



## Guidance Notes for Managers in Considering Flexible Working Requests

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### 1. WHAT SHOULD I DO WHEN I RECEIVE A FLEXIBLE WORKING REQUEST?

On receiving a flexible working request you should follow the [Manager's check list](#) and arrange to meet with the member of staff to discuss it as soon as possible. Prior to the meeting you may wish to ask them to complete the [Job Suitability Questionnaire](#).

You can propose a meeting date using the [Invite Letter template](#). Please make note of the meeting date as you need to consider the request and make a decision within **three months of receiving the application** (this includes time for any appeal). If it is likely to take longer then you should inform them and seek to agree an extension of the time limit.

Allow staff to be accompanied at the meeting by a work colleague or trade union representative if they so wish. This should be made clear to them before the meeting takes place and sufficiently in advance so that they can make arrangements.

If staff cannot make the proposed meeting another date and time should be arranged.

***Please note that if it is a request to make a reasonable adjustment for a disability it should not be treated as a flexible working request and you should seek advice from your HR Advisor or HR Manager.***

Before the meeting ensure that you have read the Flexible Working and Leave Policy and sections 3 and 4 below.

## **2. WHAT HAPPENS AT THE MEETING?**

Treat the meeting as any other management conversation and hold it in a location where it cannot be overheard by others. Talk through the application and explore exactly what changes they are seeking and how these may be accommodated. Ask if they are willing to elaborate on the reasons why they are seeking the change and check if there is any additional information you should be aware of in relation to their request.

If you believe that supporting the request may not be straight forward or may not be possible you should discuss any potential difficulties. Explore possible alternatives which may be different from that proposed and ensure that all possible flexible options are discussed. It is not advisable to give a final decision at the meeting. Please seek further advice if you are unsure.

## **3. WHAT DO I NEED TO DO TO CONSIDER A REQUEST?**

Flexible working arrangements work best when they are planned for as a team rather than on an ad hoc basis as individuals request different working arrangements.

Understand the current working arrangements in your team and try to anticipate the main concerns of team members. Consider and be clear on the following:

- Outline the advantages for the University, the team, the individual and customers.
- Where appropriate, consult with other team members who might be directly affected, to discuss working patterns, workload and cover before making any decision.
- Will other staff be expected to incur an increased workload due to a colleague's flexible working pattern?
- What is the minimum cover required operationally to provide an effective service?
- Do they have line management responsibilities? If so how do they anticipate these staff will cope in their absence?

## **4. WHAT ARE THE BUSINESS REASONS TO CONSIDER?**

You should consider requests to work flexibly on the presumption that you approve them unless there is a good business reason for not doing so. These business reasons are set out in Employments Rights legislation and are:

- **The burden of additional costs**

In considering this, reflect on whether or not the proposed new arrangement allows the department to recoup costs through better coverage of service or increased outputs.

- **Detrimental effect on the ability to meet customer demand**

Consider if you have sufficient resources to respond to the business need and will it be sustainable.

- **Inability to reorganise work among existing staff**

Consider talking to the team about any reorganisation of work where this would be appropriate before coming to a decision. Does it put unreasonable pressure on the other staff?

- **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. If the request is to reduce hours or to change the work pattern, can you fill the gaps?

- **Detrimental impact on quality**

Look carefully at the skills and potential of other members of staff when considering these reasons. Will there be an impact on the ability to meet customer demand? Can you offer training to new staff?

- **Detrimental impact on performance**

Performance can mean the individual, the team or the University. Consider if this will be effected.

- **Insufficiency of work during the periods the employee proposes to work**

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

- **Planned structural changes**

Where there are operational/structural changes planned the flexible working proposal may not work effectively in the new structure without impacting negatively on the business.

## 5. WHAT ARE THE FACTORS TO CONSIDER FOR :

### a) Term time only/annualised hours requests

- Are there peaks and troughs in the workload?
- Does the nature of the role support working full time or part time around University semester times or school terms?
- Can the work be defined over a whole year?
- If the postholder has line management responsibilities, account must be taken of whether or not the team involved can work extended periods without direct supervision.
- Is there adequate cover, by appropriately skilled staff, available to maintain service levels and to avoid over burdening team members during school holidays/outside of semester?

### b) Home working requests

All staff working at or from home on a regular basis will need to have a risk assessment undertaken/self-assessment.

When assessing requests to work at or from home the following should be taken into account:

- The suitability of the job/work task – clarity of requirements, deadlines and objectives.
- The suitability of the home (risk assessment) – Health and safety requirements will apply.
- Will it be detrimental to the speed or quality of services provided?
- Will it be detrimental to the efficient working of the team?
- Do the hours to be worked at home agree and comply with contractual hours and the University's policies on rest breaks and core working hours?

