



Flexible Working Policy

UK/Dubai campuses

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HERIOT-WATT UNIVERSITY
GLOBAL POLICY ON FLEXIBLE WORKING
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POLICY

1.	INTRODUCTION
	This Policy and accompanying Procedures are part of broader arrangements designed to support flexible working approaches which will enable colleagues to thrive within an ever-changing operating environment. This Policy adheres to UK legislation and specifically the Right to Request Flexible Working as updated in April 2024. The Statutory Rights referenced within the UK legislation have been incorporated into this Policy and Procedure. Flexible Working takes account of employees' preferences, interests and non-work responsibilities whilst ensuring business needs are met. The term 'flexible working' describes any working arrangement where employee wishes to vary from their standard practice on an agreed and semi-permanent or permanent basis and where our Connected Hybrid Working Policy and Guidelines are not flexible enough to meet the specific circumstances. This Policy is designed to meet the needs of both employees and the University and aims to facilitate discussion between an employee and their manager to agree a flexible working pattern where a contractual change is required. Requests for flexible working may be made for many different reasons, for example, caring for dependents¹, flexible retirement, undertaking part-time training or voluntary work, or pursuing a hobby or interest. Employees may request a change to the hours they work, the times when they are required to work or their location of work. Such requests might include for example, reduced hours, job-sharing, compressed hours or term-time working.
2.	SCOPE
	This Policy and associated Procedure applies to all staff employed by the University in the UK. Employees based in Dubai may request flexible working under this Policy, depending on the conditions and requirements of the job. Any changes to salary and benefits resulting from a Flexible Working Request must be included in the contract. Please contact the Dubai HR Team for further advice. The Key Principles are recognised as general global aspirations; however, staff based in Malaysia should contact their local Human Resources Team for advice as differing local labour laws may require alternative arrangements and working practices. Employees in the UK who are on a Skilled Worker Visa should seek advice from the UK HR team before making an application. All employees have the right to request flexible working and can make two requests in every 12-month rolling period. Employees who submit a flexible working request must wait until it has been considered and any appeal concluded before submitting another. There is no qualifying period required to make a flexible working request; employees have the right to make a flexible working request from day one of their employment.

¹ Note that there is also a Carers' Leave Procedure as part of the Supporting Family Life Suite

	This Policy also applies to staff who wish to take Flexible Retirement in the UK and who meet the conditions of the relevant retirement scheme. Where an employee wishes to work flexibly on an informal or temporary basis or without the need to change terms and conditions of employment or wishes to agree a hybrid working agreement with their manager to work, for example, two days from home and three days in the office, the Connected Hybrid Working Policy should be utilised. A candidate who has been formally offered and has accepted employment but who has not yet started work, may submit a request for Flexible Working.
3.	KEY PRINCIPLES
	The key underlying principles are: • The University is committed to creating an inclusive culture and supporting an environment for creating and sustaining a sense of belonging • The University recognises that flexible working allows the retention of employees with valuable knowledge and experience, and will therefore give serious consideration to all requests for flexible working • The University is primarily a campus-based organisation • Both the Flexible Working Policy and the Connected Hybrid Working Policy supports and manages requests for flexible working • Each Flexible Working request will be considered with the underlying importance of fairness and equity, taking into account the role and responsibilities of the employee and the impact the requested change could have on individual, team or School/Directorate performance • Requests for informal flexibility or where a contractual change is not required are catered for under the Connected Hybrid Working Policy. •
4.	LINES OF RESPONSIBILITY AND TIMESCALES FOR DEALING WITH REQUESTS
	Timescales All requests will be dealt with as soon as possible and within two months from receipt of the request by the line manager to notification of any appeal decision. This means, in reality, that a request for flexible working should be considered, a meeting held and a decision communicated within one calendar month to allow for any appeal raised to be heard and outcome communicated within the statutory deadline. The time limit may be extended by mutual agreement of both parties. Any agreed extension must be given in writing. For clarity, the start date of the new arrangement does not have to fall within the two month period for dealing with requests. In keeping with good practice, Managers must: • take the request for flexible working seriously and give careful consideration to each request, including consideration of whether the change in work pattern has any effect on the grade of the post or cost to the University • determine the impact of the request on the business without making a judgement on the reason for the request for flexible working • discuss requests/consult with the employee and confirm outcomes in good time, as set out in the University's Flexible Working Procedures and within

