

Committee	HR&R		
Date paper prepared	11/11/2022	Date of committee meeting	23/11/2022
Subject	HR Policies and Procedures – Flexible Working Policy and Procedure		
Author	Judith Fenton, HR&OD Lead		
Action requested	For approval		
Purpose of the paper	To share the policy for approval		
Brief summary of the paper	<p>The paper shares our drafted Flexible Working Policy and Procedure. The document has been developed in partnership with SMT, union colleagues, and key staff. LNCC approved the policy for implementation for all staff. ‘Flexible Working’ is an area marked for national negotiation but the scope of this is not yet defined and no timescale is in place as to when this may be progressed. Therefore LNCC are content to approve a single policy for all staff.</p> <p>This policy will provide much needed clarity and consistency of approach in receiving and assessing flexible working requests from employees and provide managers with guidance to make decisions.</p>		
Consultation	SMG and LNCC		
Resource implications	None identified		

<p>Risk implications</p>	<p>A failure to have a policy in place undermines our aspiration to operate consistently in matters relating to flexible working requests. The present approaches are varied and inconsistent, a failure to implement the policy will leave staff unsure as to their options or the process if they are seeking to submit a request.</p>
<p>Link with strategy</p>	<p>N/A</p>
<p>Equality, Diversity and Inclusion</p>	<p>Summarise how any actual or potential (positive or negative) equality, diversity, and inclusion implications have been considered in the development of the paper. Please refer to the Equality, Diversity and Inclusiveness Policy for more information.</p>
<p>Island Community Impact</p>	<p>Summarise how any actual or potential (positive or negative) impacts on island communities have been considered in the development of the paper.</p>
<p>Paper status</p>	<p><input checked="" type="checkbox"/> Open – The paper may be circulated to non-members of the committee and published online without restriction.</p> <p><input type="checkbox"/> Restricted – The paper must not be circulated to non-members or published online until after the committee meeting.</p> <p><input type="checkbox"/> Confidential - The paper must not be circulated beyond the committee members and should not be published online. [Please note papers may still be subject to Freedom of Information requests – see below].</p>
<p>Freedom of information</p>	<p>Open</p> <p>If closed/ withheld, select date this will become 'open': Enter a date.</p>

Flexible Working Policy and Procedure

1 Purpose

- 1.1 Shetland UHI wishes to ensure that all staff have choices which will help them to achieve work life balance and is therefore committed to the development of flexible working policies and practices. The following procedures have been introduced in support of this aim, also taking account of recent legislative changes.
- 1.2 Since the pandemic, our ways of working have transformed, and we have embraced more flexible approaches to work. This policy is designed to provide clarity to employees in relation to where a flexible working request is required, and where their expectations or requirements are not already met via the level of hybrid working approaches already in place.

Shetland UHI's Vision:

Shetland UHI will be an inspirational hub of innovation and learning designed to meet the needs of the people of Shetland, nationally and internationally.

Shetland UHI's Values:

We will achieve our Vision by:

- Working together - Fostering activity and interaction across the organisation and between staff and students.
- Working for Shetland - Addressing skills needs, supporting innovation and applied research for the Shetland economy as the university for Shetland, with the University for the Highlands and Islands (UHI).
- Working sustainably - Embedding sustainability in the curriculum and in our practice.
- Working to become resilient - Encouraging staff development and aspiration, exploring and achieving new income streams.
- Working with partners - Developing relationships with employers, schools, communities, SIC and relevant national and international institutions.

2 Scope

- 2.1 This policy applies to employees of Shetland UHI but will be superseded by any national agreements in relation to flexible working in the future, which are not fully defined at this time.
- 2.2 This policy should be referred to where an employee is seeking to make a change to their hours of work, pattern of work, or normal working location.
- 2.3 This policy is not required to support working from home for some of an employee's working hours, which is catered for via hybrid working. This policy cannot be used for instances of sickness related absences.

2.4 This Flexible Working Policy and Procedure may be amended at any time, in consultation with the recognised trade unions.

3 Procedure

3.1 Any eligible employee can make a written request to have a more flexible work pattern.

3.2 To be eligible to make a request to work more flexibly, you must:

- Be an employee of UHI Shetland
- Have not made a request to work flexibly under this right during the past 12 months, unless there is an exceptional change in circumstances that prompt a request

3.3 Under this procedure eligible employees can apply for a variety of different working patterns, for example to:

- change the times when they are required to work
- change the number of hours they work each week
- change the number of weeks they work each year
- change their place of work

3.4 Any request that is made and is accepted will constitute a permanent change to contractual terms and conditions, unless agreed otherwise e.g. a trial period or a fixed period, and will be confirmed in writing.

3.5 There is no automatic right for an employee to revert to their previous working pattern.

3.6 There is no automatic right to work flexibly as there may be occasions when Shetland UHI is unable to accommodate a written request, but all written requests will be seriously considered.

3.7 All flexible working requests will be considered taking full account of equality and diversity issues.

3.8 You will need to submit a written request if you would like your flexible working request to be considered under the procedure. Employees must submit a '[Flexible Working Request Application](#)' (Appendix 1). Your written request should be submitted to your line manager in good time and ideally at least two months before you would like the changes to take effect.

3.9 Your line manager will need to give your request serious consideration. In some cases, it may be possible to approve a request without a formal meeting. Usually, your line manager will meet with you in person to discuss your written request. You may bring a work colleague or recognised Trade Union representative to the meeting to support you.

3.10 Your line manager must discuss your request with the relevant Head of Section (where relevant), to ensure consistency, and any approval must consider organisational needs, and business impact.

