

HUMAN RESOURCES POLICY

Flexible Working Policy

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1. Introduction

The College is committed to providing a supportive environment and recognises that flexible working can be of benefit to both employees and the College. Flexible working can help staff to feel more emotionally engaged, and more satisfied with their work. The ability to consider flexible working options can also be attractive when recruiting new staff to ensure the College is able to recruit the best and diverse workforce.

Examples of flexible working may include:

- Part-time hours - reducing the number of hours you work
- Staggered hours - changing your start and finish times
- Compressed hours – condensing your working hours into fewer days

If a flexible working request results in change to contractual terms and conditions the member of staff should consider carefully the effect on pay, pension contributions and benefits which will also be reduced on a pro-rated basis.

Part one of the policy sets out how a member of staff may request flexible working informally

Part two of the policy sets out the process for making a statutory (formal) request for flexible working.

Line managers, supervisors and members of staff are required to familiarise themselves and understand this procedure.

2. Scope

This policy applies to all employees of the College. It does not apply to casual staff, agency workers or volunteers.

3. Values

Staff are expected to undertake their role in line with the Imperial Values and Behaviours. The College's [Values](#) are at the very centre of our work and guide our behaviour as a community, across all levels of the College. This policy aims to protect and promote our Values of Respect, Collaboration, Excellence, Integrity and Innovation.

4. Equality and diversity

As a College, we are defined by our community of staff and students. Therefore we will only succeed in our [mission](#) to achieve enduring excellence in research and education in science, engineering, medicine and business for the benefit of society, by cultivating an environment that respects, supports and celebrates all the people who come to Imperial, enabling them to enrich the world and their own lives through work and study.

Implementation of this policy must be clear and transparent and not subject to any unfair discriminatory practices.

This policy is inclusive and applies to all staff irrespective of any protected characteristic and when considering requests for flexible working it is important that line managers are careful not to inadvertently discriminate against members of staff because of their protected characteristics.

5. Disability and workplace adjustments

As an employer, the College is both committed and legally obliged under the Equality Act 2010 to make reasonable adjustments to enable disabled staff to carry out their duties successfully.

The overall aim should be, as far as possible, to remove or reduce any disadvantage faced by a disabled member of staff.

Staff requiring a flexible working pattern or adjustment to work location to accommodate a need arising from disability should first refer to the [workplace adjustment guidance](#).

Line managers are responsible for considering requests for workplace adjustments and for ensuring that appropriate reasonable adjustments are put in place, as soon as reasonably possible.

6. Interaction of the Work location Framework with the Flexible Working Policy

The Work Location Framework is a framework for determining 'where' an individual works, whether that be onsite or hybrid. The Work Location Framework should be referred to in the first instance when discussing work location arrangements.

As set out in the framework, the overall parameters of work location arrangements will be determined by the Head of Department/Senior manager and implemented by the line manager locally. Hybrid working arrangements are considered a flexible and non-contractual arrangement and may be subject to change depending on operational requirements.

The [Flexible Working Policy](#) is a separate policy which sets out the right to request flexible working.

The Flexible Working Policy remains available to staff who wish to request permanent and structured adjustments to their contractual working arrangements which may also include working part-time, hybrid working or changing their work pattern.

All flexible working requests will be considered on a case-by-case basis, and staff are reminded that making an application does not automatically mean that the change will be agreed. Any decision not to approve a flexible working request will be made with reference to the eight fair business reasons as detailed in the Flexible Working Policy.

7. PART ONE - Informal request for flexible working

7.1. What the member of staff should do

Staff should arrange an informal meeting with their manager in order to discuss their proposal for flexible working. It is useful if the member of staff is able to set out their proposal to their line manager by email in advance of the meeting.

The member of staff should explain:

- the hours they would like to work

- the reasons why they wish to work flexible hours, including if they are making the request as a workplace adjustment for a disability in relation to the Equality Act 2010¹
- how they think it will fit in with the needs of the department
- that they understand they are not making a statutory request

At any point during an informal request, staff may choose to move their application to a statutory request if they meet the eligibility criteria. A statutory request will be considered as a new application and must be considered and decided on within a period of 3 months from first receipt of the statutory application, unless an extension to this period is agreed with the member of staff.

