

Flexible Working Policy

Policy Owner: The Mercian Trust
People & Culture Committee

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Increasing Opportunities
Improving Outcomes



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1 Policy statement

- 1.1 We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our use and retention of staff.
- 1.2 This policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure.
- 1.3 Through this policy we will accommodate flexible working where possible, but the priority will be the effective running of the Trust for the benefit of the pupils and where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner.
- 1.4 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5 This policy has been implemented following consultation with staff and recognised trade unions in February 2023. The governing body adopted this policy as per the dates on the cover sheet.
- 1.6 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.

2 Scope and purpose of the policy

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees with at least 26 weeks' continuous service have a statutory right to request flexible working. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 5.
- 2.3 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request under paragraph 11 to the appropriate manager, who will consider the request according to our business and operational requirements.
- 2.4 Any employee interested in flexible working can request an informal meeting with the appropriate manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

3 Responsibility for implementing the policy

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to Director of Business Operations.

4 Forms of flexible working

- 4.1 Flexible working can incorporate a number of possible changes to working arrangements:
- 4.1 reduction or variation of working hours;
 - 4.1 reduction or variation of the days worked; and/or
 - 4.1 working from a different location (for example, from home).
- 4.2 Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.
- 4.3 Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

5 Eligibility for the formal right to request procedure

- 5.1 Requests under the formal procedure set out in paragraph 6 to paragraph 9 of this policy can only be made by employees who meet the criteria set out below.

6 Making a formal flexible working request

- 6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. Once we have received a request we will consider it.
- 6.2 Your written and dated application should be submitted to the Head Teacher/appropriate manager and, in order to meet the requirements of the formal procedure and to help them to consider your request, should:
- 6.2 state that it is a statutory flexible working request;
 - 6.2 explain the reasons for your request [especially if you think our Equal Opportunities Policy may be relevant, for example,] if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
 - 6.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
 - 6.2 give the date from which you want your desired working pattern to start;
 - 6.2 identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
 - 6.2 provide information to confirm that you meet the eligibility criteria set out in paragraph 5 of this policy;

- 6.2 state whether you have made a previous formal request for flexible working and, if so, when; and
- 6.2 Teaching staff must if possible be submit requests prior to school timetabling being completed for the following academic year, by Easter at the latest. Interim requests will be considered on a case by case basis.
- 6.2 Support staff must submit in goodtime and ideally at least 2 months before you wish the changes to take effect.
- 6.3 We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Head Teacher will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 6.4 If your proposal cannot be accommodated, discussion between you and the Head Teacher may result in an alternative working pattern that can assist you.

7 Formal procedure: meeting

- 7.1 Where necessary, the Head Teacher will arrange to meet with you as soon as is practicably possible after receiving your written application. We will inform you if there is a delay in arranging this meeting. The Head Teacher may discuss your request with your line manager/head of department make any necessary enquiries regarding your proposals prior to the meeting.
- 7.2 You may bring a companion to the meeting if you wish who may be your trade union representative or a work colleague. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 7.3 The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will benefit you as well as what impact your proposed working arrangements will have on your work and that of your colleagues. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 7.4 The Head Teacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team. We will set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working.

8 Formal procedure: decision

- 8.1 Following the meeting, the Head Teacher will consider your request carefully and notify you of the decision in writing as soon as possible.
- 8.2 Each request will be considered on a case-by-case basis; agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

- 8.3 If your request is accepted, or where we propose an alternative to the arrangements you requested, the Head Teacher will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the appropriate manager will discuss with you.
- 8.4 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.
- 8.5 If the Head Teacher needs more time to make a decision, they will discuss this with you. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.
- 8.6 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the Head Teacher will write to you:
- 8.6 giving the business reason(s) for turning down your application;
 - 8.6 explaining why the business reasons apply in your case; and
 - 8.6 setting out the appeal procedure.
- 8.7 If we reject a request it will be for one or more of the following eight business reasons:
- 8.7 the burden of additional costs;
 - 8.7 detrimental effect on ability to meet pupil and/or Trust demand;
 - 8.7 inability to reorganise work among existing staff;
 - 8.7 inability to recruit additional staff;
 - 8.7 detrimental impact on quality;
 - 8.7 detrimental impact on performance;
 - 8.7 insufficiency of work during the periods that you propose to work; and
 - 8.7 planned changes.

