

Flexible Working Policy

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Definitions

- 1.1 **DEMAT** means the Diocese of Ely Multi-Academy Trust.
- 1.2 **Academy** means a constituent academy of DEMAT.
- 1.3 **Central Team** means Staff who are not employed within an Academy.
- 1.4 **Central Leadership Team** means any Director or Head of a Function in the Central Team other than the Director of Education, and the CEO.
- 1.5 **Senior Manager** means a Hub Director or Head of Department within the Central Team.
- 1.6 **Headteacher** is a leader of an Academy, in any Academy that has an Executive Headteacher, it means that Executive Headteacher.
- 1.7 **Staff** means any person employed by DEMAT, temporarily or permanently.
- 1.8 **Employee** means any person employed by DEMAT, temporarily or permanently.

2. Application of this Policy

The policy is applicable to all employees (permanent and temporary) of DEMAT. Where applicable, it is also applicable to all Volunteers supporting DEMAT.

The above definitions are included for reference purposes for both Academy and Central Team staff to enable clarify and transparency when applying this policy.

3. Relationship with DEMAT Values

The application of this policy must be applied at all times in a way that reflects the values of DEMAT and our Christian Ethos:

Love – We engender love and tolerance between and for our staff, pupils and others to foster an inspiring atmosphere of mutual support.

Community – We are committed to ensuring our academies are a living part of the community and contribute positively to its needs.

Respect – We do everything to provide a caring, safe and secure place for our staff and pupils to be happy and respected in our academies so they may achieve their potential.

Trust – We acknowledge accountability and responsibility for our actions and ensure that we encourage each other to make brave decisions and then learn from any mistakes.

Ambition – We are determined that our academies offer a place for the joy of learning, enabling those of all abilities to thrive and go on to lead rewarding lives

4. Associated Policies and Documents

This Policy/Procedure should be read in conjunction with the following DEMAT Policies/Procedures:

Equality and Diversity Policy
Flexible Retirement Procedure (*to be written*)

5. Version control

Policy type	DEMAT Trust Policy
Author	Helen Fisher, HR
Reviewed by	Helen Rothwell, Head of HR
Approved by	Adrian Ball, CEO Date: November 2024
Release date	November 2024
Review	BI - ANNUAL Policies will be reviewed in line with DEMAT's internal policy schedule and/or updated when new legislation comes into force.
Description of changes	The policy has been reviewed in line with legislation and best practice to provide clarity, greater consistency and support for Line Managers and staff. For further information regarding the specific changes please contact the HR Team at hrteam@demat.org.uk

For all questions in relation to this policy please contact the HR Team at hrteam@demat.org.uk

6. Purpose and Scope

- 6.1 This policy sets out how employees can submit requests to change their working pattern either formally or informally. It also provides support to Line Managers who receive a request from a member of staff to change their working arrangements.
- 6.2 This policy provides guidance on flexible working that is based on the principles that where possible flexible working will be accommodated but the needs of our children in our academies are paramount and this is a significant part of considering whether or not a proposal may be accommodated either on a short- or long-term basis.
- 6.3 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.

7. Policy Statement

- 7.1 The Trust is passionate about creating an inclusive culture that supports a good work-life balance. Our employees' health and wellbeing are hugely important and continually strive to create an environment where everyone can thrive.
- 7.2 We recognise that work-life balance can improve employee engagement, performance and promote an increase in wellbeing. This policy is intended to support employees to balance their commitments and interests outside work with their contractual duties and responsibilities.
- 7.3 Whilst the above is significant, it also crucial for all of our academies to consider both the impact on the quality of education and to have safeguarding as a key factor when reviewing any adjustment to our staff's terms and conditions.

8. Equality Act

- 8.1 The provisions in the Equality Act 2010 will be followed when considering and responding to flexible working requests. Employees will be treated fairly and will not be treated less favourably due to any of the protected characteristics set out in the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation).

9. Procedures

- 9.1 Employees have a statutory right to request a change to their contractual terms and conditions to work flexibly, from day one of their employment (formal request). If agreed this would be a permanent change to the employees' terms and conditions.
- 9.2 If an employee does not wish to make a formal, permanent request, we will also consider informal requests for a temporary change to terms and conditions. It is the responsibility of the employee to understand the nature and impact of their request on themselves and the workplace to follow the relevant section within this policy.
- 9.3 An employee can make two statutory applications (i.e. formal requests) to permanently change their contractual terms and conditions within any 12-month period. There is no limit on the number of informal requests that an employee can make, as these are outside the statutory requirements.

10. 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

10.1 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 (less than 6 months) 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 educational, 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 request cannot be accommodated. There is no formal right of appeal against a decision regarding an informal flexible working request.

10.2 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 include:

- the date of the request;
- a statement that this is a statutory request for flexible working;
- details of how the employee wants to work flexibly and when they want to start;
- a statement saying if and when they've made a previous application (including the date of the previous request)

An employee can only have one live request at a time. A request will stay live until any of the following happen:

- the organisation makes a decision;
- the employee withdraws the request;
- the employee and organisation agree an outcome;
- the statutory two-month period for deciding requests ends.

11 Responding to a Flexible Working Request

All requests, including any appeals, must be decided and communicated to the employee within a period of two months from when the employer first receives the request. The employer and employee may agree to extend this period. If an extension is agreed, the employer should confirm this in writing to the employee.

