

FLEXIBLE WORKING AND SPECIAL LEAVE POLICY

Flexible Working arrangements, Emergency Leave for the Care of Dependants, Carer's Leave and Compassionate Leave

1. INTRODUCTION

The University values flexibility within its workforce and recognises the importance of supporting staff to balance their work commitments and personal life.

It also recognises the positive impact of flexible working to improve business efficiency and to create a positive and inclusive environment. Flexible working can provide benefits to both the University and staff member including:

- a) Improved business efficiency and productivity, for example, the ability to cover a working day that is increasingly outside the traditional core hours in line with demands of 'customers'
- b) Supporting staff to manage the balance between home life and work commitments and contributing to the recruitment and retention of staff
- c) Creates a positive work environment.

1.1 Purpose

The purpose of this policy and supporting procedure is to:

- Provide information to staff on the types of flexible working and special leave requests that can be made, i.e. Informal or short-term, formal and long-term, emergency leave for the care of dependents etc;
- Detail the procedure to follow when making a statutory request to work flexibly;
- Specify circumstances in which it may not be possible for flexible working requests to be approved.

1.2 Scope

This policy (and associated procedure) applies to all groups of staff. Whilst the University is unable to provide flexible working arrangements as an automatic right and must ensure that staffing levels are at all times in line with service needs, efforts will be made to accommodate requests wherever it is appropriate to do so. Requests will be considered favourably, taking into account the needs of both the service and the individual.

An employee seeking flexibility on a short-term or infrequent basis may do so in accordance with section 2.1.6. Where flexibility is required on a longer term or ongoing basis, a formal procedure is set out in section 2.1.7 and Annex A.

2. POLICY

2.1 Flexible Working

2.1.1 Members of staff may have many reasons for making a request for either short-term or longer-term/ongoing flexible working arrangements such as:

- a) To deal with an unexpected or sudden problem involving a dependant
- b) To deal with the bereavement or serious illness/injury of a dependant
- c) To undertake a period of study
- d) To pursue outside interests such as charity work
- e) To spend more time with children
- f) To undertake caring responsibilities
- g) To improve work-life balance

2.1.2 Flexible working requests to help staff to balance work and personal commitments are welcomed from all staff, regardless of length of continuous service. Only two requests for formal and ongoing changes to working patterns may be made during a 12-month period.

2.1.3 All requests for flexible working will be considered confidentially, fairly, and consistently through this policy and associated procedure. Every request will be considered, taking into account the individual needs of each particular case, as well as the needs of the service.

2.1.4 While the University is committed to considering all requests, staff should recognise that not all flexible working options will be appropriate for all roles across the University. Each request will be considered on the basis of the particular work involved and any effect the change could have on an individual, team, or business performance.

2.1.5 Any member of staff interested in flexible working is advised to speak informally with their manager to discuss the different options, and the possible impact of their proposed work pattern on colleagues and service delivery, before submitting a statutory request.

2.1.6 Informal or Short-Term Flexibility

2.1.6.1 The University recognises that members of staff may require occasional flexibility to help manage personal commitments. Where flexibility is requested to address a short-term/immediate need, the employee should discuss their request with their line manager who will determine whether the request can be met.

2.1.6.2 In considering requests for flexible working, the line manager will need to assess the impact of agreeing to the proposal. In some cases the impact

may be deemed to be wholly positive e.g. a one-off day of home working may enable a staff member to complete a job task more efficiently, however, more regular home working could have a negative impact on other colleagues depending on the specific context. It is therefore at the manager's discretion as to whether a request can be accommodated.

2.1.6.3 The University encourages managers to operate flexibility in support of staff members, where it is appropriate to do so. Where informal arrangements are agreed, for example, finishing work early one day and making up the time throughout the week, there is no contractual change. It is the responsibility of the individual to ensure they fulfil their role fully and effectively and where this is not the case the line manager will discuss this with the individual.

2.1.6.4 The University has specific provisions for requests for short-term flexibility relating to Emergency Leave for the Care of Dependants, Compassionate Leave and Parental Leave.

2.1.7 Formal and Long-Term Flexibility

2.1.7.1 Where an employee seeks to formally change their working arrangements, they may make a request in line with their statutory rights. This can include a request to change their number of contracted hours, to change the pattern of hours worked, or request to work from home.

