



## **Flexible Working and Leave Policy**

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## **1. INTRODUCTION**

The University recognises the need to provide flexible employment options which give staff choice over their working hours subject to the overriding operational needs of the University to deliver services effectively. In line with this recognition, requests for flexible working will be considered carefully and sympathetically. An integral part of this consideration is to ensure that any flexible arrangements agreed meet the business needs of the University and the operational needs of the area of work and department and do not impact negatively on work colleagues, students or on service delivery.

The University is committed to developing work practices and human resource policies which contribute to staff well-being and which can improve individual and business performance through greater diversity and increased levels of engagement from all staff. It also recognises that it is helpful to have clarity around the different types of leave.

Whilst there is no automatic right to flexible working, the University recognises the contribution of such arrangements to the retention of skilled staff and encourages managers to be as accommodating as possible to individuals wishing to vary their work patterns and to give fair and thorough consideration to all requests, provided that the needs of the University, service, students and work colleagues are also met. It also encourages members of staff when requesting flexible working to work with their line manager to find a solution which suits their needs and meets the needs of the service, students, team and those with whom the individual/team interacts.

This policy applies to all staff although some options may only apply to certain groups of staff, for example flexitime. It is an important part of the University's strategic aim from its People Strategy to 'develop recognise and value an engaged, diverse and high quality workforce'. The policy sets out all flexible working options at the University, categories of leave, and the procedure for applying to work flexibly.

**Absence Without Leave** - It should be emphasised that any leave including the flexible forms of leave set out in this policy must be requested and approved prior to being taken. Staff must ensure that any leave has been approved before they take it. If staff take time off when no leave has been approved then the member of staff will normally be classified as being absent without leave (sometimes referred to as AWOL) for which pay will be withheld and which will normally be investigated as a potential misconduct under the University's Disciplinary Policy and Procedure.

### **1.1 Statutory Entitlement**

Staff who have at least 26 weeks continuous service with the University by the application date have a legal right under the Employment Rights Act 1996 to make a written request to work flexibly relating to working hours, working location and the pattern of working. Only one application can be made under this right in any 12 month period. Applications will be considered covering a reduction in working hours, location and working pattern.

## **2. FLEXIBLE WORKING OPTIONS**

The following flexible working options are available for staff and eligible staff should make a request for this variation in line with the procedure set out in section 4.1. In certain circumstances different work patterns may be proposed by managers where particular situations meet business need more effectively.

Flexible working agreements are always subject to the operational needs and, with the exception of flexible retirement, may need to be reviewed in light of any changes to operational requirements of the University.

## **2.1 Part time working**

Part time working is defined as working less than the normal fulltime hours per week. Part time staff will suffer no detriment in terms of pay and conditions of employment or pension rights. Pay will be on a pro-rata basis and they will have the same access to training and development opportunities as full time staff. Annual leave, public holidays and discretionary days are calculated on a pro-rata basis. If it is agreed with their line manager and excess hours are worked and time off in lieu (TOIL) is not an option, staff will receive their basic hourly rate for hours worked. Enhanced rates will only apply where hours exceed 36.5 hours per week.

## **2.2 Term time only**

Term time working is an arrangement whereby staff work full or part-time hours based around school terms or University semesters, but have the right to take an unpaid leave of absence during the remainder of the year.

This working pattern is only applicable for staff in the Management, Specialist and Administrative, Technical and Experimental, and Operational and Facilities Support job families.

## **2.3 Annualised Hours**

Annualised hours is an arrangement whereby a member of staff works more hours during certain periods of the year and less hours during other periods. The hours that they are contracted to work during different period of time are defined over a whole year as opposed to a week. The hours worked are not spread evenly throughout the year. This can be a beneficial way to match staffing levels with peaks and troughs in activity.

Hours worked will be recorded and signed by both the manager and the member of staff. The basic salary will be paid in twelve equal parts based on the average number of weekly working hours calculated over the year. The identification of a "year" for an annualised hour's contract will normally run from 1 September until 31 August. Staff commencing or leaving the University outside of these dates will have their hours calculated on a pro-rata basis for that year.

If a member of staff resigns part way through the year and there is a disparity between hours worked and payment received, a balancing payment will be calculated and the final salary can be adjusted accordingly, with any overpayment being automatically deducted from the final salary.

This working pattern is only applicable for staff in the Management, Specialist and Administrative, Technical and Experimental, and Operational and Facilities Support job families.

## 2.4 Flexible retirement

Flexible retirement allows staff who are members of the Universities Superannuation Scheme (USS) or the Local Government Pension Scheme (LGPS), with the University's consent, to take a proportion of their pension benefits while continuing to work on a reduced hours basis (referred to as a 'flex') whilst continuing to build up pension benefits.

### Pensions Information

Staff interested in applying for flexible retirement are advised to contact the University's Pensions Officer in the first instance in order to obtain an estimate of benefits from either the Avon Pensions Fund or USS. As actuarial reductions for early payment of benefits can be significant this should be done as early as possible to ensure that they have all the necessary personal pension information required before submitting a request.

**LGPS:** Members age 55 or over can apply to reduce their working hours (by at least 20%) and/or move to a lower graded post and draw all their pension benefits whilst carrying on working. Full details of the **LGPS rules** are available on the Avon pension fund website at: <http://www.avonpensionfund.org.uk/>. Staff selecting to reduce their hours in order to take flexible retirement will not subsequently be eligible for overtime payments nor will they be able to increase their hours or move into a post on a higher grade whilst employed by the University.

Applications will only be approved when supported by the Head of Department/Head of Professional Service and where there is no cost to the University. Final approval is required from the Director of Human Resources and the Director of Finance and Commercial Services. Once approved members should apply in writing to Avon Pensions Fund. An application form can be found on their website. Where applications are not supported by the University there is a right of appeal and this is outlined in Section 4.3.

**USS:** Subject to the approval of the Dean for posts in the Faculties and School and of the Director of Finance and Commercial Services for posts in Professional Services staff who are members and age 55 or over, can take flexible retirement and can draw between 20% and 80% of their pension plus the lump sum built up whilst continuing in pensionable employment. This is on the condition that both the working hours and the salary are reduced by a minimum of 20% and that there is no return to full time employment within a 12 month period. Flexible retirement is not available to variable time members in USS.

USS members can flex on up to two occasions but on the third occasion they must retire, these two occasions may occur within 12 months of the original flex. If a member draws 80% on their first flex, they must fully retire in order to draw further benefits. It should be noted that USS require a minimum of two months' notice from approval to flexible retirement taking effect. Staff should therefore initiate the process at least 6 months in advance, to allow sufficient time for the process to be completed. If an application is unsuccessful there is a right of appeal which is outlined under Section 4.3. Full details of the **USS Rules** are available on the USS website at: <http://www.uss.co.uk/Pages/default.aspx>.

