



University of  
St Andrews

## Flexible working

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2.6	Changes to the flexible working procedure to comply with the legal changes.	Published	Lisa Stewart HR	21/03/2024

**The EDI Team can be contacted for accessibility requirements around:**

- BSL translation services/support to engage with university activities.
- Accessing this document and associated forms in an alternative format.
- Difficulties engaging with any service/facility/process referenced in this document.

We encourage employees to review the [Flexible Working webpage](#) to access FAQs about the process.

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## 1. Statement

- 1.1 The University is committed to providing equality of opportunity and developing work practices and policies that encourage a healthy work-life balance. This policy has been developed to support flexible working arrangements to help employees achieve more balance between their work and personal lives.
- 1.2 This policy is compliant with the Employment Relations (Flexible Working) Act 2023 and the [ACAS Code of Practice on requests for flexible working](#).

## 2. Purpose

- 2.1 The purpose of this policy is to set out how employees can request a change to their contractual terms and conditions relating to their hours, times or place of work.
- 2.2 There is no automatic right for employees to work flexibly, or for the University to insist on an employee to change their working arrangements. Instead, employees are entitled to request a change to their working arrangements.

## 3. Scope and eligibility

- 3.1 This policy applies to all University employees.
- 3.2 For remote working requests, the employee must:
  - Agree that they can be contacted during working hours via telephone, email or other communication method (i.e. Microsoft Teams).
  - Adhere to the [IT working from home guidance](#) and [University's Home workspace equipment policy](#).
- 3.3 Flexible Working applications are not required for Hybrid Working. Please refer to the [Hybrid Working Policy](#) for further details.

## 4. General Principles

- 4.1 Any permanent changes agreed will constitute a contractual change to the employee's terms and conditions of employment and cannot be altered without the agreement of both parties.
- 4.2 The University will consider temporary requests for a maximum of 12-months. If the employee wishes to extend the request beyond 12-months, they must apply for this prior to the expiry of the temporary arrangement, as per the process outlined in [section 5](#).
- 4.3 This policy is not intended to address informal temporary changes to working arrangements (i.e. phased return after a period of sickness absence, or a short-term home working arrangement to complete a specific task). For temporary adjustments, the employee should speak to their line manager or [HR Business Partner \(HRBP\)](#) for guidance.
- 4.4 This policy is not intended to deal with reasonable adjustments related to an employee's disability. These matters should be addressed separately via the Staff [Disability Policy](#).

- 4.5 All requests (including any appeals) must be decided and communicated to the employee within a period of 2-months from when the line manager first receives the request (unless an extension to this timeline has been mutually agreed).
- 4.6 Employees can submit more than one request in any 12-month period however only one live request for flexible working will be considered at any one time. A flexible working request will remain live until one of the following happens: a decision about the request has been made, the request is withdrawn, an outcome is mutually agreed, or the timeframe has not been met as outlined above (4.5).
- 4.7 Flexible working meetings may take place face to face or virtually via Microsoft Teams, and always in a private setting.
- 4.8 Line managers must not reject a flexible working request without first consulting with the employee as confirmed in [5.2](#).
- 4.9 Each agreed arrangement is specific to the individual and does not set a precedent for any future requests from other employees.

## **5. Procedure to apply for flexible working**

### **5.1 Notifying the University of a request to work flexibly**

- 5.1.1 Employees should discuss their request informally with their line manager prior to making a formal application as the line manager may be able to approve the request without the need for a formal meeting particularly in non-complicated scenarios (e.g., an employee wishes to make a permanent change to their start time to commence 30 minutes later each morning in order to take their child to school). If the line manager can agree to the request immediately (without the need for a formal meeting), they should refer to section [5.3](#) for guidance on next steps. (Note: A flexible working application form is still required to be completed for processing purposes).
- 5.1.2 If the request is not a minor change (as per the example above), and cannot be agreed informally, employees must complete the [flexible working application form](#) (ideally electronically). The completed form should be submitted via email to the line manager and [HRBP](#).
- 5.1.3 For homeworking requests, the employee should also complete the [home working risk assessment](#) (ideally electronically), and submit this via email along with the application form. Guidance on the Risk Assessment process can be sought from a member of the [EHSS](#) team.
- 5.1.4 Once the flexible working application is submitted, the line manager will send an acknowledgement email to the employee to confirm that the application has been received.
- 5.1.5 Unless the line manager decides to agree to the employee's request in full, they must consult the employee before making a decision. In such cases, the line manager should invite the employee to a flexible working (consultation) meeting to discuss the request.
- 5.1.6 Additional guidance has been developed to support line managers with conducting flexible working requests. Please refer to the [Flexible Working webpage](#) for more information.

