

# HR Services

## Employee Handbook



### Flexible Employment Policy

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## 1. The Aim of the Flexible Employment Policy

### 1.1

We aim to provide a supportive environment for staff whose personal commitments are such that full-time employment for 52 weeks of the year is inappropriate. For example:-

- many members of staff have family responsibilities, whether it is bringing up children, or caring for adults or children who are in need of care, for example a partner, disabled or elderly relative;
- members of staff may wish, for many other reasons, to have flexible working arrangements.

We have developed a Flexible Employment Policy, which seeks to respond to the individual needs of members of staff, wherever it is managerially and financially possible. However, when decisions need to be taken about a request from a staff member, we must of necessity strike a balance between organisational needs

and individual wishes, and while each case will be considered on its merits and with an open mind, we must ultimately give first priority to delivering our core service to students and other users.

## **1.2 Background**

Our educational and social aims include the implementation of an equality and diversity policy which is consistent with the 2010 Equality Act. The aim of our policy is to ensure fair and equitable treatment of all staff, irrespective of gender, sexual orientation, race, colour, ethnic or national status, marriage or civil partnership, gender reassignment, pregnancy, maternity, personal circumstances, class, trade union activity, political or religious belief, age, disability and medical conditions which are not relevant to their job. We are committed to providing resources and establishing procedures and practices which ensure the furtherance of, and provide redress for breaches of, this policy.

We recognise that a key element in promoting our Equality and Diversity Policy is the degree to which we are able to respond flexibly to the needs of staff, particularly those with parental or family responsibilities.

## **1.3 The Benefits of the Policy**

The benefits of the Policy are as follows:-

- greater commitment through staff members recognising that we respond sympathetically and flexibly to their needs;
- the greater retention of staff with valuable skills, resulting in lower turnover;
- improved attendance - timekeeping and absenteeism are reduced.

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## **2. The Policy**

It is our policy to offer members of staff the opportunity of applying for the following. In each case it is for the staff member's Dean of School or Director of Service [or nominee] to decide whether or not such a request can be met, based on the managerial and financial needs of the school or service.

## **2.1 Part-time contracts of employment**

Where staff work a number of hours per week, receiving the same conditions of employment (pro-rata) as full-time staff.

## **2.2 Part-year/term-time working**

Where staff work for part of the year, perhaps during term-times. It might be possible for a staff member to work for 40 weeks annually, but receive monthly pay over 12 months.

## **2.3 Job-sharing**

Job-sharing is where a person wishing to work jointly applies with another person to share a job's duties, by applying to the staff member's Dean of School or Director of Service. The most common pattern might be for two members of staff to each work 2.5 days a week, with a short overlap period so that both staff can discuss the job and share work, e.g. one person works Monday, Tuesday, Wednesday (half day), the other person works Wednesday, Thursday and Friday (half day). The overlap period would thus be Wednesday for a half day. Alternatively, it may be possible for them to work alternate weeks.

We will give consideration to job applicants wishing to job-share, where circumstances permit.

## **2.4 Flexi-time**

Staff may have an element of flexibility in their starting and finishing times, with staff being required to work a certain number of set or core hours each day to deliver appropriate services. The set or core hours and start and finish times are determined by each Dean of School and Director of Service, in consultation with staff.

## **2.5 Maternity/Spouse or Partner/Adoption Pay and Leave**

Please see our Maternity, Paternity and Adoption Leave Policy for information about entitlements and notification.

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## **2.6 Career breaks**

Staff with a minimum of five years continuous service are eligible to apply for a career break by taking unpaid leave for a period of up to 1 year. Staff need to make such a request in writing to their Dean of School or Director of Service at least four months in advance. Such arrangements would need to be agreed with the Dean of School or Director of Service. The career break could be for a wide number of reasons, e.g. to raise children, to look after infirm relatives or to study. At the end of the agreed leave, the member of staff would return to work at the same salary as when they left (taking into account any annual pay rises) and to return to a similar post. Incremental increases would be frozen whilst on leave, as would the employer's pension contributions (the member of staff may elect to pay the employer's pension contribution to maintain continuity of service). The period of absence would not count as continuous service for the purposes of long service leave entitlement, sick leave entitlement, maternity pay or pension.

Members of staff taking a career break would need to accrue five further continuous years' service after their return to work before being eligible for a further career break.

## **2.7 Unpaid leave**

Staff may request unpaid leave during a leave year, in addition to their normal paid leave. This would normally be up to two weeks, but a longer period of time may be approved in exceptional circumstances. This may assist staff members with children on holiday, or perhaps those staff who wish to travel abroad. This option is available in instances where no temporary replacement is needed.

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## **2.8 Dependants' Leave (please also see paragraph 2.10 'compassionate leave')**

Members of staff are entitled to a reasonable amount of time off, without pay,

during working hours to deal with home emergencies involving their dependants. The law calls this 'dependants leave' and it may be taken in addition to other forms of leave. There is no qualifying period in order to be able in order to be able to take time off in an emergency.

### **Definition of a dependant**

A dependant is the spouse, partner, child or parent of the staff member. It also includes someone who lives in the same household as the staff member who may or may not be a relative. For example, this could be someone who depends on an employee for care, for example an elderly neighbour.

