Diocese of Norwich Education and Academies Trust

Flexible Working Request Policy

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Person Responsible:	**Human Resources Director**

Our Christian Ethos and Values

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust's policies.

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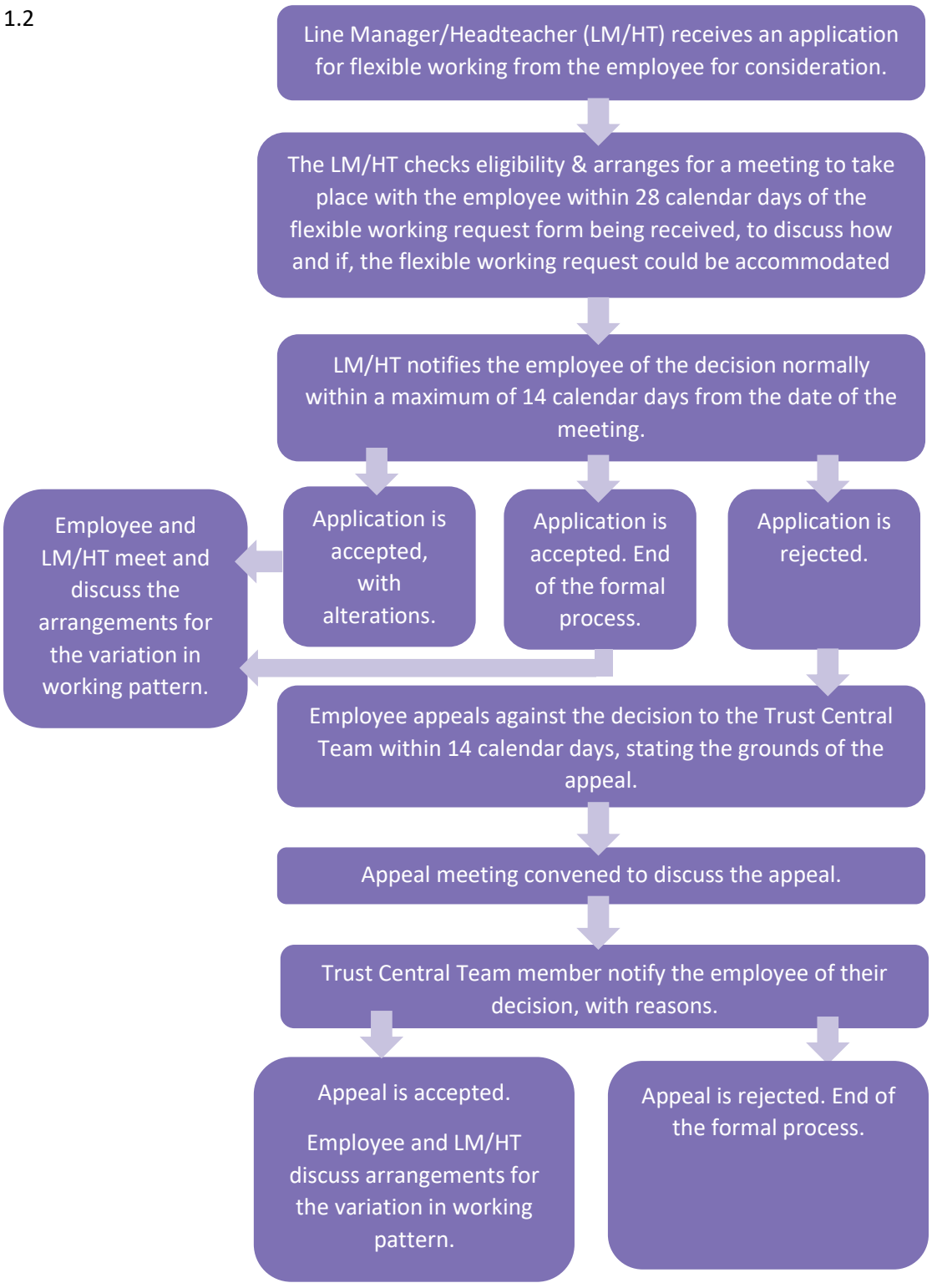
1. FLEXIBLE WORKING REQUEST FLOWCHART

1.1 In all academies, requests will be dealt with by the Headteacher (or nominated manager), e.g. line manager. Requests from the Headteacher will be dealt with by the CEO. Requests from the CEO will be dealt with by the Trust Board.

1.2



2. AIMS OF THIS POLICY

2.1 This policy supports employees, who meet the eligibility criteria, to request a variation to their contract of employment so that they can work more flexibly and thereby achieve a better balance between their lives outside work and their work commitments.

3. APPLICATION OF THE POLICY

3.1 This policy:

- is non-discriminatory and in accordance with the Trust's equality policies;
- will be consistently and fairly applied across the Trust;
- will be conducted with respect for the confidentiality of individuals and in accordance with the Data Protection Act 2018;
- is based on open communication between members of staff and their line managers;
- is explicit about the responsibilities for all involved.

3.2 Equal Opportunities

The conditions for qualification under this policy will not disadvantage any employee on the grounds of age, race, religion or belief, disability, gender reassignment, marital status, pregnancy and maternity, sex or sexual orientation.

3.3 Recording of information

All decisions relating to the request should be recorded in writing.

3.4 Contractual variations

If a change is agreed, the employee's contract will be varied as set out in the Flexible Working Request Acceptance Form (Appendix 3).

Where there is concern by either party on the implications of agreeing a flexible working request, a trial period or a limited period of working flexibly can be mutually agreed if appropriate. A timeframe should be agreed in advance of the arrangement commencing and this should be documented in writing.

3.5 Timescales

The timescales detailed in the policy are in accordance with the statutory requirements and therefore must be adhered to unless both parties have agreed to an extension of time.

There may be a number of reasons why the time limits specified are too short and an extension may be required. Where an extension to the time limits is agreed, a written record of this decision should be made. See Flexible Working Extension of Time Limit Form (Appendix 2).

An application is taken to have been made on the date that it is received. Where an application is made by email, it is taken to be received on the day it was sent electronically.

The timeframes indicated in the Flexible Working Request Policy shall not commence until a fully completed Flexible Working Request Form is received.

An employee who is thinking about making a request to change his or her work pattern should speak to the Headteacher/line manager as early as possible in order to explore what possibilities might be available.

The statutory procedures can take up to 2 months to complete (subject to any extensions of time) and therefore sufficient time should be allowed by the employee.

4. PENSIONS

4.1 It is recommended that the employee seeks advice from their pension provider prior to requesting a variation to the contract of employment. The employee's Trade Unions may also be able to provide information.

4.2 Teachers should contact Teachers' Pensions at www.teacherspensions.co.uk. Support staff belonging to the Local Government Pension Scheme can make contact at www.lgps.org.uk.

5. STATUTORY REPORTING OBLIGATIONS

5.1 No statutory reporting obligations exist under this policy.

6. ELIGIBILITY

6.1 The Flexible Working Requests Policy applies to employees from day one of their employment and who have made one or less flexible working request under this policy during the past 12 months.

7. NO AUTOMATIC ENTITLEMENT

7.1 It is important to note that the Flexible Working Requests legislation provides an employee, who meets the qualifying criteria, with the right to **REQUEST** flexible working arrangements. Whilst every effort will be made to accommodate a flexible working request, there is no automatic entitlement to have a flexible working request agreed; every request will be considered in conjunction with the needs of the academy.

8. NON-ELIGIBLE EMPLOYEES

8.1 The principles of the Flexible Working Requests Policy may be used to consider flexible working requests received from employees who do not meet the eligibility criteria. However, it should be noted that the academy is not bound by the statutory requirements detailed in the Flexible Working Requests legislation.

9. TYPES OF FLEXIBLE WORKING

9.1 Types of flexible work patterns include the consideration of:

- Part-time working – allows employees to work a proportion of the hours which would normally be regarded as full-time for that employment.
- Job share – involves two or more people sharing a full-time post.
- Shift working – provides employers with the opportunity to open their business for longer.
- Annualised hours – where working time is organised over the number of hours to be worked in a year rather than a week.
- Term-time working – allows employees to take unpaid leave of absence during the school holidays.

- Home working – employees have the opportunity to work from home on either a full or part time basis
- Compressed hours – where individuals complete their hours over a shorter period of time
- Staggered hours – allows employees to start and finish their day at different times.

9.2 The type of flexible working pattern requested by an employee will need to take into account the practicalities of applying the revised working arrangements in an academy setting.

10. PROCEDURE

10.1 Making the Request

An employee wishing to make a request for flexible working must fully complete and submit a Flexible Working Request Form (Appendix 1).

The Flexible Working Request Form provides the employee with the opportunity to give an explanation of what effect, if any, the employee thinks the proposed change would have on the school and how they feel any such effect might be dealt with (this is an optional section).

Incomplete forms should be returned to the employee for completion. The timeframes indicated in the Flexible Working Requests policy shall not commence until the completed form is received.

The request form will be acknowledged through the return of the confirmation of receipt slip which is at the end of the Flexible Working Request Form (Appendix 1).

If an employee unreasonably refuses to provide all the information needed to assess whether the change can be agreed, the application will be treated as withdrawn and the employee will be notified of this in writing. The employee is only able to make two applications in a 12-month period.

10.2 Considering the Request

The Headteacher (or nominated person) should aim to arrange a meeting with the employee within 28 calendar days of the Flexible Working Request Form being received.

The purpose of the meeting will be to discuss and clarify any aspect of the flexible working request and if necessary, to consider alternatives.

Consideration should be given to the long-term implications of agreeing a flexible working request and the restrictions that may be associated with a particular type of employment contract or the wording used in the Flexible Working Request Acceptance Form (Appendix 3). Advice should be sought from the academy's designated HR Officer prior to responding to a flexible working request.

The employee may be accompanied to the meeting by either a union representative/professional association or by a work colleague.

If the employee is unable to attend the meeting, a new meeting should be arranged for a date within 7 calendar days of the original proposed time.

If the employee fails to attend the meeting without explanation more than once, the employer may consider the flexible working request application withdrawn.

Both parties should be prepared to be flexible when reaching an agreement whilst having due regard for the needs of the academy.

Any recommendation provided by the Headteacher (or nominated person) should be supported by the relevant documentation and/or evidence.

The Headteacher (or nominated person) should ensure that a written record of the meeting is made detailing the key points of discussion, including any alternative working proposals suggested and the response. A copy of the record should be provided for the employee.

If the flexible working request cannot be accommodated it is advisable that the Headteacher (or nominated person) explores alternative working arrangements that may enable the employee to work flexibly. The rationale for accepting or refusing any arrangement should be documented.

A decision regarding the flexible working request will be made by the Headteacher (or nominated person). The Headteacher (or nominated person) has up to a maximum of 14 calendar days from the date of the meeting to consider the flexible working request, including clarifying any information that may have been submitted as part of the process, and to provide the employee in writing, with details of the final decision.

It may be appropriate for the Headteacher (or nominated person) and the employee to agree a trial period of a new working arrangement to establish whether it suits both parties. It is important that any trial period agreed outside of the original flexible working request is documented, detailing the length of time that the trial period will operate, when it will be reviewed and extending the timescales for a final decision to be made on the flexible working request.

Where a flexible working request is unlikely to be accepted, the Headteacher (or nominated person) must ensure that the decision can be substantiated with the appropriate evidence, for example, if citing detrimental impact on quality, specifically parental concerns regarding continuity of teaching, it would be reasonable that there is a record of either discussion held or letters received from parents corroborating the reason cited. It is advisable that advice is sought from the designated HR Officer in respect of flexible working requests which may be refused.

10.3 Informing of the Decision

The Headteacher (or nominated person) will write to inform the employee of their decision within a period of 10 working days of the meeting, unless otherwise agreed. School closure periods do not count towards this time period and will be excluded as they are considered non-working.

If the request is agreed the Headteacher (or nominated person) should complete a Flexible Working Acceptance Form (Appendix 3) and send it to the employee. Any compromise offered and agreed at the meeting should be detailed in the Flexible Working Acceptance Form.

If the request is refused the Headteacher (or nominated person) should complete a Flexible Working Rejection Form (Appendix 4) and send it to the employee. The employees must be consulted with before their request is rejected.

The only valid reasons for a request being refused include:

- The burden of additional costs Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

In addition to stating the reason for the request being refused the Headteacher (or nominated person) should include an explanation about why the reason(s) apply in the circumstances. It is not necessary for the Headteacher (or nominated person) to provide evidence to support the explanation however they should ensure that they are able to substantiate any facts in the event of a subsequent dispute occurring.

The Headteacher (or nominated person) should arrange for a copy of the Flexible Working Request Form and either the Flexible Working Acceptance Form or the Flexible Working Rejection Form to be placed onto the employee's personal file.

11. APPEAL AGAINST THE DECISION

11.1 If an employee is dissatisfied with the response from the Headteacher (or nominated person), they have the right of appeal.

11.2 An Appeal meeting provides an opportunity for the employee to make representation to a member of the Trust Central Team who was not involved in the original decision.

11.3 There are no constraints on the grounds under which an employee can appeal.

11.4 The employee must register the appeal using a Flexible Working Appeal Form (Appendix 5) within 10 working days of receiving the written refusal for the request for flexible working. The employee should provide concise details of the grounds under which they are appealing the original decision. The completed form should be sent to the Trust CEO and copied to the CEO's Executive Assistant.

11.5 The Trust Central Team should arrange for an Appeal meeting to be convened within a maximum period of 15 working days of receipt of the appeal. School closure periods do not count towards this time period and will be excluded as they are considered non-working.

11.6 The Appeal should be considered by a member of the Trust Central Team acting as the Appeal Panel. It should be confirmed that the Trust Central Team member has not had any previous involvement in the flexible working request, a close relationship with the employee or a vested interest.

11.7 The employee and the Headteacher (or nominated person) will be invited to attend the Appeal meeting to submit their case.

11.8 Where an employee fails to attend an Appeal meeting, a second Appeal meeting will be scheduled within 5 working days of the original meeting date. If the employee fails to attend more than two Appeal meetings the Trust Central Team can assume that the flexible working request has been withdrawn. It is advisable that the appropriate member of the Trust Central Team writes to the employee to confirm this course of action.

11.9 Either party may invite witnesses, who are relevant to the flexible working request, to attend the meeting. The Headteacher (or nominated person) should be asked to attend to present and clarify information that they have previously submitted to the Headteacher (or nominated person).

11.10 An accurate account of the Appeal meeting should be made. This record may be used during any legal process.

11.11 The Trust Central Team member has responsibility for considering the grounds on which the appeal has been raised; as detailed in the employee's Flexible Working Appeal Form. This may require the panel to review the original decision-making process, the grounds of refusal and any supporting documentation to establish whether the original decision was reasonable and was in line with legislative requirements.

11.12 The Trust Central Team member must notify the employee of the decision using a Flexible Working Appeal Reply Form (Appendix 6), within a maximum period of 14 calendar days after the date of the meeting.

11.13 Once the process is complete, the Trust Central Team member should arrange for copies of the Flexible Working Appeal Form and the Flexible Working Appeal Reply Form to be placed onto the employee's personal file in HR.

11.14 At the end of the appeal procedure there is no further mechanism for considering the flexible working request.

12. WITHDRAWAL OF FLEXIBLE WORKING REQUEST

12.1 If an employee wishes to notify the Headteacher (or nominated person) that they wish to withdraw their application, they should do so in writing using the Flexible Working Notice of Withdrawal Form (Appendix 7). The Headteacher (or nominated person) should respond by completing the Confirmation of Withdrawal slip which can be found at the end of the Notice of Withdrawal Form. A copy of the Flexible Working Notice of Withdrawal Form should be placed on the employee's personal file.

12.2 Where an employee fails to meet their responsibilities, as detailed in the Flexible Working Requests policy, the academy may also treat an application as withdrawn. In these circumstances, the Headteacher (or nominated person) should write to the employee to confirm that the application has been withdrawn.

APPENDIX 1 – FLEXIBLE WORKING REQUEST FORM

Personal Details			
Name		**Job Title**	
Line Manager/Headteacher		**Academy & Federation**	
Payroll Number		**NI Number**	

Working Pattern Details
Detail your current contractual hours including the number of weeks per annum you are contracted to work:
Describe the new contractual variation that you would like the Academy to consider:
Detail when you would like the new contractual variation implemented (date):

Permanent or Temporary
Detail whether you would like the new contractual variation to be permanent or temporary (if temporary, please detail the date when you would like the variation to end):

Impact of the Flexible Working Request (optional)
Describe how the contractual variation will affect the Academy and colleagues (this section is optional)

Accommodating the Flexible Working Request (optional)
Describe how the effect on the Academy and colleagues can be addressed: (this section is optional)

I confirm I have not made more than one flexible working request during the past 12 months.			
Employee Signature		**Date**	

NOW PASS THIS REQUEST TO THE LINE MANAGER/HEADTEACHER			
Dear			
I confirm that I received your flexible working request on (date):			
A meeting will be arranged to discuss your application within 28 calendar days following this date. In the meantime, you might want to consider whether you would like a trade union representative or work colleague to accompany you at the meeting.			
Line Manager/Headteacher Name:			
Signature:		**Date:**	

APPENDIX 2 – FLEXIBLE WORKING EXTENSION OF TIME LIMIT FORM

Name		**Payroll Number**	
I wish to extend the amount of time that the procedure allows me to: (please tick)		❑ Arrange a meeting to discuss your request (28 calendar days) ❑ Notify you of my decision regarding your request (14 calendar days) ❑ Arrange a meeting to discuss your appeal (14 calendar days) ❑ Notify you of my decision regarding your appeal (14 calendar days)	
I wish to extend the time limit to *[Insert number of days]* calendar days			
This means that I will have until *[insert date]* to complete the necessary action.			
I need the extra time for the following reason			
If you agree to this extension, please complete the slip below and return it to me			

