Agile Working Policy

1. Introduction

Agile working describes the mix of working arrangements involving the number of hours worked, the time and place of work and the processes, technology and environments that enable high performance.

At the OU, many managers and staff have positive experiences of utilising agile working options, including compressed hours, staggered hours, home working, part-time working and job sharing, and using a range of technologies to stay connected.

The OU has a supportive approach to agile working where performance, quality and results are the primary focus. Staff are allowed to exercise a degree of flexibility and independent working appropriate to their role and aligned with their terms and conditions.

The purpose of this policy and associated guidance is to unlock to a greater extent the business benefits of a more agile workforce, and to implement legislation which extends the right to request flexible working to all employees.

2. Scope

This policy applies to all OU employees with the exception of agency workers.

It is recognised that different categories of staff have different terms and conditions, with some agile working options inherent in some categories more than others.

It is only necessary to use the agile working request procedure if requesting a change to contractual arrangements.

It is not necessary to use the formal request procedure to request ad-hoc agile working, for example occasional home working or one-off changes to hours of work in response to personal circumstances.

Flexible Retirement is not covered by this policy as it involves drawing down pension benefits, and decision-making is not at unit level. A separate policy and application procedure apply.

Career Breaks and Unpaid Leave involve periods of time where staff are taking a break from work. These policies are outside of the scope of this policy but may be useful to staff who are seeking time out of work relating to personal circumstances.

3. Individual requests

All employees have a statutory right to request a permanent or temporary change to their terms and conditions of employment in order to work flexibly. The University allows this from the first day of employment, rather than after the statutory period of 26 weeks. This does not apply to agency staff.

Some employees are able to work more flexibly than others due to the nature of their work. Associate Lecturers do not work fixed working times and are entitled to allocate their working hours as required to fit in with their other commitments, as long as it does not adversely affect the student experience. It is not always necessary to request agile working when wishing to reallocate the working hours. Ad hoc changes to working patterns and availability can be agreed with the line manager and should be recorded in writing for any future reference.

Associate Lecturers are encouraged to discuss their workload aspirations with their line manager in their annual workload/CDSA discussion to enable effective workload planning. Any temporary or permanent FTE reductions mutually agreed in the workload/CDSA discussion do not have to be processed via formal agile working process, but the new agreed FTE value must be updated accordingly on SuccessFactors.
Where a reduction to FTE cannot be agreed as part of the workload/CDSA discussion, or personal circumstances necessitate a reduction to FTE, Associate Lecturers have a right to make a formal request for a temporary or permanent reduction to their FTE via the agile working process. Details of the process for increasing FTE can be found on People Services intranet site.

Both temporary and permanent changes are changes to contractual terms and conditions but a temporary change is subject to six-monthly reviews and means the contract will revert to the original term at the end of the agreed period.

A temporary change may be agreed in response to a short-term individual or business need or on the basis of a trial period before a request for a permanent change is made or granted.

Normally, a request for a temporary change should not be made more than once in any six-month period. A request for a permanent change can normally be made only once in any twelve-month period.

There is no requirement for a member of staff requesting agile working to state the reason for the request. All requests will be considered regardless of the reason for the request.

Staff can disclose needs relating to protected characteristic in equality law, if they want their request to be considered in line with the public sector equality duty and the duty to make reasonable adjustments for disabled people. Managers will give due regard to requests where the reason relates to one or more of the following protected characteristics: age, caring or dependency responsibilities, disability, gender reassignment, marriage and civil partnership status, political opinion (Northern Ireland only), pregnancy and maternity, race, religion or belief, sex and sexual orientation. Information about other personal circumstances that do not fall under a protected characteristic can also be disclosed and will be considered.

The University will give due consideration to all requests and will support these where operationally feasible. Requests will only be refused on the grounds of business reasons in accordance with statutory guidelines as set out in the guidance document.

Decisions to grant requests for agile working will be made in line with delegated authorities as agreed in each unit and authorities may differ for different agile working options. The line manager's manager or a more senior manager will be consulted before any request is refused.

Staff have a right to appeal against a decision to refuse a request. There are two grounds for appeal – either new information is available that was not available to management at the time of the original decision, or the employee thinks that the application was not handled in line with the policy, for example, insufficient documentation of the business reason for refusal. An appeal will be heard by someone independent of the original decision.

