



## **Head of School and Line Manager Guide to the Flexible Working Request Process**

All colleagues at Swansea University have the right to request adjustments to their working pattern. The duty of line managers or Head of School is to consider requests seriously is a legislative right designed to help colleagues with their work life balance to the benefit of employers and colleagues. Flexible working practices have many benefits including improved colleague engagement, productivity and retention.

Managing a request for adjustments to a colleague's working pattern requires adhering to a procedure within a set time frame (2 months from receipt of request to conclusion of appeal) and handling issues that are not necessarily straightforward. No two cases will be the same, but you will need to bear in mind:

- All Swansea University colleagues have the right to request adjustments to their working pattern;
- You must consult with the colleague and if appropriate negotiate a satisfactory outcome;
- There are time scales to follow (please see the flowchart - "How Does the Process Work");
- There is no automatic guarantee that you will agree to a request;
- Refusal, however, must only be made if there is a valid business reason for doing so. Refusal must be due to one or more of the following eight recognised business grounds:

- Burden of additional costs
- Inability to reorganize work among existing staff
- Inability to recruit additional staff
- Detrimental effect on ability to meet customer demand
- Detrimental impact on quality
- Detrimental impact on performance
- Planned structural changes
- Insufficiency of work during the periods the colleague

proposes to work

- In addition to the above recognised business grounds, please ensure you consult with your HR Business Partner if the colleague requesting flexible working is a Tier 2 VISA holder as there may be circumstances where a reduction in hours may not be legally permissible under UKVI rules.
- You must discuss the matter with your Human Resources Business Partner as soon as you receive a request;
- You need to discuss the request with your colleague and come to a decision;
- The colleague has the right to appeal within 14 days of the decision being confirmed in writing;
- The colleague has the right, after appeal, to seek help from a third party such as ACAS and has the right to go to an Employment Tribunal if procedure is not followed or a decision has been made on incorrect facts.

### **Meeting**

As soon as possible after receipt of the “Request to Change a Working Practice” form, you will arrange to meet with the colleague. They may be accompanied, at the meeting by a work colleague or union representative if they so wish. There are 3 possible outcomes to your meeting:

- You may approve the request
- You may refuse the request
- It may be that the initial proposal is not workable but that an alternative has been agreed

As soon as possible after the date of the meeting you must write to the colleague to confirm the outcome of the meeting, copying in your Human Resources Business Partner.

If their request is accepted, the written confirmation will:

- Include a description of the new working pattern

- State the date from which the new working pattern is to take effect
- Define the trial period and confirm a review date if applicable
- Be dated
- If there is any change to pay and/or terms and conditions these will be confirmed in writing by HR
- You will also need to create an Employment Request if the change involves an increase or decrease in hours, failure to do so could lead to discrepancies in the colleague's pay

If their request is rejected, the written confirmation will:

- State the ground(s) for refusing the application (one or more of the eight business reasons)
- Provide a sufficient explanation as to why the ground(s) for refusal applies in the circumstances
- Provide details of how to appeal
- Be dated

### **Withdrawal**

If a meeting is arranged to discuss the application including any appeal and the colleague fails to attend this and a rearranged meeting without good reason the application will be deemed to have been withdrawn.

### **Consideration**

The colleague request will be considered carefully but it may not be possible to agree to their request for one of the eight business reasons.

### **Appeal**

If the colleague is not happy about the outcome of the meeting, they may appeal against the decision within 14 days of receipt of the written confirmation, by writing to the VC's Office, setting out the grounds for their appeal.

### **Appeal Meeting**

As soon as possible after receiving notification that they wish to appeal, an appeal meeting will be arranged by an appropriate senior officer appointed by

the Vice-Chancellor. The HR Business Partner will notify you as line manager, of any such appeal. At the meeting, the colleague may be accompanied by a work colleague or a union representative. They will be informed of the outcome of the appeal in writing as soon as possible after the date of the appeal meeting. The appeal decision is final but does not deny the colleague the statutory right to take their complaint to an Employment Tribunal and to the Advisory, Conciliation and Arbitration Service (ACAS).

### **Time Limits**

The law requires that this process (including the appeal process) must be considered and decided upon within two months, unless the University and the colleague have agreed to extend the timescale.

### **Useful Documents**

#### [Flexible Working Policy](#)

(all documents can be accessed from this webpage)

- o Colleague Guide to the Flexible Working Request Process
- o Request to Change a Working Practice form
- o How Does The Flexible Working Request Process Work? – flowchart

ACAS Code of Practice – Handling Flexible Working Requests In a reasonable manner

[http://www.acas.org.uk/media/pdf/g/r/11287\\_CoP5\\_Flexible\\_Working\\_v1\\_0\\_Accessible.pdf](http://www.acas.org.uk/media/pdf/g/r/11287_CoP5_Flexible_Working_v1_0_Accessible.pdf)

ACAS Code of Practice – The right to request Flexible Working

<http://www.acas.org.uk/index.aspx?articleid=1616>