9 Formal procedure: appeal

- 9.1 You may appeal against the decision if your request is rejected, or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if you feel your request was not handled reasonably in line with this policy.
- 9.2 Your appeal must:
- 9.2 be in writing and dated;

- 9.2 set out the grounds on which you are appealing; and
- 9.2 be sent to the appropriate manager within 14 days of the date on which you received the written rejection of your request.
- 9.3 The appropriate manager will arrange for a meeting to take place as soon as possible following receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a companion who may be your trade union representative or another work colleague.
- 9.4 Where possible, the appeal meeting will be conducted by a more senior manager and a member of a local governing body who has not been previously involved in considering your request.
- 9.5 You will be informed in writing of the Appeal panel's decision as soon as possible following the appeal meeting.
- 9.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the appropriate manager will discuss with you.
- 9.7 You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original application.
- 9.8 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

10 Timescales

- 10.1 Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.
- 10.2 As a guide and to help ensure that requests are dealt with within this timescale:
- 10.2 a meeting will normally be held with you within [28 days] of your request being received;
- 10.2 you will normally be informed in writing of the decision within [14 days] of the meeting; and
- 10.2 where an appeal is lodged, an appeal meeting will normally take place within [14 days] of receipt of the appeal and the outcome will be notified in writing within [14 days] of the meeting.
- 10.3 However, there may be exceptional occasions when it is not possible to complete the procedure within these time limit[s]. Where an extension of time is agreed with you, the Head Teacher will write to you confirming the extension and the date on which it will end.

- 10.4 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
- 10.4 you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause; or
 - 10.4 you unreasonably refuse to provide information we require to consider your request, without good cause.

In such circumstances, the Head Teacher will write to you confirming that the request has been treated as withdrawn.

11 Making an informal flexible working request

- 11.1 Employees who are ineligible to make a formal request and who wish to make an informal request for flexible working may make a request to the appropriate manager who will consider it according to our business and operational requirements.
- 11.2 It will help the appropriate manager to consider your request if you:
- 11.2 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
 - 11.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start; and
 - 11.2 think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on our service delivery and that of your team. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The appropriate manager can consider whether they are workable; and
- 11.3 The appropriate manager will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request and the impact on your contract of employment .

12 Retention and data protection

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Distribution Policy and in line with the requirements of the **Data Protection Legislation**.

13 Review of the policy

This policy is reviewed every 2 years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Form A: Flexible Working Application

Notes for completing the form

This form is provided for those wishing to make an application to work flexibly under the terms of the flexible working policy.

Employees should be mindful that with this, as with any other application, The Mercian Trust has the right to refuse a request if there is a good business reason to do so. Remember, you have the right to request flexible working – but not the right to have it.

Be aware of the timescales for considering a flexible working request, as set out in the policy. Therefore, you are advised to submit your application to your manager well in advance of the date from which you wish the request to take effect.

In order for the application to be valid, you must complete all sections of the form. It will help us in considering your request if you provide as much information as you can about your desired working pattern. When completing sections 6 and 7 think about what effect your change in working pattern will have on the work you do and on your colleagues. Once you have completed the form please email to your manager (keeping a copy for your own records).

You will receive a response within 28 calendar days of receipt of your application to advise you of the outcome, or to arrange a meeting in order to discuss your request further. If your request is granted, your terms and conditions will be updated to reflect this.