In cases of illness or injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the staff member for assistance who falls ill. The staff member is entitled to take reasonable time off and this will vary depending on the emergency. The entitlement does not cover domestic emergencies, e.g. when a staff member's household boiler has burst.

### **Under what circumstances can a staff member take time off?**

#### **(i) If a dependant falls ill or has been injured or assaulted**

The illness or injury need not necessarily be serious or life threatening and may be the result of a deterioration of an existing condition. The right to time off also applies where a dependant has been assaulted but is uninjured, for example, where the dependant has been mugged but not physically hurt, a staff member can take time off work to help or comfort the victim.

#### **(ii) When a dependant is having a baby**

Where necessary, a staff member can take time off to assist a dependant who is having a baby. This does not include taking time off after the birth to care for the child when a staff member may be entitled to take parental leave. In addition under our conditions of service, staff members can take up to ten days paid spouse or partner leave following the birth or adoption of a child if they expect to play a direct role in the parenting of the child.

#### **(iii) To make longer term care arrangement for a dependant who is ill or injured**

Where a dependant needs to be cared for because of an illness or injury, a staff

member can take time off to make longer term care arrangements.

#### **(iv) To deal with the death of a dependant**

See section 2.10 below on compassionate leave.

#### **(v) To deal with an unexpected disruption or breakdown in care arrangements for a dependant**

Time off can be taken where the normal carer of the dependant is unexpectedly absent, for example, a childminder or nurse fails to turn up or the nursery or nursing home closes unexpectedly.

#### **(vi) To deal with an unexpected incident involving a staff member's child during school hours**

A staff member can take time off to deal with a serious incident involving his or her child during school hours, for example, if the child has been injured, suspended or involved in a fight.

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#### **Can both parents take time off work if their child falls ill?**

There may be times when parents who are both staff members may want to take time off work and this will be considered depending on the circumstances of the situation. Both parents may want to take time off if their child has a serious accident but it will not be necessary for both if the childminder fails to turn up.

#### **How much time off can a staff member take?**

A staff member is entitled to take a reasonable amount of time off and this will vary according to the circumstances of the emergency. In most cases one or two days should be sufficient to deal with the problem.

#### **What happens if a staff member needs longer time off or knows in advance that the problem is going to arise?**

The entitlement is for unforeseen matters, therefore, if a staff member knows in advance that they are going to need time off, they should ask for annual leave in the usual way. If the reason relates to their child they may be entitled to take

parental leave (see Section 2.9)

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## **2.9 Parental leave**

The staff member may have the right to take unpaid time off work to enable s/he to deal with situations which concern him or her as a parent. This is in addition to Dependants leave and to Maternity, Spouse or Partner and Adoption Leave.

### **Who can take parental leave?**

Both mothers and fathers, whether they are the natural or adoptive parents, qualify for parental leave. They must either be named on the child's birth certificate or they must have parental responsibility under the law for the child. Step-parents or foster parents will not qualify for parental leave unless they have acquired parental responsibility under the law. The parents of a child do not have to be living with a child in order to qualify for parental leave. Staff members who are adopting a child will be entitled to take parental leave because they will have parental responsibility when they adopt. In some cases legal responsibility for looking after a child will have been given to someone other than a natural or adoptive parent, such as a guardian. In such cases an individual will be entitled to parental leave.

### **Qualifying Period**

Staff members must have been continuously employed by us for one year in order to be able to take parental leave.

### **Caring for a child**

The purpose of parental leave is to care for the child - this means looking after the welfare of a child and making arrangements for the good of a child but it does not necessarily mean being with a child 24 hours a day. Examples of the way leave might be used:

- to spend more time with the child in the early years
- to accompany a child during a stay in hospital

- checking out new schools
- settling a child into new childcare arrangements

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## **When a child suddenly falls sick a staff member will be able to take annual leave, emergency time off for dependants or request compassionate leave**

If a staff member subsequently requires further time off to care for the sick child and wishes to take parental leave the notice requirements of 21 days will be waived subject to agreement with the Dean of School / Director of Service.

## **How much parental leave can a staff member take?**

Parents can take 18 weeks' parental leave for each child. One week's parental leave is equal to the length of time that a staff member is normally required to work; the entitlement is, therefore, pro-rata for part time staff.

Leave can be taken in blocks of up to one week or more, to a maximum of four weeks in a year for each child.

Where the leave is taken in blocks of less than one week, a week will only be deducted from a staff member's overall parental leave entitlement of 18 weeks when the short periods of leave add up to what would be the normal working week.

## **When can leave be taken?**

Parents can take parental leave up to the child's eighth birthday. Adoptive parents can take leave up to the eighth anniversary of the date when the placement for adoption began or the child's 18th birthday if this is earlier.

Parents of children for whom a disability living allowance has been awarded can take leave up to the child's 18th birthday.

## **Can parental leave be taken immediately after maternity leave?**

Mothers can take up to four weeks parental leave immediately after a period of maternity leave provided that the notice requirements and other conditions such as the qualifying period are met.