	the statutory limit of two months unless mutually agreed otherwise. (Note the implementation date does not need to be within two months.) • ensure the employee is advised in writing of the reasons if the request is not agreed • ensure consistency is applied when dealing with flexible working requests • consider requests in the order in which they are received Employees should • be aware that whilst the University supports flexible working, the needs of the business must also be balanced • be open to alternative working patterns as a means of achieving flexible working and balancing the needs of the business • make an application ideally at least three months in advance of when they would like the desired working pattern to take effect. • bear in mind that a statutory request for flexible working involves a permanent change to working patterns and there is no automatic right to revert to the previous working pattern at a later date. (It is however possible to make a flexible working request for a set /temporary period of time which will lead to a temporary/fixed term change to working patterns) The Human Resources Department will: • advise on the operation and application of this policy and procedure • take a proactive role in ensuring consistency of application across the University • maintain records of flexible working requests and outcomes for equal opportunities monitoring
5.	MONITORING AND EVALUATION
	Records and information obtained under this Policy and the related Procedure will be held and reported on in line with the Data Protection Act 2018², the University's Records Retention Policy and in line with the Staff Privacy Notice. Data is held securely and accessed by and disclosed to individuals only for the purposes of assessing eligibility for Flexible Working or Flexible Retirement; sharing useful information as an anonymous distribution list or with the individual's line managers. General statistics are maintained and reported for equal opportunities monitoring, Freedom of Information requests and key performance indicator purposes. Any reports produced using this information will be kept securely and confidentially with personal data removed in accordance with the requirements of relevant Data Protection Legislation in each of our jurisdictions and the University's Records Retention Policy. This Policy and related Guiding Principles will be reviewed every five years from the date of implementation, or earlier should circumstances dictate or legislation change. Any amendments will be notified to employees through the normal communication channels and/or e-mail. This Policy and related Procedures will be maintained on the HR Web page under Flexible Working Section https://www.hw.ac.uk/uk/services/human-resources/human-resources-policies.htm

² The appropriate relevant legislation in Malaysia is the Personal Data Protection Act 2010

6.	RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE	
	All HR Policies and Procedures can be found at this link: https://www.hw.ac.uk/uk/services/human-resources/human-resources-policies.htm Policies • Connected Hybrid Working Policy • Leave of Absence Policy • Supporting Family Life Overarching Policy (for Carers' Leave) Procedures • Flexible Working Procedures • Carers' Leave Procedures Further reference • Flexible Working Request Form (FW1) • Flexible Working – Guidance for Managers • Flexible Working - FAQs Flexible Retirement Information on pension provider conditions: http://www.uss.co.uk http://www.lpf.org.uk http://www.sppa.gov.uk Employees and Managers can find further information and guidance on the HR Intranet at this link: https://heriotwatt.sharepoint.com/sites/hr	
7.	DEFINITIONS	
	Flexible Working	Any working arrangement where the working pattern varies from standard working hours for the role as a fixed and formally agreed arrangement resulting in a change to terms and conditions of employment
	Connected Hybrid Working	Informal, short term or occasional arrangements to work away from campus where the role allows and where there is no requirement to change terms and conditions of employment
	Statutory Request	The right under UK legislation to make a request to amend terms and conditions of employment; this right has been subsumed into the Policy and applies in general terms to all campuses as appropriate.
	Day One Right	Employees do not have to have been employed at Heriot-Watt University for a period of time before making a flexible working request
	Flexible Retirement	The ability to reduce working hours and start drawing occupational pension

8.	FURTHER HELP AND ADVICE			
	For general HR support please contact HR helpdesk. For specific Dubai and Malaysia queries please contact: • HR Dubai hrdubai@hw.ac.uk • HR Malaysia hr.my@hw.ac.uk For queries relating to UK pension scheme conditions for flexible retirement, and information on pension implications of reduction in working hours contact HR helpdesk. This Policy is available in Alternative Format upon request (reasonable adjustment) by contacting equality@hw.ac.uk British Sign Language (BSL) users can contact the University via the online BSL Video Relay Interpreting Service: https://contactscotland-bsl.org/			
9.	POLICY VERSION AND HISTORY			
	Version No	Date of Approval	Approving Authority	Brief Description of Amendment
	V. 3.5	01 April 2016	UE	Legislative Changes in UK
	V 3.6	October 2020	N/A	Additional Guidance provided
	V 4.0	02 July 2024	N/A	Refreshed following UK legislative changes



Procedures

Flexible Working Policy

PROCEDURES

HERIOT-WATT UNIVERSITY

PROCEDURES TO SUPPORT GLOBAL FLEXIBLE WORKING POLICY

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1.	INTRODUCTION
	These Flexible Working 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. This Procedure does not apply to any request for a hybrid working arrangement which should be dealt with separately and in line with the Connected Hybrid Working Policy and Procedures.
2.	PROCEDURE FOR MAKING A FLEXIBLE WORKING REQUEST
	Step 1 – Request by employee The employee makes a request in writing to their 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 a request, 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 ideally a minimum of three months before the employee wishes the new working pattern to take effect. The total time to receive an outcome from date of submission and including appeal will be no more than 2 months unless mutually agreed to extend that timeframe. This means in reality, a request for flexible working should be considered, a meeting held and a decision communicated within one calendar month to allow for any appeal raised to be heard and outcome communicated within the statutory deadline. The implementation date of the new working pattern does not have to fall within that two month period. Employees can make up to two statutory requests in a rolling 12-month period, however, only one request can be live at any given time. The written request must provide details of the change that is being requested and the date on which the proposed change should take effect. In addition, it would be helpful if employees set out the reason for the request, for example, whether the 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 equality and diversity