### Applying for Flexible Retirement

To initiate a request for flexible retirement staff should follow the flexible working request procedure outlined in section 4.1 and submit a completed Flexible Working Application form to their line manager for discussion which should include the following details:

- The reason for the request.
- The change applied for and the proposed effective date.
- The proposed percentage reduction in hours.
- The proposed dates and details regarding any anticipated further flexes and final leaving date (if applicable).
- The proposed new work activity.
- An explanation regarding the potential impact of the change applied for and how this might work so that the request could be managed without a reduction to the service provided.

Following a discussion with the member of staff, the Head of Department / line manager will consult with the Dean / Head of Professional Service regarding whether or not the flexible retirement request can be supported. Consideration will be given to the following:

- The impact of any additional costs;
- The potential impact on the service provided to students, staff etc.;
- The ability of the department to re-organise work among existing staff or the ability to recruit additional staff to cover any gaps;
- The potential impact on quality or operational performance;
- The opportunity for succession planning;
- The availability of work during the periods proposed;
- How the proposed change fits with any anticipated structural changes in the department/faculty;
- How the proposed changes fit with the operational needs of the department/faculty.

Once a decision has been made, the Head of Department / line manager will inform the member of staff and the HR Manager of the details of the change agreed or the reasons for refusal.

Once approved the member of staff should contact the Pensions Officer in order to complete the USS notification form. Human Resources will write to the member of staff detailing the variation to their contract and inform Payroll. Once the pension comes into payment the decision to take flexible retirement is irreversible.

## **2.5 Flexi-time**

Subject to the operational needs of the University to deliver services effectively and where Departments chose to introduce the scheme flexi-time is available to all staff apart from casual workers, staff whose contracts require the working of specific fixed hours (e.g. staff working shifts) and academic staff, since academic staff already have flexibilities within their contract.

A flexi-time scheme allows staff to have an element of flexibility over their working hours. It involves flexible start and finish times around 'core working hours' (when attendance is required) and within the limitations of the 'bandwidth' (the earliest and latest times between which hours can be worked) allow staff more choice, subject to the operational requirements, over their working hours.

The 'normal working hours pattern' for a full time member of staff is:

- Monday to Thursday 9.00am to 5.20pm and Friday 9.00am to 5.10pm with one unpaid hour for lunch.

*Other definitions* are as follows:

- *DAY:* 7 hours 20 minutes (7 hours 10 minutes on Fridays)
- *HALF DAY:* 3 hours 40 minutes
- *WEEK:* 36 hours 30 minutes

This does not prevent departments setting different working hours patterns for their full-time staff, in order to best meet the operational requirements of their work.

All full-time staff, unless otherwise agreed, are expected to be present undertaking their duties during the **core hours** which are defined as follows:

8.00am– 10.00am Flexible

10.00am – 12.00pm **Core**

12 noon – 2.00pm Flexible

2.00pm - 4.00pm **Core**

4.00pm – 6.00pm Flexible

These are the standard core hours for full-time staff to which this scheme applies and should be used for normal working arrangements. They can be varied by those departments who wish to operate flexi-time but would need to vary the specified core and flexible hours in order to best meet the operational requirements of their work and the service that they provide. Although there is a standard scheme, implementation is in a flexible manner to suit the operations of individual departments or sections.

The purpose of the scheme is to allow members of staff to effectively manage their work commitments and their personal commitments. Subject to the operational requirements of the service, full-time staff may work flexibly during 'Flexible' hours for their department. Part-time staff may, subject to the exigencies of the service, work flexibly if part of their working day falls during 'Flexible' hours.

Flexi-time differs from **Time off in Lieu (TOIL)** which can only be accrued through additional hours worked requested or approved in advance by a line manager or a set requirement to undertake additional hours of work. This would normally be in relation to a specific activity or piece of work.

#### **A. Principles of the scheme:**

1. Participation in any scheme adopted in a Department or Section is optional and staff may elect to maintain their 'normal' working hours.
2. Staff who, by the nature of their contract i.e. part-time hours, or those with working patterns or on shift patterns where they are required to undertake duties at a particular time, may be unable to benefit from the scheme.
3. It is not a contractual right and can be reviewed at any time, including on an annual basis or when staff leave/join the department or University. It may be amended or withdrawn if there is a detrimental impact on the delivery of the service. If arrangements are changed these will be given in writing.
4. It does not alter the existing definition of a working week, defined as 36.5 hours per week and it does not affect overtime working.

5. In line with University policy, all staff working more than five sequential hours a day must take a minimum of a half hour break which is not counted within the flexi-time scheme i.e. it is taken in staff's 'own time'. For young people under the age of 18 years, a minimum break of half an hour is required after four and half hours in accordance with the working time regulations.

6. Hours must be recorded and approved in quarter of an hour segments.

- 'credit' hours accrued as a result of the scheme must be taken as flexi leave
- a maximum of one working day of 'credit' hours can be carried into the next four week period
- hours must be accrued in advance of taking flexi leave as there is no debit process

7. Any staff who resign from the University are expected to clear any credit or debit flexi-time before leaving.

8. Its success relies upon the trust between staff and their manager and the individuals using the scheme.

### **B. Operating the scheme**

1. Any request to take more than one hour of flexi-time in any one day should be agreed by the line manager in advance. Staff are encouraged to approach their team informally to discuss their request and operational needs prior to consulting their manager. They should be mindful of busy periods within the academic year and their department.

2. A request may be refused if minimum staffing levels cannot be maintained as this may cause undue pressure on the remainder of the team. Appropriate staffing levels will be determined by the Head of Department/Head of Professional Service.

3. Annual leave and then TOIL should always take priority over flexi-time.

4. If staff wish to take a full working day off to use flexi-time accrued they must make a request to their line manager normally not less than seven days in advance.

5. All staff participating in the flexi scheme must keep a clear and accurate record of hours worked, including lunch break on a Flexi time Sheet.

6. Flexi records should be reviewed by the line manager on a four weekly basis and a record should be kept for up to 3 months.

Time taken for medical/dental appointments is covered in the Sickness Absence Policy found at: <http://www.bath.ac.uk/hr/working/sickness-absence/index.html>

### **2.6 Homeworking**

Homeworking is defined as the performance of University work for agreed hours from a member of staff's home-base. For a variety of reasons, and with varying degrees of frequency, some staff may undertake some of their duties away from their normal workplace at the University. Whilst there is an expectation that staff will normally be working on the University premises, it is accepted that occasionally there will be circumstances where a member of staff and the relevant manager agree that it is mutually beneficial for that individual to work at home.

