



Introduction

From 30 June 2014, all employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request dealt with in a reasonable manner.

The University also has a number of other relevant policies, which the employee may wish to refer to. These are: Special Leave for Unplanned and Urgent Domestic Personal and Family Reasons, Parental Support, Maternity Leave, Adoption Leave, Career Break, Job Share, Long Term Carers Leave and Shared Parental Leave. All policies are available in the Human resources web site at: <http://www.nottingham.ac.uk/hr/guidesandsupport>. The respective forms are available from the following web link: <http://www.nottingham.ac.uk/hr/forms/index.aspx>.

If an employee is considering making this request and is due to start their maternity/adoption leave, it may be helpful to mention this before commencing leave. An employee who does not meet the criteria will not have the right to make a request under this procedure, but may still approach their manager to work flexibly.

Eligible Criteria for applying

In order to have a right to apply to work flexibly the employee:

- needs to have **worked continuously as an employee of the University for the last 26 weeks** or more at the date the application is made;
- should not have made a request to work flexibly under this right during the past 12 months from the date the application is made;

The procedure for requesting to work flexibly

It is up to the employee to make a considered application in writing, using the '**Flexible Working Application Form**', to their manager who will discuss the application with the Head of School/Department or designated nominee. Employees have a right to make one application per year.

Accepted applications will mean a **permanent** change to the employee's own terms and conditions of employment unless otherwise agreed between both parties, which will also have an impact on pension contributions and benefits such as death in service. It is important therefore that before making an application, the employee gives careful consideration to which working pattern and/or arrangements will be suitable; any financial and pension implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the University's business and how these might be accommodated.

Normally, within **28 days** of receiving the request, the manager will arrange to meet with the employee, to explore the proposed work pattern in depth and to discuss how best it might be accommodated. It also provides an opportunity to consider other alternative working patterns and/or arrangements should there be problems in accommodating the work pattern outlined in the employee's original application.

The manager will notify the employee of their decision verbally as soon as possible and either:

- a) Notify the HR Employment Support Services Team at: HR@nottingham.ac.uk of the new arrangements so they can then write to the employee to confirm a new work pattern and start date and detail whether pay and other terms and conditions will be affected.
- b) Write to the employee with a copy to the HR Employment Support Services Team at: HR@nottingham.ac.uk to provide clear business grounds (detailed below) as to why the application cannot be accepted and set out the appeal procedure. Managers should include a clear and accurate explanation about why in the circumstances there are business grounds for refusal. There is no requirement for a lengthy or complex explanation but, the manager should provide the employee with a sufficient enough explanation to allow the employee to understand the decision. It is recommended, although is not essential, that the manager should also meet with the employee to talk through the reasons why the application was declined.

Where requests are accepted for changing hours of work, managers should revise the goals and targets within the ADC process to reflect such changes.

The **business case** for refusing a request made by an employee for flexible working must come from at least one of those listed below and as set out in Employments Rights legislation:

- burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work amongst existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the period the employee proposes to work
- planned structural changes

All **time periods** can be extended where both the manager and the employee agree. Any extensions must be recorded in writing by the manager and copied to the employee. Where a manager is absent from work due to leave or illness, an automatic extension will apply. In exceptional circumstances, another manager may be designated to deal with the request. The period the manager has to arrange a meeting commences either on the day of the manager's return or 28 days after the application is made, whichever is sooner. In such circumstances, it is best to acknowledge the application and inform the employee that the extension has applied and the period in which the employee can expect to meet their manager to discuss the application.

Appeals should be in writing to the Head of School or Department and should be made **within 14 days** after the employee receives written notice the request has been rejected. The employee should set out the grounds for the appeal and it should be dated. The appeal meeting should be arranged normally **within 14 days** after receiving notification that the employee wishes to appeal.

At the appeal stage, the employee can, if they want, bring with them a worker employed by the University as a companion, this can be the workplace trade union representative. The **companion** can address the meeting or confer with the employee during it, but the companion should not answer questions on the employee's behalf. If the companion is unavailable to attend the meeting, the employee should either secure an alternative companion or arrange a suitable alternative meeting date within 7 days of the original meeting date.

Where the Head of School/Department or designated nominee has taken the decision originally, the HR Employment Relations Adviser will identify another manager not previously involved in the case to hear the appeal. The employee will be informed of the outcome of the appeal by the manager who heard the appeal in writing **within 14 days** after the date of the meeting. The written decision constitutes the final decision and is the end of the formal procedure.

Application Withdrawn

An application can be treated as withdrawn in the following circumstances:

- the employee can decide to withdraw the application, preferably in writing. In such cases, the employee will not be eligible to make another application for 12 months from the date their application is made. Where an employee does not confirm their withdrawal in writing, the manager should confirm the withdrawal in writing and confirm no further applications can be made for a 12 month period from the date of application;
- if the employee fails to attend 2 meetings without reasonable cause and explanation. Please note: an employee should inform their manager as soon as possible if and why they are unable to attend a meeting
- if the employee unreasonably refuses to provide management with the required information to progress with their application.

Requests should be processed and a decision made within 3 months unless an extension is granted.

For Further Information

Please refer to a flowchart, which outlines the process and normal timescales available at: <http://www.nottingham.ac.uk/hr/guidesandsupport/worklifebalance/flexibleworking> or contact the HR Employment Support Services Team at: hr@nottingham.ac.uk.

Human Resources Department
Introduced in 2003
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