

FLEXIBLE WORKING POLICY

POLICY STATEMENT

Birkbeck recognises that many employees may have personal responsibilities and obligations in addition to their work responsibilities. The College also appreciates that, at times, it can be difficult to balance those demands. Requests to formally vary working hours through flexible working will be given full consideration and will be discussed with the employee with the understanding that any agreed flexible working arrangements must take into account the wider business needs of the College.

This policy should be read in conjunction with Birkbeck's Family Leave, Career Breaks, Leave of absence for academic purposes, Variation in Hours and Hours of Work Policies which allow for alternative leave/varying of hours under other circumstances.

Scope

The policy applies to all eligible Birkbeck employees (it excludes agency workers who are bound by the Agency Workers Regulations and contractors who are bound by the terms and conditions governing their contracts within their respective organisations). The policy provides a framework within which the College can fulfil its business objectives and provide flexibility regarding working hours and arrangements for employees on open ended and fixed term contracts who meet the eligibility criteria defined within the specific sections of this policy.

PROCEDURE

This section outlines the procedure to be used to request flexible working arrangements and employees' rights and responsibilities in this regard.

Eligibility

Birkbeck employees can request flexible working arrangements provided they:

- have been continuously employed by Birkbeck for 26 weeks.
- have not made an application for flexible working in the last 12 months (except in cases where the new application relates to a characteristic covered by the Equality Act 2010).

An employee can request a change to the following:

- the hours when they are required to work.
- the times when they are required to work.
- how work is to be carried out between home and the office (where appropriate).

Submitting a Request for Flexible Working

An employee must submit a written request to their line manager, which contains the following details:

- A clear statement that it is an application (for flexible working) and the date on which the application is being made.
- The specific change applied for, its duration and the date of the proposed change.

- Consideration of the effect of the proposed change on Birkbeck and/or the department and any suggestions on how the impact of the change can be overcome.
- States if and when the employee has made a previous application for flexible working.
- Whether the request is being made in relation to the Equality Act 2010, e.g. as a reasonable adjustment for a disability.

Consideration of the Application

On receipt of the request the line manager will consider the details and arrange a meeting with the employee to discuss the application. Areas for consideration should include the following:

- whether an informal or formal arrangement is appropriate;
- whether the application is being made for a permanent or temporary change (if it is the latter, the meeting should include a discussion about the timeframe);
- the operational needs of particular departments;
- the reason for the application for flexible working;
- the preference of individuals and consideration of individual circumstances;
- the differing preferences of individuals within any particular team or department; and
- key periods, days or hours that might need to be worked.

The College will follow ACAS guidance and deal with requests in a timely manner. Therefore, the College will aim to process requests, including any appeals within a 3 month period unless an agreement has been reached with the employee to extend the timeframe. The meeting will normally also include an HR representative. If the line manager is absent due to annual leave or sickness at the time the request is made then the 3 month period will run from the date of their return to work.

There may be occasions where line managers receive more than one request to work flexibly over similar timeframes. Where it is not possible to grant more than one request within a similar timeframe, requests will usually be considered in the order in which they are received on a case by case basis. However, where a request for flexible working has been made to take into account the need for reasonable adjustments, the equality considerations will be assessed alongside the request, in line with the Equality Act 2010. The line manager should also consider having a discussion with the employees to identify whether or not adjustments/changes to current arrangements can be made or a decision reached through a process of fair selection.

The employee is entitled to be accompanied at this meeting by a Birkbeck work colleague, or trade union representative. Should the employee's chosen colleague, or trade union representative not be available on the date arranged then the meeting may be postponed for up to 7 days in order to enable their attendance.

All applications for flexible working under these arrangements will be actively and positively considered. However, the operational requirements of the College will take precedence and Birkbeck may have to refuse an application should the proposal result in one or more of the following:

- An unacceptable burden of additional costs to Birkbeck.
- A detrimental effect on Birkbeck's capability to meet operational requirements.
- An inability to re-organise work among existing staff.
- An inability to recruit additional employees.
- A detrimental impact on quality.
- A detrimental impact on performance.

- Insufficiency of work during the periods the employee proposes to work, or
- Planned organisational changes.

The line manager will provide the employee with a written response to the application within 14 days of the meeting.

If the application is refused then full written reasons for the refusal will be given.

Appeal

An employee has the right to appeal if their application for flexible working is refused on the grounds that:

- new information was not known by the College at the time when the decision was taken;
- the employee is challenging the accuracy of the information used by the College during the decision making process; and/or
- the employee felt the application was not handled reasonably.