Contracts for **Lecturers, Senior Lecturers, Readers and Professors** already allow for a degree of homeworking and so an application to work at home is not required. They should follow the informal arrangements normally agreed within their department when working from home. However, the same health and safety implications apply.

The benefits in flexibility and productivity available from home-based work can be attractive to both the University and staff and the arrangements are based on trust and mutual benefit. Working from home can assist with flexibility around reasonable caring and dependent responsibilities. The University expects a member of staff to be working completely during their working time at home in the same way they would be working at the University and therefore it is not appropriate for a member of staff to carry out child minding or other care duties during their working hours when working from home.

Working from home is not a contractual right and is granted at the University's discretion and requires the prior approval of the line manager and/or Head of Department following consultation and discussion with the member of staff. It will not alter an individual's terms and conditions of employment. Homeworking should not create additional workloads for other colleagues or otherwise affect operational efficiency and effectiveness.

### **Models of Homeworking:**

The University is willing to consider the following models of homeworking depending on the operational requirements of the role:-

#### **A. Occasional homeworking,**

Occasional working at home, which does not follow a particular pattern of working from home on a regular basis but may be used by staff in suitable roles to complete a specific piece of work where work needs to be done with minimum distraction or interruptions.

#### **Making a request to work from home on an occasional basis:**

Professional and support service staff requesting to work from home on an occasional basis should set out their reasons for their request and seek approval from their line manager in advance on each separate occasion and agree communication channels. The work outputs to be met should also be agreed with the line manager. The line manager has the right to refuse the request on practical or operational grounds.

#### **Temporary working from home during periods of adverse conditions (e.g. adverse weather)**

If a decision is taken to close the University as a result of adverse weather conditions, staff that are able to work at home are required to do so. The University's guidance on adverse weather conditions can be found at: <http://www.bath.ac.uk/hr/atozhrdocs/majortransdisruptionsevereweather.html>

#### **B. Regular homeworking**

Regular homeworking is an agreement between the member of staff and the University to work a percentage (usually no more than 0.2fte) of the normal working week from home on a regular and on-going basis but their contract of employment requires them to be based at the University of Bath. This will only be appropriate in exceptional circumstances and will be subject to an annual review or earlier if circumstances change.



Regular homeworking is voluntary and is not intended to create a situation where staff feel obliged to work excessive hours. It does not mean that equipment will be provided by the University for use at home. Staff must be prepared to change their homeworking pattern or for this to be reviewed if their role requires them to attend meetings with other departments or services. Staff should ensure that they are contactable at all times.

**Application process** - In order to request to work at home on a regular basis staff must complete a Flexible Working Application Form found at <http://www.bath.ac.uk/hr/working/flexible-working/requesting-flexible-working/index.html> plus a 'workstation self-assessment for remote working' which can be found at <http://www.bath.ac.uk/hr/stayingsafewell>. They must approach their line manager about their request and give them a copy of their application form.

Their line manager with support from Human Resources will assess the suitability of homeworking in relation to the job, the person, the home and the health and safety perspective. They should also complete and send this to their line manager for approval prior to a request for either regular or remote working.

### **C. Remote working**

Remote working is an agreement between a member of staff and the University to work their contractual hours from home on a long term but reviewable basis. Their home becomes their work base and they will only attend the University for meetings on campus. This will only be appropriate for certain roles.

#### **Eligibility:**

All University staff, regardless of contract type or duration, other than those employed on a casual basis, or in roles with the following requirements set out below, can seek agreement for homeworking.

Posts with at least one of the following requirements will **not** usually be considered for regular or remote home-based work:

- Direct customer face to face contact on a frequent basis (e.g. receptionist, hospitality assistant);
- Being a member of a team who needs to have face to face contact with other team members (e.g. administrative assistant);
- Servicing and serving other university facilities or assets (e.g. security officer, sports assistant, porters, library assistants);
- Posts requiring a high level of supervision.

Requests to work at home on a regular basis should be submitted to the line manager via a Flexible Working Application Form found at [link] Any staff working outside of the UK should contact the Payroll Manager to clarify their national insurance and tax position. If they are working under a Certificate of Sponsorship and / or visa etc. staff must bring this change to attention of the HR Recruitment & Operations Manager prior to its commencement as it may affect their status.

#### **Connecting to the University of Bath from home:**

BUCS has a number of guides to help with connectivity from home which can be accessed at:

<http://www.bath.ac.uk/bucs/networking/connectfromhome/index.html>

#### **Health and Safety Requirements:**

There are specific health and safety considerations in respect of home or remote working, details of which can be accessed at: <http://www.bath.ac.uk/hr/stayingsafewell/workingoffsite/Remoteworking/>

### **Equipment:**

For occasional and regular homeworking the University will not provide additional IT equipment, phone, broadband connection or furniture. Staff will therefore be responsible for ensuring that they have suitable telephone and broadband services where required, and for contacting the service provider in the event of any technical issues. It is not possible for the University to provide IT support for equipment owned by members of staff.

Staff are required to use their own and supplied equipment correctly and follow the University's IT Acceptable Use Policy and Homeworking Guidelines at all times. This includes taking all reasonable steps to maintain any equipment provided, removing defective equipment from use and reporting defects on supplied equipment to their line manager. University equipment may not be used by others i.e. family and friends. Staff should ensure that they maintain current anti-malware and use it regularly in line with the above policy and guidelines.

Appropriate security must be obtained for all University information stored on a computer (including back-up arrangements) and there must be secure storage for any confidential information. Employees are responsible for ensuring the security of University property and all University information, files, documents, data etc. within their possession, including both paper and electronic material.

Staff should discuss the data security implications of working from home with Bath University Computing Services (BUCS). Please see University policies relating to this: **IT Acceptable Use Policy** <http://www.bath.ac.uk/bucs/aboutbucs/policies-guidelines/policies-acceptable-use.html> and **Data Protection Policy** <http://www.bath.ac.uk/internal/data-protection/dataprotectionpolicy.doc>.

### **Insurance:**

The University's insurance takes into account the fact that increasing numbers of staff work from home, either on an occasional ad-hoc basis or a more regular basis. The University holds liability insurances that provide cover for the legal liabilities of the University and its staff whenever they are engaged in University business. This cover applies irrespective of where the activity is taking place. However, staff working at home on a regular basis or remote working should inform their own home contents insurance company if they are working from home and using their premises and certain equipment, e.g. computers, for professional purposes. This would be considered a material fact by insurers and failure to notify this change could invalidate the insurance. A template letter can be downloaded at: [link].