3.11 Confirmation of a decision will be issued in writing within one month of the date that the application was received.

Approved: TBC

Review Date November 2024

- 3.12 Consideration will be given to alternative or temporary arrangements, and these may be proposed to you as part of the discussion.
- 3.13 If the decision is to decline your request for a recognised business reason this will be explained to you in writing following the meeting. Any refusal must be based on one of the following business reasons:
- The burden of additional cost is not reasonable to Shetland UHI
 - An inability to reorganise work among existing staff
 - The change would have a detrimental impact on quality
 - The change would have a detrimental effect on Shetland UHI's ability to meet student/customer needs
 - There would be a detrimental impact on service delivery capacity or capability
 - The proposed change does not fit with planned structural changes

4 Withdrawing a Request

- 4.1 You should inform your line manager in writing as soon as possible if you wish to withdraw your written request.
- 4.2 The written request will be considered as withdrawn if you are asked to meet with your manager to discuss the request, and fail to do so on two occasions without good reason.
- 4.3 The written request will be considered as withdrawn if you are asked in writing to provide more information on your request and fail to do so within fourteen days of receipt of the request.
- 4.4 If the written request is withdrawn, you cannot make another request within 12 months.

5 Number of Written Requests

- 5.1 You may only make one flexible working request within a 12-month period, unless in exceptional circumstances which you have alerted your line manager to ahead of submitting an additional flexible working request.

6 Appeal

- 6.1 If your request is refused, then you may appeal against the decision, in writing, within 14 calendar days of receipt of the written refusal.
- 6.2 Your original decision letter will set out to whom you should address an appeal to.
- 6.3 The appeal will be received by a different Head of Section or, where required, a member of the Senior Management Team. Where internal routes have been exhausted, an appeal will be heard by a panel comprising of members of the Human Resources and Remuneration Subcommittee.

- 6.4 Your appeal should set out the grounds of your appeal e.g. you believe the written request was not handled reasonably or there is new information to be taken into consideration. They will arrange to meet with you to consider your appeal and will write to you following the meeting with an outcome.
- 6.5 The appeal hearing will take place within 14 calendar days of receipt of the appeal.
- 6.6 The decision of the appeal is final and there is no further route of appeal.

7 Responsibilities

- All staff - have a formal responsibility to adhere to the requirements and guidelines of Shetland UHI policies, procedures, standards of service quality and recognised professional and behavioural standards.
- The Senior Management Group - is responsible for approving and leading the implementation of this policy.
- The Senior Management Group – is responsible for ensuring the proper application of the terms of this policy and procedure.
- The Senior Management Group – may be responsible for organising the administration and co-ordination of appeal hearings. They will also provide advice and support as appropriate to Section Heads.
- All Managers and Section Heads - have a duty to ensure their teams are aware of this policy and procedure and to ensure that consideration of applications is properly and appropriately achieved in line with this policy.
- All Manager and Section Heads – have a duty to review flexible working requests seriously and fully and to make evidence-based decisions in line with the guidance set out within this policy
- The Human Resources and Remuneration Committee are responsible for supporting an appeal process where the internal routes are exhausted.

8 Retention of Documentation

- 8.1 Any documentation relating to a flexible working request will be retained on an employee's file where it forms part of their contract of employment or amounts to an express amendment to their terms and conditions of employment.
- 8.2 Should an employee subsequently leave, documentation will be retained on file in line with data retention guidance and thereafter destroyed.

9 Linked Policies

- Equality, Diversity and Inclusion Policy
- Probationary Policy and Procedure
- University of the Highlands and Islands Partnership Retention and Disposal Policy

10 Relevant Legislation

- Employment Rights Act 1996 as amended

- Employment Rights Act 2004
- Employment Rights Dispute Resolution Act 1998
- Employment Relations Act 1999
- Data Protection Act 1998 as amended;
- Human Rights Act 1998
- Health and Safety at Work etc. Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Equality Act 2010

Reviewed	By	Approved
October 2022	HR and OD Lead (new policy)	Yes
October 2022	SMT	Yes
October 2022	LNCC	Yes
November 2022	HR&R	Scheduled for HR&R 23/11/22

Appendix 1

FLEXIBLE WORKING REQUEST

Name:	
Job Title:	
Department:	

Previous applications for flexible working	
Have you submitted a previous request for flexible working?	Choose
If so, when did you submit your last flexible working request?	Date.
Are you submitting this application for flexible working as a part of a disability related reasonable adjustment?	Choose

Please detail your current working pattern below:					
hpw	Monday	Tuesday	Wednesday	Thursday	Friday
Location	Choose	Choose	Choose	Choose	Choose
Work times					

Please detail the type of flexible working arrangements you would like to request and why?					
When would you like the new working arrangements to begin? <small>(please consider the timescales for processing your request)</small>				Date.	
Do you see this change being permanent or temporary?				Choose	
hpw	Monday	Tuesday	Wednesday	Thursday	Friday
Location	Choose	Choose	Choose	Choose	Choose
Work times					

Please state the effects that you think the change you are requesting will have on the UHI Shetland's ability to run its business and on your department, your colleagues, etc.

Please suggest how any adverse effects of implementing your flexible working request can be mitigated (where applicable)

Signed
employee:

Date:

Date.

Received by Line
Manager:

Date:

Date.

Your Line manager will respond to your flexible working request within one month of its receipt, and you will be notified of the outcome by Human Resources.

Line manager or Head of Section to complete

This Flexible working Request is:

Approved

Declined

Date

Date.

Date

Date.

Flexible working arrangements which need to be in place, and when the Flexible working can begin:

Reason: