



Managers' guide: considering a flexible working request

Introduction

You can read about flexible working and the usual arrangements in the [Flexible Working Toolkit](#). This guidance is to help you manage requests from your employees to work flexibly. It is important that you read and follow this guidance carefully to ensure requests are dealt with consistently, fairly and within the law. We give all of our employees the right to request flexible working although employees over 26 weeks have the [legal right to request flexible working](#) and you must deal with all requests in the same way as outlined in this document.

Managers have the duty to consider these requests in a fair and timely way. You may refuse the request if you have a good business reason for doing so. There is no requirement to agree every request that is submitted and the feasibility and impact of the request should be considered very carefully.

If you are considering introducing flexible working to your team, please refer to the guidance in the [Flexible Working Toolkit](#).

How to manage different types of request

Most employees requesting flexibility are advised to discuss their request initially with their team and line manager/academic lead to determine its feasibility before submitting a formal request. Some forms of flexibility do not require a formal request, as outlined below.

Flexible working request form – existing employees wishing to work compressed hours, annualised hours, reduced hours, job share, regularly from home, remotely or any combination of these must complete a flexible working request form. You should follow the guidance in this document for such applications.

Annual teaching restrictions form – teaching staff may request restrictions on their timetabled hours and these should be submitted annual through the annual teaching restrictions form. You should follow the process and guidance outlined in the [Flexible Working Toolkit](#).

Informal conversation – existing employees wishing to work [flexitime](#) or [occasionally from home](#) may make a request informally and you can agree this informally. If agreed, you should be clear about your expectations and follow the guidance in the [Flexible Working Toolkit](#). Prospective employees may also approach you about any type of flexible working during the recruitment process. You should follow the [guidance for recruiting managers](#). Many departments or teams will already have agreed that their staff can work flexitime and no further agreement is needed.

Occupational Health – the Occupational Health team may recommend flexible working for an employee returning to work after a long term absence. The feasibility of this request may be discussed with Occupational Health and a flexible working request form does not need to be completed but expectations should be made clear.

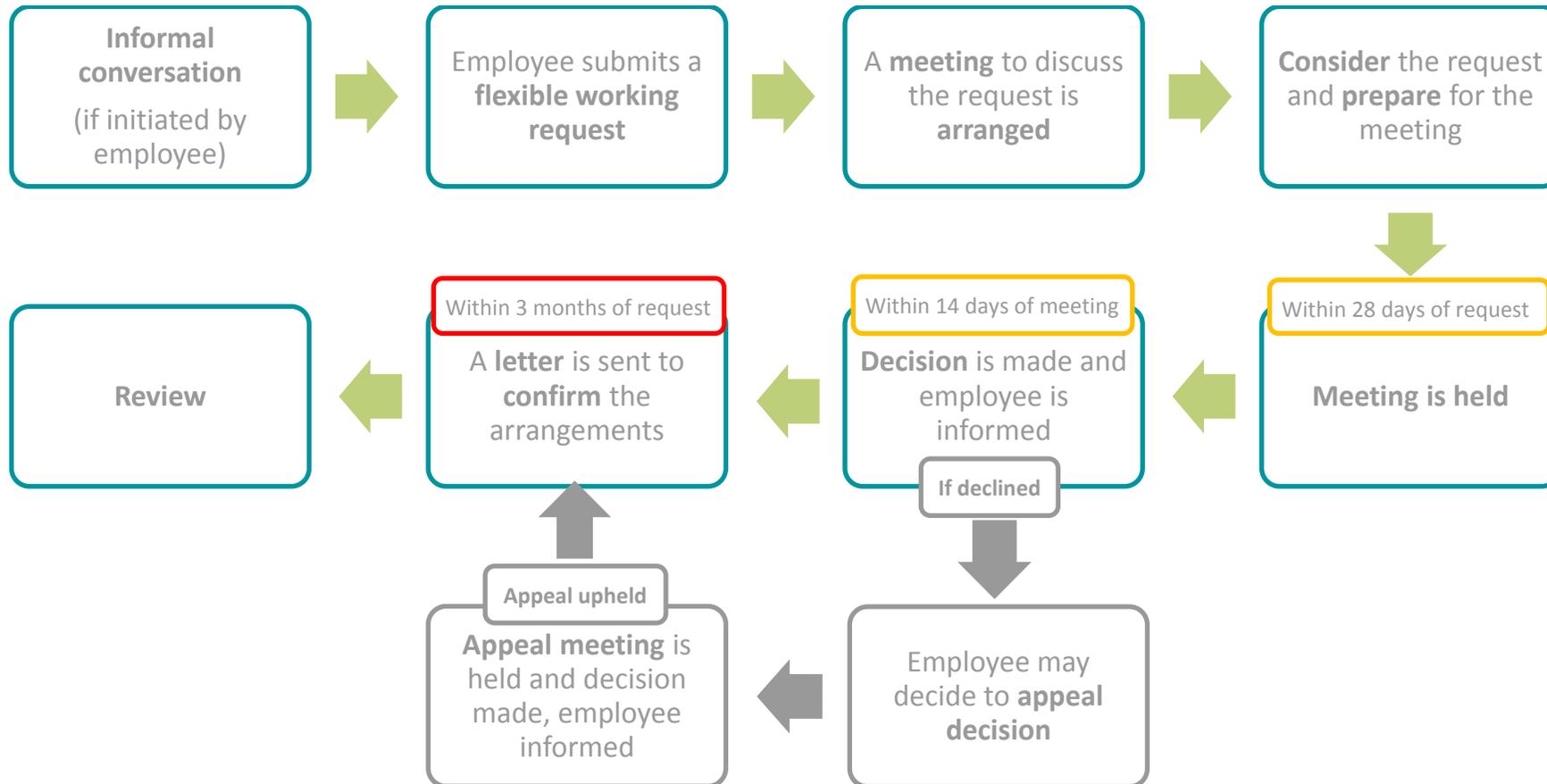




The process

The diagram below outlines the process when an employee makes a request to work flexibly. Click on each stage of the process for further details.

Timescales in **orange** boxes are **recommended**, and in **red** boxes are **mandatory**.





Informal conversation

Employees are advised to think through the details of their request and discuss it with their team and manager before applying formally. This is to help highlight any areas of concern and ensure that the University's business is not impacted negatively.

You should have an open and honest discussion to explore the feasibility. It is not appropriate to make and refuse the request at this stage. You can highlight any areas that you think may be difficult and the employee should consider these if they decide to progress with their request.

Flexitime and occasional homeworking requests can be agreed through informal conversation and no formal flexible working request needs to be made but you should refer to the [homeworking](#) and [flexitime](#) guidance.

Employee submits a flexible working request form

The flexible working request form can be found in the [Flexible Working Toolkit](#). The employee should complete all sections and send a copy to the [College/Service nominee](#) with a copy to the HR Business Partner.

Meeting to discuss the request

Why: The purpose of the meeting is to provide both parties with the opportunity to discuss the requested working arrangements in depth and consider how feasible they are. This could include discussions around alternative arrangements that might meet the needs of both parties.

Who: The meeting should be arranged by the line manager. Attendees should include: the employee making the request, the line manager, the [relevant College/Service nominee](#) and where possible, the HR Business Partner or HR Advisor. The employee can be accompanied to the meeting by a work colleague or a union representative.

When: The meeting should be held within 28 days of the date of the formal request at a time and date should be convenient for all parties. If you are unable to arrange a meeting in this time, you should let the employee know that there will be a delay. The entire process of considering the request (including any appeal) must be finished within 3 months of the formal request.

Where: The meeting may be face to face or if all parties are happy, it can take place over the telephone or another way such as Lync or Skype.





Consider the request

You have a duty to consider the request fairly but are not under any statutory obligation to grant the request if it cannot be accommodated by the business due to one or more of the eight business reasons listed below.

When looking at a request, you should consider the following things:

Contractual, visa and grant implications: you should discuss the contractual and visa implications of the requested arrangements with your HR Business Partner. **The International Employment Officer MUST always be contacted for requests from employees working on a visa.** Grant implications can usually be discussed with the relevant Research Accounting team. Depending on the nature of the request, the following terms and conditions may change if agreed and you should discuss these with the employee:

- Salary (e.g. if reducing total hours)
- Grade of the post (e.g. if changes to role's location or working hours mean that particular duties cannot be carried out which could then change the grade of the role)
- Annual leave and other benefits (e.g. annual leave may be pro-rata'd)
- Visa – an international employee may have a visa which is time limited or have other terms that may be affected by a change in working arrangements. The flexible working arrangement might not be covered by their current visa and so the visa must always be checked.
- Externally funded post – the terms and conditions of the funding agreement should be checked. For example, if the request relates to reducing hours but the employee is working on a time-limited research project, would the reduction necessitate an extension to the project end date and is this permitted by the terms and conditions of the funding?

Practical implications for the role: consider the effect of the request if approved on the role:

- is the workload achievable within the new arrangement?
- will the nature of work to be done change?
- can the work be done in the pattern of working requested?
- impact of restructuring workload on rest of duties
- flexibility if work commitments change (short-term), sometimes at short notice, or for meetings
- health and safety considerations for homeworking– please read the [working from home safely](#) guidance.

Practical implications for managing the post:

- how performance and output will be monitored
- contact and response agreement on home-working days
- how sickness will be managed

Practical implications for the team: consider the impact of the requested arrangement on other members of the team:





- impact of restructuring workload for work colleagues and teams
- current work patterns of other team members

Financial implications: consider if there are any intolerable costs associated with the requested arrangements and whether there are ways that these costs can be minimised. For example:

- purchase of new or additional IT equipment
- cost of management overhead
- cost of recruitment (for example recruiting a job share partner)
- cost of any additional space or furniture requirements

Reasons for refusal: a request can only be refused for one (or more) of the following business reasons:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to re-organise work among existing employees;
- inability to recruit additional employees;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods you propose to work;
- planned structural changes

You should also make sure that the request falls within the normal parameters for the type of flexible working as outlined in the toolkit.

There is further guidance on considering a request in the form of [example requests and considerations](#) in the [Flexible Working Toolkit](#). You will also find **examples of business grounds for refusing a flexible working request** in the [appendix](#) of this document.

Making a decision

The decision may be made at the meeting or you may require additional information or need time to discuss the proposed working arrangement with other employees. A decision should be made within 14 days of the meeting.

Once a decision has been reached you should discuss and agree a review date.

Appeal

An employee has 14 days from the date of receiving your notification of rejection to appeal, in writing to the Director of Human Resources. As soon as possible and recommended within 14 days of receipt of that letter a meeting will be arranged two appropriate senior managers who have not previously been involved in discussions about your request. The outcome of the appeal is final and must be confirmed as soon as possible and within 3 months of the initial request.





Confirming the arrangements

It is important to confirm any arrangements and expectations in writing so that all parties are clear of the agreement. This is particularly important as changes agreed through a request for flexible working may mean a change to the employee's terms and conditions of employment.

The letter will be sent from HR so you must inform your HRBP of the final decision. This is important so that the employee's records on Trent can be updated and any necessary adjustments made to conditions such as holiday or pay.

Any written confirmation **MUST** include details of arrangements for review. The University will normally have the right to end the flexible working arrangement if personal or business circumstances change.

Review

As the business environment and individual circumstances are continually changing, working arrangements should be reviewed regularly and any issues that arise are best dealt with as soon as possible.

Working arrangements **MUST** be reviewed after an initial trial period to ensure they are meeting the needs of the individual and the business. It is recommended that there are reviews after 6 and 12 months but you may consider different review dates if appropriate to the circumstances.

Review dates must be agreed in advance with the employee.

Timescales

The process must be completed (including the appeal) within 3 months from the date that the application is received.

If the process looks like it might take longer than 3 months you **MUST** get written approval from the employee to extend the timeframe.

Further guidance available

For further guidance on particular types of flexible working arrangements, please see the [Flexible Working Toolkit](#).

Please speak to your line manager in the first instance to discuss your individual or team circumstances. Your [HR Business Partner/Advisor](#) is available should any further support and guidance be needed.