It is also the member of staff's responsibility to assess the personal implications of regular home working or remote working with respect to council tax, insurance or leasing arrangements, though any University equipment would be covered by the University's own insurance.

### **Expenses:**

No contribution will be made by the University towards normal household expenses attached to homeworking, such as heating, lighting, or council tax costs.

When a member of staff is working at or from home on an occasional or regular basis, they may not claim travel expenses between home and the University Campus as their

nominal 'normal place of work' remains the University. For remote working the 'normal place of work' is the home base and so they will be eligible to apply for travel expenses when required to attend the University.

#### **Home and Mobile Phone Call Charges:**

Costs of business calls from a home or personal mobile phone may be reimbursed provided the claim is accompanied by a copy of the phone bill with the relevant calls highlighted. Where there is a monthly tariff contract, then highlighted calls would need to be shown to be in excess of this tariff.

The line rental of a home phone or monthly tariff of a personal mobile or smart phone or other PDA will not be reimbursed. If a member of staff has a business need for a mobile phone then the business case for a University procured phone should be made in the usual way.

#### **Broadband Charges:**

The costs of broadband at a member of staff's home will not be paid for except in exceptional circumstances and where approved by either the Director of Human Resources as part of their contractual arrangements or by the Vice Chancellor's Group (VCG).

Where such approval has been given then, the payments may be made free of tax provided the following conditions apply:

- The University subscribes to the connection or reimburses the member of staff for a broadband subscription where they had not previously subscribed and
- Private use is not significant and does not affect the cost of the service.

Where the University reimburses the costs to staff who were already subscribing for broadband, then such reimbursement must be made through the payroll and be subject to tax and national insurance deductions.

## **2.7 Job sharing**

A job share is a formal arrangement whereby two people voluntarily share duties and responsibilities of one full time post and the salary and benefits on a pro rata basis. Both partners take joint responsibility for the whole job. The University of Bath recognises the benefits in enabling jobs to be available to staff wishing to job share, so that the skills of those not able to work full time may be fully utilised.

Whilst there is no automatic right to job sharing, the University will give fair and thorough consideration to all requests. It will respond positively where it is reasonable and practicable to do so and where the role and the operational requirements of the University, Faculty or Department will not be adversely affected.

#### **Distribution of hours, duties and responsibilities:**

The hours of each post will be agreed prior to the commencement of the job share and the total hours will not normally exceed the hours for a full time post. Job sharing is different from job splitting which occurs when a job is split into two separate jobs, requiring very little interaction.

It is very important that there is an even balance of hours and an equality of responsibility between the two partners. Job sharing should not be agreed on a greater differential of hours than 60/40. An equal 50/50 split of hours is highly recommended to ensure that the responsibilities are divided and delivered equally.

Job sharers will have one common job description and each partner must be prepared to undertake the full range of duties. The duties may be split in a number of different ways e.g. according to tasks, projects, student-related activity, client/service base. The line manager, in consultation with the job sharers, will determine the actual distribution of the duties either on an allocated basis, or completely shared duties or a combination of the two. This will be monitored by the line manager with the job share partners to establish whether or not the job share is effective operationally.

#### **Job Share Agreement:**

Where a job share is agreed, each job sharer will sign a Job Share Agreement. This includes a 12-week trial period and will apply to both existing and new posts. During the trial period the line manager will meet with staff both individually and together to monitor and record how effective the post is working on an operational basis. The arrangement will be formally reviewed on a regular basis throughout the 12-week period and at a final review meeting at the end of the trial period.

If it is concluded by the line manager at the final review meeting following the end of the trial period that the job share arrangements are not working effectively, the original post holder will revert to their original terms and conditions or be placed on the University's Redeployment Register to seek possible redeployment to another part time post. If neither of these alternatives is possible, the University will have to consider the termination of their contract in line with dismissals for some other substantive reason as set out in the University's Capability Procedure.

If a trial period is not successful the University will have to consider terminating the contract of those newly appointed to a job share post through the above procedure.

#### **Holiday and Sickness Cover:**

Where one job sharer is absent due to sickness or annual leave, there is no obligation for their partner to cover the hours of the job share partner. However, during periods such as long term sickness absence, maternity leave or recruiting a new job share partner, they should be prepared to consider, with their line manager, how the post can continue to operate flexibly. This may involve re-prioritising of duties, or where possible increasing hours or adjusting the normal work pattern on a temporary basis. If a job sharer undertakes to work additional hours, they will be paid at plain time unless their weekly hours worked is in excess of the full-time hours (36.5 per week) from which point overtime would be paid if applicable.

Job sharers should not normally book leave at the same time as this can be disadvantageous operationally. Leave should be booked via the line manager in the usual way. Public holidays and discretionary days will be shared equally between partners on a pro-rata basis regardless of which days they normally work.

#### **Communication:**

Job sharers have primary responsibility for ensuring good communication with each other, effective co-operation and continuity of work. A handover / overlap period is recommended but not compulsory and will be dependent on the nature of the role. In most cases an overlap of a minimum of one hour per week would be expected. The most appropriate methods of communication will be discussed and agreed before the job share commences.

If the shared role requires attendance at meetings it may be a requirement for one job sharer to attend and pass on details of the meeting or to alternate the meeting dates to allow both partners to attend at different times of the week. If it is necessary for

both partners to be present, the working pattern may need to be varied from time to time to accommodate this. This will be determined by the line manager.

### **Terms and Conditions of Employment:**

Each job sharer will receive a separate contract of employment in accordance with the hours to be worked.

Job sharers will:

- be paid pro-rata to the full time rate for the number of hours worked;
- be paid on a salary scale point according to each individual's, previous experience, qualifications and skills;
- be on the same grade in line with the University's grading structure;
- be considered for contribution pay on an individual basis in line with the University's Contribution Pay Scheme;
- receive pro-rata annual leave;
- be entitled to normal provisions of the University's sick pay entitlements;
- be entitled to maternity/paternity/parental leave where appropriate in accordance with the University's policies (any pay due will be on a pro-rata basis to the number of hours worked);
- be entitled to the pension benefits as detailed in the appropriate pension scheme;
- have the same access to training and development opportunities as full time staff.
- have an initial 12-week trial period which runs in parallel with their probationary period for new staff to the University.

### **Application Procedure:**

Where it has been agreed that posts can be job shared this should be stated in the advert. Refusal to agree to a job share proposal from existing employees must be justified on operational grounds. The feasibility of operating the post as a job share should be considered by consulting with their Head of Department and with Human Resources before any decision is taken to advertise. Please refer to the Managers Checklist for flexible working requests and discussion with the appropriate HR Manager/Advisor.

