

Guidance

G2167 A1

London Underground - FLEXIBLE WORKING GUIDELINES

Contents

1	Introduction	2
2	Background	2
3	Flexible Working Provision	2
4	Applications for Flexible Working	2
4.1	Background	Error! Bookmark not defined.
4.2	Safety considerations	Error! Bookmark not defined.
4.3	Environmental considerations	Error! Bookmark not defined.
4.4	Customer considerations	Error! Bookmark not defined.
4.5	Other information	Error! Bookmark not defined.
5	Person accountable for the document	3
6	Definitions	7
7	Abbreviations	7
8	References	8
9	Document history	8
10	Attachments	8

1 Introduction

The London Underground (LU) Standard on Work-Life Balance contains a statement relating to flexible working.

It is the overall policy approach to have flexible working practices whenever possible. However, it is recognised that the ability to support flexible working practices will vary across departments according to business needs. Flexible working arrangements could enable us to retain skilled employees, raise staff morale and decrease absenteeism. For employees, the opportunity to work flexibly can greatly improve their ability to balance home and work responsibilities.

2 Background

With effect from 30 June 2014 all employees have the right to request flexible working and LU has a duty to consider all requests in a reasonable manner.

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 all eligible employees.

3 Flexible Working Provision

In order to be eligible, employees must have at least 26 weeks' continuous service at the time the application is made and must not have made another application to work flexibly during the previous 12 months of making the application. Only one flexible working application is allowed per year.

Employees who wish to change their working hours or patterns of work, should approach their employing manager in the first instance. All requests for a change in working patterns will be carefully considered with the outcome being based on business requirements. The business will consider whether agreeing to the request for change will have any adverse business impact. The employing manager should consider each case on its merits looking at the business case and the possible impact of refusing a request.

There are many forms of flexible working (see paragraph 9 in this policy). It can describe a place of work or a variation on full-time work such as part-time, job sharing and staggered hours.

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 the Flexible Working Request Form and submitted to the employing manager.

The [flexible working Request Form](#) is designed to help the employing manager to review what flexible working arrangements may be possible for the employee based on business requirements. The employing manager should acknowledge receipt of the request. The employee should state on the Form if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability. The employing

manager should consider if flexible working is a reasonable adjustment for the employee to carry on working.

A disabled employee who is making their flexible working request in relation to the Equality Act 2010, for example as a reasonable adjustment for their disability may wish to consider using the [Reasonable Adjustment Process](#).

5 Procedure for handling requests and points to consider

Requests for flexible working arrangements will be considered in a reasonable manner, in line with the LU Work-Life Balance standard and where appropriate the applicable government legislation. However, a final decision should be made by the employing manager, based on information provided by the employee, advice from HR Services if required, LU Occupational Health (LUOH) if appropriate and due concern for operational requirements and business requirements.

Once an employing manager has received a request from an employee, and within 28 days of receiving the request, the employing manager will 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 to put the working arrangements into effect. 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. ***The Employee can bring a local TU representative or other fellow worker employed by LU to the meeting.***

The aim of this meeting is to explore mechanisms for managing the request including the possibility of a request for flexible working being accommodated locally.

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 manager should discuss this with the employee and they can agree that 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 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 continued indefinitely.

- *If local arrangements cannot be made:*

If it is not feasible to make local arrangements, the employing manager should investigate whether the request can be accommodated elsewhere within the business area or LU Operational Resourcing, who may be able to assist with other opportunities within LU as a

Printed copies of this document are uncontrolled.

Page 3 of 8

whole. LU Operational Resourcing 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 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.

If it is finally decided that the requested new work pattern cannot be accommodated, other ways of working may be proposed by either party and should be considered appropriately.

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 for refusal are as follows:

- 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
- Where there is an inability to recruit additional staff
- 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 calendar days of the meeting, either to:

- a. Agree the new pattern and start date; or
- b. Confirm an alternative and if not already agreed, seek a response to that alternative; or
- c. Explain the business 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.

Managers and 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 and any review arrangements have 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 calendar 14 days of receiving written notification of the appeal. ***Employees can again bring either a local TU representative or other fellow worker employed by LU to this meeting. The 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 calendar days after the date of the appeal meeting.

If the appeal is upheld the written decision should:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect,
- Whether the arrangements are permanent or subject to review, and;
- Be dated

If the appeal is dismissed the written decision should:

- 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.

LU will usually consider and decide upon all requests, including any appeals, within a period of three months from first receipt, unless the employee and LU agree to extend this period for example, to accommodate a trial period.

9 OPTIONS AVAILABLE

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

9.1 Flexi-time

Formal flexi-time 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.

Informal flexi-time 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, terms and conditions such as 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 choose to participate in a job share will receive salary, annual leave 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 allow employees to start and finish their day at different times. As employees are expected to work the same amount of hours this arrangement does not usually involve an adjustment to pay.

9.6 Working from Home

Working from home does not 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.

If an employee's request for Flexible Working is granted and means the employee will be working from home, please read the [guidance](#) found on the [TfL Management System](#) or contact HR Services.

9.7 Remote Working

Remote working is where staff request to base themselves at another LU site for short periods in the working week.

10 DOCUMENTATION

Regardless of the outcome of a request for flexible working arrangements, all decisions will be documented. More information on Flexible Working can be found on the [TfL Management System](#) or by contacting HR Services.

11 REPORTING REQUIREMENTS

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

12. SUPPORTING DOCUMENTS

These guidelines are supported by:
Career Break Guidelines
Family Leave Guidelines
Special Leave Guidelines

The Flexible Working guidelines dated April 2009 are hereby superseded.

12 Person accountable for the document

Record the Band 4 or 5 manager accountable for keeping this document up to date.

Name	Job title

13 Definitions

List capitalised terms and their definition. Choose from the TfL defined terms in [jargon buster](#) and state 'jargon buster' as the source. If your term is not yet in the jargon buster please fill in the form on the jargon buster site to get it added. If the source is from a recognised external publication please state so.

Term	Definition	Source

14 Abbreviations

List capitalised abbreviations (including acronyms and initialisms) plus their meaning in full unless the document is short, to help the reader remember them.

Abbreviation	Meaning

15 References

List any LU, TfL Corporate or external documents that you have referred to.

Document no.	Title or URL

16 Document history

Issue no.	Date	Changes	Author

17 Attachments