Consider the suitability and needs of the member of staff as follows:

- The capability and role development needs of the member of staff.
- Can they work without close supervision?
- Can they meet work deadlines?
- Can they demonstrate self-motivation and discipline?
- Can they demonstrate initiative and flexibility?
- Can they manage their workload and set their own priorities?
- Can they work successfully in a potentially isolating environment?
- Can they manage the proximity of work and home life so that work does not become unacceptably intrusive?

#### **Examples of posts suitable for home working**

There is no definitive list of posts suitable for home working, however, research indicates certain job characteristics which lend themselves to home working. **Refer to the ACAS Job Suitability Questionnaire in the Managers Checklist.**

#### **Suitable characteristics**

- A high degree of written rather than manual work/assessment of course/exam work.
- Customer service/help desk work where enquiries are answered by telephone or email.
- Work performed on an individual basis with clearly defined areas of individual work e.g. project work, research and report writing, case work, administrative tasks, data inputting.
- Work which has clearly defined objectives, and is not subject to sudden changes of priorities.
- Research, teaching preparation, marking/assessment of course work/exam work.

#### **Unsuitable characteristics**

- Front of house work e.g. receptionist, customer services where one to one contact is essential.
- Teaching students, giving students one-to-one feedback, advising students on individual matters.
- Providing a service where one to one contact is essential. e.g. advisory work, appointments with staff/students, library work, catering service.
- Work which needs constant access to central filing systems/central resources.

- Work which requires close contact with a team, constant input/exchange of information from other team members or other staff.
- Building/campus based work e.g. caretaking, maintenance work, cleaning, security duties.

#### **Contact whilst working from home**

Ensure that staff working from home; on either a regular or an ad hoc basis; are made aware that they must be contactable by telephone by their line manager or Head of Department. They should also be made aware that should they be required to attend a meeting on their normal working at home day that they should be prepared to come to the campus. Reasonable notice should be given, unless there is an emergency, when they must be prepared to be recalled to campus at short notice.

#### **Absence due to sickness or any other reason**

Staff should be made aware that should they be unable to work at home due to sickness or any other reason they must contact their manager in the usual way as per the Sickness Absence Policy.

#### **Termination of Homeworking**

In cases where the homeworking arrangement cannot be continued, appropriate notice should be given before ending the arrangement.

#### **c) Job sharing requests**

Managing job sharers effectively can take up more time and so allowances may need to be made for this.

There will be some occasions when departments are only able to sustain a certain level of job shares within a given area or at a given grade. To turn down a job share request managers must be able to justify the decision on operational grounds.

- **The nature of the role, its duties and responsibilities**

Consider the tasks and responsibilities of the role. How can these be best transferred effectively between partners? Where this is not possible, can they be primarily assigned to one partner without the timescale for completion being affected? Consider continuity issues, the timescale for delivering the service. Where will partners need full contextual understanding of the role in order to engage effectively with issues? Can duties be divided according to tasks, projects, students/customers/staff groups?

- **The nature and extent of any managerial or supervisory responsibilities**

Consider how the staff management aspects of the role could be successfully operated. A job share manager post responsible for a job share subordinate post would have particular challenges.

- **Briefing and communications**

Good communication is essential for a job share to work effectively. Every opportunity should be given for prospective job sharers to meet and to jointly propose how the arrangement will operate. Think creatively as to how job sharers can maintain effective communications between each other and their work colleagues. Are there times when both partners need to attend briefings/ meetings or can one partner attend and brief the

other? How will the department schedule meetings so that the sharers can both attend if necessary?

- **Handover arrangements**

A handover period which allows for an update and outstanding tasks to be passed on will maintain continuity and ensure that tasks are completed. It also allows job sharers to build a more collaborative working approach to their work. This can be critical to the success of the job share. Consider how best to hand over information on a regular basis. How frequent, how long? Will partners keep a written or electronic log for each other, diary prompts, schedule a 'to do' list or just rely on a face to face meeting each week?

- **Distribution of duties and responsibilities**

Consider work patterns, what coverage will be required, will there be an overlap to cover peak period demands? Is the agreed work pattern one where if one partner leaves, the remaining hours form a sufficiently viable package to attract new applicants? A 50 /50 split is the most attractive and easiest to manage.

- **Skills and experience of job share partners**

A job share is in every sense a partnership and requires each partner to contribute effectively and equally to its successful operation. Skills and attributes need to be equally balanced to ensure that each partner is able to deliver all aspects of the role in the same way with the same level of skill. Managers should be mindful of areas where the tasks could become split due to one individual's skill set or an imbalance of hours. This could lead to a job split and the post will not operate as an effective job share if this is allowed to happen.