2.1.7.2 Staff who are members of a pension scheme should be aware that where a request for a reduction in hours is agreed, there will be an impact on the value of their pension benefits. Staff are advised to take advice regarding this impact prior to making a request for a reduction in hours.

2.1.7.3 Staff wishing to make a formal request to change their working arrangements should refer to and follow the procedure set out within Annex A of this policy. The procedure outlined will be followed for all formal requests received.

2.2 Emergency Leave for the Care of Dependants

2.2.1 The University recognises that staff may require time off at short notice to deal with an emergency involving a dependant. The University will support staff to deal with an unexpected or sudden problem and allow them the time to make longer term arrangements (if necessary). Circumstances which may require emergency leave might include:

- a) a dependant falling ill or being involved in an accident or assaulted, including where the dependant is hurt or distressed rather than injured physically;
- b) to make longer term care arrangements for a dependant who is ill or injured;
- c) to deal with an unexpected disruption or breakdown in care arrangements for a dependant; for example, a child minder failing to turn up due to illness;

- d) to deal with an incident involving the individual's child during school hours; for example, if the child has been involved in a fight or is being suspended from school.

2.2.2 A dependant might be:

- a) A spouse or civil partner (regardless of sex or gender), child, parent, sibling, or someone who lives in the same house (excluding lodgers/tenants) or
- b) Anyone who reasonably relies on the individual for assistance, for example where a member of staff is a primary carer and is responsible for making arrangements for the provision of care in the event of illness or injury.

2.2.3 In most cases, one or two days will be sufficient to deal with the emergency, but this will depend on individual circumstances. For example, if a child falls ill, the emergency leave should allow the individual to cope with the immediate crisis, such as visiting the doctor and then make longer term care arrangements.

2.2.4 Emergency leave is unpaid, however the University recognises that in some circumstances, depending on the nature of the work of individuals and the area in which they work, some flexibility may be possible in relation to time off for dependants. With joint agreement from the individual and line manager, it may be possible to negotiate a short period of paid time off work and the individual either works from home or makes up lost hours at another time.

2.2.5 Staff need to inform their manager as soon as is possible. They must explain the reason for taking the leave and how long they expect to be away from work. Line managers must notify the relevant HR Administration team, by email, of the individual's emergency leave so that their record can be updated, and their pay adjusted accordingly.

2.3 Carer's Leave

2.3.1 In accordance with The Carer's Leave Act 2023, unpaid carers will be entitled to a statutory leave entitlement of up to five working days every 12 months (a rolling 12-month period).

2.3.2 Carer's leave may be taken as half days, full days or in blocks of up to 5 days. Members of staff wishing to take Carer's leave will need to give notice of their intention to do so by completing form CAR1. The required notice period is either twice as many days as the period of leave required, or three days, whichever is the greater. The completed form should be sent to the individual's line manager, copied to the relevant Human Resources Administration team.

2.3.3 Carer's leave is available to all staff who are carers of dependants, as outlined in section 2.2.2, with a long-term care need. There is no requirement for carers to supply evidence of why the leave is needed.

2.3.4 An individual will acquire the right to request Carer's leave when they need to give or arrange care for a 'dependant' who has:

- a physical or mental illness or injury (which needs more than 3 months of care)
- a disability (as defined in the Equality Act 2010)
- care needs because of their old age

The dependant does not have to be a family member. It can be anyone who relies on the member of staff for care.

2.3.5 Where all eligibility criteria have been met, the University cannot refuse a request for Carer's leave, however a manager can delay a request for Carer's leave, if the absence of the individual would cause serious disruption to the University. If a request for Carer's leave is delayed, the manager must:

- Agree another date within one month of the requested leave.
- Put the reason for the delay and the new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave.

2.3.6 The duration of Carer's leave can be up to one week in every rolling 12-month period. A 'week' is the length of time an individual usually works over 7 days i.e. someone who usually works 3 days a week can take 3 days of carer's leave in any rolling 12-month period.

2.3.7 No additional days of Carer's leave are available if an employee needs to care for more than one person.

2.4 Compassionate Leave

2.4.1 The University may grant up to 5 days paid compassionate leave for urgent personal reasons such as a bereavement, or serious illness/injury which requires nursing for a dependant. Where applicable, this policy should be read in conjunction with the Parental Bereavement Leave and Pay Policy. Compassionate leave is not normally granted for the bereavement of a friend or colleague, but paid time off will usually be given to attend the funeral.

