# Appendix - HR Toolkit for Startups & SMEs

## Flexible working request Flowchart

When dealing with a request for flexible working, it is important to follow a clear and proper process to ensure consistency, transparency, fairness and compliance with the law and Codes of Practice. **The stages are outlined here:** 

#### **Key points:**

A request for a change can include changes to;

- Hours of work
- Times of work
- Place of work

The Employee needs to describe or explain their request for Flexible Working in writing, including:

- the reason(s) for the request
- the desired commencement and if appropriate, end date of the requested change(s)

Unless the request is approved, the employer must meet with the employee within 28 days to discuss the request and either agree to the request (potentially on a trial basis) and confirm any impact on terms and conditions or refuse the request, identifying fair, reasonable and legal grounds for that decision.

The employee is entitled to appeal the decision in writing within 14 days with any appeal being dealt with within 14 days of receipt of the appeal.

Any agreement to a flexible working request is at the company's sole discretion and be based on the needs of and impact on the business.

2 applications can be made for 12 months.

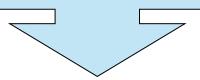
#### Initial request and agreement

Must be in writing and explain the reasons for the request. The request should be considered fairly and reasonably in line with business requirements and if agreed this should be confirmed in writing with details of any changes to terms and conditions.



### If request not agreed within 28 days

A meeting should be held before Day 28 to discuss the request and to either agree, agree with a trial period or to decline. Reasons for any decision and any impact on terms and conditions should be confirmed in writing, together with confirmation of any right to appeal



#### **Trial Period**

During and at the end of any trial period, the Employer should **review** and decide if the trial be made permanent. If so, the change and any impact on T&C should be confirmed in writing.

If the trial is not successful the employee should have this and any reasons confirmed in writing and given a right of appeal.



#### Appeal

The employees letter must be submitted within 14 days of the notice of outcome. Any **appeal meeting** should occur within 14 days after receipt of the **appeal request**.

The appeal should be considered by an independent and appropriately senior manager with any outcome confirmed in writing within 14 days of the hearing, No further application can be made for 12 months.

## Disciplinary process Flowchart

When dealing with disciplinary matters the importance of following a clear and proper process is essential in order to ensure that objectivity, consistency and fairness is maintained. Depending on the issue and circumstances the process may be implemented at either an informal or formal stage. For full details please refer to the full Disciplinary Procedures. **The stages are outlined here:** 

#### **Key points:**

A minimum of **72 working hours' notice** will be given of a formal disciplinary meeting.

The employee has **the right to be represented** at the formal stages of the process.

They are to be **notified in** writing of any decisions made.

Verbal warnings will be held on file for 6 months. Written warnings will normally be held on file for 12 months.

**Dismissal** may occur if there is a failure to improve or in the event of serious misconduct or repeated warnings.

They will have a **right of appeal** against any decision made.

Appeals must be made in writing to a named person within **5 working days** of receipt by the employee of the original disciplinary letter.

In cases of **Gross Misconduct** the
disciplinary stages may
not apply and, if after full
investigation and a
disciplinary hearing the
case is proven summary
dismissal may result.

#### Informal Stage (remember this is not a disciplinary hearing)

Where conduct or performance falls short of expected standards, an informal discussion will be held to raise the issue with the aim of seeking a resolution to the matter by encouraging improvement and highlighting steps that will follow if improvement is not made.

An informal verbal warning as a file note may be retained or a file note of the discussion retained.

#### **Formal Stage**

Depending on the circumstances it may be necessary to invoke formal disciplinary procedures.

No disciplinary action will be taken until the matter is **fully investigated**. The employee will be **advised of the nature of the complaint** and be given a **full opportunity to state their case** before any decisions are made.

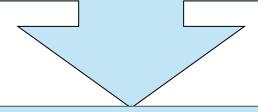
### **Disciplinary Hearing**

If required to attend a disciplinary hearing (after the investigation meeting) the employee has the right to be represented by either a work colleague or trade union official.

They are to be provided with full details of the allegations of misconduct, investigation notes, reports and witness statements in order to prepare their case.

The hearing will adjourn before any decision is made. Decisions will be made in writing.

They have a right of appeal against any decision made. Appeals will be heard by someone not directly involved in the original hearing.



#### Sanctions

Stage 1 - Verbal Warning

Stage 2 - Written Warning

Stage 3 – Dismissal

Gross Misconduct may result in summary dismissal.

## **Grievance Process Flowchart**

When dealing with grievances it is essential to follow a clear and proper process to ensure that objectivity, consistence, fairness and compliance with employment law is maintained. Depending on the the issues and circumstances the process maybe implemented at either an informal or formal stage. **The stages are outlined here:** 

#### Key points:

Issues that may cause a grievance;

- Terms and conditions of employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination

A written procedure should be in place to ensure consistency, transparency, fairness and compliance with the law and any relevant Codes of Practice

It is essential that the desired outcome of any grievance is clearly stated at the outset AND is actually achievable/deliverable.

Normally every party should be strongly encouraged to resolve matters informally where possible.

Mediation should be considered at every stage where appropriate.

Employees have the right to be accompanied/represented at formal grievance meetings.

Copies of meeting records should be given to the employee.

Grievances and appeals should be lodged in writing to a named appropriate manager/Director.

The policy should have recommended time limits for the implantation of each step and required action (e.g. 5 working days).

#### **Informal Stage**

Where an employee makes a complaint relating to a workplace or employment issue it is normally advisable to attempt to resolve this through informal discussion with an appropriate level of management to attempt to find a workable resolution.

Where appropriate it may be useful to engage in mediation, which can be considered at <u>any</u> stage of the process.

#### **Formal Stage**

Where an informal approach is unsuccessful or an issue is so grave that an informal approach is inappropriate, the matter should be raised formally, in writing, setting out the nature of the grievance, and the desired outcome.

Employers should arrange for a formal meeting/hearing within a timeframe identified in their policy.

#### **Grievance Hearing and Appeal**

The employee has a right to be accompanied/represented by a colleague or Trade Union officer.

The hearing should be chaired by an appropriate senior manager, empowered to deliver the stated desired outcome if necessary. The hearing will adjourn before any decision is made with such decisions being in writing. The employee will have the right of appeal. Any appeal hearing should be arranged as per the original hearing but chaired by a different manager with no previous involvement <u>and</u> the authority to vary the original decision.