1. Personal Details

Name:		Payroll number: (on your payslip)	
Manager:		National Insurance No:	

2. Describe your current working pattern (days/hours/times worked):

3. Describe the working pattern you would like to work in the future (days/hours/times worked):

(Continue on separate sheet if necessary)

4. I would like this working pattern to commence from (date):

5. I think this change in my working pattern will affect my Service, Team and individual colleagues as follows:

6. I think the effect on my department and colleagues can be dealt with as follows:

This section does not have to go into extraneous detail

Name:

Signature:

Date:

NOW PASS THIS FORM TO YOUR MANAGER

Note to Manager: This is a formal application for flexible working and you should confirm receipt using the confirmation slip below. You have 28 calendar days upon receipt in which to either agree to this request or to arrange a meeting with the employee to discuss this request.

Confirmation of Receipt

Dear

I confirm that I received your request to change your work pattern on (date)

I shall be arranging a meeting to discuss your application within 28 calendar days following this date.

From:

Date:

Form C: Flexible Working Application Rejection

Date

Notes for Manager

You must write to staff within 10 working days following the meeting and notify them of your decision. You may use this form if you are declining their application to work flexibly. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in these circumstances. You must also include a timescale for when a new request could be considered.

Dear

Payroll number:

Following receipt of your application and our meeting on: Date:
I have considered your request for a new flexible working pattern.

I am sorry I am unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because: (Note also include an explanation why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary)

From:

Date:

The Appeal Process

To the employee

You have the right to appeal against this decision. If you wish to appeal, you must write to your manager, setting out the grounds for your appeal, within 10 working days after receiving this notification.

You should use Form D - Flexible Working Appeal for this purpose.

Form D: Flexible Working Appeal

Notes for Employee

If your application has been refused, you have a right to appeal against the decision within 10 working days of receiving written notice. You should use this form to make your appeal. You should set out the grounds of your appeal and return the form to your manager. **Note:** Your appeal may be considered by a senior manager if this felt to be appropriate.

Dear

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following ground(s):

Please continue on a blank sheet if necessary.

Name:

Date:

Note to Manager

This is a formal appeal made under the legal right to apply for flexible working. You have 10 working days following receipt of this form in which to arrange a meeting with the employee to discuss their appeal. See the flexible working policy for more information. You should use Form E - Flexible Working Appeal Reply to respond to this appeal.

Form E: Flexible Working Appeal Reply

Notes for Manager

You should use this form when replying to an appeal against the outcome of a flexible working request. You must return this form to the employee, giving notice of your decision, within 10 working days after the meeting at which the appeal was discussed. If you decide to turn down the appeal, you must state the grounds for refusal.

Dear

Payroll number:

Following our meeting on:

Date:

I have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from:

Date:

Please note that your terms and conditions will be updated to reflect the agreed change in your working pattern. You have no right in law to revert back to your previous pattern.

I am unable to accept your appeal at this time but I am prepared to offer you a trial on the basis outlined below:

Your trial working arrangements will be:

Your trial will be reviewed on:

Date:

Your trial will end on:

Date:

I am sorry but I must reject your appeal on the following ground(s):

The ground(s) apply because:

Please continue on separate sheet if necessary.

From:

Date:

Form F: Flexible Working Extension of Time Limit

Notes for Manager

You should use this form when confirming agreement with your employee that you wish to extend the time limit for part of the procedure. You may extend the time limit for any part of the process providing the employee agrees to the extension.

Dear:

Payroll number:

I wish to extend the amount of time that the regulation allows me to:

- Arrange a meeting to discuss your application (28 calendar days)
- Notify you of my decision regarding your application (10 working days)
- Arrange a meeting to discuss your appeal (10 working days)
- Notify you of my decision regarding your appeal (10 working days)

I wish to extend the time limit to days. This means I will have until:

to complete the necessary action. I need the extra time for the following reason:

Name:

Signature:

Date:

Note to Employee: To allow proper consideration of your request, your manager may wish to extend the permitted time limit for any part of the process. Your manager needs your agreement to any extension. If you agree to the above request, please complete the agreement slip below and return it to your manager.

X

Confirmation of Receipt

Dear

I accept your request to extend the amount of time to

Name:

Signed:

Date: