Appendix 1: formal procedure for hearing work life balance requests

Formal procedure to be followed by a manager receiving a written request for flexible working or a change to working arrangements.

Please note: The expectation at UCL is that most requests for flexible working, will be dealt with informally, without the need to raise a formal request under this procedure.

Where it is not possible to do so, the formal procedure below should be used. Any changes to working hours must still be processed through MyHR using employee self-service.

Where staff may need adjustments to their role because of a medical condition and/or disability, UCL encourages them to discuss this with their line manager informally and outside of the Flexible Working Application Process. This enables tailored adjustments to be considered in broader terms, over and above amendments to working arrangements, and provides for reviews to be conducted as and when needed, rather than once every 12 months. The formal flexible working application process remains open to all staff, included disabled staff, should they wish to apply.

1. Within 28 days of receipt of the application, the manager must arrange a meeting with the employee to discuss the request. The employee will be given one week’s advance notice of the meeting (pro rata for part time staff). The employee is entitled to be accompanied at the meeting by a work colleague or UCL trade union representative. If their colleague or representative is unable to attend the meeting, the employee can postpone the meeting to a more convenient date, and where the postponed date is reasonable and is within one week, the manager will agree to the postponement.

2. The meeting will provide the manager and the employee with the opportunity to discuss the desired work pattern in depth and consider how it might be accommodated within the department. In considering flexible working hours, managers must bear in mind that staff working for a continuous period of 6 hours must take a minimum of a 30 minute break in that period.

3. Managers should, in consultation with their Head of Department/Division consider the issues outlined in section 3.1 of the [policy document](https://www.ucl.ac.uk/human-resources/work-life-balance-policy#criteria-for-dealing-with-a-request-for-flexible-or-revised-working-arrangements), prior to the meeting.

4. At the meeting, the employee may be asked to expand on any aspects of their proposal and the manager may ask the employee if there are any other working patterns they could consider. Both parties should be prepared to be flexible.

5. [The HR Business Partnering Team](https://www.ucl.ac.uk/human-resources/about-hr/contacting-hr/people-hr/hr-business-partnering-contact-details) can provide advice and assistance to managers in considering requests, particularly in providing advice on practice adopted elsewhere in UCL. Line managers should consult with HR when they are unsure as to how to respond to a request.

6. The time limits for the meeting to take place can be extended if the manager is absent from work or through agreement between the manager and the employee.

7. There may be exceptional occasions where the procedure cannot be followed within the specified time limits. For example, a manager may need extra time to speak to another employee who is on holiday, about whether they could work the hours left uncovered by the employee's requested work pattern, or the employee may be about to commence a period of leave. Extensions of time limits must be in agreement with both the manager and the employee and the manager must make a written record of the agreement. The written record must specify the period the extension relates to, the date on which the extension is to end, be dated and sent to the employee.

8. When an application is sent to the manager and it is clear that the manager will be absent from work due to leave or illness for more than 28 days, the matter shall be referred upwards within the Department or Division.

9. Decision

9.1 All requests must be properly considered. Managers must also ensure that where employees have caring responsibilities, or a disability that requires a reasonable adjustment, all reasonable avenues are explored in light of [UCL’s responsibilities under the Equality Act](https://www.equalityhumanrights.com/sites/default/files/employercode.pdf). This may include consulting more widely to explore whether their needs could be accommodated by reallocating duties between staff.

9.2 Once the manager and the employee have discussed the request, the manager must notify the employee of the decision and confirm this in writing within two weeks following the date of the meeting , using either [Part B (request accepted) or Part C (request rejected)](https://www.ucl.ac.uk/human-resources/work-life-balance-policy#forms), of the Line Manager Decision Form.

10. Request Accepted

10.1 If a request is accepted, the decision form 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. The manager or staff member may propose a trial period in which to assess the new working arrangements and in this case, the length of the trial period and the method of evaluating its success, should be included in the notification.