The appeal must be made within 14 days of receipt of the written reasons and must be made to the relevant senior manager. The appeal request must be in writing, dated and set out the grounds of appeal. A meeting to hear the appeal will be arranged and heard within 14 days of the appeal being made. The nominated Appeal Chair will be a senior manager from a different department who has not been previously involved in the case. The employee has the right to be accompanied at the appeal meeting by a Birkbeck work colleague or trade union representative. Should the employee's chosen companion not be available on the date arranged then the meeting may be postponed for up to 7 days in order to identify an alternative date. The outcome of the appeal will be provided in writing to the employee within 14 days of the appeal meeting.

Withdrawal of Application

Should an employee wish to withdraw their request for flexible working then they should notify the line manager to whom the request was originally made. This should be confirmed in writing.

Meetings will be arranged on a date and time, which is convenient to all involved. Should an employee not be able to attend a meeting to discuss their request then the meeting will be re-arranged to another date. If however, the employee does not attend this re-arranged meeting and does not have a reasonable cause for missing this meeting then Birkbeck will take this as an indication that the employee has withdrawn their application. Similarly, if the employee has failed to provide Birkbeck with information, which it requires in order to assess the request for flexible working, then the employee will be deemed to have withdrawn the request.

Where the line manager determines that the employee has withdrawn their request due to non-attendance at meetings or failure to provide information that has been requested, he/she will write to the employee confirming the withdrawal of the application.

Changes to Terms

All variations, which are agreed, whether in terms of location, working hours or part-time working, must be clearly documented and authorised by the Executive Dean/School Manager/Director. Where an employee has reduced their hours of work, benefits will be pro-rated accordingly (see section 3.1 for further guidance). Line managers have the responsibility to ensure that the details are confirmed with HR in order for the appropriate contractual changes to be confirmed in writing to the employee and so that changes to payroll can be made.

Trial Periods

Any agreed new arrangements for individual employees may be subject to a trial period (e.g. three months) where appropriate. The length and terms of the trial period will be discussed with the employee prior to any changes being implemented and will be determined on a case-by-case basis, dependent on the nature of the change and the role being performed by the employee. Line managers should hold regular meetings/discussions with the employee during and at the end of the trial period, to discuss the suitability of the revised working arrangements and to agree any necessary adjustments. If on completion of the trial period, the line manager and/or the employee determine that the new arrangements are inappropriate and no suitable adjustments can be made to the arrangements, then the employee will be required to revert to previous working arrangements. Such amendments to arrangements will also be confirmed in writing to employees by the line manager. An employee will have the right to appeal against any such decision.

GUIDANCE

Flexible Working Options

Varying Working Hours

Taking into account the factors described above, revised start and finish times may be agreed between the employee and the line manager, which routinely allow an employee to begin work earlier/later than normal and to leave work at an earlier/later time than normal, or to work a compressed working week (e.g. 35 hours worked over 4 days) where appropriate.

Part-Time Working

Line managers will consider requests from employees who wish to work a reduced number of hours per week, either by reducing the number of working days in a week or the number of working hours per day.

Such requests will be considered taking into account:

- the operational needs of the Department/School.
- the suitability of the employee's role with regard to part-time working.
- the ability of Birkbeck to re-distribute the tasks that would otherwise be performed if the role was continued on a full-time basis.
- the need to maintain an appropriate balance between the numbers of full and part-time employees within a department/section for the purposes of continuity.

Employees engaged on Tier 2 visas should be aware of the requirement to maintain their agreed working hours and they are advised to contact HR before submitting an application for flexible working.

Flexibility of Location

Homeworkers

Subject to the suitability of the particular role being undertaken, requests will be considered from employees who wish to become homeworkers. These employees will normally (although homeworkers may need to present at the College, e.g. to attend meetings) work from home and have their regular work base at home. They will have equipment provided by Birkbeck to enable them to work from home and must be regularly contactable. The conditions in Birkbeck's Homeworkers Policy also apply.

Partial Homeworking

Line managers may also consider requests from employees who wish to work from home for a proportion of their time. In considering requests line managers will take account of the suitability of the role and the impact such arrangements may have for Birkbeck as well as for the individual. Employees will be required to spend an agreed percentage of their time at their work base and will need to agree their individual work pattern with their line manager. Equipment may be provided by Birkbeck if deemed appropriate. Employees must read the relevant health and safety guidelines.

The working location must always be made known to the rest of the team and indicated on emails and recorded voice mail messages. The employee's routine must be flexible in order that he/she can attend team meetings and meet work deadlines etc. without any additional difficulties. The employee and line manager must agree ongoing contact arrangements so that he/she is not disconnected from his/her team.

Job Share

Requests for Job Share

Job Sharing is the term used when two or more people are employed to undertake the duties normally encompassed within a full-time position. Each employee fully assumes the responsibilities associated with the job whilst they are at work but shares the employment benefits on a pro-rata basis proportionate to the number of hours each is contracted to work.

