

# **FLEXIBLE WORKING GUIDELINES**



**Human Resources**

## **1. INTRODUCTION**

The London Underground (LU) Standard on Work-Life Balance contains a statement relating to flexible working. It points out that flexible working arrangements are applicable to situations where staff are able to apply to change their working hours or patterns of work to meet family, caring or other similar responsibilities. Flexible working arrangements would enable us to retain skilled staff and possibly help reduce recruitment costs, raise staff morale and decrease absenteeism. For members of staff, the opportunity to work flexibly can greatly improve their ability to balance home and work responsibilities.

## **2. BACKGROUND**

From 6<sup>th</sup> April 2003, employees who are parents of children under 6 (18 if the child is disabled), and have at least 26 weeks' service at the time the application is made will have a statutory right to have a request for flexible working to be considered seriously. This right is outlined in the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002, and the Flexible Working (Procedural Requirements) Regulations 2002.

The purpose of the LU Work-Life Balance Standard is, wherever practical, to make provisions for flexibility for those employees who need to adjust the balance between work and their life outside the workplace. Therefore unless otherwise stated, these guidelines apply to staff who qualify, regardless of whether they have children or not in so far as LU processes are concerned.

## **3. FLEXIBLE WORKING PROVISION**

Staff who wish to change their working hours or patterns of work to meet family, caring or other similar responsibilities should approach their employing manager in the first instance. All requests for a change in working patterns will be considered seriously. In order to be eligible, employees must have least 26 weeks' continuous service at the time the application is made, and only one application is allowed per year.

The provisions allow for a wide variety of different types of working patterns. Eligible staff are for instance entitled to request to change the hours they work, change the times when they are required to work, or to work from home. A list of options currently in place is given in Section 9.

#### 4. APPLICATIONS FOR FLEXIBLE WORKING

An employee must produce a written request for flexible working setting out the pattern he or she wishes to work and how this might be accommodated within their department. This request should be made on form A1 (attached), and submitted to the employing manager.

The form is designed to help the employing manager to review what flexible working arrangements may be possible for the employee within business and/or operational requirements. See Section 5 for guidelines regarding making a decision.

#### 5. PROCEDURE FOR HANDLING REQUESTS AND POINTS TO CONSIDER

Requests for flexible working arrangements should be given full and sympathetic consideration, in line with the LU Work-Life Balance standard and where appropriate the applicable government legislation. However, a final decision will be made by the employing manager, based on information provided by the employee, advice from the local HR office, and due concern for operational requirements and business needs.

Within 28 days of receiving the request, the employing manager must either:

- (a) Write to the employee, specifying how the working arrangements will change and from what date. There is no specific time period for setting up the new arrangements. This will depend on how much action is required e.g. in order to recruit a job share partner, for example, or to rewrite the contract of employment where required. Eight weeks is suggested as good practice.

Or

- (b) Set up a meeting with the employee at a time convenient to both parties to discuss the request. *Employees covered by the Flexible Working Regulations can bring a local TU representative or other fellow worker employed by LU to the meeting.*

The aim of this meeting is to explore the possibility of a request for flexible working being accommodated locally. Form A2 (attached) is

provided as a checklist to assist managers in making an informed decision.

Matters to be considered by the manager include:

- *If a period of leave will resolve the problem:*  
It may be that the difficulty the employee is facing is short-term in nature, and can be best resolved through a period of leave. If this is the case, the request for flexible working should be treated as a request for leave and dealt with as such. In addition to employees' entitlement to annual leave, it may be appropriate to take up the provisions outlined in the Family Leave Guidelines or the Special Leave Guidelines.
- *If the request can be accommodated locally:*  
With reference to the options outlined in section 9 below, it may be possible for the employing manager to make arrangements for the employee's request to be accommodated locally. Both parties should agree whether these arrangements are to be for a limited period of time, or continue indefinitely.
- *If local arrangements cannot be made:*  
If it is not feasible to make local arrangements, the employing manager should liaise with the local HR office to investigate whether the request can be accommodated elsewhere within the business area or LU Resourcing, who may be able to assist with other opportunities within LU as a whole. LU Resources will need details of all approved requests in order to help maintain their current database.
- *Will any change in arrangements affect the employee's pay/ pension?*  
The employee may need to seek advice from the LRT Pensions Office.
- *What is the effect of the change on others, if any?*  
For instance, would colleagues need to take on additional responsibilities in order to accommodate the request.
- *Consider if there is any equipment the employee will need to be provided with to accommodate the request.*  
This may apply to an application for homeworking.

