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**RIGHT TO REQUEST FLEXIBLE WORKING**

1. **INTRODUCTION**

Bournemouth University values every member of staff and is committed to promoting health and wellbeing, which includes the provision of policies to facilitate a balanced lifestyle. The University is supportive in assisting employees manage the balance between their non-work activities and responsibilities as employees of the University.

This policy sets out the right to request flexible working and how the University will manage and respond to such requests. It aims to help the employee and the University agree a work pattern that meets the individual’s needs together with the requirements of the job and is compliant with current legislation.

1. **SCOPE AND TERMINOLOGY** 
   1. The legal right to request flexible working applies to employees having at least 26 weeks’ continuous service by the date the request is made. BU has waived this requirement so that this **right** applies to staff from day 1 – that is the start of their appointment at BU and **any** employee may make a request and the right is not **just** restricted to employees with caring responsibilities.
   2. Flexible working in the context of the “right to request” applies to a permanent change to an employee’s contract of employment and does not cover occasional or temporary changes. For completeness, guidance on temporary changes (which are outside the scope of the procedure) is included at the end of this document.
   3. Flexible working includes any change to the contract of employment affecting the working pattern, some examples of which are:

* A reduction to existing working hours
* A change to start and finish times
* Compressed hours (working agreed hours over fewer days)
* Job sharing
* Term time only working, or working fewer weeks per year
* A combination of the above

The above list is not exclusive.

**Procedures**

1. **MAKING THE REQUEST**
   1. The request must be made in writing and include specified information. This is set out in the form (Appendix A) to this policy, which the employee should complete and give to his or her line manager.
2. **RESPONSE: MEETING TO CONSIDER**
   1. The line manager will arrange a meeting with the employee to discuss the request (to take place within four weeks, unless by exception). This meeting provides an opportunity to explore the detail of the request, the employee’s requirements and the line manager’s viewpoint. If the manager is unable to agree to the request as set out on the form, the meeting also provides an opportunity to explore whether any mutually agreeable alternatives can be found.
   2. The discussion may include a review of the job description, depending upon the particular circumstances of the change under discussion.
   3. Employees can choose to be accompanied by a work colleague or trade union representative during this meeting.
   4. Following the meeting the line manager will provide a written response (within two weeks, unless by exception).
3. **RESPONSE; DECISION MAKING**
   1. If it is possible, the request will be granted, or a mutually acceptable arrangement may be agreed. If however it is not possible to agree to the request and it is refused, there must be good reason connected to the needs of “the business” (see below). In this case, the manager will advise the employee in writing as to why it has been refused. A request will only be refused if, after discussion, a solution that meets both the needs of the employee and those of the University cannot be found.
   2. Business grounds for refusing a request to work flexibly are:

* Unacceptable burden of additional costs
* Detrimental effect on the University’s ability to meet “customer” demand
* Inability to reorganise work amongst existing staff
* Inability to recruit additional staff
* Detrimental impact on quality
* Detrimental impact on performance
* Insufficiency of work during the periods the employee proposes to work
* Planned structural change means the request cannot be accommodated

1. **OUTCOME: REQUEST IS AGREED**
   1. If the request is agreed, the line manager will inform the employee and the HR department in writing (within two weeks, unless by exception). The employee will be sent the revised terms and conditions of employment and asked to sign acceptance to instigate the change(s) which are made on a permanent basis. Temporary changes fall outside this procedure (see section on temporary changes below).
2. **OUTCOME: REQUEST IS REFUSED**
   1. If, following the meeting, the request is refused, the employee will be given a written response, (within two weeks, unless by exception) stating that the request has not been agreed and the reason(s) for the refusal. This letter will also explain the right of appeal against the decision, how to make an appeal and the time limit (of two weeks, unless by exception) in which to submit this.
3. **APPEAL AGAINST REFUSAL**
   1. If the employee wishes to appeal, a written request should be sent to the HR service and an appeal hearing will be convened (within 10 working days, unless by exception) of receipt of the letter. The employee will be invited to be accompanied to the hearing by a work colleague or trade union representative. A manager who was not involved with the original decision will hear the appeal together with the line manager’s reasons for refusal. A member of the HR department will be present to advise the manager hearing the appeal. The manager conducting the hearing will decide whether the appeal against the decision is upheld.
   2. The employee will be advised of the outcome (within 5 working days, unless by exception) and the appeal decision will be final.
4. **NUMBER OF REQUESTS THAT CAN BE MADE**
   1. An employee may not make a further application within 12 months of submitting a request.
5. **TIME LIMITS**
   1. The University has a duty to respond in reasonable time and, by law, the whole process, from the date the application is received by the manager, to the conclusion, including any appeal, must not exceed 3 months, unless this is extended by mutual agreement.
   2. To ensure compliance with the statutory time limit, time limits for each stage of the procedure have been included. The time limits as set out above may be extended if there is good reason to do so and by mutual agreement. A week refers to a calendar week.
6. **TEMPORARY CHANGES TO TERMS AND CONDITIONS**
   1. The “right to request” legislation makes provision for permanent changes to the contract of employment. Temporary changes are not covered by this procedure; however, employees may request a temporary change. The questions on the form at appendix A do not have to be used to request a temporary change but may be helpful in structuring such a request and assisting discussion between the employee and line manager. If the line manager agrees a temporary change, the HR department will advise and issue the appropriate confirmation (e.g. a temporary variation to the contract of employment may be required). If it is not possible to agree to the request, the line manager should explain the reasons for refusal.

**General**

1. **SOURCES OF FURTHER INFORMATION ON THE RIGHT TO REQUEST FLEXIBLE WORKING**
   1. Employees may contact their trade union representative.
   2. Managers and employees may contact the HR department on extension 61133, or at [hrenquiries@bournemouth.ac.uk](mailto:hrenquiries@bournemouth.ac.uk)
   3. Information can be found on the following websites: <https://www.gov.uk/flexible-working>
   4. ACAS (Advisory, Conciliation and Arbitration Service) [www.acas.org.uk](http://www.acas.org.ukT). The ACAS website also includes guidance for managers on how to handle requests.

**Appendices**

**Appendix A:**  **RIGHT TO REQUEST FLEXIBLE WORKING FORM**

**RIGHT TO REQUEST FLEXIBLE WORKING FORM APPENDIX A OF POLICY**

**1. Personal Details**

Your name: Payroll number:

Your post title: Name of line manager

**To Bournemouth University (your line manager)**

I would like to apply to work a flexible working pattern that is different to my current working pattern under the University’s policy on the Right to Request Flexible Working.

I have not made a request to work flexibly under this right during the past 12 months.

**2. Date of any previous request to work flexibly under this right:**

**3a Provide details of your current working pattern (days/hours/times worked):**



**3b. Provide details the working pattern you would like to work in future (days/hours/times worked):**



**4 Date I would like this working pattern to commence from:**

**5 Impact of the new working pattern**

I think this change in my working pattern will affect the University and colleagues as follows:

**6 Accommodating the new working pattern**

I think the effect on the University and colleagues can be dealt with as follows:

Name: Date:

**E MAIL OR PASS THIS APPLICATION TO YOUR LINE MANAGER**

**DATA PROTECTION**

|  |
| --- |
| Information about how BU uses your data in connection with your application, and the basis for processing your data is provided in [BU’s Staff and Applicants Privacy Notice](https://www1.bournemouth.ac.uk/about/governance/access-information/data-protection-privacy/staff-applicants-privacy-notice). This includes details of any third party with whom we will share your data, such as your pension provider and HMRC. |