

MANAGER GUIDANCE ON FLEXIBLE WORKING REQUESTS

Informal requests/discussions around a change in working pattern

Employees are required to discuss their request to change their working arrangements with their line manager before making a formal application. This provides you with an opportunity to raise with employees any potential difficulties/issues for consideration prior to them submitting their application.

On receipt of a formal flexible working application from one of your employees

Please refer to the Flexible Working Policy and Procedure for details of eligibility requirements and the process involved. This policy and procedure also provides information on the timescales involved, which are recommended in order to meet the statutory requirement of dealing with requests within a 3 month time period. **All standard letters referred to in this guidance are available from People Services.** On receipt of a formal flexible working application, you should:

- Acknowledge the request using the standard acknowledgement of request letter
- Contact People Services to discuss the application, and to enable People Services to monitor all flexible working applications (including both approved and rejected applications).
- Be aware that a new working pattern will normally be a permanent change unless otherwise agreed. However, in some circumstances, such as when an employee's caring responsibilities are unpredictable, it might be more appropriate for you to agree a temporary period of flexible working, agreed outside the formal procedure. Alternatively, an agreement could be made for a time-limited change.
- There are many different ways to work flexibly. Descriptions of the more common arrangements are provided in the Flexible Working Policy and Procedure. Employees' requests may be as simple as asking to start half an hour later than usual to allow them to drop off a child at school. Or, it may be a bigger change, such as working reduced hours to accommodate a course of part-time study.
- Consult with relevant managers within your School/Service – bear in mind that there may be other flexible working requests under consideration, or operational impacts, within your School/Service which may have an impact on the application you are considering, and your response.

Preparation for the meeting

- You may find it helpful to make a list or draft an agenda of the issues you want to discuss at the meeting.
- You should inform the employee of anyone you have asked to join the meeting.
- It may be helpful for you to ask your other employees if they would want to cover any extra hours that may be created as a result of granting the request.
- You should speak to People Services so that you are clear about your options. Whilst you may be unable to grant the working pattern requested, there may be alternatives which would meet the needs of the employee and operational requirements.
- You should familiarise yourself with the Flexible Working Policy and Procedure and the different types of flexible working.

Considering a flexible working request

- Your decision about whether or not to grant the flexible working request should be based on an objective assessment of the business case. Provided employees meet the eligibility criteria for requesting flexible working, their reasons for requesting flexible working should not influence your decision and each case should be judged on its own merits. Enabling employees to work flexibly can benefit our University in a number of ways, such as retaining valued employees, increasing employee commitment, reducing absence and increasing productivity. However, it is important to remember that whilst employees who meet the criteria in the Flexible Working Policy have a legal right to **request** flexible working, this does not mean that you must grant all flexible working requests. Where there are business grounds which mean that the flexible working arrangement requested is not feasible, you should try to find an alternative working pattern which suits both the employee and our University, or the request should be rejected (see below).
- When considering a flexible working request, there are a number of issues that you should take into consideration including supervision, impact on the team, impact on customer service and performance, any additional costs, the requirement and any difficulties in recruiting additional staff, planned structural changes, peaks and troughs of work, office/service cover. For example, if there are already employees in the team working atypical patterns, it may not be practical to add another.

Dealing with Multiple Requests

- There may be some occasions when you receive requests to work flexibly from two different employees around the same time. If this happens, it is important to remember that having considered and approved the first request; the business context will have changed and can be taken into account when considering the second or subsequent requests.
- Whilst in some circumstances you may be able to approve more than one request, it may be helpful to have a discussion with each member of staff to explore if there is any room for adjustment or compromise in relation to their requests before making decisions.

Avoiding Unlawful Discrimination

- When considering a request to work flexibly, you must be careful not to inadvertently discriminate against particular employees because of their protected characteristics under the Equality Act 2010, including for example disability, sex, pregnancy and maternity. For instance, flexible working arrangements could be a reasonable adjustment for a disabled colleague and the rejection of a new mother's request to work flexibly could be seen as indirect sex discrimination.

Withdrawal of a request to work flexibly

- Should the employee decide to withdraw the request to work flexibly in writing (either before or after the meeting), you should confirm this using the standard letter regarding notice of withdrawal. Our University may also treat some applications as withdrawn, for example where the employee fails to attend meetings to discuss their application (see Flexible Working Policy and Procedure).

Extension of time limits

- Flexible working requests, including appeals must be considered and a decision taken within a period of 3 months. This time limit can only be extended through agreement between yourself and the employee (e.g. due to holidays) or where you are absent when the original application is made. In these cases the standard flexible working extension of time limits letter should be used to communicate the reasons for the extension to the employee.

Agreeing a flexible working request

- An accepted application will (unless otherwise agreed) mean a permanent change. Inform People Services of the agreed change (including a copy of the Flexible Working Application form).
- People Services will notify the employee of the outcome in writing.

Turning down a request to work flexibly

- Before notifying the employee, you should first discuss your response with People Services.
- People Services will work with you to notify the employee in writing. It is not a requirement for you to provide a lengthy and complex explanation looking to cover each argument in fine detail, nor should the employee expect this. The aim is for you to explain to the employee, in terms that are relevant, why the requested working pattern cannot be accepted as a result of the business ground(s) applying in the circumstances (see Flexible Working Policy and Procedure for a list of the eight business grounds). People Services will retain a copy of the letter on the employee's file.

Appeal

- Employees may appeal against your decision to the appropriate Dean/Director of Service if they feel their applications were not handled in line with our University's procedure and/or, if there is new information that was not available at the time the original decision was made.