

*Approved by Trustee Board: May 2024*

*Review Period: 3 Years*

hwunion.com

*Heriot-Watt Student Union*

***FLEXIBLE WORKING POLICY***

### 1. Overview

1.1 The Heriot-Watt University Student Union (HWUnion) is keen to help its employees achieve a good work-life balance whilst ensuring the needs of students are met. The Union will consider new working patterns where more flexible arrangements may be possible without these being detrimental to its business including those related to student needs, HWUnion finances and the cohesiveness of operations.

This policy provides information on opportunities for flexible working arrangements, requesting a predictable working pattern and how to make a request.

1.2 This policy does not form part of your employment contract and we may update it any time.

1.3 This policy applies to all employees from the first day of their employment unless otherwise stated.

1.4 We encourage you to have an informal discussion with your line manager about flexible working before submitting a formal request.

### 2. What is flexible working?

2.1 Flexible working might involve an employee reducing or varying their hours, or the days they work, or changing the location of where they work. There are a number of options, including:

* part-time working;
* term/semester-time working;
* annualised hours;
* compressed hours;
* flexitime;
* homeworking; and
* job-sharing.

### 3. Business needs

3.1 HWUnion recognises the benefits of flexible working for staff well-being and will genuinely and seriously consider all requests in a reasonable manner. However, the Union also needs to balance the request against its effect on the business, the students and the impact on other staff. Some roles can only be undertaken in certain locations e.g. bar service which could not be performed, for example, offsite. However, this should not deter staff from applying for flexible working terms that could work in their role(s).

### 4. Eligibility FOR Flexible working

4.1 Any employee has a legal right to make a request for flexible working from their first day of employment.

4.2 An employee also has a legal right to make two flexible working requests in a 12-month period (unless it relates to a request to consider reasonable adjustments on account of disability under the *Equality Act 2010,* in which case different arrangements for requests for consideration apply).

4.3 An employee may have only one live request for flexible working with their employer at any one time. Once a request has been made, it remains live until any of the following occur:

* a decision about the request is made by the employer
* the request is withdrawn
* an outcome is mutually agreed
* the statutory two-month period for deciding requests ends

### 5. How to submit a flexible working request

5.1 A request should be submitted in writing by letter or email to your line manager. The line manager will consider the request in conjunction with the Chief Executive Officer (CEO) and other members of the Senior Management Team (SMT) as appropriate. The request must:

* state that it is a flexible working request and be dated;
* include the changes that you wish to make and the proposed start date; and
* include the dates and arrangements agreed for any previous flexible working requests.

### 6. Meeting (Consultation)

6.1 In some circumstances, the request may be granted without the need to attend a meeting. However, HWUnion may decide it is appropriate to hold a meeting with the employee to discuss the request. This would usually be arranged within 28 days; it is the employee’s responsibility to make every effort to attend. If this is not possible, HWUnion will normally reschedule, provided there is a satisfactory explanation for why the employee cannot attend. HWUnion reserves the right to make a decision on the request without the employee being present and will, in any case, only be willing to reschedule once, unless there are exceptional circumstances. Failure to attend a further meeting without exceptional circumstances will indicate to HWUnion that the request is being withdrawn by the employee.

6.2 An employee has a right to be accompanied by a colleague or trade union representative, not a solicitor or a lawyer, to any meeting called under this policy.

6.3 If you wish to exercise this right, you should inform HWUnion as soon as possible of who will accompany you. It is your responsibility to arrange for them to attend. If you choose a work colleague, we will not prevent them from attending, but we may need to rearrange the meeting if their absence from work would cause operational problems.

Your colleague or union representative can, if you would like them to, explain the key points of your case at the meeting and can respond on your behalf. You can also confer with them during the meetings. However, they must not answer questions put directly to you, or try to prevent us asking questions or outlining our points.

6.4 We may record meetings, but we will not do so without telling you. You may also record meetings if you wish, but please tell us in advance if you would like to do this; you will also get a better-quality recording if you do it openly rather than covertly.

### 7. Responding to a request

7.1 HWUnion will take a reasonable approach to dealing with flexible working requests. The Union will consider the proposed flexible working arrangements, weighing up the benefits to you (and to the business) against any adverse impact that granting your request would have on the business or other staff.

7.2 Each request will be considered on its own merits. Agreeing to one request does not mean HWUnion would be able to reach the same conclusion again, nor does it create a precedent or right for any other employee. There may be situations where having granted flexible working arrangements to one employee means that others’ requests for similar flexible working would be more difficult to accommodate.

7.3 The Union will aim to respond to a request for flexible working arrangements in writing as soon as practicable, no longer than 2 months after the initial request is submitted.

The flexible working request may be granted in full, in part, or it may have to be refused. It may be granted on a temporary or permanent basis, and a trial period may be required before confirming that the arrangement can proceed. Different arrangements may also be proposed.

7.4 If HWUnion decides it must reject a request for flexible working, it will normally be for one of the following business reasons:

* The burden of additional costs;
* An inability to reorganise work amongst existing staff;
* An inability to recruit additional staff;
* A detrimental impact on quality
* A negative effect on our ability to meet customer demand;
* A negative effect on performance
* Insufficient work for the periods the employee proposes to work;
* Where we intend to reorganise or change the business and consider that the flexible working changes proposed may not fit with our plans.

If HWUnion decides it must reject your request for flexible working, you will be invited to attend a meeting (a consultation) to discuss the reasons for rejecting your request and provide an opportunity to suggest alternatives, if appropriate. It is not a guarantee that alternatives will be successful, but they will be seriously considered.

7.5 HWUnion will write to the employee to confirm its decision and to either provide details of the new working arrangements or the reason for rejection of the request. Any permanent changes agreed will involve a change to the employee’s contract of employment which means that the employee will have no right to revert back to their original contract. The employee must provide written and signed confirmation of acceptance of the proposed changes to their line manager for HWUnion records.

7.6 The Student Union might ask that any change to an employee’s contract should initially apply for a trial period of three months. At the end of the trial period, both HWUnion and the employee would then have the right to return to the previous contractual arrangement.

### 8. Appealing against the HWUnion decision

8.1 If an employee is not satisfied with the HWUnion decision in respect of a request for flexible working, they can appeal within a week of receiving confirmation of the decision. The request to appeal should be dated and sent in writing to the HWUnion Chief Executive Officer and should include a clear explanation of why the employee considers they have a good case for appeal.

8.2 The employee will be invited to attend an appeal meeting. This will not be led by the manager who considered the original request and will be an independent review. A member of the HWUnion Trustee Board will participate in this stage and a report on the outcome will be provided to the Trustee Board. Appeals will normally be considered and the outcome communicated to the employee within two months of the original request being submitted; an extension may need to be agreed with the employee if this timescale is not possible.

8.3 The final decision of HWUnion will be sent to the employee in writing, normally within two weeks of the appeal hearing. There is no further right of appeal to HWUnion.

### 9. predictable working pattern

9.1 An employee has the right to make a request for a more predictable working pattern if their working pattern lacks predictability. A working pattern refers to:

* The number of hours the employee works;
* The days and times they work; or
* The length of their contract

9.2 An employee must have worked for HWUnion at least once in the month in the period before the 26 weeks leading up to the day of the request.

9.3 A fixed-term contract of employment for 12 months or less is one type of working pattern which lacks predictability. In this case, an employee may make a request to have a longer fixed-term contract, or a permanent contract (providing they are eligible).

### 10. How to submit a request for a predictable working pattern

10.1 A request should be submitted in writing by letter or email to your line manager. The line manager will consider the request in conjunction with the Chief Executive Officer (CEO) and other members of the Senior Management Team (SMT) as appropriate. The request must:

* state that it is a flexible working request and be dated;
* include the changes that you wish to make and the proposed start date; and
* include the dates and arrangements agreed for any previous predictable working requests.
* Include the dates and arrangements agreed for any previous flexible working requests

10.2 An employee also has a legal right to make two predictable working pattern requests in a 12-month period (unless it relates to a request to consider reasonable adjustments on account of disability under the *Equality Act 2010,* in which case different arrangements for requests for consideration apply).

10.3 An employee may only have one live request for a predictable working pattern with their employer at any one time. Once a request has been made, it remains live until any of the following occur:

* a decision about the request is made by the employer
* the request is withdrawn
* an outcome is mutually agreed
* the statutory one-month period for deciding requests ends

10.4 If an employee makes a statutory request for flexible working and purpose of that request is to have a more predictable working pattern, it will count as both:

* one of the employee’s two statutory requests for flexible working
* one of the employee’s two statutory requests for a predictable working pattern

10.5 Employees may only have one live flexible working or predictable working pattern request at any one time.

### 11. Responding to a request for a predictable working pattern

11.1 Where appropriate, a meeting (consultation) with the employee will be required. The procedures for this consultation will follow those highlighted in section 6 of this policy regarding Flexible Working requests.

11.2 HWUnion will respond to requests for a predictable working pattern, using the same process as outlined in section 7 of this policy regarding Flexible Working requests. The reasons for rejecting a predictable working pattern request (replacing those listed in paragraph 7.4) are:

* The burden of additional costs;
* A detrimental effect on our ability to meet customer demand;
* A detrimental effect on the recruitment of staff;
* A detrimental effect on other aspects of the business;
* Insufficient work available for the periods the worker proposes to work;
* Where we intend to reorganise or change the business and consider that the flexible working changes proposed may not fit with our plans.

11.3 HWUnion may also reject a request for other reasons where an employee’s contract ends during the statutory one-month decision period for requests. These reasons include:

* The employee ended their contract (unless the employee had the right to end their contract without notice because of the employer’s conduct)
* The employer ended the employee’s contract because of the employee’s conduct or capability, a redundancy, a legal duty or restriction, or some other substantial reason.

11.4 If an employee is not satisfied with the HWUnion decision in respect of a request for flexible working, they can appeal using the process outlined in section 8 of this policy regarding Flexible Working requests.

### Review Tracking

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