

FLEXIBLE WORKING GUIDE

This guide provides useful information about flexible working at the Royal Veterinary College (RVC) and the statutory procedure to be followed when making an application for flexible working under the Employment Relations (Flexible Working) Act 2023.

The guide does not form part of your contract of employment and we may amend it from time to time, subject to consultation with recognised trade unions.

This guide applies to employees only.

1 INTRODUCTION

- 1.1 Flexible working is a provision that can enable employees to adjust, by agreement with their manager, the balance between home and work responsibilities, subject to operational and business needs. The RVC recognises that a good balance between work and other priorities such as longer-term caring responsibilities, leisure activities, further learning and other interests can improve employee motivation, performance and productivity and reduce stress.

2 FLEXIBLE WORKING PRINCIPLES

To support and promote flexible working, the RVC has agreed the following set of core principles:

- Flexible working should be mutually agreed between the employee and the employer.
- Those working flexibly and/or making a request for flexible working will not be subjected to any detriment or face any barrier to career progression.
- Consideration of the option to work flexibly will be given during both employment and recruitment. Our commitment to flexible working will be explicitly stated in job advertisements.
- All employees will be entitled to make a case for working flexibly, but there will be situations where a specific arrangement will not work because of RVC's commitments to students, clinical services, internal and external customers/clients, and research excellence.
- Where an application for flexible working is declined, an explanation will be provided.
- Responsibility for effective flexible working will be shared by employees and managers. Together they will assess opportunities and challenges in any proposed arrangement openly and honestly.
- If the employee agrees, flexible working arrangements may be offered for a trial period and then reviewed.

3 TYPES OF FLEXIBLE WORKING

- 3.1 The RVC will consider requests for various types of flexible working including changing the hours worked and the times an employee is required to be at work.
- 3.2 Flexible working involves consideration of 'when' people work, 'where' people work and 'how' people work. Options for flexible working may include part-time, job sharing, term-time working, changes to the days and/or times of work or compressed hours. This guide provides information on how to make an application to change working arrangements.
- 3.3 Whilst a request to work from home may be part of a request for flexible working under this guide, if an employee wishes to make an application to work from home that is not a statutory

flexible working request, they should apply through the RVC's 'Working from Home Programme' and 'Homeworking Policy'. This guide should therefore be read in conjunction with the RVC's 'Working from Home Programme' and 'Homeworking Policy,' which specifically sets out how the institution will deal with requests for homeworking, and conditions on which homeworking will be approved.

- 3.4 Employees on a Skilled Worker Visa must contact the HR team, hr@rvc.ac.uk, to ensure that visa salary and location requirements will continue to be met to maintain a valid visa.

4 ELIGIBILITY

- 4.1 All employees have a statutory right to ask for a change to their contractual terms and conditions of employment to work flexibly from the first day of their employment.
- 4.2 Employees are entitled to a maximum of two statutory requests in any 12-month period. However, the RVC reserves the right to consider additional requests in exceptional unforeseen circumstances.
- 4.3 An employee may have only one 'live' request for flexible working under this guide with the RVC 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 RVC.
 - The request is withdrawn.
 - An outcome is mutually agreed.
 - The statutory two-month period for deciding requests ends.
- 4.4 A request continues to be live during any appeal or any extension to the statutory two-month decision period that the RVC and employee may have agreed.
- 4.5 An employee is also entitled to request flexible working by way of a reasonable adjustment if that request relates to a disability under the Equality Act 2010. Such a request will be dealt with separately.

5 APPLYING TO WORK FLEXIBLE – THE PROCEDURE

- 5.1 If an employee is interested in flexible working, they should first discuss the proposal with their line manager informally. This may identify potential problems with an application, which can then be addressed.
- 5.2 If an employee wishes a request to be considered formally, an application must be made in writing, be dated and sent to Human Resources at hr@rvc.ac.uk in accordance with this guide. The application should address the points set out below:
- State the date of the request.
 - State that the application is being made under the statutory right to request a flexible working pattern.
 - State the change requested in relation to hours, times or place of work.
 - State whether the employee wishes the request to be considered as a permanent change or for a temporary period.
 - State the proposed date for the change to come into effect.
 - State whether the employee has made more than two previous applications to the RVC for flexible working within the last 12 months.
 - State if the request is in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.

5.3 Following receipt, Human Resources will send an employee's application to their line manager, who will consider whether it is possible to make the changes requested. Managers must not reject a request without first consulting the employee. Unless the manager decides to agree to the employee's written request in full, they must consult the employee before they make a decision. In such cases, the manager will invite the employee to a consultation meeting to discuss the request as set out below.

5.4 If an employee seeks a reasonable adjustment for their disability through a request for flexible working, their line manager will consider this in line with RVC's legal obligations under the Equality Act 2010. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working and will involve a review process such as Access to Work or an Occupational Health Review.

6 CONSIDERING A REQUEST FOR FLEXIBLE WORKING

6.1 Line managers will handle every request in a reasonable manner. This will include carefully assessing the effect of the requested change for both the RVC and the employee, such as the potential benefits or other impacts of accepting or rejecting it.

