Appendix 2: Flexible Working Procedure

## Submitting a request

1. Employees wishing to submit a flexible working application must complete an [application form](#_PART_A:_EMPLOYEE) and send it to their Line Manager.
2. The formal flexible working procedure can take up to three months, so it is essential that enough notice of any proposed change is provided.
3. If an employee wishes to withdraw their application, they must notify their line manager as soon as possible, in writing. The application will normally be treated as withdrawn if the employee fails to attend 2 planned meetings to discuss the request.

## Considering a Flexible working request

1. Before making a decision, Line managers must consider the level of cover within the department, to ensure the level of service is maintained.
2. Managers should also, in consultation with their Head of Department/Division, consider the issues outlined in paragraph 24 of the policy.
3. If the Line Manager is in agreement with the request, they can move straight to [communicating the decision](#_Communicating_the_decision), without the requirement for a meeting with the employee, unless the employee or the line manager would like to do so.
4. In all other cases the line manager must arrange a meeting with the employee within 28 days of receiving the application, to discuss the request. The employee is entitled to be accompanied at the meeting by a work colleague or UCL recognised 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.
5. The meeting will provide the manager and the employee with the opportunity to discuss the desired work pattern in depth and for the line manager to consider how it might be accommodated within the department.
6. 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.
7. Line managers are required to ensure an accurate record of what was discussed and agreed is retained in line with [Data Protection](https://www.ucl.ac.uk/library/collections/records-office/retention-schedule/staff-data) requirements.
8. 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.
9. There may be exceptional occasions where the procedure cannot be followed within the specified time limits. Extensions of time limits must be agreed with both the manager and the employee, and the manager must make a written record of the agreement.
10. 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.
11. 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 employees.

##  Communicating the decision

1. The manager must notify the employee of the decision and confirm this in writing within 10 working days following the date of the meeting, using either [Part B (request accepted)](#_PART_B:_LINE) or [Part C (request rejected),](#_PART_C:_LINE) of the Line Manager Decision Form.

##  Request approved

1. If a request is approved, the line manager must complete the [Part B Decision Form (Request Accepted)](#_PART_B:_LINE)
2. All agreed changes to working hours or working patterns must be processed and approved through MyHR using either employee self-service (changes to working pattern) or Departmental Transactions (changes to FTE).
3. Where changes are agreed to an FTE, the employee will receive a letter confirming the change.

## Trial Periods

1. The line manager or employee 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.](#_PART_B:_LINE)

## Request rejected

1. Requests can only be rejected for one 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.
2. If requests are not accepted because of one or more of the permitted reasons, managers must complete [Part C (request rejected),](#_PART_C:_LINE) rejection form.
3. 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.
4. Instead of refusing a request outright, managers should give consideration to alternatives to the working pattern that the employee has requested.
5. The manager must keep a copy of the decision form documenting that the request is rejected and forward a copy to their HR Services who will save a copy to the employee’s EDRM file. The decision should be consistent with the discussion that has taken place during the meeting.
6. Where a request has been rejected based on departmental circumstances and those circumstances later change which allows more flexibility, managers may revisit the employee’s request via an informal discussion without the need to make another formal request.

## Appeal

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:
	* 1. 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)
		2. The procedure was not followed correctly.
		3. The application was rejected based on incorrect facts or information, or where there was a lack of evidence to support the decision or there is new information they wish to be considered.
2. An appeal must be lodged within 5 working days of the outcome being communicated, by emailing the Employee Relations Team at ercases@ucl.ac.uk. The employee must set out the grounds for their appeal, using one of the reasons set out above. The employee may provide further information ahead of their appeal hearing, if they need more time to take advice, or to spend time wording their appeal.
3. Every effort will be made to arrange an appeal hearing as soon as possible.
4. Meeting attendees will normally comprise of the employee and the following:
5. 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.
6. An Employee Relations Manager, who will be able to advise on process.
7. The employee’s chosen companion i.e., a trade union representative or work colleague.
8. The manager chairing the appeal may need to consult with another specialist member of staff.
9. If the employee’s companion is unable to attend, the employee can request a postponement. The meeting will be rescheduled as soon as possible.
10. 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, during or after the meeting if they need to clarify anything.
11. Before confirming the outcome of the appeal, the manager hearing the appeal must consult with the relevant manager and discuss the proposed outcome.
12. The Employee Relations Manager will normally advise the employee of the decision of the appeal in writing. The decision will be confirmed as soon as possible.

**Appeal Upheld**

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.

**Appeal Refused**

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.