7.2. What the line manager should do

The line manager should give careful consideration to the member of staff's request, taking into account:

- service needs
- impact on others
- the prospect and reasonableness of securing additional or alternative cover for any outstanding hours or shifts
- any special circumstances offered as a basis for the request
- clarify that the member of staff is happy to proceed informally.

If a member of staff submits an informal request for a change to work location, this must be reviewed and confirmed in line with the Work Location Framework as set out above. Staff wishing to request a change to work location outside the Work Location Framework must submit a statutory request for flexible working.

There is no defined timescale to respond to a staff's informal request, however it should be acknowledged, and a decision made within a reasonable timescale.

If the work pattern requested is not possible then both parties should consider possible alternative working patterns and/or trial a new arrangement for an agreed fixed period of time.

Where a suitable working pattern is agreed, the line manager should confirm the agreement in writing to the staff member. If the pattern causes a change to the staff member's contract, the line manager should complete a contractual change form (see [contract change requests](#)) and submit this to the [HR Staff Hub](#) to action, who will write to the member of staff informing them of any change to their terms and conditions of employment. The HR Staff Hub should also be contacted if the staff member's TeamSeer account needs to be updated to reflect their new working pattern.

In most circumstances, the change to the member of staff's working pattern will be on a long-term basis. However, in circumstances where the flexible working request is agreed for a shorter time or for a trial period, the written notification will include confirmation of the new arrangements, and the period during which the change will apply.

If the line manager is unable to agree to a request based on business grounds, they must ensure there is sufficient evidence to support the business ground(s). If the reason for the request is due to caring responsibilities, [HR Strategic Support](#) should ideally be consulted before making a final decision.

7.3. When a request is refused

¹ Information on what constitutes a disability
<http://www.imperial.ac.uk/equality/support-for-staff/disability/>

If an informal flexible working request is refused, the member of staff may decide to proceed with a statutory application if they meet the eligibility criteria. Members of staff are normally only able to request flexible working through the informal application process once in a 12-month period unless there are extenuating circumstances. Each year runs from the date when the last application was made.

8. PART TWO – Statutory request for flexible working (formal procedure)

8.1. Eligibility

All members of staff will be eligible to request flexible working provided they have completed 26 weeks' continuous service at the date the application is made.

In accordance with the legislation, one statutory application per year can be made. Each year runs from the date when the last application was made.

8.2. How to apply

A member of staff who wishes to make a statutory request for flexible working must make an application in writing to their manager. The Formal Flexible Working Application Form should be used for this purpose (see Appendix A).

An application for flexible working must:

- State that it is being made under the statutory right to request a flexible working pattern.
- Note any other special circumstances offered as a basis for the request (this includes caring responsibilities).
- Specify the flexible working pattern applied for and the date on which it is proposed the change should become effective.
- Explain what effect, if any, the member of staff thinks the proposed change would have on the department and how, in their opinion, any such effect might be dealt with.
- Provide reasons explaining why their preferred working pattern is compatible with the needs of the department, as far as they can tell.
- Consider how their colleagues will manage if their working pattern is changed
- State whether a previous application has been made and, if so, when.
- Be signed and dated.

The proposed date set by the member of staff should allow time for the application to be considered and implemented if practicable. All requests, including any appeals, must be considered and decided on within a period of 3 months from first receipt, unless an extension to this period is agreed with the member of staff.

If an informal flexible working application has previously been made and not agreed, or the staff member has exhausted the process within the work location framework if the request concerns work location, this will not impact on or reflect the decision that may be made regarding the statutory request. The statutory application time period starts on the line manager's receipt of the statutory application.

8.3. Considering an application

The line manager should provide the member of staff with a written acknowledgement of receipt of the application and arrange to meet with the member of staff within 10 working days of the completed application being received.

The member of staff's line manager has a legal duty to consider all applications, weighing up the benefits of the changes in working conditions to both the member of staff and the College against any cost of implementing the changes.

If the application is incomplete or fails to provide all the required information the line manager should inform the member of staff, in writing, what they have omitted and ask them to resubmit their application.

