

## **FLEXIBLE WORKING – THE RIGHT TO REQUEST**

Every employee has a statutory right to request flexible working and this right applies from the first day of employment.

An employee may make two statutory requests for flexible working within any 12-month period.

There is no automatic right to work flexibly as there may be circumstances where the university is unable to accommodate the desired work pattern. Staff have a responsibility to think carefully about their desired working pattern when making an application and the university is required to follow a specific procedure to ensure requests are considered seriously.

### **Scope of request**

Staff can request to:

- Change the hours they work
- Change the times when they are required to work; or
- Their place of work

### **Making an application**

Staff may make two flexible working requests in 12 months under the right, and an accepted application will mean a permanent change to their terms and conditions (unless otherwise agreed).

Staff wishing to make an application to work flexibly should complete the Flexible Working application form and return it to their line manager. Please note that a request to work flexibly cannot be considered unless the application form is fully completed and must include the following:

- a. the date of the request
- b. The change the employee is requesting to the terms and conditions of their employment in relation to hours, times, or place of work.
- c. The date the employee would like the change to come into effect.
- d. If, and when the employee has made a previous request for flexible working to the employer.

Staff should contact the People Directorate if they need help in completing the application form.

Line managers will need to consider the request in a reasonable manner (i.e. objectively and fairly). It might be helpful to meet with the member of staff to explore the implications of the desired work pattern and discuss how it might be accommodated. The meeting will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the work pattern outlined in the application. Staff may be accompanied at the meeting by a colleague or recognised trade union representative or official employed by the trade union if they so wish.

Following the meeting the line manager will write to the member of staff and notify of the decision to either agree to a new work pattern and a start date; or to provide a clear business reason(s) as to why the application cannot be accepted and how it applies in the circumstances.

### **The Appeal**

An appeal must be submitted in writing to the Head of Department (Faculties) or Director (or an independent Head of Department\Director where either of the above is the line manager, within 14 days of the date the decision is notified.

An appeal meeting should take place within 14 days of receiving the notice of appeal. The member of staff can be accompanied by a colleague or recognised trade union representative. Staff will be informed of the outcome of the appeal in writing within 14 days of the meeting.

If the appeal is upheld the written decision must include a description of the new working pattern; the date from which the new working pattern will take effect; and be dated. If the appeal is unsuccessful the written decision must state, the grounds for the decision; provide an explanation as to why the grounds for refusal apply in the circumstances and be dated.

### **Withdrawal of applications**

If a member of staff does not confirm a verbal withdrawal in writing, the manager should confirm the withdrawal in writing.

An application may also be treated as withdrawn if a member of staff unreasonably refuses to provide the manager with the information necessary to assess whether the request can be agreed.

### **Forms**

The following forms should be used as part of the above procedure.

1. Flexible Working Policy and Procedure
2. Flexible Working Application Form with confirmation of receipt form
3. Flexible Working Acceptance Form
4. Flexible Working Rejection Form
5. Flexible Working Extension of Time Limit Form with reply slip
6. Flexible Working Notice of Withdrawal Form with confirmation slip

### **Further advice**

Guidance and support are available from the People Directorate at any time

For more details go to the Department for Business, Enterprise and Regulatory Reform at [www.berr.gov.uk](http://www.berr.gov.uk) or visit Business Link at [www.businesslink.gov.uk](http://www.businesslink.gov.uk) or Directgov at [www.direct.gov.uk](http://www.direct.gov.uk).

### **Related document**

Guidance for Managers on Flexible Working.