## 5.2 Flexible working (consultation) meeting

- 5.2.1 The line manager will invite the employee to a meeting to discuss the application providing at least 5-days notice of the meeting (unless an alternative timeline is mutually agreed). The aim of this meeting is to explore the suggested working arrangement, discuss how the request might work in practice, and consider any alternative flexible working options that may be available and suitable for both the School/Unit and the employee.
- 5.2.2 A member of HR may attend this meeting to provide procedural guidance and advice to both parties if requested by any party.
- 5.2.3 Employees can choose to be accompanied at this meeting by either a trade union representative or a work colleague.
- 5.2.4 The line manager should take notes of the meeting and summarise the key points.
- 5.2.5 After the meeting, the line manager will consider the proposed working arrangements, carefully weighing up the potential benefits of the request and any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis and assessed on its own merits.

## 5.3 Decision

- 5.3.1 Line managers have a legal obligation to reasonably consider all flexible working requests. If there is a genuine business reason not to approve the request, line managers should consider if it might be possible to agree to a request with modifications, or agree an alternative proposal that secures some or all of the benefits that the original request sought.
- 5.3.2 **Reminder:** A line manager must not reject a request without first consulting with the employee ([5.2](#)). A decision to reject a request must be aligned to one or more of the reasons confirmed in [5.5](#).
- 5.3.3 **Request approved**
- 5.3.3.1 If the line manager can approve the request, they must:
- Verbally notify the employee of the decision as soon as possible ensuring that the decision is understood and that the proposed implementation date has been agreed.
  - Notify [HR Support](#) (copying in the HRBP) of the outcome via email and attach the flexible working form. This must be actioned before implementing any agreed changes to terms. HR will process the request and confirm the changes in writing to the employee as soon as possible.
- 5.3.4 **Request denied**
- 5.3.4.1 If the line manager has to decline the request, they must:
- Discuss the matter with their HRBP as soon as possible, clearly providing rationale for their decision.

- Issue the employee with an email, without unreasonable delay, normally within 10 working days of the flexible working meeting clearly setting out the decision and the [business reasons](#) why the request cannot be accommodated. The email must also detail the [appeals process](#).

## 5.4 Trial periods

5.4.1 The line manager will usually implement a trial period (usually 3 months) to assess the suitability of the change for both parties. The commencement of the trial period should not coincide with any quieter periods in the School/Unit, as this may not provide an accurate reflection of the potential effect of the new pattern of working. If at the end of this period, it is deemed that the new pattern is not suitable by either party, the employee will revert to their original working pattern. If it is deemed suitable, the terms and conditions will be confirmed and are a permanent change (unless a temporary arrangement has been agreed).

## 5.5 Business reasons which may result in a refusal to grant a flexible working request

5.5.1 A decision to reject a request must be for one or more of the following business reasons, ensuring justifiable evidence:

- An inability to recruit additional staff, or reorganise work among existing staff.
- A planned structural change to the University's business operation.
- Insufficient work available during the periods the employee proposes to work.
- The burden of additional costs is unacceptable to the University.
- The University considers that the change would have a detrimental effect on ability to meet customer demand.
- The University considers that the change would have a detrimental impact on quality or performance.

## 5.6 Right to appeal

5.6.1 An employee can appeal against a refusal to grant flexible working. The appeal should be made in writing to the [Director of Human Resources](#) within 10 working days of being notified of the decision (i.e. the date on the outcome letter). The appeal will be acknowledged and passed to a member of HR to progress.

5.6.2 An HR representative will arrange for an appropriate person to hear the appeal. This person will be the appeal manager and will have no conflict of interest and have had no prior involvement. A member of HR will usually attend the meeting to provide procedural guidance and support. The appeal manager will review the circumstances and respond with an outcome based on the findings.

5.6.3 The appeal hearing will be held with the employee as soon as possible noting the timeframe confirmed in [section 4.5](#). The meeting will be convened by sending an invitation to the employee. The invitation letter will be sent by HR who will detail the date, time and location of the meeting. The employee will be informed in the letter that they have the right to be accompanied by a work colleague or a Trade Union representative during the meeting.