If the manager is unable, or unsure if they can accommodate a request relating to a caring responsibility, they should first consult with [HR Strategic Support](#) before making a final decision.

Where the line manager receives more than one request to work flexibly from different employees in close succession, these requests should be considered in the order received. Line managers are not required to make value judgements about the most deserving request. Line managers may wish to discuss with the members of staff if there is any room for adjustment or compromise before coming to a decision.

If a line manager is unable to approve a request due to a number of staff already working flexibly and because any further flexible working arrangements would have an adverse impact, they should check if the current flexible working arrangements are subject to review. If they were agreed based on being subject to regular review, they could consider reviewing these to enable more staff to work flexibly. If the flexible working patterns are not subject to review the line manager may wish to ask for volunteers from the existing flexible working staff to change their work patterns to create capacity.

Line managers and staff may wish to refer to additional support available which is listed on the [Flexible working](#) webpage.

8.4. Meeting

Arranging the meeting

The line manager should write to the member of staff, giving the date, time and venue of the meeting, and advise them that they may be accompanied by a Trade Union representative or work colleague, if desired. They should also inform the member of staff if they have asked an HR representative to attend the meeting.

A sample letter containing the above information can be provided by the [Employee Relations](#) team on request.

If a Trade Union representative or work colleague attends the meeting, they can address the meeting or confer with the member of staff. However, the representative is not permitted to answer questions on behalf of the member of staff.

If a Trade Union representative or work colleague is unable to attend the meeting, it should be rearranged within 5 working days of the originally proposed date. The new date should be convenient to all parties. If this is not possible the member of staff should consider an alternative representative.

Participating in the meeting

The meeting will give both parties the opportunity to explore the requested working pattern in depth and to discuss how best it might be accommodated. Where necessary, this meeting will also provide an opportunity to consider alternative working patterns, alternative start date, or a trial period of the new working pattern. The member of staff should come to the meeting prepared to expand on any points in their application. They should also be prepared to be flexible.

During the meeting the line manager should give careful consideration to the member of staff's request, taking in to account the following:

- service needs
- impact on others, including potential impact on workload
- the prospect and reasonableness of securing additional or alternative cover for any outstanding hours or shifts
- any special circumstances offered as a basis for the request

8.5. If an application is accepted

The line manager will write to the member of staff normally within 10 working days of the meeting to explain the new work pattern and start date. If the new pattern causes a change to the staff member's contract the line manager should complete a contractual change form (see [contract change requests](#)) and submit this to the [HR Staff Hub](#). The HR Staff Hub will then write to the member of staff to confirm the permanent or temporary change to their terms and conditions of employment and that no further formal request for a variation to their work pattern can be made for a period of 12 months. Once an application has been accepted, the member of staff has no right to revert back to the previous working arrangement unless otherwise agreed. The line manager may agree to the new arrangement being for a fixed period and may make the arrangement subject to regular review.

The HR Staff Hub should also be contacted if the staff member's TeamSeer account needs to be updated to reflect their new working pattern.

Where a trial period or time limited change has been agreed this will be detailed in the written notice.

8.6. If an application is refused

Normally within 10 working days following the meeting, the line manager will write to the member of staff informing them of the decision and providing clear business grounds as to why the application cannot be accepted and the reasons why the grounds for refusal apply in the circumstances. The line manager will also provide details to the member of staff regarding their right of appeal against the decision.

Business grounds for refusing a request must be for one or more of the following reasons:

- Burden of additional costs
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Detrimental impact on the delivery or the service
- Planned structural changes
- Insufficient work during the periods the member of staff proposes to work.

When specifying business grounds for refusing an application the line manager should include an explanation about why the business grounds apply in the circumstances.

8.7. Appeals procedure

In all cases where it has not been possible for the line manager to agree to a new working pattern, the member of staff has the right of appeal against the decision.

In the written notification of the decision, the member of staff will be informed of the name of the person to whom an appeal should be addressed and the timescale for doing so. If the member of staff wishes to appeal, they must set out the grounds of their appeal in writing. Any appeal should be dated and submitted within 10 working days of being notified of the original decision.