Staff can be accompanied at appeal meetings by another member of staff, for example by a colleague or a trade union representative. Similarly, management can be accompanied by an adviser, such as a more senior manager or a Senior People Services Adviser.

Failure by a member of staff to attend meetings to discuss the application or the appeal on two occasions, or unreasonably refusing to provide information required to assess where the request can be granted, are grounds for management to assume the application is no longer being pursued. In such circumstances, management will write to the member of staff confirming that the application is considered to be withdrawn.

Individual requests will normally be processed from start to finish, including any appeal, within a period of 8 weeks. The statutory maximum time of three months should not be exceeded, unless an extension to the statutory timescale is required due to individual circumstances and is mutually agreed between the employee and the line manager.

Information about all requests, decisions and appeal outcomes will be recorded and reported centrally to monitor the impact of the policy.

4. Reviewing and ending arrangements

Temporary arrangements must be reviewed at least every six months to ensure they are still meeting individual and business needs. Management may instigate an earlier review if individual or business needs change. Temporary arrangements can be extended, providing there is agreement between individuals and management, but should not normally exceed a period of two years.

Management can proactively offer agile working for individual job roles, groups of staff or entire teams, where a different arrangement has been identified that would better meet business needs. For arrangements which are not currently included in the list of agile working options, or where the intention is to require staff to amend current contractual terms and conditions, management should consult with the People Hub in the first instance.

Management can ask staff currently working temporary arrangements to consider changing their working arrangements, in order to accommodate changing business needs or requests from other staff.

Managers can stop an agreed temporary arrangement in response to changing business needs and should give staff as much notice as possible, and no less than one month.

Staff with permanent contractual arrangements can be asked to change their arrangements, but they cannot be required to do so through this procedure.

When a member of staff applies for a different job role in their own unit or a different unit, their current arrangements are not protected. They can however make a request for their current arrangements to continue. When an employee is transferred involuntarily to a different role, terms and conditions may be protected for a specified period of time and affected individuals will be notified as part of consultation procedures.

5. Equality, Diversity and Inclusion

Policies are inclusive of all Open University staff, regardless of age, care experience, caring status or dependency, civil status, disability, family status, gender, gender expression, gender identity, gender reassignment, marital status, marriage and civil partnership, membership of the Traveller community, political opinion, pregnancy and maternity, race, religion or belief, sex, sexual orientation, socio-economic background or trades union membership status.

6. Useful references

Agile Working Guidance
Career Break Policy and Guidance
Flexible Retirement Policy and Procedure
Terms and Conditions of Service
Unpaid Leave Policy and Procedure

Appendix 1: The Open University Agile Working Principles

1. *Flexibility can be an effective business tool*

   It can help to manage headcount and workflow, improve individual loyalty, performance and productivity, and attract and retain a talented and diverse workforce.

2. *Flexibility supports individuals*

   It can help to balance work and other commitments, increase job satisfaction, enable individuals to remain economically active and allow individuals to continue to work towards career goals.

3. *Requests for agile working will be considered with care*

   Requests to work flexibly will be given due consideration and supported where operationally feasible. Decisions to refuse requests will be clearly documented with the appropriate business reason.

4. *Students and customers come first*

   The need to deliver excellent customer service is paramount in making agile working decisions. There will be situations where a specific arrangement will not work and other situations where agile working is beneficial to individuals and the business.

5. *Different arrangements work for different functions*

   There is no one-size-fits-all solution. Some tried and tested solutions are available, and they can be tailored to different business needs and individual circumstances.

6. *Flexibility involves give and take*

   Responsibility for making it work rests equally with staff and managers, who together need to assess the opportunities and challenges, openly and honestly, including the need to balance requests for agile working equitably across teams.

7. *Presence does not equal performance*

   Staff performance should be judged by measurable results and outcomes, not necessarily by how many hours employees work or how long they stay in the office.

8. *Arrangements are not forever*

   Working patterns need to be flexible enough to respond to business requirements and changes in personal circumstances. Staff and managers need to be open to requests for change coming from both sides.

9. *Flexibility can work for all*

   Flexibility is not just for individuals with childcare or other caring responsibilities. Any member of staff may need or want to work flexibly for a variety of reasons.

10. *Careers will not be penalised*

    Staff working flexibly will not suffer any detriment to their careers. Business needs and required competencies are the basis for establishing criteria for job vacancies, staff development, rewards and other benefits.