.
- **Flexitime** allows an employee to choose when to begin and end work, within certain limits.

An employee is required to work during core hours and must work an agreed number of hours during the accounting period of [4 weeks / a month]. Their hours of attendance will be recorded and added up at the end of each accounting period.

An employee can carry over an excess of up to [number of hours] hours or a deficit of up to [number of hours] hours from one accounting period to another. A deficit of hours should be made up in the following accounting period. An employee can use excess hours to either reduce attendance outside of core hours or take additional leave (flexi leave). Flexi leave is subject to a maximum of [number of full days] full days in any accounting period. An employee should request and agree flexi leave with their line manager, in the same way as holiday entitlement (annual leave).



- **Hybrid working** is a mixture of working remotely and in the employer's premises. Working remotely can include working from home or other agreed locations.

This option may not be suitable for certain roles where the work cannot be carried out anywhere that is not at the College (e.g. gardeners would be unable to mulch the flower beds from home)

- **Remote/Home-working** means working from anywhere other than the College premises. This can include working from home or any other agreed location.

The College can consider remote working as being an occasional agreed day, a mix of working remotely and in the workplace, or a full-time arrangement.

As with hybrid working there may be some roles where this isn't practical due to the nature of the work involved

- **Job-sharing** is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wish to work must be compatible and meet the needs of the College.

Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements.

- **Staggered hours** mean having a different start and finish time to other employees. For example, working from 7am to 4pm instead of 9am to 6pm. This arrangement is normally agreed at departmental level.
- **Part-time working** covers any arrangement where an employee is contracted to work anything less than typical full-time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The suitability of posts for part-time working will be stated in any internal or external advertisements.
- **Term-time working** is where an employee's contractual working hours are during school terms only or they can reduce their hours during school holidays. This could be the University Term Time or any other school term.

An employee does not work during school holidays. Any weeks above their annual leave entitlement are unpaid. Salary can be paid in 12 equal monthly instalments. Alternatively, an employee can ask to be paid for the time worked only and receive no pay during the holidays apart from their holiday entitlement (annual leave).

## Submitting a flexible working request

An employee is entitled to submit two statutory flexible working requests in a 12-month period

An employee can only have one live request at a time. A request will stay live until any of the following happen:

- the College makes a decision.
- the employee withdraws the request.
- the employee and College agree an outcome.
- it's been 2 months since the date of the request.

An employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments.



An employee must make a request for flexible working in writing to their line manager, You should also copy the HR Officer ([hr@linacre.ox.ac.uk](mailto:hr@linacre.ox.ac.uk) if sending via email), so that they are aware of your application.

College encourages individuals to have an informal discussion first as it may be that the employee's request can be accommodated without a formal change to working arrangements. Any request made must include:

- The date of the application.
- The changes that the employee is seeking to their terms and conditions.
- The date from when the employee would like the proposed change to come into effect
- Whether this is a statutory or non-statutory request. If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.
- Whether a previous application for flexible working has been made and the dates of any previous applications.

If a request does not contain all the required information, **the line manager** will advise the employee what else they need to provide and ask the employee to resubmit the request.

## Responding to a flexible working request

When the application is received from an employee, the line manager will acknowledge its receipt promptly.

The line manager will consider the potential benefits and adverse effects to the employee and to the College in implementing the proposed changes.

Each request will be considered on a case-by-case basis, in the order they are received. 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 pattern.

Where an employee's request needs further discussion, the College will invite the employee to a consultation meeting. If a meeting is arranged it will be held within **10 working days** of the College receiving the request. This time limit may be extended with the agreement of both the employee and line manager.

Where an employee's request can be approved in full without a consultation meeting, the College will confirm this in writing within 10 working days of receiving the request. This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both the employee and line manager.

The College will make a decision on all requests, including any appeal within a maximum of two months. This time limit may be extended with the agreement of both the employee and line manager.

## Meetings regarding flexible working

The employee may be invited to a consultation meeting. The employee will be given ample notice of the time, date, and place of the meeting which must be convenient to everyone involved. The meeting may be in person, a video call, or a telephone call. If the initial date is problematic, then an alternative date can be proposed. If the employee fails to attend a



meeting and then fails to attend a rearranged meeting without good reason, their request will be deemed to have been withdrawn.

At the meeting the employee may, if they wish, be accompanied by a colleague or a trade union representative.

There should be a full written record of the meeting which should be submitted promptly to the College HR Officer. The HR Officer will make sure that the timetable is being adhered to.