If it is finally decided that the requested new work pattern cannot be accommodated, other ways of working should be considered and put forward.

## **6. GROUNDS FOR REFUSAL**

Managers will only be able to refuse such an application should one or more of the stipulated business grounds as mentioned below apply. If an application is

refused the employing manager must state which of the grounds for refusal apply, and why they apply in those particular circumstances.

Permitted grounds are:

- Where there is the burden of additional costs.
- Where the request would have a detrimental effect on the ability to meet customer demand.
- Where there would be an inability to reorganise work among existing staff.
- Where there is an inability to recruit additional staff in an acceptable timetable.
- Where the request would have a detrimental impact on quality of service.
- Where the request would have a detrimental impact on business performance.
- Where there is insufficient work during the periods the employee proposes to work.
- Where planned structural changes are being proposed.

Managers should ensure the refusal clearly explains why the business grounds given are applicable.

## **7. FORMAL RESPONSE TO REQUEST**

The employing manager is required to write to the employee within 14 days of the meeting either to:

- (a) agree the new pattern and start date, or
- (b) confirm a compromise suggested at the meeting and if not already agreed, seek a response by a specific date, or
- (c) explain the business and /or operational reasons why the request cannot be met (see 6 above), and set out how to appeal if the employee is not happy with the decision.

If more time is needed to consider the request, the manager must obtain the agreement of the employee for an extension of up to 14 days.

Employees should be aware that, unless otherwise agreed, the new working pattern would be a permanent change to their terms and conditions of employment. Where a trial period or time limited period has been agreed this should be detailed in the written agreement from the manager.

## **8. PROCEDURE FOR HANDLING APPEALS**

If the employee appeals against the decision another meeting to discuss the appeal should be held within 14 days of receiving written notification of the

appeal. *Employees covered by the Flexible Working Regulations can again bring either a local TU representative or other fellow worker employed by LU to this meeting. Timing of the meeting should be convenient to all parties.*

The appeal should be heard by a more senior manager to the one who dealt with the original request.

When appealing against a refused request an employee will need to set out the grounds for making the appeal and ensure that it is dated.

There are no constraints on the grounds under which an employee can appeal. It may be that they wish to bring to attention something the manager was not aware of when they rejected the application.

The manager who hears the appeal must inform the employee of the outcome of the appeal in writing within 14 days after the date of the meeting.

If the appeal is upheld the written decision must:

- include a description of the new working pattern;
- state the date from which the new working pattern is to take effect, and;
- be dated.

If the appeal is dismissed the written decision must:

- state the grounds for the decision. These will be appropriate to the employee's own grounds for making the appeal;
- provide an explanation as to why the grounds for refusal apply in the circumstances; and
- be dated.

A written notice of the appeal outcome constitutes LU's final decision and is effectively the end of the formal procedure within the workplace.

*Employees eligible under the legislation will have a further right of appeal. This may involve bringing in an external person to try to reach agreement, opt for binding arbitration or for the employee to file a claim with an employment tribunal. If this happens the local HR Manager and Legal Services must be consulted straightaway.*

## **9. OPTIONS AVAILABLE**

All reasonable options shall be considered. However, there are currently in place arrangements for the following:

## **9.1 Flexi-time**

Formal flexitime arrangements are those which apply to a whole section or group of employees with the agreement of management and staff concerned. Working hours are agreed among section staff in order to meet individual requirements whilst ensuring sufficient cover is provided. Further, employees may accumulate hours in order to take time off in lieu. These arrangements are only applicable in situations where shift working is not required. Details are available from local HR offices.

Informal flexitime arrangements occur where an employing manager agrees to some flexibility in working hours for a particular employee. This might, for example, allow for late arrival or early finish in order to assist that employee in meeting outside commitments. Such arrangements could be temporary to cover short-term problems or for longer periods according to circumstances.

## **9.2 Reduced Hours**

Employees may seek the agreement of their employing manager to a reduction in contracted hours. Where a reduction is agreed, salary, annual leave and appropriate benefits will be calculated on a pro rata basis.

## **9.3 Job sharing**

Job sharing is an arrangement by which a full-time position is shared by two part-time employees. Employees who chose to participate in a job share will receive salary and benefits calculated on a pro rata basis.

## **9.4 Career Break**

A career break is a voluntary, unpaid break in service, or period of unpaid special leave, taken in order to attend to certain commitments and interests outside the workplace such as caring responsibilities, full time study and extended periods of travel. See Career Break Guidelines for further details.

## **9.5 Staggered hours**

Staggered hours allows staff to start and finish their day at different times. As staff are expected to work the same amount of hours this arrangement does not usually involve an adjustment to pay.