6.2 Managers will agree to a flexible working request unless there is a genuine business reason not to. A decision to reject a request will be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:

- the burden of additional costs.
- an inability to reorganise work fairly amongst existing staff.
- an inability to recruit additional staff.
- a detrimental impact on quality.
- a detrimental impact on performance.
- a detrimental effect on ability to meet customer demand.
- insufficient work for the periods the employee proposes to work.
- a planned structural change to your business.

6.3 The process for considering a flexible working request must be completed within two months of the request being received. This includes any appeals. An application should therefore be submitted ideally at least two months before the proposed changes are to take effect. However, this timeframe can be extended if this is agreed in writing with the employee.

7 CONSULTING AN EMPLOYEE

7.1 Unless a manager decides to agree to an employee's written request in full, they will consult with the employee before they make a decision. In such cases, the employee will be invited to a consultation meeting to discuss the request.

7.2 A consultation meeting can help make sure that all relevant information is understood before a decision is made. It can also make clear whether a request may relate to a reasonable adjustment for any disability.

7.3 The line manager will notify the employee of the time and place in advance of the meeting and try to ensure that the meeting is held without unreasonable delay at a time and place convenient to everyone. The manager will try to ensure that the employee has reasonable time to prepare for the discussion, while taking into account the statutory two-month period for deciding requests including any appeal.

7.4 The meeting will be held privately either in person or remotely via online video conferencing, or where neither of those are possible, via telephone call. An RVC recognised trade union representative, or work colleague may accompany an employee if they wish. A representative of Human Resources may also attend.

- 7.5 The content of the meeting and the way in which it is conducted will allow for a reasonable discussion and consideration of the request. It will usually be helpful to discuss, for example the potential benefits or other impacts of accepting or rejecting the request, and any practical considerations involved in implementing the request. A written record of the meeting will be kept.
- 7.6 If the original request cannot be accepted in full, the manager and employee can discuss if it may be possible to secure some of the benefits that the original request sought. They may discuss, for example, any potential modifications to the original request, or any alternative flexible working options, that may be available and suitable for both sides. It may be helpful to discuss whether a trial period might be appropriate to assess the feasibility of an arrangement.

8 COMMUNICATING A DECISION ABOUT A REQUEST

- 8.1 Once an employee's manager has made a decision about a flexible working request, they will inform the employee of their decision as soon as possible.

If the manager agrees to the request

- 8.2 If the manager agrees to the employee's request, or if a modified or an alternative arrangement is agreed after consulting with the employee, the written decision will confirm the details of the agreed new working arrangements and the date on which they will commence. The employee will be asked to sign and return a copy of the letter.
- 8.3 If a request is approved, unless stated otherwise, it will result in a permanent change to the terms and conditions of the employee's employment and the employee's contract will be amended accordingly. It will not be possible for the employee to revert to their previous terms and conditions without the RVC's agreement.
- 8.4 When a flexible working request is approved, the line manager needs to complete a [change of hours](#) form. Once the form is completed and authorised it must be emailed to the Human Resources in-box (hr@rvc.ac.uk). This will ensure HR and payroll records are updated with the employees new agreed contractual hours and/or work pattern. HR will then write to the individual to confirm this change. Where a flexible working request only impacts on the working pattern and not the number of hours then a [change of working pattern](#) form must be completed by the line manager and submitted to hr@rvc.ac.uk

If the manager rejects the request

- 8.5 If the manager rejects the employee's request, the written decision will clearly explain the business reason(s) (see section 6.2). It will also set out any additional information, which is reasonable to help explain the decision based on the operational and business needs of the RVC, together with the appeal procedure.

9 APPEALS AGAINST A FLEXIBLE WORKING DECISION

- 9.1 An employee may appeal against a decision not to grant a flexible working request. Any appeal must be dated and submitted within 5 working days of the written notification of the decision. The appeal should be put in writing to the Director of Human Resources and set out the reasons for the appeal which may include:
- Bringing to the RVC's attention something that the manager deciding the request for flexible working was unaware of when they rejected the application.
 - Asking the appeal manager to consider new information that was not considered at the time of the original request.
 - Alleging that the manager did not handle the request in a reasonable manner, explaining why this is believed to be the case.

- 9.2 A further meeting will be held to discuss the appeal, to which the employee may bring a colleague or trade union representative, if they wish.
- 9.3 Once the appeal hearing has taken place the RVC will write to the employee confirming the decision of the appeal, including reasons. The outcome of the appeal will be final.
- 10 IF THE EMPLOYEE DOES NOT ATTEND A MEETING TO DISCUSS FLEXIBLE WORKING OR AN APPEAL**
- 10.1 A manager's arrangements for a meeting to discuss flexible working should provide a reasonable opportunity for the employee to attend.
- 10.2 If a meeting is arranged to discuss the application, including any appeal, the employee fails to attend this, and a re-arranged meeting without good reason, the RVC will consider the request withdrawn.
- 10.3 If the manager does consider the request withdrawn, Human Resources will inform the employee of this in writing.
- 10.4 Any questions regarding this guide should be addressed to line managers or the Employee Relations Manager.

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