2.4.2 A member of staff should contact their line manager as soon as reasonably possible to request compassionate leave. Requests will be considered sympathetically and in confidence.

2.4.3 When considering the request, line managers should take into account the urgency of the request and the personal circumstances of the member of staff. In cases of bereavement, factors such as the extent of the individual's involvement in making funeral or other arrangements and the need to travel beyond the local area will be considered.

2.4.4 Where 5 days' compassionate leave proves insufficient (e.g. where attendance at the funeral involves extensive travelling), the line manager will encourage the member of staff to use their annual leave or any time off in lieu entitlement. In circumstances where this is not possible, and more than 5 days' compassionate

leave is requested/needed, the line manager will consult Human Resources for further advice.

- 2.4.5 Line managers and staff may discuss ongoing/additional support whilst the individual is taking compassionate leave and upon their return to work. For example, some short-term flexibility in working arrangements (in line with section 2.1.6 above) or wellbeing support through Occupational Health and the Staff Counselling Service.

2.5 Parental Leave

- 2.5.1 Staff who have one years' continuous service, are named on the child's birth/adoption certificate or have legal parental responsibility for the child and have (or expects to have) parental responsibility for the child have the right to request up to 18 weeks unpaid Parental Leave for each child under 18.
- 2.5.2 Normally, up to a maximum of 4 weeks' Parental Leave per qualifying child can be taken in any year (i.e. rolling 12-month period).
- 2.5.3 The University's Parental Leave policy and application form can be accessed on the [Policies, Procedures, and Guidelines](#) web pages.

3. ROLES AND RESPONSIBILITIES

3.1 Employee

- a) To ensure that appropriate and timely notification is given, and all relevant forms are completed/submitted.

3.2 Line Managers

- a) To provide appropriate support to members of their team who are requesting to work flexibly or take emergency or compassionate leave.
- b) To ensure that any requests are managed in accordance with the procedure.
- c) To ensure the relevant HR Administration team are notified as soon as possible, by email, of any periods of leave in line with this policy so that they can be accurately recorded on Keele People, and the individual's pay adjusted accordingly (where applicable). This notification should be made in advance for any periods of parental leave.

3.3 Human Resources

- a) To provide further guidance on the application of this policy when required.
- b) To attend any meetings to provide support as required.

4. RELATED POLICIES AND PROCEDURES

- a) Parental Leave Policy

- b) Parental Bereavement Leave and Pay Policy
- c) Time off for Public Duties Policy

5. REVIEW, APPROVAL & PUBLICATION

- 5.1** As a general principle, this policy will be reviewed by Human Resources, in consultation with recognised Trade Unions, after three years or where operational and/or legislative requirements change. Any revisions will be approved in accordance with UEC and Council procedures, where applicable.
- 5.2** This policy is not contractual and is not intended to be incorporated into individual terms and conditions of employment. It may be subject to review, amendment, or withdrawal.
- 5.3** This policy will be published on the University policy zone web page and will also be accessible via the Human Resources web pages.
- 5.4** Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

6. ANNEXES

Annex A – University procedure for a member of staff to make a formal request to work flexibly.

7. DOCUMENT CONTROL INFORMATION

Document Name	Flexible Working and Special leave Policy
Owner	Chief People Officer, Human Resources
Version Number	2.2
Equality Analysis Form Submission Date	22 December 2023
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Related University Policy Documents	a) Parental Leave Policy b) Parental Bereavement Leave and Pay Policy c) Time off for Public Duties Policy
<i>For Office Use – Keywords for search function</i>	Flexible, flexibility, compassionate, carer

Annex A – University procedure for a member of staff to make a formal request to work flexibly.

A1. Application

A1.1 Applications for flexible working arrangements under this procedure must be submitted in writing (including by e-mail) using the Flexible Working Request (FWR) Form which should be sent to the appropriate line manager and copied to a member of the [Employee Relations team](#).

A1.2 Applications must:

- a) be dated;
- b) state that the application is being made under the statutory right to request flexible working;
- c) specify the flexible working arrangements that the member of staff is requesting;
- d) specify the date on which it is proposed that the change should become effective;
- e) state whether a previous application has been made by the member of staff to the University and if so, when.

A1.3 Fully completing the FWR form will ensure that all the above information is provided.