An appeal meeting should take place within 10 working days after receiving notice of the appeal.

Appeals will be heard by a senior line manager with an [Employee Relations](#) representative, both of whom will have had no previous involvement.

The member of staff has the right to be accompanied to the meeting.

Appeal hearings will be conducted in accordance with the following terms of reference:

- To review whether the request for Flexible Working was given adequate consideration;
- To review whether the College's procedures were correctly and fairly implemented; and
- To consider whether the decision was reasonable in the circumstances known to management

The member of staff will be informed of the outcome of the appeal in writing within 10 working days after the date of the appeal meeting.

If the appeal is upheld the written decision must include the following:

- Description of the new working pattern
- Start date from which the new working pattern is to take effect
- Be dated

If the Appeal is dismissed the written decision must state the following:

- The grounds for the decision. These will be appropriate to the member of staff's own grounds for making the appeal
- Provide an explanation as to why the grounds for refusal apply in the circumstances
- Be dated

The College regards the appeal decision as final.

No further formal request for a variation to the member of staff's work pattern can be made for a period of 12 months.

8.8. When an application can be treated as withdrawn

An application can be treated as withdrawn for the following reasons:

- The member of staff withdraws the application

If a member of staff wishes to withdraw an application, they should notify their line manager in writing as soon as possible. They will not be eligible to make a further application for 12 months from the date their application was made.

A line manager who is informed verbally that an application is withdrawn but does not subsequently receive written confirmation should contact the member of staff and request that they confirm their intentions in writing. Following on from this, if written confirmation is still not received, the line manager should confirm the withdrawal in writing.

- The member of staff fails to attend two meetings

If a member of staff misses two meetings without reasonable cause the line manager may treat the application as withdrawn. After missing the first meeting, the line manager should warn the member of staff, when rearranging the meeting, that they risk their application being treated as withdrawn if they miss another meeting without reasonable cause.

9. Additional support and related policy

- [HR Staff Hub](#)
- [Employee Relations](#)
- [HR Strategic Support](#)
- [Occupational Health Service](#)
- [Equality, Diversity and Inclusion Centre](#)
- [Work Location Framework](#)
- [Confidential Care](#)
- [Staff supporters](#)
- [Joint Trade Unions](#)
- [Special Leave Policy](#)

Appendix A

Statutory Request for Flexible Working

Before completing this form, read the College's policy and guidance on making flexible working requests: [Flexible working | Administration and support services | Imperial College London](#).

Statutory Request for flexible working		
Name of individual:		
Department:		
CID:		
<p>To be eligible to make a request for flexible working, you must have 26 weeks' continuous service with the College. If you are uncertain whether or not you are eligible to make a request, please contact the Staff Hub or your Departmental Administrator. You can make only one request in every 12-month period.</p>		
Start date with the College:		
Date form submitted:		
Previous applications for flexible working		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?		
<p>Are you a disabled person whose request for flexible working is related to your disability?</p> <p>If Yes, you may wish to instead apply for flexible working via the workplace adjustment route.</p>	Yes	No
I wish to submit a statutory request for flexible working as detailed below.		
<p>Please set out the pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be or, if you wish to work at home at certain times, please state which hours you would like to work at home.</p>		

I would like the above change(s) to my working pattern to take effect on:		
I would like the above change(s) to my working pattern to be permanent:	Yes	No
If "No", I would like the above change(s) to my working pattern to be temporary and to end on:		
Please state the effects that you think the changes you are requesting will have on the College and on your department, your colleagues etc.		
Please state how you think any such effect might be dealt with.		
<p>Please email your completed application to your line manager.</p> <p>Once you have submitted a valid application for flexible working, your manager will contact you to arrange a meeting, which will take place within 10 days of the application being received, to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.</p> <p>It will help us to deal with your application if you provide as much information as you can about your desired working pattern. It is also important that you complete the questions</p>		

about the effects that you think the changes you are requesting will have on the organisation and your colleagues.

Signed:

Date:

Line Manager Decision: Approved / Declined (please delete as applicable)

Line Manager Signed:

Date:

Once the request has been approved or declined, a copy of the form should be sent the HR Staff Hub for filing.