### **Applying for a job share as an existing post holder**

A member of staff who wishes to share their current post should discuss the request with their line manager in the first instance. They should then follow the Flexible Working Request Procedure outlined in section 4.1.

### **Applying as a job sharer to a vacant post**

Where an individual applies for a vacancy as part of a job share without a complementary job sharer and the individual meets the essential criteria of the person specification and is short listed and selected as the best person for the job, consideration will need to be given to advertising for a job sharer and any offer made will be subject to recruiting a job share partner through a single recruitment exercise.

### **Applying with a job share partner/linked applications**

Where two applicants apply jointly for a job share vacancy on a job share basis, selection will be based on assessment of each individual against the person specification in line with the University's Recruitment and Selection Code of Practice. Where one part of a joint/linked application is rejected at either short-listing or after interview, the successful job share applicant will be given the option to continue with their application.

### **What happens when a Job share partner leaves?**

As job sharers are contracted as inter-dependent partners, the departure of one will impact on the other's contractual position. This means that if one job share partner leaves and a replacement cannot be found to cover the remaining hours, the contract of the remaining job sharer may be terminated if no other part time post or alternative job share can be identified. Advice should be sought from Human Resources in these situations.

In the event of a job sharer leaving, the part time vacancy will be advertised following the normal recruitment procedure. On this basis the other job sharer will also have the opportunity to apply to take up the post on a full time basis.

If after advertising on at least two occasions (which may include one internal-only advert) another suitable job share partner cannot be found and a review of the operational needs of the Department show that full time hours are required, recruitment for a full time member of staff will be initiated. At this point the line manager should seek advice from Human Resources and consider the termination of the employment of the remaining job sharer by following the process of termination for some other substantive reason as set out in Section 14 of the University's Capability Policy and Procedure. The University will endeavour to redeploy the remaining job share partner during their notice period to a suitable alternative role with the same, or similar, hours of work.

Where a job share partner leaves temporarily, for example to take maternity or sabbatical leave, a recruitment procedure should be followed in the usual way.

### **3. CATEGORIES OF LEAVE**

This section sets out the different types of leave available to staff. It references separate policies or procedures where these apply and also indicates where the member of staff needs to follow the flexible working arrangements request procedure in order to request such a category of leave.

Absence without leave: Staff who take leave without prior approval from their line manager will be classed as 'absent without leave' (AWOL) for which they have their pay stopped and be subject to investigation under the disciplinary procedure.

#### **3.1 Annual Leave**

All staff are entitled to annual leave and this is detailed in the contract of employment. The annual leave entitlements for full time staff are:

Grades 1 – 5 (up to five years' service)	23 days
Grades 1 – 5 (five years' service or more)	25 days
Grades 6 – 9 Professors and Senior Managers	26 days

For those starting part way through the annual leave year, their entitlement to annual leave will be pro-rated from their start date up to the end of the current annual leave year. In addition to the above entitlement, all full time staff are normally entitled to eight Public Holidays and (normally five) discretionary days when the University is closed. This is pro-rated for part-time staff.

**A Holiday Calculator can be found at:** <http://www.bath.ac.uk/hr/calculators/leave-calculator/index.htm> which can give an estimate of leave entitlement. Leave is calculated by the leave module of the University's HR and Payroll System (iTrent).

### **Annual Leave Year and carry over**

The leave year runs from 1<sup>st</sup> September to 31<sup>st</sup> August. All annual leave must be agreed in advance by line managers and approval is subject to operational requirements, with the exception of academic staff for leave which falls outside of semester and examination periods, where they must inform their Head of Department and any other identified individual prior to taking their leave.

All staff are entitled to carry up to a maximum of five days leave from one leave year to the next. This is pro-rated for part-time staff. Subject to authorisation of the line manager, staff in Grades 1 – 5 may be paid up to a maximum of four days leave if they are prevented from taking their leave entitlement due to operational reasons.

When a member of staff leaves the employment of the University, any outstanding leave (pro-rata to the leaving date) should normally be taken before the end of the notice period. However, where this is not possible, payment may be made in lieu of leave accrued but not taken. If more than the accumulated leave entitlement for the current holiday year has been taken a deduction will be taken from any final payment to the member of staff.

**Guidance Notes on Annual leave, Public Holiday & Discretionary Days** can be found at: <http://www.bath.ac.uk/hr/working/leave/annual-leave/index.html>

**Arrangements for the Reporting of Annual, Sick and Other Leave for Academic Staff** can be found at: <http://www.bath.ac.uk/hr/working/leave/annual-leave/index.html>

For sickness absence reporting for all staff please refer to: <http://www.bath.ac.uk/hr/working/sickness-absence/index.html>.

### **3.2 Time Off in Lieu (TOIL)**

Time off in Lieu (TOIL) is leave which is taken in compensation for additional hours worked at the specific request of the line manager. This would normally be in relation to a specific activity or piece of work. Ideally this should be taken within one month of being accrued. It is different to accrued hours built up through flexi-time.

### **3.3 Career Breaks**

The University of Bath is committed to providing a facility whereby staff can request an unpaid extended period away from employment to meet their personal needs whilst at the same time providing for regular contact between the University and the member of staff with a view to facilitating a later return to work.

The scheme applies to all staff on a permanent (or 'open-ended') contract. The granting of a career break is subject to the agreement of the Head of Department and the relevant line manager and after consultation with Human Resources. Applications for a Career Break should be made via the Flexible Working Application Form at least fifteen weeks in advance of the proposed commencement date. This notice may be varied where exceptional, compassionate circumstances exist.

#### **Reasons for a Career Break**

Possible reasons for staff seeking a career break are listed below but this is not an exhaustive list and each request will be considered on its merits:

- to take care of dependants e.g. pre-school children, or during the serious illness of a child or close relative;
- to undertake long term, full-time study (the course must be relevant to the job role)
- to travel or work on a voluntary basis (including visits to relatives overseas and to accompany a partner working abroad).

Examples of the type of activity for which a career break would **not** be allowed include:

- to take up any other employment (either permanent or fixed term);
- to start own business;
- to look after a child where both parents work for the University and one parent has already been allowed a career break for this purpose.

### Eligibility

In order to be eligible for a career break staff must have completed a minimum of five years continuous service with the University at the point of application.