As outlined above, the line manager and employee can agree to extend the timescale of any stage of the process at any point, for example in the case of sickness absence, annual leave, family/caring leave, or unavoidable operational priorities at work – agreed extensions should be confirmed in writing.

At the meeting the line manager will usually want to:

- Find out more about the proposed working arrangements.
- Find out how it could be of benefit to both the employee and organisation.
- Discuss alternative proposals, if it is likely that the department cannot accommodate the flexible working arrangement requested by the employee.

## Making a decision

Line managers should consult with a member of the Senior Management Team before arriving at their decision.

The College may:

- propose an alternative option.
- grant the request on a temporary basis.
- ask the employee to try the flexible working arrangement for a trial period

If a working arrangement is agreed, the employee will be sent a confirmation letter within **10 working days of the date of the meeting, unless an extension is agreed**. This will include details of the new arrangements and an invitation to talk about the new arrangements.

If the College refuses the request, the employee will be given the decision in writing within **5 working days** of the consultation meeting. The refusal must state the operational grounds for that refusal and provide a sufficient explanation as to why those grounds for refusal apply in relation to the request.

The Flexible Working (Amendment) Regulations 2023 specify that an employer can only refuse a request for flexible working on one or more of the statutory grounds listed below:

- the burden of additional costs,
- a detrimental effect on ability to meet customer demand,
- an inability to re-organise work among existing staff,



- an inability to recruit additional staff,
- a detrimental impact on quality,
- a detrimental impact on performance,
- insufficiency of work during the periods the employee proposes to work,
- planned structural changes.

If the College does have to refuse the employee's request for flexible working, the College should at the same time notify the employee of the appeal procedure.

The employee will be informed of the College's decision by a confirmation letter within two months of the receipt of the request. The letter should state the decision, the terms and conditions of the new flexible working pattern, the start date, and the duration (if temporary). The letter should give the date after which a new request for flexible working may be made and how to appeal a rejected application. A copy of the decision letter should be kept on file.

## Right to appeal decision

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal within 10 working days of being notified of a decision on their application. This should be done in writing to the Bursar and clearly state the grounds on which they are appealing.

As with all other stages, an extension to the 10-working day limit can be agreed – for example, in the case of the employee being on sick leave, annual leave, or family/caring leave.

The appeal will be heard within **10 working days of receipt of the appeal**. The employee will then be informed of the outcome of their appeal within **5 working days** of an appeal meeting. If the request was originally considered by the Bursar, then the appeal should be heard by the Principal, or their nominee. The time and place of the appeal meeting must be convenient to the Principal (or the nominee) and to the employee and their representative (where applicable). The meeting can take place in person, via video call, or over the phone.

A written record of this meeting should be kept with the HR Officer.

These time limits may be extended with the agreement of both the employee and **Bursar**.

At the appeal meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the appeal is upheld, the College must also specify the flexible working arrangement and the contractual variation, and the date from which the arrangement and contractual variation will begin.

If the appeal is rejected, the outcome must set out the grounds for the decision and explain why those grounds apply.



The outcome of the appeal should be notified to the employee within two months of first receiving the flexible working request unless the employee and the College have agreed to extend the timescale.

## Requesting a reasonable adjustment

The College is committed to reducing and removing disadvantages for disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

To request a reasonable adjustment, send your request by email or letter to **the HR Officer and line manager** and include:

- that you're making a request for a reasonable adjustment under the Equality Act 2010
- the adjustment you're requesting.

**The HR Officer and line manager** will discuss your request with you within **10 working days** of the College receiving the request. The outcome will be confirmed in writing within **5 working days** of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and **College**.

## Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the College a trial period may be agreed. If a trial period is arranged the College will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

The College will put any trial arrangements in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.

The employee will be informed in writing of the start and end dates of the trial period. The College may reduce or lengthen the trial period where necessary, with the agreement of the employee.

The College will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, the College will ensure that the employee has sufficient time to re-adjust to their previous terms and conditions of employment. For example, the employee should be given sufficient time to make alternative care arrangements or reorganise their other activities, where applicable. In effect this could, by agreement, extend the length of the trial period.

## Varying an employee's contract

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment.

Written confirmation of the changes will be sent to the employee within one month of the change being agreed.





If the employee has any questions or concerns, they should contact **the HR Officer**.

## **Complaints and further information**

The College is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

An employee should raise any concerns with **HR Officer/Bursar** if they:

- are not satisfied with any stage of the flexible working request process.
- feel they have been treated unfairly because they've made a flexible working request.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the College's grievance procedure.

For further information an employee should contact **the HR Officer** ([hr@linacre.ox.ac.uk](mailto:hr@linacre.ox.ac.uk))