



Procedures

Flexible Working Policy

PROCEDURES

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HERIOT-WATT UNIVERSITY
FLEXIBLE WORKING POLICY

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PROCEDURES

These procedures should be read in conjunction with the [University's Policy on Flexible working](#)

In addition, Managers should refer to the [Guidance and FAQs](#) before dealing with a flexible working request.

Employees considering making a request for flexible working may find the [FAQs for Employees](#) helpful.

1 PROCEDURE FOR MAKING A STATUTORY FLEXIBLE WORKING REQUEST

Step 1 – Application by employee

The employee makes an application in writing to his/her manager (using form FW1 which is available on the [Human Resources website](#)). Where the University agrees to the flexible working pattern requested this will result in a permanent change to the employee's terms and conditions of employment (unless a trial period is agreed in the first instance). There is no automatic right to revert to the previous working pattern at a later date. It is important therefore that, before making an application, the employee gives careful consideration to which working pattern will be best for them and any financial implications it might have on them. Flexible working requests should be submitted at least three months before the employee wants the new working pattern to take effect, and the more notice that is provided, the more likely any agreed change to a working pattern can be implemented the date requested by the employee. Employees will be able to make only one statutory application in a 12 month period¹.

The written application must provide the following information:

- The change applied for and the date on which the proposed change should take effect, bearing in mind that at least three months' notice is requested
- An explanation of any effects the change will have on the University's business and how these might be accommodated

In addition, it would be helpful if employees include the following information in their application:

- The reason for the request, especially if you think the University's Equal Opportunities Policy may be relevant, for example where your request relates to caring responsibilities, a reasonable adjustment for disability, improved work-life balance, flexible retirement, or other reasons. The reason for the request will not usually be a factor in deciding whether or not the request is approved, but will be used for equal opportunities monitoring, and may be taken into account where it impacts on the University's equal opportunities obligations.
- Where the request relates to flexible retirement, the employee should note their pension scheme terms on flexible retirement, for example USS requires a reduction in working hours and salary of at least 20%. For LGPS members there must be a minimum of a 20% reduction in employee's hours and /or a drop of two grades. For current information on pension scheme terms relating to flexible retirement, please refer to the relevant pension scheme website.² In addition, the Pension Schemes apply a strict minimum

¹ For flexible retirement, some pension schemes allow a maximum of two applications in total

² USS – www.uss.co.uk

LGPS/Lothian Pension Fund – www.lpf.org.uk

Teachers Superannuation Scheme – www.sppa.gov.uk

period of notice and if this is not provided, the employee will be unable to access their pension benefits. Please refer to the Guidance and FAQs for more information. Payroll can also advise on timescales.

Step 2 – meeting between employee and manager

The employee's manager will arrange to meet with the employee, usually within 28 days from the date of receiving an application. This will provide the manager and the employee with the opportunity to:

- explore the desired work pattern in depth;
- discuss if the change in work pattern has any effect on the grade and salary of the role;
- discuss how best the request might be accommodated;
- provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's application.

The employee may bring a work colleague or trade union representative to the meeting.

For flexible retirement requests, the manager will seek input from Finance (Payroll) to confirm there is no cost to the University. ***NB: There are minimum periods of notice required by the pension schemes and if these are not met then the employee will be unable to access their pension. Consequently it is particularly important that Flexible Retirement requests are dealt with promptly at this stage to enable those notice periods to be met. Please refer to the FAQs and Guidance for more details***

Where there is a cost to the University in granting a flexible working request, e.g. additional resource required as a result of the employee's reduction in hours, Vacancy Management Group approval will be required

Step 3 – outcome of application confirmed to employee

Within around 14 days of the date of the meeting, the manager will write to the employee to confirm their decision:

- Where the University agrees to the new work pattern, the employee will be advised of this and the date on which the new work pattern will start. Human Resources will then write to the employee setting out in full the agreed changes to the employee's terms and conditions of employment, including any change to salary or grade, and the date they will become effective. The employee will be asked to sign and return a copy of the letter and this will be placed on their personnel file.
- For flexible retirement requests, Payroll will send notification to the Pension Scheme once they have received a copy of the above letter.
- If the application is refused, the University will set out the business ground(s) for this and the reasons why the ground(s) applies in the circumstances. The employee will also be advised of their right of appeal and the process for doing this.

There may be occasions when the manager wants to investigate aspects of the proposed new working pattern before notifying the employee with their final decision, in

which case the employee will be asked to agree to an extension to the 14 days notification period.

An application shall only be refused on one or more of the following grounds:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work among existing staff or recruit additional staff
- detrimental impact on quality or performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

Statutory requests should not be rejected for any other reason.

Employees will not be eligible to make another flexible working request until 12 months after the date of his/her original application.

Step 4 - Appeal procedure

If an employee wishes to appeal the decision, s/he must set out his/her grounds of appeal in writing and send these to the Director of Human Resources within 14 days of receiving the decision.

The Director of Human Resources or his/her nominee will meet with the employee and manager, usually within 14 days of receiving the appeal. The employee may bring a work colleague or trade union representative to the meeting. The purpose of this meeting is to hear the original request, discuss the outcome of the meeting between employee and manager, the reasons for the original decision, and the grounds for the appeal. Following the meeting, the Director of Human Resources will write to the employee, usually within 14 days, stating the final decision and the grounds for the decision.

Withdrawal of request

A request will be treated as withdrawn if:

- the employee withdraws the request;
- the employee fails to attend two meetings to discuss the request without reasonable cause; or
- the employee unreasonably refuses to provide the University with the information needed to assess the request.
- If the application is withdrawn, the employee will not be eligible to make another formal request until 12 months after the date of his/her withdrawn application.

2 PROCEDURE FOR MAKING A NON-STATUTORY FLEXIBLE WORKING REQUEST

Employees should make the request in writing using form [FW1](#). Managers should discuss the request with the employee and respond to the request in a reasonable timescale, but not later than three months from the date the request was made. If the request is approved by the manager, Human Resources will confirm in writing the appropriate changes to the terms and conditions of employment. There is no right of appeal in the case of a rejected non-statutory request.

3. POLICY VERSION AND HISTORY

Version No	Date of Approval	Approving Authority	Brief Description of Amendment
V. 3.5	1.4.16	University Executive	In response to legislative changes and to clarify the non-legislative position Additional separate Guidance added Oct 2020