A2. Consideration of the Request

A2.1 As soon as practical after receiving a fully completed request, the University will hold a meeting with the member of staff to discuss the request. The meeting will be conducted by the member of staff's line manager who may be supported by a member of the Human Resources Department. Staff may be accompanied to all meetings under this procedure by a representative of a recognised trade union or by a colleague employed by the University.

A2.2 At the meeting the proposed change will be discussed, and all relevant issues will be explored. Where there is a potential problem with the member of staff's request, it may be necessary to explore alternative arrangements that might suit both the member of staff's personal needs and the needs of the University.

A2.3 If the request has previously been discussed by the manager and staff member and the manager has already decided to approve the formal request, as it is clear that it can be accommodated, a formal meeting may not be needed. In such circumstances the process for approving the request may be actioned.

A2.4 In considering the request, the University will need to take into account a number of criteria including (but not limited to) the following:

- a) the cost of the proposed arrangement;
- b) the effect of the proposed arrangement on other staff;
- c) the level of supervision that the post-holder requires;
- d) the structure of the department and staff resources;
- e) other issues specific to the individual's department;
- f) an analysis of the tasks specific to the role, including their frequency and duration;
- g) an analysis of the workload of the role.

A2.5 The line manager will write to the member of staff with a decision, usually within 14 calendar days of the meeting. The University will either approve the member of staff's request, specifying the new working arrangements/ pattern and effective date; refuse the request, giving the reason for refusal; or offer an alternative working arrangement which can be accommodated, this may include agreement to a temporary change and/or the offer of a trial period.

A2.6 Every request will be considered based on its merits and with consideration of the impact on the service.

A2.7 If multiple requests are received from staff within the same team/department/school, they will be considered in the order that they are received.

A2.8 If it is the case where there are a number of staff who are already working flexibly and the team/department/school is unable to accommodate any further flexible arrangements, line managers may consider calling for volunteers from within the area to review their working arrangements in order to create capacity for further flexible arrangements to be considered.

A3. Approval of the Request

A3.1 If the University is able to approve the request or offer an alternative flexible working pattern, the member of staff will receive written confirmation detailing the new working pattern and the date on which it will commence. Once agreed, the new working pattern will be a permanent change to the member of staff's terms and conditions of employment, unless a trial period or time-limited period has been agreed.

A4. Refusal of the Request

A4.1 Whilst reasonable attempts will be made to explore and accommodate requests, there will be occasions when a request cannot be agreed. The University may refuse an application for flexible working if one of the reasons listed below applies in the particular case. If an application is refused, the line manager will write to the member of staff setting out the business ground(s) on which the request has been declined

and an explanation of why the business reasons apply in the circumstances, and will also inform the member of staff of their right to appeal the decision.

- a) burden of additional costs.
- b) detrimental effect on ability to meet customer/service/stakeholder demand.
- c) detrimental impact on quality.
- d) detrimental impact on performance.
- e) inability to reorganise work among existing staff.
- f) inability to recruit additional staff.
- g) insufficient work during the periods the member of staff proposes to work.
- h) planned structural changes.

A5. Appeal

A5.1 A member of staff may appeal against the decision to refuse a flexible working request where they believe their request was not handled reasonably and in line with this policy and procedure. Any appeal must be submitted within 14 calendar days of the date on which notice of the decision is given. Notice of appeal must be in writing, be dated, and must set out the grounds for appeal. The appeal notice should be made to the designated appeals manager. The member of staff will be invited to attend an appeal meeting and the University will give the member of staff written notice of the decision on the appeal, usually within 14 calendar days of the appeal meeting.

A5.2 An individual should only have one 'live' request for flexible working at any one time. This means that any appeal process in relation to a flexible working request must be concluded prior to a further flexible working request being submitted.

A6. Time Limits

A6.1 Decisions on flexible working requests (including the appeal process) will be made within 2 months from the date of application. The time limits in this procedure may be extended by agreement and/or for reasons relating to the absence of the member of staff presenting the application, the manager making the decision regarding the application or other staff who may be affected by the request.

A7. Withdrawal of Application

A7.1 Staff wishing to withdraw an application must do so in writing to their line manager. If the University considers that a request is withdrawn, the manager must inform the individual of this in writing.

The University will consider a member of staff as having withdrawn an application where, without reasonable cause, they fail to attend a meeting or an appeal meeting more than once, or where, without reasonable cause, the member of staff refuses to give the University information that is required to assess whether the contract variation should be agreed to.