### General terms and conditions during a career break:

- **Period of Leave:** a career break must be between a minimum of six months and a maximum of twelve months;
- **Pay:** during the inclusive dates of a career break, the leave will be unpaid.
- **Continuous service:** the inclusive period of a career break will be classed as a period of unpaid leave and will not count as a break in service. This period will not however count as continuous service for the purposes of accruing contractual annual leave and maternity pay entitlement. Statutory holiday entitlement will not be accrued during this period as it is not working time
- **Sick pay:** there is no right to sick leave and sick pay during the inclusive period of a career break. On return to work at the end of a career break, staff will return with the same entitlement to sick pay that they had on their last working day before they started the career break.
- **Pension:** both employee and employer pension contributions to the pension scheme (USS and LGPS) will cease during the period of a career break. Unpaid leave is treated as suspended membership and will not count as pensionable service. On return to work staff may be entitled to pay additional pension contributions subject to the rules of the pension scheme and where necessary subject to the agreement of the University. Details on the USS scheme can be found at: <http://www.uss.co.uk/SchemeGuide/FinalSalaryBenefitssection/lifeevents/takingaleaveofabsence/Pages/default.aspx> and <http://www.avonpensionfund.org.uk/active/faqs.htm#12>
- **Salary increments:** any incremental increases occurring during a career break period would be frozen during the period of the career break and would only be payable from the return to work date.
- **Redundancy:** staff will retain their right to redundancy pay in line with paragraph 4.9 of the University's Managing Organisational Change Policy & Procedure.
- **Other full time or part time paid employment:** should not be undertaken during the period of a career break.
- **Changes of address, contact details etc. and/or circumstances:** it is the responsibility of the member of staff to inform the Human Resources Department as soon as possible of any changes during the career break.
- **Alteration of dates:** once an agreed time period for a career break has been approved, any alteration can only be made by mutual agreement with the line manager.
- **Eligibility for a further career break:** staff will need to accrue five further continuous years' service after their return to work before being eligible for a further career break.



- **Skills and knowledge essential to the post and to their successful return to work:** it is the responsibility of the member of staff to ensure that these are kept up to date during a career break.
- **Failure to return to work on specified dates or failure to fulfil other requirements of the scheme:** can result in the termination of employment by the University.
- **Staff taking a career break immediately after maternity/adoption leave:** will only be entitled to statutory maternity/adoption pay and not occupational maternity pay (OMP) as they will not meet the return to work requirements under the provisions of the maternity/adoption leave policy.

#### **Return from a career break:**

- **At least twelve weeks before the agreed return date:** staff must write to their line manager, confirming that they will be returning to work on the agreed return date, copying this to the designated Human Resources Manager.
- **Meeting:** the line manager will arrange a meeting to discuss return to work options and any relevant training and/or induction session.
- **Alteration of dates:** once dates for a career break have been agreed, staff will not normally be allowed to return before that agreed date. However, if personal circumstances change, the line manager will give consideration to a request for an earlier return than planned made at the earliest possible opportunity. In doing so the line manager will have to consider this request within the operational requirements of the department and its staff and the University and therefore it should be noted that it may not be possible to agree to an earlier return to work date depending on the circumstances.
- **Not returning to work:** if staff decide not to return to work at the end of a career break, they must give their line manager and the University written notice in line with their contract of employment, before the end of the absence period.
- **Delayed return due to sickness:** if staff are unable to return to work on the agreed return date due to sickness, they must provide a medical certificate ('fit note'/MED3 or 5 form) from the first date of their return to work to cover this absence.
- **Returning to the same post:** the University will endeavour to facilitate the return of the member of staff on a career break to the post which they occupied prior to the period of leave or to a post that is similar in terms of duties and skills and on terms and conditions no less favourable than those which applied before the career break.

**Keep in Touch (KIT) Days:** To maintain skills and workplace knowledge managers and staff may agree paid keeping in touch (KIT) /training days during the break. Should the member of staff return to University employment at the end of a career break they will be paid the equivalent number of KIT days under their new contract. The original employing Faculty/School/Service is responsible for meeting the costs of any training or work experience activities.

#### **Recruiting to the vacant post**

The vacant post will normally be covered as a fixed term appointment or could be offered as a secondment opportunity. Requests for replacement will be subject to the usual University procedures for vacancy filling as outlined in the Recruitment and Selection Code of Practice found at: <http://bath.ac.uk/hr/working/recruitment/approvaltorecruit/codeofpractice.html>

### **3.4 Compassionate Leave**

At the discretion of the line manager, up to five days paid leave, including attendance at the funeral may be granted to a member of staff who has suffered the death of an immediate family member. This will be pro-rated for staff working part time. If additional time beyond this is needed to travel to the funeral, staff should apply for annual leave through their line manager.

### 3.5 Dependant Care Leave

There is a statutory provision for staff to take a reasonable amount of unpaid time off work to deal with an emergency involving their dependants, and to make any necessary longer-term arrangements. The length of time will vary according to the circumstances but in most cases, as a guideline, one or two days should be sufficient.

*A dependant is defined as the husband, wife, child, or parent of the member of staff. It also includes someone who lives in the same household, for example, a partner or an elderly relative or anyone who depends on a member of staff for arrangements for the provision of care or assistance.*

Staff can take unpaid time off under the following circumstances:

- if a dependant falls ill or has been injured or assaulted;
- when a dependant is having a baby;
- to support a dependant who has a disability;
- to make longer term care arrangements for a dependent who is ill or injured;
- to deal with the death of a dependant;
- to deal with an unexpected disruption or breakdown in care arrangements, such as a child minder or nurse failing to turn up;
- to deal with an unexpected incident involving their child during school hours, for example, if the child has been injured, suspended or involved in a fight.

Staff must notify their line manager as soon as possible of the reason for the absence, and how long it is expected to last. In many instances it may be possible to obviate the need to take unpaid leave by re-arranging working hours or using flexi-time, where appropriate.

### 3.6 Disability Leave

Details of this policy can be found at:

<http://www.bath.ac.uk/hr/working/leave/disability-leave/index.html>

### 3.7 Family Leave

#### 3.7.1 Maternity/Adoption Leave

Details of this policy can be found at:

<http://www.bath.ac.uk/hr/working/leave/maternity/index.html>

#### 3.7.2 Paternity (Updated 30 October 2015)

A parent may take either one or two consecutive weeks' paid paternity leave provided they have 26 week's continuous service by the end of the 15<sup>th</sup> week before the expected date of birth or by the end of the week in which they are notified of being matched with a child for adoption. This is providing that they will be fully involved in the child's upbringing and are taking time off to support the mother or care for the baby.

They must be *the biological father of the child, or the mother's husband or partner (including same sex relationships), or the child's adopter or the partner of the adopter.* Paternity leave can start – with due notice of at least 15 weeks - either on the day the baby is born, or a number of days or weeks after the baby is born but must end within 8 weeks of the date of birth. Members of staff who qualify would be paid at full pay.

