

PERSONNEL SERVICES

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Director of Human Resources

PERS(14)06



To: heads of departments and institutions, faculty board chairs,
departmental administrators and faculty board secretaries

Ref. EMS/6

cc. heads of division, divisional secretaries, Mr Morgan, Director of
Conference of Colleges Secretariat

26 June 2014

Flexible working: changes to the University's procedure for considering requests to work flexibly

The Flexible Working Regulations 2014 have broadened the eligibility and changed the timescale for employees to make flexible working applications to their employer. The statutory procedure for dealing with flexible working requests has also been repealed.

The guidance on the Personnel Services website has been updated, as have the template letters for use by divisions and departments. The revised procedures may be found at: [University Flexible Working Procedure](#).

1. Background

Under the University's existing Flexible Working Procedure, those who had responsibility for their child or the care of a dependant adult had the right to make flexible working requests. The University's procedure was based on the statutory procedure, which had tight time limits for the consideration of each request.

The Government has now published the Flexible Working Regulations 2014 (section 9 of the Children and Families Act 2014) which come into force on 30 June. These remove the requirement that the right to apply for flexible working is only available to parents of children or to carers of adults. They also repeal the statutory procedure with its time limits for considering requests.

2. Detail

The University's revised Flexible Working Procedure is based on the Flexible Working Regulations 2014 (section 9 of the Children and Families Act 2014) which come into effect on 30 June.

The Flexible Working Regulations 2014 broaden the eligibility for making applications to work flexibly. Under the new regulations any employee with 26 weeks' service has the right to apply for flexible working, so long as they have not applied within the previous 12 months. The regulations do not apply to agency workers.

The Regulations require that the process for considering an application should be completed within three months of first receiving the flexible working request, including the appeal stage, unless the department and the employee have agreed to an extension. (The outline time-scale for considering applications on the Personnel Services website is for guidance only.)



Departments are not required to make value judgements as to the purpose of flexible working requests. They are encouraged to take a positive approach to requests for flexible working, or to think of alternative flexible options that may be acceptable to employees. Once an application to work flexibly has been formally agreed, it becomes a permanent change to the contract of employment.

It is recognised that, due to the operational needs of the department, managers may feel unable to accept some requests. The Flexible Working Regulations 2014 specify that an employer can only refuse a request for flexible working on one or more of the statutory grounds listed below:

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

The guidance on the University's Flexible Working Procedure on the Personnel Services website has been updated, as have the template letters for use by divisions and departments.

3. Action required of Departments

Departments are asked to:

- ensure that they are familiar with the University's revised Flexible Working Procedure and template letters, and that all relevant staff are made aware of them and use them in future; and,
- note that the revised Flexible Working Procedure comes into effect on 30 June 2014.

4. Further information

If you have a query about the new procedure, please contact an appropriate HR Business Partner.

MR J DUXFIELD

Director of Human Resources.