- **Line management**

Managers will need to carry out individual Staff Development Performance Reviews but if appropriate these may be followed up by a joint review by the line manager in order to consider role objectives together.

- **Commitment of job share partners**

It may not be practical to limit contact outside working hours to emergencies only. However, this will need to be discussed with all parties so as not to impose unduly on an individual's non-working time. Whilst there would be no requirement for partners to cover for each other's leave or sickness, it would not be unreasonable to ask if urgent or critical events could be covered. Can long term absence for sickness or maternity leave be offered to a partner as a temporary increase in hours?

In order to ensure effective delivery of the role, partners will need to be honest with each other and have a mutual trust and respect for one another, be open to review areas of work, service delivery etc. and possibly make adjustments in order to fit in with the way each partner works.

## **6. WHAT SHOULD I DO IF I CAN'T SUPPORT ANY FURTHER FLEXIBLE WORKING ARRANGEMENTS?**

Having considered the request and the reasons set out under Section 4, please note the following. If by approving further flexible working arrangements you believe that there would be an adverse impact on the business, you may wish to seek volunteers who are willing to change their current arrangements back to their previous pattern of working or perhaps full time.

## 7. WHAT DO I DO IF I RECEIVE MORE THAN ONE REQUEST AT THE SAME TIME?

Consider each request in the order in which they were made and in the context of business needs. If the first request is agreed, then you must take account of the changes this will make to staffing when considering the second request.

Before 30<sup>th</sup> June 2014, managers had to consider requests for flexible working for the purpose of providing care. However, with the revised legislation you are now required to decide whether to grant the request by focusing on the business grounds and whether flexible working can be accommodated, rather than evaluating the personal circumstances of the member of staff.

If you receive two requests for flexible working at the same time, one relating to the care of an elderly disabled relative and the other to enable staff to have more free time, you are not required to make a value judgement about the most deserving request. However, you may wish to seek advice from your HR Advisor/Manager in certain instances since some staff have extra legal rights under other legislation. For example refusing a request in order to care for a disabled family member will mean that they could bring an associated discrimination claim under the Equality Act 2010.

## 8. HOW DO I INFORM STAFF OF THE DECISION?

Having considered the changes the staff member is requesting and having weighed up the advantages and possible costs of granting the request, **you must put your decision in writing as soon as possible after your meeting** by completing one of the [template letters](#) and copying it to your HR Advisor so that a contract variation letter can then be issued by Human Resources. If you are refusing a request please ensure that you speak to your HR Advisor before issuing the letter.

This decision will either be:

- Accept the request setting out what changes will be made to the individual's contract including hours, days and work pattern; **LETTER A**
- Reject the request setting out clear business reasons for the rejection (See Section 4) and explain why the business reasons apply in the circumstance; **LETTER B**
- Offer a trial period and accept the change on a temporary basis. **LETTER C**

## 9. WHAT IS A TRIAL PERIOD?

A trial period is an agreed period of time when you put in place the proposed changes in order to determine and monitor the effectiveness of the flexible working arrangements. The length of any trial period should be agreed with the member of staff and confirmed in writing in response to their request. A suggested starting point for this would be 12 weeks. Any review of a trial period should consider the following:

- How others have found the arrangement and its effectiveness
- The impact on colleagues
- The impact on the service

## 10. SHOULD I REVIEW THE NEW ARRANGEMENTS?

Where a request is granted, even after a trial period, it is best practice for the line manager and member of staff to jointly monitor and review the impact of the new working pattern or time spent working from home to ensure that it continues to meet operational needs which may be subject to change. You can build in a formal review point at six months or a year, when you can discuss how the new arrangements are working and make any adjustments necessary if they need to work better or differently. If the working arrangement is not working effectively and no longer meets the departmental or University needs, then you may need to give notice to revert to their former working arrangement if possible.

**11. CAN STAFF REVERT BACK TO THEIR ORIGINAL ARRANGEMENTS?**

Any change to their working pattern as a result of a request for flexible working is regarded as a permanent variation to their contract, unless agreed otherwise. Thus, once the change has been implemented, the member of staff has no right to revert to his or her previous pattern of working at a future date. Similarly there is no scope for the University to insist that the member of staff revert to his or her previous working pattern when for example a child reaches the age of 17 (or 18 in the case of a disabled child), or when staff no longer have caring responsibilities.

