



## Human Resources

### FLEXIBLE WORKING PROCEDURE

#### 1. INTRODUCTION

- 1.1 The flexible working procedure gives all staff the right to request flexible working and places a duty on managers to properly consider such requests through a structured process. This flexible working procedure complies with the statutory right to request flexible working and takes account of the ACAS Code of Practice on Requests for Flexible Working 2024.
- 1.2 The University of Sussex (the “University”) recognises the potential benefits to properly managed flexible working arrangements, for example, to increase the ability of the organisation to attract and retain skilled staff; to raise staff morale; to decrease absenteeism; and to react to changing market conditions more effectively. Flexible working allows individuals the opportunity to greatly improve their ability to balance home and work responsibilities. It may also assist the University to align staff working patterns with its operational needs.
- 1.3 All flexible working requests will be carefully considered alongside the University’s requirements for timetabling and service delivery, to ensure that the working patterns are sustainable in the longer term.

#### 2. ELIGIBILITY

- 2.1 All staff have the right to make a request and may make a maximum of 2 requests in a 12 month period (only one of which may be ‘live’ at any one time).

#### 3. FLEXIBLE WORKING ARRANGEMENTS

- 3.1 There is scope to apply for a wide variety of different types of working pattern. Examples are to:
  - x change the hours worked, for example:
    - o job sharing
    - o part time working
  - x change the times when staff are required to work, for example:
    - o staggered hours (where staff in a work area have different start, finish and break times—often as a way of covering longer opening hours)
    - o flexitime

- o compressed working (where staff can work across any five days of the week).

3.2 Details of commonly used flexible working are provided in [Flexible Superannuation Scheme](#) and [Embracing the University's Flexible Working Policy](#).

#### 4. FLEXIBLE RETIREMENT

4.1 Flexible retirement is available to staff who are members of the Universities Superannuation Scheme (USS) and the NHS Pension Scheme, provided there is an agreement between the individual and their line manager to change their work pattern as they approach retirement. Staff who wish to flexibly retire should therefore use this procedure to make a request. USS allows members of the scheme to take up to 80% of their pension whilst continuing to work, provided that they reduce their pensionable salary to 80% of their full pensionable salary.

deserving a request is. The manager needs to assess each case against the needs of University operations to decide whether a request can be accommodated.

- 5.3 Each request should be considered on a case-by-case basis, and by agreeing to one request the manager will not set a precedent for agreeing to a subsequent request from another member of staff if it cannot be accommodated. However, where a manager is unable to grant a flexible working request because they already have a number of staff on flexible working patterns, and considers that any further flexible working arrangements would adversely affect the operation of the School or Division, the manager should speak to their existing staff who work flexibly to see if any of them is prepared to change their working pattern in order to allow the new request to be accommodated. It is often the case that individuals' circumstances change and staff may welcome a different working pattern. When making a flexible working request, a member of staff needs to understand that the fact that a colleague's similar request for flexible working has previously been granted, will not have any bearing on the request.

x The request must be made in writing to the individual's manager. [The Flexible Working Application Form](#) may be used to make a request.

x

of staff, before reaching a decision. The manager and staff member should discuss

## 6.4 The Decision

6.4.1 After the final meeting, the manager should carefully consider the request looking at all of the evidence provided. The benefits of the requested changes for the member of staff must be considered alongside any adverse operational impact of granting the request. In considering a request, a manager must not discriminate unlawfully against a member of staff. A decision will be confirmed to the member of staff in writing as soon as is reasonably practicable after the meeting.

6.4.2 If accepted, the notification should:

- x Include a description of the new working pattern;
- x Set out any changes to the member of staff's terms and conditions;
- x State the date from which it takes effect;
- x State the date at which the arrangement will end (when a temporary change has been agreed) or the date at which a decision will be made (if a trial period has been agreed);
- x Be dated;
- x Set a review date to discuss whether the new working pattern is meeting the needs of all parties.

6.4.3 If rejected, the notification should:

- x Provide clear operational reason(s) why the request is refused (see 6.4.4 below);
- x Give details of the appeal procedure and the notice period for the appeal;
- x Be dated.

6.4.4 The operational grounds for rejecting a request must be one of the following:

- x The burden of additional costs;
- x An inability to reorganise work amongst other staff;
- x An inability to recruit additional staff;
- x A detrimental impact on quality;
- x A detrimental effect on ability to meet student demand;
- x Insufficient work during the periods the employee proposes to work;
- x A planned structural change(s) within the School, Division or University

## 6.5

- 6.5.2 There are no constraints on the grounds under which a member of staff can bring an appeal. Reasons could be, for example:
- x The member of staff may wish to draw attention to something the manager may not have previously been aware of.
  - x The member of staff may wish to challenge a fact or facts quoted in the explanation of the organisational reasons for the refusal.
  - x The member of staff may believe that the request was not considered reasonably in line with the above procedure.
- 6.5.3 The relevant manager (or nominee) is responsible for dealing with appeals promptly and will hold a meeting with the member of staff to discuss the reasons for appeal.
- 6.5.4 The member of staff may be accompanied at the appeal meeting by a work colleague or trade union representative. The companion can make representations on behalf of the member of staff but cannot answer questions on their behalf. A representative from Human Resources will normally be present in an advisory capacity and to keep a formal record of the meeting.
- 6.5.5 If the relevant manager (or nominee) arranges a meeting to discuss the appeal and the member of staff fails to attend both this and a rearranged meeting without a good reason, the appeal will be considered to have been withdrawn. The member of staff will be notified of this decision in writing.
- 6.5.6 The relevant manager (or nominee) will confirm the outcome of the appeal in writing to the member of staff within 10 working days of the appeal meeting. The outcome will either be to:
- x Uphold the appeal and provide a description of the new working pattern with a start date from which this will take effect: or
  - x Dismiss the appeal, stating the grounds for the decision.
- 6.5.7 All requests, including any appeals, must be concluded within a period of two months from receipt of the original request, unless agreed otherwise with the member of staff.
- 6.5.8 The appeal decision is final.