Details of paternity leave and a Paternity Leave Application Form can be found at: <http://www.bath.ac.uk/hr/working/leave/paternity-leave/add-paternity-leave/index.html>

### **3.7.3 Parental Leave** (updated 30 October 2015)

Staff who are the parents of one or more children or who adopt a child and who have at least one years' continuous service are entitled to a total of eighteen weeks' unpaid parental leave – with due notice (21 days' notice before the intended start date or 21 days' before the week an adopted child is expected) - in respect of each child up until the child's 18<sup>th</sup> birthday. Part time staff will receive a pro-rata amount of parental leave.

Up to a maximum of four weeks' parental leave can be taken per year per child. It cannot be taken in blocks of less than one week unless the child is disabled, in which case a single day or more can be taken. Leave can be taken immediately following the birth of a child or immediately following its adoption. However the University has the right to postpone the taking of leave for up to six months at any other time, if it can be shown that operational circumstances demand it. If it is postponed, the line manager must write explaining why within 7 days of the original request and suggest a new start date – this must be within 6 months of the requested start date. The line manager cannot change the amount of leave being requested.

Requests can be made by completing the Parental Leave Application Form which can be downloaded at: <http://www.bath.ac.uk/hr/working/leave/parental/index.html>

### **3.7.4 Shared Parental Leave**

Details of this policy can be found at:  
<http://www.bath.ac.uk/hr/working/leave/shared-parental-leave/index.html>

## **3.8 Sabbatical Leave**

Academic staff (*lecturers, senior lecturers, readers, professors*) on a permanent academic contract can apply for sabbatical leave (*a continuous period of release from normal academic duties*) in order to pursue research, for teaching development, knowledge transfer, or other activities of benefit to the University. Entitlement to sabbatical leave is not automatic but based on the merits of a proposal and the strategic needs of the Departments. Sabbatical leave (in full or large part) should normally be spent at another University or Research Institution. However, leave on different terms may be considered.

Under the **University's Sabbatical Leave Scheme**, academic staff with three years of continuous service can apply for a six month period of leave on full pay. Staff with six or more years of service may apply for a one year period on full pay. The qualifying period should normally begin after the completion of probation. It will normally run during any academic year from either 1 February – 31 July or from 1 August – 31 January. Applications must be made using the application form found at <http://www.bath.ac.uk/hr/working/leave/sabbatical-leave/index.html> via the Head of Department.

Applications for sabbatical leave under section **17.16 of the Ordinances** will also be considered. This entitles academic staff to apply for one years' sabbatical leave at half pay after seven years' continuous service, provided that the timing of such leave is approved by the Head of Department/School (or, in the case of a Head of

Department, by the Dean of Faculty), together with the venue and programme and subject to approval by the Vice-Chancellor.

Under **Ordinance 17.19** applications for a period of secondment or unpaid leave of absence for professional reasons for up to a maximum of two years may be granted to Academic staff by the Vice-Chancellor, subject to a report to Council. Applications should be made to the Dean/Head of Department/School in the first instance.

#### **Academic Staff - Leave to attend conferences courses or similar meetings**

Under Section **17.17** of the Ordinances Academic staff may be granted leave by the Head of Department/Head of School, normally without reduction in salary and allowances, for periods of up to two weeks in semesters and up to one month in vacations, in any one academic year to attend conferences, courses or similar meetings connected with their work.

Guidance on Secondments can be found at: <http://www.bath.ac.uk/hr/working/recruitment/secondment/index.html>

### **3.9 Leave for Civic and Public Duties; Jury Service; Trade Unions Duties**

#### **3.9.1 Civic and Public Duties**

All staff are allowed up to a maximum of ten working days paid leave, pro-rated for part time staff, subject to the exigencies of the service, in any twelve month period, to undertake public duties as one of the following:

- a magistrate/justice of the peace (14 working days paid leave)
- a local councillor;
- a school governor;
- a member of any statutory tribunal (e.g. an employment tribunal);
- a member of the managing or governing body of an education establishment;
- a member of a school council;
- a member of the General Teaching Councils for England and Wales;
- a member of the Environment Agency;
- a member of the prison independent monitoring boards;
- a member of a Water Customer Consultation Panel;
- or public duties of a similar nature.

Further government guidance can be found at: <https://www.gov.uk/time-off-work-public-duties>

Staff should contact Human Resources to discuss any public duties which are not listed above but which may be considered to be comparable.

#### **3.9.2 Non-Regular Forces**

Staff who are volunteer members of Non-Regular Forces (e.g. Territorial Army) who attend summer camp will normally be granted ten working days paid leave per year in addition to their normal annual leave entitlement. Territorial Army members have special employment protection if called up.

Staff should advise their line manager and Human Resources before first entering into such commitments and discuss the extent of the commitment and the implications for their work. Evidence of membership will need to be provided. Paid leave of absence should be approved and recorded in the usual way.

### 3.9.3 Jury Service/Trial Witness

The University will normally grant leave for staff who are called to attend court for either jury service or as a witness during a trial. Leave should be applied for in advance via iTrent. Staff should keep their line manager regularly informed about how long they are likely to be away from work. If the jury service lasts for less than half a day staff must return to work for the remainder of the day, wherever practicable. The line manager must inform the Payroll Manager by e-mail of the jury service dates of their staff.

Staff will be paid an advance by the University during jury service and as a trial witness but should still complete the form provided by the court entitling them to claim for loss of earnings, together with travel and subsistence as appropriate. The form should be passed to HR in the first instance for completion of employee pay and job details and Employer stamp. This should then be passed to the Court. When this is paid by the court staff will receive a receipt (Certificate of Loss of Earnings or Benefit) from the Court showing the amount of payments received under the various headings. This should be forwarded to Payroll who will deduct the benefits received from the court accordingly. These provisions do not apply to staff appearing as an expert witness on a paid basis.

### 3.9.4 Trade Union Duties

Reasonable time off with pay during working hours will be granted to staff undertaking trade union duties or for approved training in line with the University's Trade Union Recognition & Facilities Agreement. Further details can be found at: <http://www.bath.ac.uk/hr/working/difficult-situations/trade-unions/trade-union-recognition/index.html>.

## **4. REQUESTING FLEXIBLE WORKING ARRANGEMENTS**

### 4.1 Flexible Working Request Procedure

Requests for **any type of flexible working, including flexible retirement**, should be made in writing by completing a [Flexible Working Application Form](#) and submitting it to the relevant line manager and copying to the Human Resources Advisor/Manager. For Academic staff, requests should be submitted to the Head of Department/Head of School, (or to the Dean in the case of a Head of Department). It is not an automatic right that any request will be granted but all requests will be considered carefully taking into consideration operational requirements. With the exception of flexible retirement, only one flexible working application can be made within a period of 12 months.