APPENDIX: Business grounds for refusing a request

Requests to change a work pattern can only be refused using one or more of the following business reasons.

1. The burden of any additional costs is unacceptable to the organisation
2. Inability to re-organise work among existing staff
3. Inability to recruit additional staff
4. Detrimental impact on quality
5. Detrimental effect on ability to meet customer demand
6. Detrimental impact on performance
7. Insufficient work during the periods the employee proposes to work
8. Planned structural changes that do not fit with the proposed working arrangement

Below you will find example requests and reasons for refusal for each business ground.

Burden of additional costs

In considering this, it is important to think about whether the proposed new arrangement allows the department to recoup costs through better coverage of service or increased outputs. All costs can be considered including management overheads of managing more fractional contracts.

Example: two members of staff apply for a job share and both request to work 3 days a week. Whilst the manager may be happy to agree to a job share they are unable to increase payroll costs to cover the additional hours. The staff are not prepared to consider 2.5 days each, so the manager reluctantly has to turn down the flexible working requests.

Inability to reorganise work among existing staff

Managers should consider the cost of recruiting additional staff against the potential cost of losing the existing member of staff. Is it appropriate to talk to other team members about re-organising the work?

Example: a specialist advisor who has a full workload requests a reduction in hours. The manager looks at the team workload, the skills of the particular advisor and future demand. The specific skill set of the advisor and the lack of capacity within the team for picking up extra work or retraining to gain the necessary skills means that work would not be able to be shared. It would therefore create undue pressure on the rest of the team. The request is reluctantly turned down.

Inability to recruit additional staff

Consider the cost of recruiting additional staff against the potential cost of losing the existing member of staff making the request. Also consider talking to the team about any reorganisation of work where this would be appropriate before coming to a decision.





Example: A customer facing administrator requests to reduce their hours to 29.2 hours a week (0.8FTE). There needs to be cover 5 days a week from 9-5.15pm. The manager and employee agree to advertise for a 0.2FTE but the recruitment campaign is unsuccessful in finding an appropriate candidate. The request has to be turned down.

Detrimental effect on ability to meet 'customer' demands

Look carefully at the skills and potential of other members of staff when considering these reasons.

Example: An Academic asks for their teaching to be confined to 2 consecutive working days a week as they do not live in Exeter and are travelling down to Exeter and staying overnight. This is seen as potentially having a detrimental impact on service as the academic would have very limited availability for seeing students outside lectures; they would not be able to contribute effectively to admin duties in the College e.g. helping with admissions/open days and also it is likely to be technically unworkable from a timetabling perspective.

Detrimental impact on quality

Managers should assess the skills and potential of other employees, with training many staff can acquire new skills.

Example: an experienced member of the ground staff asks to reduce their hours. The rest of the team are relatively new and are still learning all the requirements of the job. It is felt that a reduction in hours cannot be accommodated at this time but an agreement is made to look at the needs of the business and the skills of the staff in six months' time.

Detrimental impact on performance

Performance can mean the individual, the team or the whole organisation

Example: a manager is supervising a busy team where there are issues of poor performance and short term absenteeism. The manager had been recruited to deal with the issues and requests to work flexibly from home. The request is considered but it is felt that the main focus of the role is to manage the team through the current issues. It is felt that the request cannot be granted at the present time as the manager is required in the office to tackle the issues.

Insufficiency of work during the periods the member of staff proposes to work

Ensure that there is a need for the work to be delivered during the period requested.

Example: a receptionist who works standard University hours of 9.00am to 5.20pm asks to change their working hours to start at 8.00am every day and finish at 4.20pm. The manager looks at the need to respond to customers/staff and decides there is inadequate demand at this time in the morning and the fact that this would reduce reception cover at the end of the day also presents a difficulty. So the request is turned down.





Planned structural changes

This might be important where there are plans to reorganise or change the business and the flexible working request might not fit in with the plans.

Example: a member of catering staff requests to start work later and finish later. Whilst this seems entirely possible at present, there is a review of customer needs taking place which could result in the opening hours changing. The request is turned down until the review has been completed.