**12. CAN STAFF MAKE A FURTHER REQUEST IF I DON'T SUPPORT IT?**

Staff should be aware that once they have made a flexible working application, whether it was approved or not, they do not have a statutory right to request another variation for a period of 12 months from the date of their application.

September 2014



**LETTER A: FOR AGREED VARIATIONS**



**UNIVERSITY OF  
BATH**

**Strictly Confidential**  
**To be opened by addressee only**  
[Name]  
INTERNAL MAIL

[Date]

Dear [Name],

**Flexible Working Request**

Following your meeting held on [date] to discuss your flexible working application which was received on [date], I am pleased to confirm that your request has been granted.

I can confirm that, as from [date], your hours of work will be [state a) days and b) hours and times of work]. This represents a working week of [number] hours.

**[INCLUDE IF VARIATION IS FOR HOMEWORKING]**

I can confirm that, as from [date], you will work [state a) days and b) working hours during which the employee will work at home] out of your total working week from home. As part of this arrangement, you must be prepared to change your homeworking pattern or for this to be reviewed if your role requires you to attend work at the University for example to attend meetings, provide a specific on-site service or to attend training. You should also ensure that you are contactable at all times during your working time at home.

Please note that in line with the University's Flexible Working and Leave Policy, this will be a permanent change to your contract of employment and you have no automatic right to change back to your previous working pattern. The University also reserves the right to review all flexible working patterns over time in light of any changes to operational requirements and you will be consulted if there are any proposed changes.

I do hope that the new working pattern that has been agreed for you will be of benefit both to yourself and to the University.

Yours sincerely

[Manager name and job title]  
c.c. HR Advisor

Enc. Flexible Working and Leave Policy

## LETTER B: FOR REFUSED VARIATIONS



**Strictly Confidential**  
**To be opened by addressee only**

[Name]

INTERNAL MAIL

[Date]

Dear [Name],

### **Flexible Working Request**

I refer to our meeting held on [ ] at which we discussed your flexible working request which was received on [date].

You requested [a reduction to your working hours/a change to your working pattern/a change to your place of work]. I have considered your flexible working application thoroughly against each of the statutory grounds outlined below (Employment Rights Act 1996 – Section 80G) and unfortunately I feel that to grant your request would:

- impose an unreasonable burden of additional costs because [explain costs and why they would be incurred]; and/or
- have a detrimental effect on our ability to meet our service demands [explain why, e.g. because we would be unable to cover the service between 9.00 and 17.00]; and/or
- create unacceptable difficulties for us as we have been unable to make arrangements to reallocate the work amongst other staff [explain attempts considered]; and/or
- create unacceptable difficulties for us as we [would be/have been] unable to recruit additional staff [explain why]; and/or
- have a detrimental impact on operational performance and the quality of service delivered [explain why]; and/or
- create unacceptable difficulties for the University/Department due to an insufficiency of work during the periods you proposed to work [explain why]; and /or
- be inappropriate due to planned structural changes [explain changes].

You are entitled to make a further request for flexible working within 12 months of your original request.

You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you should complete the Flexible Working Appeal Form and send it to the Director of Human Resources within 14 calendar days of receipt of this letter. Your Flexible Working Appeal Form must set out the grounds on which you wish to appeal against this decision as set out above.

Yours sincerely

[Manager name and job title]

c.c. HR Advisor

Enc. Flexible Working and Leave Policy

**LETTER C: FOR TEMPORARY VARIATIONS AGREED ON A TRIAL BASIS**



Dear [Name]

Flexible working request – trial period

Following your meeting held on [date] to discuss your request for flexible working, I can confirm that I have agreed to the changes detailed below on a temporary trial basis. The [x number of weeks] trial period will begin on [date] and end on [date]. I will arrange a meeting with you shortly before the end of the trial period to discuss whether or not it is possible to make the changes permanent.

I can confirm that your temporary working days and hours are [list days and hours or if the employee will be allowed to work at home].

Although we will endeavour to grant your request for flexible working on a permanent basis if at all possible, it is first necessary to consider the impact of your request during the trial period. An integral part of this consideration is to ensure that any flexible working arrangements agreed meet the business needs of the University and the operational needs of the area of work and department and do not impact negatively on work colleagues, students or on service delivery.

It is important to understand that the above working pattern is, at this stage, agreed as a temporary variation to the terms and conditions of your employment, and the University reserves the right, at the end of the trial period, to require you to revert to your previous contractual working pattern. The University also reserves the right to review all flexible working patterns over time in light of any changes to operational requirements and you will be consulted if there are any proposed changes.

Yours sincerely

[Manager Name and job title]

cc. HR Advisor

Enc. Flexible Working and Leave Policy