	obligations. It can also help to discuss alternatives where the preferred request is not possible for business reasons. Where the request relates to <u>Flexible Retirement</u>, the employee should note their pension scheme terms on flexible retirement, for example, for LGPS and USS members there must be a minimum of a 20% reduction in employee's hours. For current information on pension scheme terms relating to flexible retirement, please refer to the relevant pension scheme website (see Section 4 below). In addition, the Pension Schemes apply a strict minimum 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 Where a request has been received for compressed hours, the line manager is required to seek advice from HR prior to holding a meeting with the employee to ensure consistency in application of compressed hours and guidance given to staff working on compressed hours. There may be circumstances where the request will have an impact on an employee's visa. If the employee holds a visa then HR in the relevant location must be consulted prior to any agreement to change working hours, to ensure visa compliance. The employee's manager will arrange to meet with the employee, within 14 calendar days of receiving the request. 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; • consider whether a trial period to see how the proposed arrangement works is advisable (and agreeable). • 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. UK employees may bring a work colleague or trade union representative to the meeting. <i>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.</i> 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 – Notifying the employee of the decision Within 14 calendar days of the date of the meeting, the manager will write to the employee to confirm their decision. The Flexible Working Form FW1 must be fully completed and signed by the employee and their line manager (and for compressed hours the Executive Dean or Director).
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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. The line manager must provide HR with the fully completed and signed FW1 form. HR will 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 grade³, • the date the new working pattern/changes become effective • any other changes to terms and conditions that may be required as a result of the approval of the flexible working request. The employee will be asked to sign and return a copy of the letter, and this will be placed on their HR Record. For flexible retirement requests, Payroll will send notification to the Pension Scheme once they have received a copy of the above letter. The line manager must contact HR to seek advice on the application prior to declining any flexible working requests. If the request is refused, the line manager must 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. Refusing a Request for Flexible Working A request can only be refused on one or more of the following statutory grounds: • the burden of additional costs • detrimental effect on ability to meet customer demand • inability to reorganise 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 • a planned structural change to the Organisation/School/Service/Department Flexible Working Requests must not be rejected for any other reason. Employees are eligible to request up to two flexible working requests within a 12 month period. This will be calculated on a rolling 12 month basis from the date of the previous request. If the manager needs to investigate/consult with others on the proposed change before being able to approve the request they must make every effort to do this within the statutory guidelines. Step 4 - Appeal procedure <i>Dubai colleagues should contact hrdubai@hw.ac.uk if they wish to appeal against the decision.</i> If an employee in the UK wishes to appeal the decision, they must set out their grounds of appeal in writing and send these to the Global Director of Human Resources within seven calendar days of receiving the decision.

³ Pension Scheme rules on Flexible Retirement may allow for reduction in grade

	The Global Director of Human Resources will appoint an appropriate person to hear the appeal. The manager appointed will normally be senior to the original manager. The Appeal Manager will meet with the employee and manager, usually within 14 calendar 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 Appeal Manager will write to the employee, usually within seven calendar 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; • fails to attend two meetings to discuss the request without reasonable cause; or • unreasonably refuses to provide the University with the information needed to assess the request. If the application is withdrawn, the employee can make up to two requests within a rolling 12-month period from the date of the first request. If a request has been withdrawn or declined and the employee has not submitted a second request, they will be entitled to submit a second request.
3.	REQUESTS NOT CLASSED AS STATUTORY UNDER UK LEGISLATION
	Request that are not considered to be “statutory” under UK legislation are typically those where the individual is not (or is not yet) an employee or where they have already made two statutory requests in a 12 month period. Any other examples of requests that do not appear to fall under the terms of this Policy and Procedure should be referred to HR for advice as a formal process may not be required. The University’s Policy is to treat all requests for flexible working in the same way, therefore the same process for considering a request will apply to all flexible working requests made prior to employment or during employment While statutory flexible working requests under UK law may be made from day one of joining Heriot-Watt University, we encourage applicants to make their preferences known as early as possible in the selection process as this helps with business planning . Such requests are considered in the same way as a day one request.
4.	POLICIES, PROCEDURES AND FURTHER REFERENCE
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	- Supporting Family Life Overarching Policy and Procedures Procedures - Flexible Working Procedures - Carers' Leave Procedures Further reference - Flexible Working Request Form FW1 - Flexible Working – Guidance for Managers - Flexible Working - FAQs Flexible Retirement Information on pension provider conditions: http://www.uss.co.uk http://www.lpf.org.uk http://www.sppa.gov.uk Employees and Managers can find further information and guidance on the HR Intranet at this link: https://heriotwatt.sharepoint.com/sites/hr	
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