10.2 The employee must also make the request via MyHR using [Employee Self-Service](https://ebscorelv-liv.adcom.ucl.ac.uk:4444/OA_HTML/OA.jsp?OAFunc=OAHOMEPAGE). In doing so, their line manager is notified to review/approve this change and the HR record is updated

11. Request Rejected

11.1  If requests are not accepted, managers must ensure that this is because of one or more of the following statutory reasons:

* The burden of additional costs (this may include accommodation or equipment or additional administration costs)
* There will be a detrimental effect on the department's ability to meet the demands upon it
* It is not possible to re-organise work amongst existing staff
* The department will not be able to recruit additional staff
* There will be a detrimental impact on quality
* There will be a detrimental impact on performance
* There will be insufficient work during the periods the employee proposes to work
* There are planned organisational changes

11.2 Managers must also ensure that any grounds for refusal are based on facts rather than assumptions, and must be able to provide evidence if required.

11.3 Instead of refusing a request outright, managers should give consideration to alternatives to the working pattern that the employee has requested. For example, if an employee wants to work 3 days per week instead of 5, if it would be possible to offer 4 days per week, this should be discussed and offered to the employee as a compromise.

11.5 If a request is rejected, the decision form must:

i) State which of the statutory reasons at point 11.1 above apply in these circumstances

ii) Provide a sufficient explanation including examples or evidence, to demonstrate that the request has been properly considered

iii) Demonstrate that alternative proposals have been considered and put to the employee, if applicable.

iv) Provide details of the employee's right to appeal, and be dated.

The manager must keep a copy of the decision form documenting that the request is rejected, and forward a copy to their [HR Business Partner](https://www.ucl.ac.uk/human-resources/about-hr/contacting-hr/people-hr/hr-business-partnering-contact-details). The decision should be consistent with the discussion that has taken place during the meeting.

11.6 Where a request has been rejected based on departmental circumstances and those circumstances later change which allows more flexibility, managers should encourage employees to revisit their request via an informal discussion without the need to make another formal request.

12. Appeal

12.1 There is no legal right for an employee to appeal the decision about their flexible working request. However, UCL will permit an employee to appeal on one or more of the following grounds, and must be clearly set out in a letter:

i) The request was not handled in a reasonable manner, or was in breach of the [Equality Act.](https://www.equalityhumanrights.com/sites/default/files/employercode.pdf)

ii) The procedure was not followed correctly

iii) The application was rejected based on incorrect facts or information, or where there was a lack of evidence to support the decision

12.2 An appeal must be lodged within 14 days of receipt of the decision to reject the application. The employee must set out the grounds for their appeal in a dated letter to the Director of Employee Relations, Policy and Planning, via the [Employee Relations Team.](mailto:ercases@ucl.ac.uk)

12.3 Within 14 days of the Director of Employee Relations, Policy and Planning receiving the appeal, a meeting to hear the appeal will be arranged.

12.4 Meeting attendees will normally comprise of the employee and the following:

i)  An independent manager of the same or higher grade than the manager who originally dealt with the flexible working request, providing they have not previously been involved in the case and they have the authority and ability to overturn the original decision;

ii) An Employee Relations Manager, to ensure a fair process is carried out

iii) The employee’s chosen companion i.e. a trade union representative or work colleague.

12.5 The manager chairing the appeal may need to consult with another specialist member of staff or, for example a member of the Occupational Health Team if the case involves a reasonable adjustment or a medical issue.

12.6 If the employee’s companion is unable to attend, the employee can request a postponement. The meeting will be rescheduled within one week (where possible).

12.7 It is not necessary for the original decision-making manager to attend the appeal hearing, but the appeal hearing manager may consult with them either before or after the meeting if they need to clarify anything.

However, they should be available on standby in the event that they need to be called into the meeting for any points of clarification. The employee should be consulted on whether they feel comfortable with the manager attending the appeal hearing.

12.8 Before confirming the outcome of the appeal, the manager hearing the appeal must consult with the relevant manager and discuss the proposed outcome.

12.9 The Employee Relations Manager will advise the employee of the decision of the appeal in writing, within 14 days of the appeal meeting.

13. Appeal Upheld

13.1 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 as per point 10 above. A copy of the notification will be held on the individual's HR file.

14. Appeal Refused

14.1 If the appeal is refused, the written decision must set out the reason for refusal in this case and provide a sufficient explanation of the grounds for the decision. A copy of the notification will be held on the individual's HR file and the Line Manager will be informed of the outcome. The Appeal Panel's decision shall be final.

It is not normally possible to make another flexible working request within the next 12 months, however if departmental circumstances change, please refer to point 11.6.