## **Adoption - what is the date of placement?**

The date of placement is the date when a child is placed by an external agency into a family home prior to formal adoption. There may be occasions when there is no date of placement, for example, if the child is already in a family when a step-parent formally adopts the child in place of the parent. In such cases the period in which leave can be taken starts when parental responsibility is acquired until the child's eighth birthday.

## **Terms and conditions during parental leave**

The employment contract continues during absence on parental leave in particular contractual terms and conditions relating to notice periods, compensation if the staff member is made redundant and disciplinary and grievance procedures apply.

Annual leave entitlement is unaffected by parental leave. However, where a period of parental leave spans two leave years there is no entitlement to carry forward outstanding annual leave that has accrued during the previous leave year, so staff are advised in such circumstances to apply for annual leave rather than parental leave.

## **Evidence of entitlement to parental leave**

On initial notification of intention to take parental leave we will ask to see evidence that the staff member is the parent of a child or has parental responsibility for the child, for example, the child's birth certificate or papers confirming adoption. We will not check on the staff member's entitlement on every subsequent occasion for which leave is requested.

## **Applying for parental leave**

Staff members should give at least 21 days notice of their intention to take parental leave and should write to or e-mail their line manager with their request.

## **Postponing parental leave**

UEL may postpone a period of parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the line managers considers that UEL's business would be

unduly disrupted if the staff member were to take leave during the period requested. In such a case the line manager will discuss the matter with the staff member and will give notice in writing of the postponement, stating the reason for it and specifying suggested dates for the staff member to take parental leave. Such notice will be given no more than seven days after the staff member's notice was given to UEL. The staff member will be able to take an equivalent period of parental leave beginning no later than six months after the start of the period originally requested.

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## **2.10 Compassionate Leave**

Staff members may be granted up to a week's compassionate leave on application to their Dean of School / Director of Service and agreement from the Director of HR Services (or nominee) which is normally paid. The circumstances under which compassionate leave may be granted are on the sudden illness (or a crisis in an illness), death and funeral of a member of a staff member's close family, a person with whom the staff member shared the house at the time of death or a person who is deemed to be the staff member's next of kin.

## **2.11 Change to Hours, Times, or Place of Work**

A staff member with at least 26 weeks continuous service will be able to request changes to certain terms and conditions of their employment relating to:-

- The hours they are required to work
- The times they are required to work
- Their place of work

### **Formal procedure for staff members making a request for changes to hours, times or place of work**

Requests for changes to hours, times or place of work are to be made to the staff member's immediate manager using the appropriate form attached at Appendix A. When a staff member exercises the right to request flexible working arrangements the request must:

- State that it is a request to change terms and conditions of employment
- Specify the reason for the request
- Specify the change applied for and the date on which it is proposed the change should become effective
- Explain what effect, if any, the staff member thinks making the change applied for would have on UEL and how, in their opinion, any such effect might be dealt with

Upon receipt of such a request:

- A meeting with the staff member and line manager must take place within 28 days (or earlier, wherever possible) from the date of the application
- The line manager must give their decision within 14 days of the meeting
- At the meeting with the line manager the staff member will have the right to be accompanied by a trade union representative or another of UEL's staff members

If an application is refused, the line manager must set out the reasons for his or her refusal. The staff member has the right to appeal against the immediate manager's decision by raising a grievance within 21 days of being notified of that decision. Please refer to UEL's Staff Grievance Procedure.

**If a request for changes to hours, times or place of work is refused, can a further application be made at a later date?**

A qualifying staff member can make a number of requests. The only restriction is that a staff member must wait 6 months from the date on which his/her last application was made before making any further requests.

**What factors may be taken into account when considering whether to refuse a request for changes to hours, times or place of work**

A request may be refused if one of the following applies:-

- The additional costs involved will impose an unreasonable burden
- Agreeing to the request will have a detrimental effect on the ability to meet customer demand
- The School or Service is unable to re-organise work among existing staff
- UEL is unable to recruit additional staff
- Agreeing to the request will have a detrimental impact on quality or

performance

- There is insufficient work during the periods the staff member proposes to work
- UEL has planned structural changes

Each request will be considered on its own merits in light of current business requirements.

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### **3. Further Information on Flexible Employment**

Members of staff who are considering applying for any of the above should discuss their needs with their immediate manager first, then their Dean of School / Director of Service. Managers are advised to give careful consideration to the member of staff's needs and to endeavour to accommodate them wherever possible. It is, however, the responsibility of the Dean of School /Director of Service to ensure that school or service objectives can be met and are met. It may not be possible to accede to all requests.

As the entitlement to time off for dependants/ compassionate leave is for unexpected or sudden emergencies it is likely that it will be agreed retrospectively.

**Whilst members of staff may apply for the options described above, wherever it is managerially and financially possible, we will regard the arrangement entered into as fixed. Members of staff will not be able to change their minds at a later stage and alter the arrangement, except by prior agreement, for example, a trial period may be agreed.**

**Members of staff may contact HR Services for further advice and information.**

**[Appendix A - Flexible Working Application Form](#)**

***[Policy approved by the Board of Governors in December 2004 and updated on 20th January 2014]***

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