Birkbeck will consider written applications from employees who wish to embark upon a job sharing arrangement or who wish to apply for a vacancy on this basis. In such situations the employees will be required to submit their plan regarding the way in which they are considering sharing a role, for example including how they would propose to allocate duties, maintain effective communication and continuity and distribute the workload between them. Employees should seek further advice from the line manager who will be managing the job share and/or HR when submitting the request.

The factors that will be considered by line managers when considering such a request may include any or all of the following:

- the operational needs of particular departments and whether these may be impacted by such an arrangement.
- the suitability of the role to be efficiently and effectively fulfilled by employees with such an arrangement.
- the suitability of the job share applicants to perform the role in question.
- the practical arrangements including the compatibility of employees and communication arrangements that will be applied so that there is no disadvantage to Birkbeck in agreeing to the job share.
- the need to maintain an appropriate consistency of approach and continuity of work in progress and the extent to which this can be achieved within the job share arrangement.

Employment terms for Job Sharers

Those employees who work on a Job Share arrangement will receive the salary and benefits which are appropriate to the role, pro-rated according to the proportion of the normal working week for that role that they undertake. Arrangements will be in accordance with those provided for other part time employees within Birkbeck.

There may be a requirement for job share employees to cover any pre-booked and/or pre-notified absence of the person with whom they share the job. This requirement will be explained and

detailed in writing in their revised contracts of employment. However, absence cover for urgent or immediate situations where no advance notification has been given may be refused by an employee. Operational requirements within certain positions may necessitate specific working practices such as completion of duties or handover periods. Where these apply they will be fully explained and documented for the employees concerned.

Arrangements should a Job Sharer Leave Birkbeck

Should one employee who is part of a job share arrangement leave Birkbeck's employment Birkbeck may:

- invite the remaining job sharing partner to take on the role on a full-time basis; or
- consider whether the position could become part-time; or
- attempt to recruit a suitable job-sharing partner to fill the vacated element of the job share; or
- if a suitable job sharing partner cannot be found, request the remaining partner to consider any alternative employment that may be available within Birkbeck.

Once all the above options have been considered and if alternative employment is not available or not accepted by the remaining job share partner then the College may consider the option to make the position redundant in accordance with the Redundancy policy.

Birkbeck reserves the right to review, revise, amend or replace the content of this policy and / or introduce new policies from time to time, subject to good practice principles of consultation where applicable, to reflect the changing needs of the College and to comply with legislation.

RESPONSIBILITIES

Individual line managers are responsible for ensuring that this policy is applied within their own area. Any queries on the application or interpretation of this policy should be discussed with the Human Resources team prior to any action being taken.

The following have direct responsibilities under this policy:

Employees

- Submit written request for flexible working to line manager.
- Attend meeting with line manager to discuss request and potential flexible work options (make arrangements for a work colleague, or trade union representative to attend meeting, where required).
- Where a request for flexible working has been approved, attend meetings to discuss new working arrangements, where appropriate.
- Confirm request to withdraw application for flexible working in writing to line manager.
- Submit an appeal in writing where a request for flexible working is refused.
- Where required, make arrangements for a work colleague, companion or trade union representative to attend appeal meeting.

Line Managers

- Consider requests for flexible working.
- Arrange meeting with employee to discuss flexible working request.
- Provide written response to requests for flexible working.
- If request for flexible working is agreed, ensure that the employee has a revised statement of their terms and conditions of employment.
- Initiate trial period for new flexible working arrangements, where appropriate.

- Monitor the impact of new arrangements on employee's job performance.
- Confirm in writing to employee any amendments to new arrangements following completion of trial period.
- Ensure HR receives notification of any variations in terms and conditions of employment for employees, where appropriate.
- If flexible working request is refused, ensure the employee receives a full written reason for refusal.
- Provide written confirmation of withdrawal of flexible working request to employee.

Human Resources

- Provide advice/guidance on flexible working arrangements.
- Attend flexible working discussion meetings, where appropriate.
- Where requests for flexible working have been granted, provide a revised statement of terms and conditions of employment for employees.
- Notify payroll of variations in employee terms and conditions of employment following approval for flexible working.
- Arrange appeal hearings.
- Liaise with Appeal Chair where appropriate.

Executive Dean/School Manager/Director

Authorise variations in contract terms, where appropriate.

Appeal Chair

- Ensure fair and equitable process is followed.
- Review the evidence based on the grounds of the appeal.
- Where an appeal has been lodged, ensure employee is notified of the outcome.
- Liaise with HR to facilitate appeals process.