

Flexible Working Policy

Policy Owner: The Mercian Trust
People & Culture Committee

Approved: September 2024

Review: This policy will be reviewed according to The Mercian Trust's Policy Schedule. If there are any changes in legislation or legal requirements, an earlier review will be conducted to ensure compliance and relevance.

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, create a more diverse and inclusive work environment, also improve staff retention and recruitment.
- 1.2 This policy gives all employees from the first day of employment, a right to request flexible working as set out in the Employment Rights Act 1996 (as amended) and regulations under it. It is an opportunity to make a statutory request for a change to their terms and conditions relating to their hours, times or place of work. It also allows employees to make and agree arrangements informally, without using the statutory procedure.
- 1.3 Through this policy we will accommodate flexible working where possible, but the priority will be to consider the impact on genuine business reasons, for example, the effective running of the Trust for the benefit of the pupils. Therefore, where granting flexible working would impact on that, requests may not be granted. However, 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 September 2024. The **People and Culture Committee**, on behalf of the Trust, 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 employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 From the first day of employment, employees have a statutory right to request flexible working. That right includes two statutory requests for flexible working within any 12-month period. The statutory procedure for making a flexible working request is set out in paragraph 5.
- 2.3 Employees who want to make changes to their working arrangements informally, may make a 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 the different options and the effect of their proposed work pattern for themselves and the impact on others before submitting a statutory 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 the Executive Director of Trust Development.

4 Forms of flexible working

- 4.1 Flexible working can incorporate a number of possible changes to working arrangements:

4.1.1 reduction or variation of working hours;

4.1.2 reduction or variation of the days worked; and/or

4.1.3 working from a different location (for example, hybrid or 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 flexitime. 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 Statutory right to request procedure

- 5.1 Under the statutory procedure set out in paragraph 6 to paragraph 9 of this policy, all employees from their first day of employment have a right to make two requests within any 12-month period and only one live request at any one time.

- 5.2 Once a statutory request has been made, it remains live until any of the following occur;

5.2.1 a decision about the request is made.

5.2.2 the request is withdrawn.

5.2.3 an outcome is mutually agreed.

5.2.4 the statutory two-month period for deciding requests ends.

- 5.3 All requests, including any appeals will be decided and communicated to the employee within a period of two-months from the date the request was first received. However, an extension can be agreed and must be confirmed in writing.

6 Making a statutory 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 statutory procedure. Once we have received a request, we will consider it.
- 6.2 Your written and dated application and should be submitted to the Headteacher/appropriate manager, in order to meet the requirements of the statutory procedure and to help them to consider your request, should:
- 6.2.1 state that it is a statutory flexible working request;
 - 6.2.2 explain the reasons for your request [especially if you think consideration under the Equality Act 2010 is relevant, for example,] if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
 - 6.2.3 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
 - 6.2.4 give the date from which you want your desired working pattern to start;
 - 6.2.5 identify the effect the changes to your working pattern will have on the work that you do;
 - 6.2.6 state whether you have made a previous statutory request for flexible working and, if so, when; and
 - 6.2.7 Teaching staff must, if possible, submit requests prior to school timetabling being completed for the following academic year, namely, by Easter at the latest. Interim requests will be considered on a case-by-case basis.
 - 6.2.8 Support staff must submit within a reasonable timescale 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 statutory request procedure). If that is the case, the Headteacher/appropriate manager 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 Headteacher/appropriate Manager may result in an alternative working pattern that can assist you.

7 Statutory procedure: meeting

- 7.1 Where necessary, the Headteacher/appropriate Manager 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 Headteacher/appropriate Manager

may, if applicable, discuss your request with your line manager/head of department and 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 potentially benefit you or other impacts of accepting or rejecting the request. 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 Headteacher/appropriate Manager 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 Statutory procedure: decision

- 8.1 Following the meeting, the Headteacher/appropriate Manager will consider your request carefully and notify you of the decision in writing within two months of receiving the first request.
- 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 Headteacher/appropriate Manager 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 be able to make one other statutory request within any 12-month period.
- 8.5 If the Headteacher/appropriate Manager 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 Headteacher/appropriate Manager will write to you:
 - 8.6.1 giving the business reason(s) for turning down your application;

8.6.2 explaining why the business reasons apply in your case; and

8.6.3 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:

8.7.1 the burden of additional costs;

8.7.2 detrimental effect on ability to meet pupil and/or Trust demand;

8.7.3 inability to reorganise work among existing staff;

8.7.4 inability to recruit additional staff;

8.7.5 detrimental impact on quality;

8.7.6 detrimental impact on performance;

8.7.7 insufficiency of work during the periods that you propose to work; and

8.7.8 planned changes.

9 Statutory 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:

9.2.1 be in writing and dated;

9.2.2 set out the grounds on which you are appealing; and

9.2.3 be sent to the appropriate manager within 10 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/Trust Board Appeals Committee 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, but you can make one other statutory request in any 12-month period.
- 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 be able to make one other statutory request in any 12-month period.

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:
 - 10.2.1 a meeting will normally be held with you within [28 days] of your request being received;
 - 10.2.2 you will normally be informed in writing of the decision within [10 days] of the meeting; and
 - 10.2.3 where an appeal is lodged, an appeal meeting will normally take place within [10 days] of receipt of the appeal and the outcome will be notified in writing within [5 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 Headteacher/appropriate Manager 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 be able to make another statutory request within any 12-month period. In certain circumstances, a request made under the statutory procedure will be treated as withdrawn. This will occur if:
 - 10.4.1 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
 - 10.4.2 you unreasonably refuse to provide information we require to consider your request, without good cause.
- 10.5 In such circumstances, the Headteacher/appropriate Manager will write to you confirming that the request has been treated as withdrawn.

11 Making an informal flexible working request

- 11.1 Employees 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:
- 11.2.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
 - 11.2.2 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
 - 11.2.3 think about what effect the changes to your working pattern will have on the work that you do and the impact on others. The appropriate manager can consider whether they are workable.
- 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

- 13.1 This policy is reviewed and approved every 2 years by the People and Culture Committee on behalf of the Trust Board unless there has been a legislative change requiring earlier review. 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. 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.

Please note, this form should be completed for all statutory requests for flexible working.

Statutory Flexible Working Request

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. Explain how you believe this change will impact on your role and how this might be accommodated?

(Continue on separate sheet if necessary)

5. I would like this working pattern to commence from (date):	
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6. My previous statutory request for flexible working was (date): (state the outcome of your previous request below)	
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Name:	
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Signature:		Date:	
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NOW PASS THIS FORM TO YOUR MANAGER

Note to Manager: This is a statutory 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 statutory 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 B: Flexible Working Outcome

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 accepting their application to work flexibly or if you are unable to accommodate their request but wish to offer an alternative working pattern suitable to you both or if you wish to offer a trial period.

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 pleased to confirm that I am able to accommodate your request.

I am unable to accommodate your original request. However, I am able to offer the alternative pattern, which we have discussed, and you agreed would be suitable to you.

I am unable to agree to your request at this time but I am able to offer you a trial period on the basis outlined below.

Your new working pattern will be 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 to your working pattern. You have no right in law to revert back to your previous working pattern.

If you have any questions on the information provided on this form, please contact me to discuss them as soon as possible.

From:

The reasons 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 – Statutory Request for 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 statutory 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 5 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 (5 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: