

11. *Request for Flexible Working*

1. Aim of the Code of Practice	1
2. Key points	1
3. Outline of procedure	3
4. Time-scales	4
5. Authority to make decisions	5
6. Application	6
7. Meeting and decision	7
8. Appeal Hearing	8



HR Code of Practice

Request for Flexible Working



Aim of the procedure:

Our aim is to:

- 1 offer practical and flexible ways of working which will meet the needs of the College, its customers and staff;
- 2 enable managers and staff to consider fairly, carefully and lawfully any request for flexible working - **including** those made by staff with childcare needs.

Key points

In law¹, an employee may *apply* for a permanent change in their working arrangements if the change:

- 1 is requested to enable them to care for a child² or an adult in need of care³ and
- 2 relates to:
 - the hours they are required to work;
 - the times they are required to work;
 - whether they are to work at home or in the work-place.

1. Section 80F of the Employment Rights Act 1996 (as amended).

2. To qualify to **care for a child**, the employee must:

- be; or
- be married to; or
- be the partner or civil partner of ...

the mother, father, adopter, guardian, or foster parent of a child for whom they wish to care. The child must be 16 years of age or under (17 or under if the child has a disability).

3. To qualify to **care for an adult**, the adult must be in need of care and be married to, the partner or civil partner or a relative of the employee or be living at the same address as the employee.

"Relative" means a mother, father, adopter, guardian, special guardian parent-in-law, step-parent, son, step-son, daughter, step-daughter, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and includes adoptive relationships and relationships of the full blood or half blood or, in the case of adopted person, such of those relationships as would exist but for the adoption.

HR Code of Practice

Request for Flexible Working

However, the College supports flexible working in any case - provided that the needs of the College, its students and other customers can all be met. It therefore complies with the legal procedure for those who qualify for it¹ but also considers applications from staff who wish to apply for reasons other than those defined in the law.



An employee at QMUL may apply to work flexibly:

- 1 once in any 12 month period;
- 2 only if they have 26 weeks continuous service with the College (service with other employers does not count).

The **employee:**

- 1 must explain in writing:
 - the change being applied for;
 - the effect the change would have on the College and how any such effect might be dealt with.
- 2 should make their application in good time to allow the College to plan any changes - normally at least 3 months before the date on which they want the change in contract to be implemented.

For those who qualify, the law sets out:

- 1 time-scales for the process (see page 11:4);
- 2 a series of reasons for which a request to work flexibly may lawfully be refused;
- 3 a right of appeal for those whose application is refused.

The College's Code of Practice applies, to all applicants, the same:

- 1 time-scales;
- 2 reasons for refusal; and
- 3 rights of appeal;

whether or not they qualify for the legal right to request flexible working.

1. See footnote 2 and 3 on page 11:1

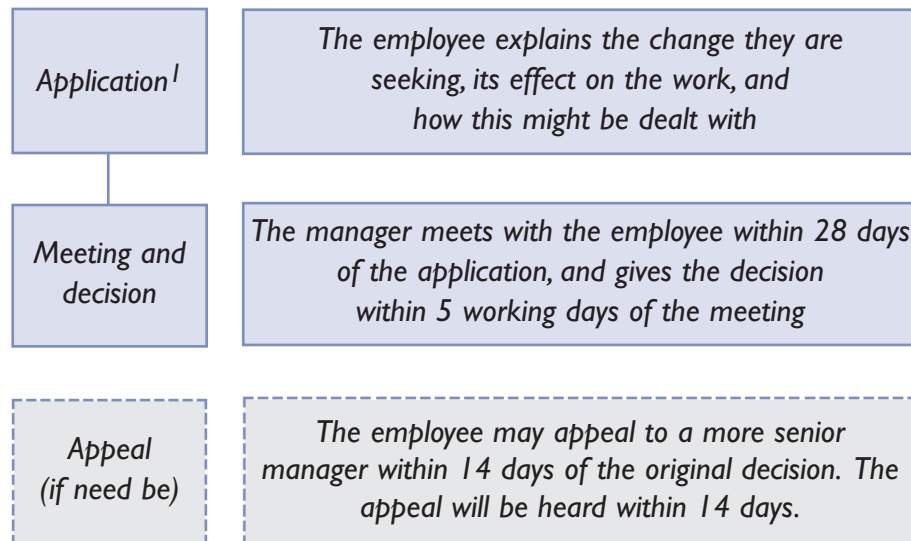
HR Code of Practice

Request for Flexible Working



Outline of procedure

The procedure can be seen as a three stage process. The time-scales to be followed are set out in law, but can be extended by mutual agreement.



-
1. The following limitations on applications with regard to care for another person are set out in the law. An employee can
- make an application only if they have 26 weeks continuous service with the College;
 - make no further application within 12 months of an earlier application.

If the person to be cared for is a child, the application can be made at any time up to the day before the child reaches the age of 17, or if the child is disabled, the age of 18.

Since the College supports flexible working, managers will consider any request to work flexibly, even where the employee does not have a child or a relationship with an adult that qualifies them for the legal right to apply.

HR Code of Practice

Request for Flexible Working

Timescales

Application	<p>An employee can make an application if:</p> <ul style="list-style-type: none">- they have 26 weeks continuous service with the College;- have made no other application within the previous 12 months. <p>The employee's application should be made in good time to allow the College to plan any changes - normally at least 3 months before the date on which they want the change in contract to be implemented.</p>
Meeting	Within 28 days of the application, unless an extension is mutually agreed.
Written decision and notification of any right of appeal	Within 5 working days of the meeting, unless an extension is mutually agreed.
Lodging an Appeal	Within 14 days of the date the decision is received.
Appeal Panel Hearing	Within 14 days of the date the appeal is lodged, unless an extension is mutually agreed.
Written Decision with Reasons	Within 5 working days of the date of the appeal hearing, unless an extension is mutually agreed.



HR Code of Practice

Request for Flexible Working



Authority to make decisions

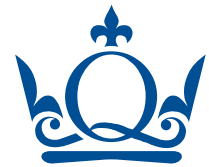
The head of department or institute ¹	Authority to agree or refuse permanent changes to the contract of an employee requesting flexible working. Determine the reason for any refusal
The Director of HR ¹ and the head of department or institute ¹	Joint authority to determine an appeal of any employee refused flexible working.

1. Or another person they nominate.

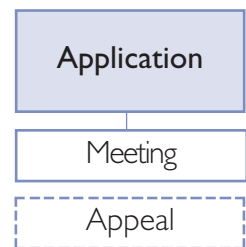
HR Code of Practice

Request for Flexible Working

Application



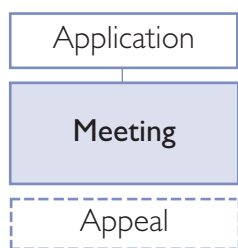
<i>The employee will explain in writing:</i>	<i>The head of department¹ will:</i>
<ol style="list-style-type: none">1 the change in working arrangement they are seeking;2 what they envisage as its effect on the College and its services;3 how any detrimental effect might be dealt with4 lodge their application with the head of department - normally at least 3 months before they wish the change in contract to take effect.	<ol style="list-style-type: none">1 arrange to meet the employee to consider the application within 28 days of receiving it;2 ensure that any agreed extension to the time scale is recorded in writing.



1. Or a nominee.



Meeting and decision



The employee is entitled to:

- 1 be accompanied by another person;
- 2 request a change to working arrangements which cover:
 - the hours they are required to work;
 - the time they are required to work them;
 - whether they are required to work at home or in the work-place;
- 3 be informed, within 5 working days of the meeting, of:
 - the decision;
 - any right of appeal².

The head of department¹ will:

- 1 meet the employee within 28 days² to discuss the details of the application and consider its effect on the College and its services
- 2 refuse permission only on one or more of the following grounds:
 - the 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 or performance
 - insufficiency of work during the periods the employee proposes to work
 - planned structural changes.
- 3 inform the employee, in writing, within 5 working days of the meeting, of the decision, the reason for it and any right of appeal³, with a copy to the HR department.

1. Or a nominee.
 2. No meeting is necessary if the head of department agrees the application and sets out, in writing, the variation in the contract and the date from which it is to apply. If a meeting is required, the time-scale can be extended in mutual agreement with the employee. The manager will ensure that any such agreement is recorded in writing.
 3. The employee has 14 days to lodge any appeal with the Director of Human Resources. The appeal must set out the grounds of appeal, be in writing and be dated. The Director of HR and the head of department will hear the appeal within 14 days - unless an extension is mutually agreed.

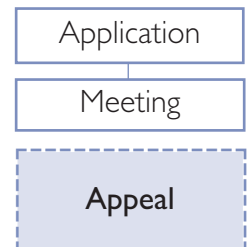
HR Code of Practice

Request for Flexible Working

Appeal Hearing



The employee is entitled to:	The Director of HR and the head of department¹ will:
<ol style="list-style-type: none"> 1 be accompanied by another person 2 put their case to change their working arrangements: <ul style="list-style-type: none"> - the hours they are required to work - the time they are required to work them - whether they are required to work at home or in the work-place 3 be informed of the decision, in writing, within 5 working days of the meeting. 	<ol style="list-style-type: none"> 1 arrange to meet the employee within 14 days of the appeal being lodged- unless an extension is agreed with the employee; 2 hear the appeal²; 3 make and give the decision within 5 working days of the meeting; 4 refuse permission to a qualifying employee only on one or more of the following grounds: <ul style="list-style-type: none"> - the 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 or performance - insufficiency of work during the periods the employee proposes to work - planned structural changes.



1. Or their nominees.
 2. No meeting is necessary if the appeal panel agree the application. If a meeting is required, the time-scale can be extended in mutual agreement with the employee. The manager will ensure that any such agreement is recorded in writing.