

ROYAL HOLLOWAY
University of London

FLEXIBLE WORKING POLICY – THE RIGHT TO REQUEST

Contents List	Page Number
1. <u>Background Information</u>	2
Rights to Flexible Working	2
2. <u>The Policy</u>	3
Flexible Working Details.	3
Who can apply?	3
What kind of changes can be applied for?	4
3. <u>The Procedure</u>	4
How to apply for Flexible Working	4
What details should be included?	4
On what day has the request for flexible working been made?	5
What should the College do and by when?	5
Can staff appeal against the decision?	5

1. Background Information

The statutory rights on flexible working apply to all eligible members of staff who have a child up to and including sixteen years of age or a disabled children under eighteen and have at least 26 weeks' service with the College. A disabled child is a child who is entitled to a disability living allowance.

The statutory rights on flexible working were extended in 2007 to include members of staff with 26 weeks service who care, or expect to be caring, for a spouse, partner, civil partner or relative or someone who lives at the carer's address.

The **College policy** is open to all members of staff for the reasons above or who wish to alter their working hours and have at least 26 weeks' service with the College. Some examples of reasons for requesting this alteration may be;

- Health or disability
- Education and training
- Transport / distance from work
- Arts, sports, voluntary work
- Approach of retirement

All cases will be judged on merit.

All rights described in this policy apply equally to both part-time and full-time staff, providing they meet any qualifying conditions.

Please note, where the member of staff is referred to as 'his or he', the substitution of 'her or she' should be made where applicable.

It should be noted that should large numbers of applications be received, childcare and carer/dependant related applications would be given preference.

1.1 Rights to Flexible Working

The rights detailed in 'Flexible Working, the right to request', fall into two categories:

- The right to request an alteration to working hours or practices, and;
- To have their request considered by the employer and formally communicated to them, whatever the decision.

2. The Policy

2.1 Flexible Working Details

Staff will be able to request:

- a change to the hours they work
- a change to the times when they are required to work
- to work from home

The right enables members of staff with the qualifying service to request to work flexibly. It does not provide an *automatic* right to work flexibly as there will always be circumstances when the College is unable to accommodate the member of staff's desired work pattern.

The right is designed to meet the needs of both employees and employers, and aims to facilitate discussion and encourage both the employee and the employer to consider flexible working patterns and to find a solution that suits them both. The employee has a responsibility to think carefully about their desired working pattern when making an application and the employer is required to follow a specific procedure to ensure requests are considered seriously.

2.2 Who can apply?

College Policy

All staff will have the right under the College policy to request to work flexibly providing they meet the criterion of a minimum length of service of 26 weeks with the College. The College has a duty to consider their applications seriously.

In order to make a request under the College policy staff will:

- not be an agency worker,
- not be a member of the armed forces,
- not have made another application to work flexibly under the right during the past twelve months.

Flexible working related to children

- in the case of requesting flexible working related to children, be either:
 - the child's mother, father, adopter, guardian or foster parent, or
 - married to or the partner of the child's mother, father, adopter, guardian or foster parent have worked with their employer continuously for at least 26 weeks at the date the application is made, or
- have or expect to have responsibility for the child's upbringing, or
- be making the application to enable them to care for the child.

Should staff make more than one application within 12 months, the College will consider exceptional circumstances seriously.

2.3 What kind of changes can be applied for?

Alternative patterns to a standard working week include:

- Flexitime
- Part-time employment, for example, on a fixed five day schedule, certain days of the week only, variable weekly hours or weekend or evening shifts
- Zero-hours contracts
- Job sharing
- Annual hours contracts
- Term-time working
- Working full-time hours but with a shorter week
- Flexible Working Location
- Homeworkers/Teleworkers

3. The Procedure

Please note that the College's agreement to a request for flexible working will result in a permanent change to the member of staff's terms and conditions of employment.

3.1 How to apply for Flexible Working

Staff must make the application in writing to the Human Resources Department.

If a request for flexible working has been made, staff may not make a further request for flexible working to the College until a period of 12 months has elapsed from the date on which the previous request for flexible working was made.

Should staff make more than one application within 12 months, the College will consider exceptional circumstances seriously.

3.2 What details should be included?

A request for flexible working must satisfy the following conditions.

It should:

1. Be a written request. Where a written notice must be provided, such a written notice can be delivered by means of electronic communication (e.g. e-mail) (See 2.2.4).
2. State whether a previous request for flexible working has been made to the employer and, if so, when.
3. Be dated.
4. State that it is a request for flexible working.
5. Specify the flexible working arrangement (e.g. part-time work) that is being requested and the date on which it is proposed that the employee should begin to work under that arrangement.
6. Explain what effect, if any, the employee thinks their request would have on their employer and how in their opinion any such effect may be dealt with.

7. For applications regarding children, explain how they meet the criteria for having a certain relationship with the child concerned (e.g. they are the biological mother of the child).

Guideline forms for use in these procedures are available from the Human Resources Department on request.

3.3 On what day has the request for Flexible Working been made?

The day that a request for flexible working has been made is the day on which it is received by the College (e.g. the day on which the request is handed directly to the manager or Human Resources Department).

However, the manner in which the request was made will determine the day that the request for flexible working has been made (see below)

Where a request for flexible working is sent to the employer by post, the request shall be taken as made on the day on which that request would be delivered to the employer in the ordinary course of post.

Where a request for flexible working is transmitted to the employer by electronic communication (e.g. e-mail), the request shall be taken as made on the day on which that request is transmitted to the employer. An electronic communication means an electronic communication with the meaning of *Electronic Communications Act 2000*, s. 15(1).

3.4 What should the College do and by when?

A meeting to discuss the matter should take place within a maximum of 28 days with the official response being given within 14 days of the meeting. It is anticipated that the majority of cases will be dealt with well within this timescale. The employee can bring another employee of the College, such as a local Union representative or colleague, to accompany them, should they wish.

The College will use its best endeavours to ensure that the first meeting and the final response take place as soon as possible after the completed application is received. The College encourages employees to contact their line managers and the Human Resources Department in advance if they are considering making an application for flexible working as this can assist the application process to progress more quickly.

3.5 Can staff appeal against the decision?

Yes. The procedure provides an employee with the right to appeal against their employer's decision within 14 days of being notified of it.