



Diocese of Ely
multi-academy trust

Flexible Working Policy

2022- 2023



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Version Updates

	Version	Date
Date on which the DEMAT consulted with unions	3	12 April 2021
Date approved by the DEMAT Personnel Committee	3	18 November 2021
Effective date of policy being fully adopted by DEMAT	3	1 January 2022
Policy to be reviewed by DEMAT Personnel Committee	3	November 2022

For all questions in relation to this policy please contact the HR Team on: HRteam@demat.org.uk.

Scheme of Delegation

For decisions regarding a flexible working request, the following delegation model shall apply:

Post	Meeting (lead)	Appeal (lead)
Headteacher	CEO	Chair of Audit & Risk
School leadership positions (Deputy/Assistant Head)	Headteacher	Member of Trust Executive
All other school posts	Line Manager <i>or</i> Member of SLT/Headteacher	Headteacher (if not led initial meeting) <i>or</i> Member of Trust Executive
All other Central Services posts	Head of Function <i>or</i> Directorate lead	Member of Trust Executive

Definitions

Line Manager refers to the employee's line manager within the respective school or team structure. It may be appropriate for the Headteacher to assume the role of 'line manager' within the context of this policy.

Headteacher also refers to any other title used to identify the Headteacher where appropriate.

Employee refers to any member of staff, namely teaching, support and Central Team staff employed to work within DEMAT.

School can be used interchangeably with 'Trust' within the context of this policy, if the employee making the flexible working request works within the Central Team.

Representative refers to a person chosen by the employee to accompany them, who shall be a trade union representative or a workplace colleague.

Appeal Panel may be convened to hear an appeal against an outcome decision regarding a formal flexible working request. The appeals panel will be convened in line with the Trust's Scheme of Delegation.

Associated Policies and Documents

- Equality & Diversity Policy

DEMAT HR policies can be accessed via our website at: <https://demat.org.uk/policies>.

Introduction

Aim

DEMAT is committed to being an exemplary equal opportunities employer; supporting staff members to balance their work and personal lives and recognising the contribution that flexible working can make to this.

This policy sets out how eligible employees can submit requests to change their working pattern either formally or informally. The needs of the children in our schools are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.

Application of the policy

This policy applies to all eligible employees of DEMAT, based either in schools or within the Central Team. It does not apply to agency workers or contractors.

This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation with recognised unions.

1) Eligibility & Right to Request Flexible Working

Employees have a statutory right to request a change to their contractual terms and conditions to work flexibly, provided they have worked for the Trust for 26 weeks continuously on the date the application is made.

A request could be formal or informal (temporary) or permanent; it is the responsibility of the employee to understand the nature and impact of their request on themselves and the school and/or Trust and to follow the relevant section within this policy.

An employee can only make one statutory request (i.e., formal request) to make a permanent change to their contractual terms and conditions within any 12-month period. There is no limit on the number of informal (temporary) requests that an employee can make, as these are outside the statutory requirements.

2) Forms of Flexible Working

Flexible working can incorporate a number of changes to working arrangements, including but not limited to:

- reduction or variation of working hours
- reduction of the number of days worked each week
- change to start and finish time
- working from a different location (for example, from home)
- job sharing, i.e. where two employees complete one role and split the hours

3) Informal (Temporary) Flexible Working Requests

We recognise that employees may sometimes need to make a temporary change to their working arrangements. Generally, these should be short-term arrangements; any long-term or permanent arrangements should follow the formal process. Employees who wish to make an informal (temporary) request for flexible working should make a written request to their Line Manager using the Informal Flexible Working Request form (Appendix 2) in this policy. The Line Manager will consider it according to school educational, business and operational requirements.

Employees should provide as much information as they can about their current and desired working pattern on the form, including working days, hours, start and finish times, and the date from which they would like their desired working pattern to start.

Where required, a meeting may take place to discuss the informal flexible working request.

Any details agreed as part of an informal flexible working request will be confirmed in writing, communicating any review dates, how long it will be in place for and what the arrangements will be once the period of time for the flexible adjustment expires.

If the application is rejected, the employee will be notified in writing and will be provided with a reason why the school cannot accommodate the request. There is no formal right of appeal against a decision regarding an informal flexible working request.

4) Formal Flexible Working Requests

Formal flexible working requests should be used to request a long-term and/or permanent change to an employee's contractual conditions.

Employees must submit a written and dated notification to their Line Manager if they wish to submit a formal flexible working request, using the Formal Flexible Working Request form (Appendix 3) in this policy.

This written notification from the employee should:

- State the reason for the request.
- Provide information about the employee's current and desired working pattern, including working days, hours and start and finish times, and give the date from which they wish the desired working pattern to start.
- Address the effect the changes to the employee's working pattern will have on the work that they do, that of their colleagues and on the quality of the provision and education we provide to our pupils, inclusive of any benefits the change may have.
- Address how they think the school can deal with any potentially negative effects (if applicable).

- Provide information to confirm that the employee meets the eligibility criteria set out in section 1 of this policy.
- State whether this is a statutory formal request and whether they have made a previous formal or informal request for flexible working and, if so, when.
- State if they are making the request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.
- Be submitted at least two months prior to the date on which they wish the changes to take effect.

The employee's Line Manager might be able to agree the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the employee's Line Manager will write to them, confirming the decision and explaining the permanent changes that will be made to their contract of employment.

5) The Formal Meeting

Where applicable, the employee's Line Manager should arrange to meet with the employee within 14 calendar days of their application being submitted. This period, however, may be longer if the request is submitted during school holidays. In this instance, the employee's Line Manager should arrange the meeting within 14 calendar days from the first day back at school. Employees should be given 5 working days' notice of the meeting. The meeting may also be attended by a colleague from the HR team.

Employees are entitled to bring a representative (either a union rep or a workplace colleague) to the meeting if they wish. The Representative will be entitled to speak during the meeting and confer with the employee, however they may not answer questions on the employee's behalf.

The meeting will be used to consider the working arrangements that the employee has requested. Employees will also be able to discuss what impact the proposed working arrangements have in relation to their work and that of their colleagues and team. If the arrangements that the employee has requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

6) Outcomes

Following the meeting, the employee's Line Manager will notify them of the decision in writing within 14 days. If the Line Manager needs more time to make a decision, they will ask for the employee's agreement to delay the decision for up to a further 14 days. Subject to the employee's agreement, written notification of the extension will be provided. Possible outcomes of a flexible working request are as follows:

Outcome	What does this mean?	Next steps
Accepted	The school can accept the request as proposed. A flexible working trial may be proposed in some circumstances (<i>please see section 7 on Flexible Working Trials</i>).	<ul style="list-style-type: none"> • The employee's Line Manager will write to them with details of the new working arrangements, details of any trial period, an explanation of changes to their contract of employment and the date on which they will commence. • The employee will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to their terms and conditions of employment. • There may also be some additional practical matters, such as arrangements for handing over work, that the employee's Line Manager will discuss with them. • It is important to note that changes to terms and conditions of employment will be permanent and that employees will not be able to make another formal request until 12 months after the date of their original application.
Request cannot be accommodated in full	The school cannot accommodate the full request.	<ul style="list-style-type: none"> • A further meeting should be held to reach a compromise regarding the details of the request. • Any agreed changes will be followed up in writing and an outcome delivered within 14 days from the second meeting.
Declined	There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request.	<ul style="list-style-type: none"> • There are eight business reasons for why a formal flexible working request may have been rejected. Please refer to Appendix 1 for the full list of business reasons and how the school may apply these. • In these circumstances, the employee's Line Manager will write to them: <ul style="list-style-type: none"> ○ giving the business reason(s) for turning down their application; ○ explaining why the business reasons apply in their case; and ○ setting out the appeal procedure.

7) Flexible Working Trials

To support our employees and our schools to deal with the employee's flexible working request and ensure any proposed changes are suitable for both parties, a trial can be proposed. Any such arrangement must be fully documented, and written notification of the trial provided to the employee.

Towards the end of the trial colleagues will be invited to a meeting to review progress. A decision on whether to continue the flexible working arrangement on a permanent basis will need to be made, or confirmation provided that the request cannot be met, and the trial will be ended.

8) Appeals

The employee has a right of appeal against a decision made about their flexible working request, within 10 days of the date on the outcome letter.

Appeals against a flexible working request decision should be made in writing and details of who to direct appeals to will be included in the flexible working outcome letter.

The letter of appeal from the employee should aim to cover:

- why they feel the decision should be looked at again (for example, there is new information that might affect the decision)
- what they would like to happen next (for example, look at the new information and meet to discuss their flexible working request)
- explain why they feel the decision was wrong or unfair
- share any information that was missed or not available when the decision was made
- share any evidence if the request was not handled reasonably

The appeals panel will be convened in line with the Trust's Scheme of Delegation and, in normal circumstances, within 28 working days after receipt of the appeal. Employees will be invited to an appeal hearing via written notification.

9) Withdrawal of a Formal Flexible Working Request

If an employee withdraws a formal request for flexible working, they will not be eligible to make another formal request for 12 months from the date of their original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn.

This will occur if:

- The employee fails to attend two meetings under the formal procedure without reasonable cause; or
- The employee unreasonably refuse to provide information the school requires to consider their request.

In such circumstances, your Line Manager will write to you confirming that the request has been treated as withdrawn.

10) Appendices

Appendix 1 - Interpretation of “Business Reasons”

All decisions will be made on a case-by-case basis and those making the decision will consider how the individual request and/or alternatives to this request can be accommodated alongside the needs of the School or Trust.

If a flexible working request is rejected, the School/Trust will provide a specific “business reason”, which must be one of the eight stated in the legislation:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work amongst existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes

The Trust’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the specific circumstances in school. Please note that the examples provided below are not exhaustive, but are designed to provide context of the eight business reasons in a school or Trust setting.

1. Burden of additional costs

It may, in some circumstances, be more costly to employ part-time staff rather than full-time staff but this would not normally be a key reason for rejecting an application.

2. Detrimental effect on the ability to meet customer demand

The above use of ‘customer demand’ in an education setting, is interpreted as the quality of the provision and education we provide to our pupils. It is important that this is not affected by agreeing to flexible working.

3. Inability to reorganise work among existing staff

The school may be unable to reorganise work amongst the existing staff members. For example, there may be instances where the employee has a specific skill set, specified role or leadership and management responsibilities, it is necessary to take into account the ability of the school and individual team to distribute these to other employees at times when the member of staff is not working.

This may apply in other scenarios, in addition to those outlined above. Redistributing task may require a job-share or a reduction in the allocated responsibilities. The school will also need to consider whether it is appropriate for a leader or manager to be absent for whole days in the week as a result of flexible working. The school may wish to set a minimum contract for leadership or management positions. In the case of support staff this relates to the percentage of the working week and is applied to the number of weeks contracted to work.

4. Inability to recruit additional staff

It is not always possible to recruit staff to work the time that the employee has requested not to work but the school will consider making attempts to do so if appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the responsibility. Where necessary and appropriate, the school may seek to recruit additional staff.

5. Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of the provision and education we provide to our pupils.

6. Detrimental impact on performance

Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part-time job should the request be agreed, to ensure there is no detrimental impact on the quality of the provision and education we provide to our pupils, and this will be considered before a decision is reached.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part-time staff requires the same working period, it may be difficult to accommodate all part-time staff requests. Whilst individual preferences for working days and times can be considered, the on the quality of the provision and education we provide to our pupils is paramount. The extent to which the proposed flexible/part-time work pattern affects the work patterns of the team will be considered before a flexible working application is agreed.

8. Planned structural changes

The Trust will need to consider the impact on its ability to accommodate flexible working on the basis of planned changes.

9. Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.

Appendix 2 - Informal (Temporary) Flexible Working Request Form

Note to the employee

Please use this form to submit your **informal (temporary) flexible working request**. Before completing this form, you should first read the Flexible Working Policy to ensure you understand the process and are eligible to make a request. **Please note that informal flexible working requests should be only short-term and temporary in nature. If you wish to request a long-term or permanent change, please follow the Formal Flexible Working Request Form route.**

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions, as otherwise your application may not be valid. Once you have completed the form, you should immediately forward it to your Line Manager, retaining a copy for your own records.

Your Line Manager will either respond to your request with an outcome, or will arrange a meeting for further discussion.

Section 1 – Personal Details and Eligibility

Name:	
Job Title:	

Section 2 – Details of Request

If required, please attach additional sheets to your request form upon submission

Describe your current working pattern (days/hours/times worked):
Describe the working pattern you would like to work in future (days/hours/times worked):
Please provide the reasons behind your request:
I would like this working pattern to commence from:
DD/MM/YYYY

Impact of the new working pattern

Please provide a statement below explaining how you think this change in working pattern will affect your work, your colleagues and on the quality of the provision and education we provide to our pupils, inclusive of any benefits the change may have. Please also address how you think we can deal with any potentially negative effects (if applicable).

Signed:	
Date:	

Appendix 3 - Formal Flexible Working Request Form

Note to the employee

Please use this form to submit your **formal flexible working request**. Before completing this form, you should first read the Flexible Working Policy to ensure you understand the process and are eligible to make a request.

You should note that it may take several weeks to consider your request and allow for discussion and meetings between us, and further time for implementation or trial, where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to your Line Manager at least **two months** in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions, as otherwise your application may not be valid. When completing the form below, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your Line Manager, retaining a copy for your own records.

We will then have 14 days after the day your application is received in which to arrange a meeting with you to discuss your request. Should the request be granted, this will constitute a permanent change to your terms and conditions.

Section 1 – Personal Details and Eligibility

Name:	
Job Title:	

I would like to make a formal flexible working request. I confirm I meet each of the eligibility criteria as follows:

I have worked continuously as an employee of the School/Trust for the last 26 weeks	Yes/No
I have not made a request to work flexibly under this right during the past 12 months	Yes/No
Date of any previous request to work flexibly under this right (if applicable):	
Are you making the request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability?	Yes/No

Section 2 – Details of Request

If required, please attach additional sheets to your request form upon submission

Describe your current working pattern (days/hours/times worked):	
Describe the working pattern you would like to work in future (days/hours/times worked):	
Please provide the reasons behind your request:	
I would like this working pattern to commence from:	
DD/MM/YYYY	
Impact of the new working pattern <i>Please provide a statement below explaining how you think this change in working pattern will affect your work, your colleagues and on the quality of the provision and education we provide to our pupils, inclusive of any benefits the change may have. Please also address how you think we can deal with any potentially negative effects (if applicable).</i>	
Signed:	
Date:	