## **9.6 Homeworking**

Homeworking doesn't have to be on a full-time basis and it may suit an employee to divide their time between home and the office. What individuals are paid for depends on the hours they work.

## **10. DOCUMENTATION AND REVIEW**

Regardless of the outcome of a request for flexible working arrangements, all decisions will be documented and subject to periodic review. Both the manager and the employee should sign form A2 at the end of the interview. The form should be held on the employee's staff file.

Where it has not been possible to accommodate a request, the employee should arrange a review meeting with their manager six months after the initial interview. This will enable both parties to establish whether the situation has changed in any way.

## **11. REPORTING REQUIREMENTS**

For monitoring purposes, employing managers should inform their local HR office of requests for flexible working arrangements, decisions made and issues arising. In addition, it is important that other reporting arrangements are correctly complied with, including HRS.

## **12. SUPPORTING DOCUMENTS**

These guidelines are supported by:

- Career Break Guidelines
- Family Leave Guidelines
- Special Leave Guidelines
- Teleworking Guidelines

*The Flexible Working Guidelines dated 16<sup>th</sup> October 2002 are hereby superseded.*

**FORM A1**

**APPLICATION FOR FLEXIBLE WORKING**

**Your details**

Name: ..... Employee Number: .....  
Grade: ..... Location: .....  
Date entered service.....

**Your requirements**

Why do you want to change your working arrangements?

.....  
.....

What change to your working arrangements would you like and when from?

.....  
.....  
.....

What effect, if any, do you think the proposed change would have on the business and how, in your opinion, may such an effect be dealt with?

.....  
.....  
.....

Would a short period of leave help to resolve the issue?

Yes   
No

Do you wish to change your working arrangements:

Temporarily  (Please estimate for how long ..... )

Permanently

Have you made a previous application to work flexibly in the last year?

Yes   
No

If yes, please state the date this was made .....

When are you available for an interview with your employing manager?.....

Are you making this application under the statutory right to request a flexible working pattern?.....

If yes, please confirm that you have responsibility for the upbringing of the child and you are either: the mother, father, adopter, guardian or foster parent; or, married to or the partner of the child's mother, father, adopter, guardian or foster parent (evidence may be requested).

.....  
.....

Signed: .....

Date: .....

*When you have completed this form, you should return it to your employing manager, who will arrange a convenient time at which to discuss your request and explain possible implications with regard to pay, pensions and so on. Each request will be considered sympathetically on its merits. However, all decision will be subject to business and operational constraints.*

*PLEASE DETACH THIS SECTION AND HAND OVER TO THE APPLICANT UPON RECEIVING THIS APPLICATION*

.....

*This is to confirm that your application to request to work flexibly has been received and will be considered in accordance with the London Underground Flexible Working Guidelines*

*DATE* .....

*MANAGER'S NAME/*

*TITLE*.....

**REQUEST FOR FLEXIBLE WORKING ARRANGEMENTS:  
INTERVIEW RECORD SHEET**

**Details**

Manager's Name: ..... Title: .....

Employee's Name: ..... Employee No: .....

Employee's Position: ..... Current Hours/Shift.....

Date of Interview: ..... .....

**Interview Checklist**

- Clarify reason for request .....
- Specify what working arrangements would be more suitable .....
- Discuss whether a short period of leave would help .....
- Clarify over what period change is required .....

*Where local arrangements CAN be made:*

- Note arrangements agreed and effective date.....
- Note whether permanent or subject to trial period or time limited period .....
- Ensure employee is aware of implications for salary, pension, leave entitlement and so on.

*Where local arrangements CANNOT be made:*

- Explain fully the business reasons why the request cannot be accommodated
- Encourage the employee to seek other positions in order to find more suitable arrangements
- Offer the opportunity to register with LU Resourcing
- Explain right to Appeal

*Where more time is needed to consider the request:*

- Agree an extension with the employee of up to 14 days to further consider the request

**NOTE: YOU SHOULD ENSURE THAT BOTH YOU, AND THE EMPLOYEE HAVE READ, AND ARE FAMILIAR WITH THE REQUIREMENTS AND RESPONSIBILITIES UNDER THE FLEXIBLE WORKING GUIDELINES. YOU SHOULD ALSO ENSURE YOU TAKE THE ADVICE OF YOUR LOCAL EMPLOYEE RELATIONS MANAGER.**

**Signatures**

We have discussed a request for Flexible Working, as detailed above.

Signed (Manager) ..... Date .....

Signed (Employee) ..... Date .....