# FLEXIBLE WORKING PROCEDURE

Human Resources

Unit name goes here

## Making the request

1. Every employee has a statutory right to request flexible working. This right applies from the first day of employment. The employee has the statutory right to make two requests within any 12 month period.
2. An employee wishing to request flexible working should submit a written request on the ‘Request for Flexible Working’ form to their Line Manager outlining the reason for the request. The request should state the changes required and the proposed effective date, and whether the change is on a permanent or temporary basis..
3. An employee may have only one live request for flexible working at any one time. Once a request has been made, it remains live until any of the following occur:

* a decision about the request is made by the employer
* the request is withdrawn
* an outcome is mutually agreed
* the statutory two-month period for deciding requests ends
* A request continues to be live during any appeal or any extension to the statutory two-month decision period that an employer and employee may have agreed.

## Responding to the request

1. All requests, including any appeals, must be decided and communicated to the employee within a period of two months from when the line manager first receives the request. The line manager and employee may agree to extend this period. If an extension is agreed, the line manager should confirm this in writing to the employee and the reasons why an extension is required.
2. If an employee makes a request for flexible working to seek a reasonable adjustment for a disability the line manager must consider this in line with University’s legal obligations under the Equality Act 2010. The University must take reasonable steps to remove any disadvantage relating to a person's disability. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.
3. Where a flexible working request can, without further discussion with the employee, be approved as stated in the employee's written application then a line manager can approve the request. It may be necessary to reflect on the decision and discuss the request with the Head of School or Function before agreement is confirmed.
4. However, where a line manager may feel they need to discuss the request with the employee to ensure that all relevant information is understood and/or feel they are not able to accept the request (as presented) they must arrange a formal consultation meeting with the employee without unreasonable delay. This will be to enable them to discuss the request and consult with the employee formally. Line managers can contact their [HR Adviser or Partner](https://www.reading.ac.uk/human-resources/about-us/professional-and-advisory) for on whether a formal consultation meeting may be required or not.
5. The formal consultation meeting must take place before a final decision is made by the line manager on whether they can agree to the flexible working request (as presented) or not. The line manager will be supported by an HR Adviser or Partner in the meeting.
6. The employee will have the right to be accompanied at the formal consultation meeting by a work colleague, a Trade Union or Staff Forum representative.
7. Prior to finalising their decision about whether they can, following the formal consultation meeting, accept the flexible working request (as presented) or whether they may need to propose an alternative option or refuse the request, the Line Manager may need time to reflect on the discussion before making a decision.
8. The Line Manager will then notify the employee of their decision in writing as soon as possible following the formal consultation meeting, providing detailed reasons for any proposed variation or refusal to the request.
9. A flexible working request can only be rejected for one of the following business reasons as set out in the legislation:
   1. the burden of additional costs
   2. an inability to reorganise work amongst existing staff
   3. an inability to recruit additional staff
   4. a detrimental impact on quality
   5. a detrimental impact on performance
   6. a detrimental effect on ability to meet customer demand
   7. insufficient work for the periods the employee proposes to work
   8. a planned structural change to your business

## Actioning the change

1. The decision about the flexible working request (whether it is agreed in its original form or amended after a formal consultation meeting) is recorded on the Flexible Working Request form and passed to HR Services who will write to the employee to confirm the decision in writing and advise of any changes to the terms and conditions of their employment contract (e.g. working hours /FTE) if required.
   1. A contractual change (such as an increase or decrease in working hours) will be actioned by HR Services with an approved Staffing Request Form (SRF)
   2. A change in the pattern of working hours will be actioned by HR Services with the completion of a Flexible Working Request form.
2. A variation to a work pattern may be made on a permanent or time-limited basis. A line manager can also consider the inclusion of a trial period in any agreement to enable there to be an opportunity for the line manager and the individual to see if there are any unforeseen challenges with the proposed changes for either party.

## Right of Appeal

1. Where a formal Flexible Working request is refused or amended and the employee is not in agreement with the amendment, the employee will have a right of appeal. An appeal should be made in writing to the Director of Human Resources, stating the grounds of appeal, within 10 working days of being informed of the decision.
2. A formal appeal meeting will then be arranged to hear the appeal as soon as possible after receipt of the appeal letter. The statutory requirement to respond fully to requests within two months will be taken into account when setting up the formal appeal meeting.
3. A manager more senior to the line manager that considered the original request will chair the appeal meeting. An HR Partner or Adviser will attend the appeal meeting in an advisory capacity to the Chair of the appeal meeting. The employee will have the right to be accompanied at the formal appeal meeting by a work colleague or a Trade Union or Staff Forum representative.
4. The outcome of the appeal will then be communicated to the employee within 10 working days of the formal appeal meeting (or sooner if the two month period is set to lapse).

## Further guidance

1. The guidance contained in the [ACAS Code of Practice](https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/2024) on requests for flexible working will be referred to when dealing with flexible working requests.

## **Document control**

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