Line Manager Name			
Signature		**Date**	

NOW PASS THIS APPLICATION TO THE EMPLOYEE			
Please return to the Line Manager/Headteacher in order to confirm your acceptance			
Dear			
I accept your request to extend the amount of time to:			
Employee Name:			
Signature:		**Date:**	

APPENDIX 3 – FLEXIBLE WORKING REQUEST ACCEPTANCE LETTER

[Name]
[Address]

[Date]

Dear [name]

Following receipt of your request and our meeting on (date), I have considered your Flexible Working Request:

- ❑ I am pleased to confirm that I am able to accommodate your application.
- ❑ I am unable to accommodate your original request. However, I am able to offer the following alternative, which we have discussed and you agreed, would be suitable to you.

The variation to your contract of employment will be as follows (please give full details and confirm whether the variation is intended to be permanent or temporary. If the variation is temporary, please confirm the end date):

The contractual variation will begin from (date).

IMPORTANT FOR PERMANENT VARIATIONS: Please note if you have requested a permanent change to your contract that the variation to your contract set out above remains subject to the needs of the Trust. In particular, whilst we will endeavour to accommodate these working hours and days from one academic year to the next, the Trust may not always be able to do so if they are inconsistent with the needs of the school and its pupils (for example, if they are inconsistent with the timetabling of lessons). The Trust therefore expressly reserves the right to revert your working pattern back to that which was in place prior to your flexible working request where reasonably necessary. By signing this form, you expressly acknowledge that your contracted hours may change in the future and, if you are not prepared to be flexible in this regard, or foresee any issue that may preclude your being flexible in this regard in the future, then you should raise such with your headteacher prior to signing this form and accepting any variation to your contract. In the event that the Trust exercises its right to revert your working pattern in the future you will receive at least six weeks' notice of any such change.

Yours sincerely

[Line Manager/Headteacher Name]
[Academy]

Acceptance of contractual variation on the terms set out above
Please return to your line manager/Headteacher

Signed	
Print Name	
Date	

APPENDIX 4 – FLEXIBLE WORKING REQUEST REJECTION LETTER

Please speak to the HR team before rejecting a flexible working request

[Name]
[Address]

[Date]

Dear [name]

Following receipt of your request and our meeting on (date), I have considered your Flexible Working Request:

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

[business ground]

The grounds apply in the circumstances because:

[reasons for rejection]

Note: You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary.

You have the right to appeal against my decision. Details of the appeal procedure are set out below.

The Appeal Process

If your request for flexible working has been turned down, you have the right to appeal against the decision. If you wish to appeal, you must write to the CEO setting out the grounds for your appeal, within 10 working days after receiving written notice of their decision.

Yours sincerely

[Line Manager/Headteacher Name]
[Academy]

APPENDIX 5 – FLEXIBLE WORKING REQUEST APPEAL FORM

Please return this form to the Trust CEO.

I wish to appeal against your decision to refuse my request for flexible working. **I am appealing on the following grounds:**			
Signed		**Date**	
Name		**Payroll Number**	
Trust Name			
Academy			
Federation			

APPENDIX 6 – FLEXIBLE WORKING APPEAL REPLY LETTER

[Name]
[Address]

[Date]

Dear [name]

Following receipt of your request and our meeting on (date), the Trust Central Team member has considered your appeal against the decision to refuse your Flexible Working Request application.

The Trust Central Team member's decision is to accept your appeal against the decision. I am therefore able to accommodate your original request to vary your contract of employment as follows:

The variation to your contract of employment will begin from (date).

Please note that you have no automatic right to revert back to your original contract of employment.

OR

The Trust Central Team member's decision is to reject your appeal for the following ground(s):

[business grounds]

The grounds apply because:

[reasons for rejection]

Yours sincerely

[Trust Central Team member name]
[Trust]

APPENDIX 7 – FLEXIBLE WORKING NOTICE OF WITHDRAWAL FORM

Employee withdrawal of flexible working request
To be completed by employee and returned to your line manager/Headteacher

I wish to withdraw my application to work flexibly which I submitted to you on (date). I understand that I will not be able to make another application until twelve months after the above date.			
Signed		**Date**	
Name		**Payroll Number**	
Trust Name			
Academy Name			
Federation Name			

School confirmation of withdrawal
To be completed by the Line Manager/Headteacher and returned to employee

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on (date). Under the right to apply, you will not be eligible to submit another application until twelve months after the above date.			
Signed		**Date**	
Name			