#### **How to make a flexible working request application**

The Flexible Working Application form must be completed by the member of staff specifying the following details:

- That this is a request to change terms and conditions of employment i.e. a change to: the hours of work, the times required to work, to work from home.
- The reason for the request.
- The change applied for and the date on which it is proposed the change should become effective (this may take from 12 – 14 weeks).
- What effect, if any, they think making the change applied for would have on the team/service/department and how, in their opinion, any such effect might

be dealt with so that their request could be managed without a reduction to the service provided.

- Whether a previous application has been made and if so the date on which it was made.
- The date of the application and the applicant's signature.

### **What action is taken upon receipt of the application?**

#### **Discuss the application**

- Normally it will be important for the line manager to meet with the member of staff to discuss their request and its impact as soon as possible after receiving the application.
- At the meeting staff may be accompanied by a work colleague or trade union representative if they so wish.
- If either is unavailable for this meeting, an alternative time will normally be arranged.
- If the member of staff is unable to attend the original meeting and the rescheduled meeting the application will be considered withdrawn. The line manager will inform the member of staff if this is the case.
- The line manager should normally seek advice from their HR Advisor/ Manager to ensure that they are considering requests equitably and in line with current legislation, this policy and the available guidance notes and checklist. [link]

#### **Consider the request**

- Time should be allowed for discussions to take place with other members of staff with regard to consideration of and consultation on any potential operational impact of the request, including on the service provided, students /customers and the other staff involved.
- For **flexible retirement requests** the line manager must seek approval from the Dean/Director of Finance and Commercial Services for USS members or Head of Department/Head of Professional Service for LGPS members before confirming the outcome.

#### **Deal with the request promptly**

- The law requires that all requests, including any appeals, must be considered and decided on within a period of **three months** unless an extension to this period is approved by mutual agreement. For example this may be agreed to accommodate holiday arrangements or particular business commitments. Any agreed extension should be discussed with the relevant HR Advisor/Manager and should be recorded in writing.

#### **Dealing with multiple requests**

- Where requests to work flexibly are received closely together from different employees it may be possible to grant all the requests received. However, before doing so the line manager will need to look closely at the impact this would have on the business before coming to a decision.
- Requests should be considered in the order they are received. Having considered and approved the first request it should be noted that the business case context has now changed and can be taken into account when considering the second request against the business reasons set out at section **4.2**.
- When the line manager receives more than one request, they are not required by law to make value judgments about the most deserving request. Each case should be considered on its merits looking at the business case and the possible impact of refusing the request.

- The line manager may want to have a discussion with the member of staff to see if there is any room for adjustment or compromise before coming to a decision.
- If the line manager is unable to approve a request because any further flexible working arrangements will impact adversely on the business, it would be good practice to consider calling for volunteers from existing flexible working staff to change their contracts back to other arrangements. This could then create a capacity for new requests to work flexibly.

#### **What action is taken after the meeting?**

- If the line manager agrees to the request for flexible working or to the request but with agreed amendments, this decision will be implemented from the agreed start date.
- There may be instances where the line manager is unsure whether the arrangements requested are sustainable in the business or about the possible impact on other members of staff's requests for flexible working. In this situation the line manager can agree to flexible working arrangements for a temporary or trial period rather than rejecting the request. This will be agreed in writing. During any trial period, the change to any terms and conditions of employment will be regarded as temporary.
- It is good practice to set review points when the member of staff and their line manager can jointly discuss how the new arrangements are working and make any adjustments necessary (this will not apply to flexible retirement requests).
- The line manager will inform the HR Advisor of the details of any agreed change to ensure that the necessary paperwork is completed.
- On receipt of the signed variation letter from the member of staff, Human Resources will action any change and inform Payroll and the Pensions Officer.

Any variation in contractual terms approved under the above regulations is a permanent one and staff have no automatic right to change back to their previous pattern of work, unless the application seeks the variation for a specified time period only.

#### **Can an application be withdrawn?**

Staff may withdraw their request for flexible working at any time before it has been accepted and any new terms and conditions put in place. However, if they do so they will not be eligible to make a further application within 12 months. A request can be treated as withdrawn if the member of staff, without good reason, fails to attend two consecutive meetings to discuss the request or an appeal.

#### **4.2 What happens if an application is not supported?**

If an application is refused, the line manager will reply in writing setting out one or more of the business reasons and how these apply to the application. The business reasons are as set out in section 80G of the Employment Rights Act (1996):

1. The burden of additional costs.
2. Detrimental effect on the ability to meet customer demand.
3. Inability to re-organise work among existing staff.
4. Inability to recruit additional staff.
5. Detrimental impact on quality.
6. Detrimental impact on performance.
7. Insufficiency of work during the periods the employee proposes to work.
8. Planned structural changes.

Staff will be notified of the appeals procedure as set out in **4.3**.

### **4.3 Flexible Working Appeal Procedure**

#### **How must an appeal be made?**

Staff who wish to appeal a decision made under the Flexible Working procedure should complete the [Flexible Working Appeal Form](#) and send it to the Director of Human Resources within 10 working days of receipt of the letter of refusal notification.

#### **Who will hear the appeal?**

The appeal will normally be heard by the Head of Department/Head of Professional Service (or his/her nominee who should be senior to the manager who made the decision being appealed), supported by an HR Manager who has not been involved in the original decision, normally within 4 weeks of receipt of the appeal form, unless otherwise agreed between the parties, and within 3 months of receiving the original request for flexible working unless an extension is agreed with the member of staff. Where there is no appropriate person within the Department, a Head of Department from a different department may hear the appeal.

Staff will be notified in writing of the outcome of their appeal as soon as possible after the appeal meeting. There is no further level of internal appeal.

#### **Can they be accompanied?**

The member of staff may be represented or accompanied by a trade union representative or work colleague at the appeal meeting.

#### **Flexible retirement Appeals: LGPS**

In the event of the application not being supported by the Head of Department/Head of Professional Services, a right of appeal exists under the Local Government Pension Scheme Internal Dispute Resolution Procedure (IDPR). For the purpose of the IDPR, the person nominated by the University to hear the appeal is the Director of Human Resources. Details can be found on the Avon pension fund website at <http://www.avonpensionfund.org.uk/>.

#### **Flexible retirement Appeals: USS**

If an application for flexible retirement is not supported by the Dean/Director of Finance and Commercial Services, an appeal against a refusal to grant a flexible retirement request will be heard by either the Deputy Vice-Chancellor, or a Pro-Vice-Chancellor or the University Secretary advised by the Director of Human Resources or his/her Deputy.

**Updated January 2016**