5.6.4 The appeal manager will receive copies of any relevant paperwork including the flexible working application form, outcome letter and the appeal letter.

5.6.5 The employee will be invited to attend the appeal hearing to explain the reasons for their appeal. The appeal manager may carry out further investigation after the appeal hearing based on what was discussed. The employee will be informed if any further investigation is required.

5.6.6 The employee will be notified of the outcome of their appeal in writing, without unreasonable delay, normally within 10 working days of the appeal hearing, unless further investigation is required. The decision following appeal is final and there will be no further internal right of appeal.

## **5.7 Prioritising requests**

5.7.1 Where more than one employee within a team requests flexible working, all requests will be given fair consideration. Care will be taken not to inadvertently discriminate against employees because of any protected characteristic they hold.

5.7.2 Requests will normally be considered in the order they are received. Each case will be judged on its merits and the line manager 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 considered in view of further requests. If the line manager is 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, the line manager may choose to discuss the situation with employees already working flexibly in case anyone is willing to change their arrangements (any such change would only be at the employees consent), thereby enabling the University to grant new requests to work flexibly.

## **5.8 Withdrawing a request**

5.8.1 A request to work flexibly can be withdrawn at any time before it has been accepted, and any new terms and conditions agreed and put in place.

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

5.8.3 If a line manager considers that a request is withdrawn, they will inform the employee of this in writing.

## **5.9 Documents**

5.9.1 All documents relating to a flexible working request must be sent to HR to store securely at the end of the process. Under no circumstances must documents be held locally within Schools/Units. Any documentation such as notes taken in the meeting must be destroyed once submitted to HR.

## **6. Support and advice**

6.1 Any employee who has questions about this policy and its application should discuss them with their line manager or HRBP in the first instance.

## 7. Version control

7.1 This policy is non-contractual and may be amended at any time.

7.2 This policy will be reviewed periodically in conjunction with the University's recognised Trade Unions. Any feedback on the policy should be directed in the first instance to the [HRBP team](#) or via the [HR Feedback Form](#).

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
1.0	Migration of policy to the Governance Zone.	Published	Lisa Stewart, Human Resources	12/06/2019
2.0	Policy review: New Covid-19 section.	Published	Lisa Stewart HR	02/09/2020
2.1	Tweak to 4.2. HRBP does not need to be sent any approved FW applications.	Published	Lisa Stewart HR	29/10/2020
2.2	Broken link @ 5.1.3 and Trade Union contact (Appendix D)	Published	Lisa Stewart HR	11/03/2021
2.3	Removed Section 4: Covid-19 - Temporary update	Published	Lisa Stewart HR	13/10/2021
2.4	Scope changed to become a day one right to make a flexible working request.  Link added to Home Working Risk Assessment	Published	Lisa Stewart HR	25/08/2022
2.5	Confirmation on what constitutes a formal temporary FW request (2.4) and change to heading at 4.7.	Published	Lisa Stewart HR	02/03/2023
2.6	Changes to the FW procedure to comply with the upcoming legal change.	Published	Lisa Stewart HR	21/03/2024



## Appendix A: Types of flexible working requests

The table below provides some examples of flexible working arrangements. These are examples only and does not reflect the only requests that the University will consider.

<b>Types of flexible working</b>	<b>Description</b>
<b>Job share</b>	Two (or more) part-time employees “share” one role (typically a full-time one).
<b>Hybrid/blended working</b>	Allows you to split your time between attending the workplace and working remotely.
<b>Homeworker</b>	A request to work from home (or in a remote location) 100% of the time.
<b>Reducing hours of work</b>	Reducing the number of hours (or days) that you work.
<b>Flexible hours</b>	Individuals working flexible hours tend to vary their start/finish times within agreed parameters (e.g. start and finish times between the hours of 08:00 and 18:00).
<b>Compressed hours</b>	Compress your working hours into fewer days. Examples of compressed hours are to work 4 days a week or 9 days over a fortnight.
<b>Varied hours</b>	For full-time employees, the normal working week is 36.25 hours giving a notional working day of 7 hours and 15 minutes. Employees may request to vary the time that they start and finish work on particular days or throughout the week.
<b>Term-time only</b>	A request to work during term-time only (either school terms or University semesters), taking unpaid leave during the holidays.