**Flexible working policy/guidance**

**Introduction**

1. From 30 June 2014, all members of staff who have a minimum of 26 weeks' continuous service have the legal right to request flexible working, and to have their request considered seriously by their employer. This new legal right mirrors the approach the University has adopted over a number of years, in that the University will seriously consider flexible working requests from all staff no matter what their length of service, wherever reasonably practicable.

**Requests for flexible working**

1. A request for flexible working could include a request for a change to the number of hours that an individual works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the individual’s home.
2. All requests must be made in writing by completing the ‘Flexible Working Request Form’ available on the HR webpages or from the HR Department. The completed form should be submitted to the employee’s line manager. Any request made under this policy must include:

* the date of the application;
* the changes that you the employee is seeking to his/her terms and conditions;
* the date on which the employee would like the terms and conditions to come into effect;
* what effect the employee thinks the requested change would have on the university;
* how, in his/her opinion, any such effect might be dealt with;
* a statement that this is a statutory request;
* whether or not the employee has made a previous application for flexible working; and
* if the employee has made a previous request, when the employee made that application.

1. Where the request is being made by a disabled employee as part of a request for a reasonable adjustment to his/her working arrangements, the individual should state this in the written application
2. If an application does not include the required information the line manager will explain what additional information is required and an employee will be asked to resubmit their request.

**Meeting to discuss a flexible working request**

1. Once the line manager receives the request, it will be dealt with according to the time scales set out below.
2. The line manager will usually arrange a meeting to discuss the request. Where a request can without further discussion be approved in the terms stated in the individual’s written application, a meeting will not be necessary.
3. An individual will have the right to be accompanied by a work colleague or trade union representative at any flexible working meeting.
4. The meeting should take place in private so that it can be discussed confidentially. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the individual and University.

**Outcome of a flexible working request**

1. After the meeting, the line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the university against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another member of staff to be granted a similar change to his/her working pattern.
2. The employee will be informed in writing of the decision no later than the time limits set out below. The request may be granted in full or in part: for example, the University may propose a modified version of the request, the request may be granted on a temporary basis, or the individual may be asked to try the flexible working arrangement for a trial period. The individual will be given the right to appeal the decision if the employee's request is not agreed or is agreed in part.

**Reasons for turning down a flexible working request**

1. The line manager will be required to give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

* the burden of additional costs;
* an inability to reorganise work among 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; and
* a planned structural change to the business.

The line manager must not reject a request for any other reason.

**Flexible working requests that are granted**

1. If the request is agreed, the individual and the line manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing by HR and sent to the employee as a permanent amendment to his/her contract of employment, unless otherwise agreed, as soon as is reasonably practicable.

**Timescales**

1. All requests will be dealt with within a period of **three months** from first receipt to notification of the decision on appeal.
2. The line manager should hold the meeting within **28 days** of receiving the request and notify the decision to the employee within **14 days** of the meeting, so that there is enough time for any appeal to be concluded.
3. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of the notification, with the appeal to be heard within 14 days. The appeal will be heard by the Head of Department/Institute/Service
4. The employee will be informed of the outcome of his/her appeal within 14 days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the relevant line manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

**Problems with a flexible working request**

1. If an employee is dissatisfied or unclear at any stage throughout the process, he/she should contact the HR Department. If an employee is dissatisfied with the way in which his/her request has been handled in relation to procedural issues e.g. time scales or conduct of meeting, he/she has the right to raise a grievance under the university's grievance procedure.
2. Line managers who receive a request will have regard to the university's equal opportunities policy when considering the request.
3. If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

**Appeal procedure**

1. An employee who is dissatisfied with the outcome of their Flexible Working Request is allowed to make an appeal if there is new information that was not available to the line manager at the time they made their original decision, or if the employee thinks the application was not handled reasonably in line with the University’s policy.
2. The appeal should be made in writing to the Head of Institute / Department / Service of the employee making the appeal (referred to below as senior manager).
3. Details of their appeal should be made in writing within 14 days of the notification of the outcome. It should state the nature of the appeal, why the employee is dissatisfied and their views on how it could be satisfactorily resolved. A copy of the fully completed and signed Flexible Working Request form should be included with the appeal letter.

The line manager who dealt with the original request should be provided with a copy of the appeal letter by the employee.

1. The senior manager will arrange a meeting to hear the appeal within 14 days of receipt of the appeal. The meeting will be attended by:

* The senior manager hearing the appeal, who will chair the meeting
* A HR Adviser or other person nominated by the Director of HR
* The employee and their companion (see 27 below)
* The line manager who responded to the original Flexible Working Request

1. Any supporting information that either party wishes to present at the meeting should be submitted to the senior manager at least 5 working days before the meeting. The senior manager should ensure that copies are provided to the other party at least 2 working days before the meeting.
2. At the meeting the employee will be given the opportunity to present their appeal and any supporting information. The line manager who responded to the original Flexible Working Request will be invited to respond and present any supporting information. The Chair and HR Adviser may ask questions of either party.
3. The employee may be accompanied by a work colleague or trade union representative at the appeal meeting, referred to as their companion. The companion should be allowed to address the hearing, to put and sum up the employee’s appeal, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee’s behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.
4. The senior manager may adjourn the meeting if considered appropriate.
5. Arrangements will be made for a record of the meeting to be taken.
6. The senior manager will notify all parities of the outcome of the appeal meeting in writing within 14 days of the meeting.

Notes:

* A designated nominee at an appropriate level may be appointed by the Head of Institute / Department / Service or Director of HR if appropriate, for example to avoid undue delay due to absence.
* If the Flexible Working Request was originally made to the Head of Institute / Department / Service then the appeal should be made to the line manager of the Head of Institute / Department / Service. The HR department will be able to advise on whom to address an appeal to if clarification is needed.
* The above time limits may be extended where both the employee and relevant manager are in agreement. For example, during holiday periods, or the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.
* If the employee fails to attend the appeal meeting, and then fails to attend a rearranged appeal meeting without good reason, his/her appeal will be deemed to have been withdrawn.
* All requests should be dealt with within a period of **three months** from first receipt of the original Flexible Working Request to notification of the decision on appeal.

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