The Line Manager will consider the proposed flexible working arrangements. They will look at the potential benefits and adverse effects to the employee and to the workplace in implementing the proposed changes.

The employee's Line Manager may be able to agree the proposal without the need for a meeting. If that is the case, the Line Manager will write to them, confirming the decision and explaining the permanent changes that will be made to their Contract of Employment.

Where an employee's request needs further discussion, the employee will be invited to a meeting within 14 days of their application being submitted. This period, however, may be longer if the request is submitted during academy holidays. In this instance, the employee's Line Manager should arrange the meeting within 14 days from the first day back at school.

The employee will be given 5 working days' notice of the meeting. At the meeting the employee may, if they wish, be accompanied by a colleague or a trade union representative. A member of the HR team may also be in attendance.

The meeting will be used to consider the working arrangements that the employee has requested and the impact this may have on the employee and the workplace. There will also be discussion and clarification regarding any changes to pay and impact on pension (if applicable) that may be necessary as a result of the request.

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.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting (which will be convened within 5 working days) without good reason, their request will be deemed to have been withdrawn. This will be confirmed in writing to the employee.

12 Communicating a decision after the meeting

After the meeting, the request may be granted in full, in part or refused.

The line manager may:

- propose an alternative option
- grant the request on a temporary basis
- ask the employee to try the flexible working arrangement for a trial period.

A decision to refuse a request must be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- planned structural changes to the employer's business

A table outlining the possible outcomes from a flexible working request can be found at section 9.6.3 below.

13 Meeting Outcomes

Following the meeting, the employee's Line Manager will notify them of the decision in writing within 5 working 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 5 working 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 request is agreed as proposed by the employee. A flexible working trial may be proposed in some circumstances (<i>please see section 15 on Flexible Working Trials</i>).	• Confirmation in writing will be provided by the employee's Line Manager 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 employee 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 and only one further flexible working application can be made in the 12-month period.
Request cannot be accommodated in full	The full request cannot be accommodated.	• A further meeting should be held to explore alternatives if there is a possibility that the request could be partially agreed. • Any agreed changes will be followed up in writing and an outcome delivered within 5 working 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.	• 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. • In these circumstances, the employee's Line Manager will write to them: ○ 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.

14 Appealing a decision

An employee may appeal the decision if their request is refused or is only agreed in part.

The employee must submit an appeal within 5 working days of being notified of a decision on their request. This should be done in writing and clearly state the reasons for their appeal.

The letter of appeal from the employee should 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 employee will be invited in writing to an appeal hearing, giving 5 working days' notice. The employee may be accompanied by a Trade Union Official or work colleague should they wish. A member of the HR team will attend in an advisory capacity.

For employees in the central team, the appeal will be heard by a member of the Central Leadership Team, not previously involved in the original decision.

For academy-based employees, the appeal will be heard by the Headteacher (provided they did not make the original decision) or Hub Director.

The outcome will be confirmed verbally to the employee and confirmed in writing usually within 5 working days. The decision at appeal is final and there is no further right of appeal.

15 Trialling New Working Arrangements

To support our employees and academies establish if an employee's flexible working request is feasible and ensure the proposed changes are suitable for both parties, a trial period may be agreed.

Any such arrangement must be fully documented, and written notification of the trial provided to the employee. Towards the end of the trial the employee 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 end. In these circumstances the employee will revert back to their previous working arrangements.

16 Requesting a Reasonable Adjustment

We are committed to reducing and removing disadvantages for disabled employees. If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

If an employee would like to request a reasonable adjustment, they should send their request in writing to the Line Manager and outline the following:

- that they are making a request for a reasonable adjustment under the Equality Act 2010
- the adjustment being requested.

The Line Manager will discuss the request with the employee within 10 days of the Trust receiving the request. The outcome will be confirmed in writing within 5 working days of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and the Line Manager.

17 Varying an Employee's Contract of Employment

Where flexible working practices are agreed as a permanent change, any variation to the employee's terms and conditions will be put in writing. Written confirmation of the changes will be sent to the employee within one month of the change being agreed.

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 workplace.

If a flexible working request is rejected, one of the eight specific “business reasons” stated in legislation will be provided:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to re-organise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the period the employee proposes to work
- 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 our academies and/or central team. Please note that the examples provided below are not exhaustive but are designed to provide context of the eight business reasons in our Multi-Academy Trust setting.

1. Burden of additional costs

It may, in some circumstances be more costly to recruit additional staff or pay overtime to existing staff to cover the work/hours, the employee is no longer available to complete.

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 a flexible working proposal.

3. Inability to reorganise work among existing staff

We 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 consider the ability of the workplace 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 tasks may require a job-share or a reduction in the allocated responsibilities. Consideration will also need to be given to whether it is appropriate for a leader or manager to be absent for whole days in the week. We 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 we will consider making attempts to do so, if appropriate. 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, we may seek to recruit additional staff. Additionally, safeguarding will be paramount and will be considered when any requests are received to ensure the safety of our children and other staff members.

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 and/or safeguarding matters that arise 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 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.

Planned structural changes

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

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:	
Academy/Department	

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
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<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>
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Signed:	
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Date:	
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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 (if required). 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:	
Academy/Department	

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

I have not made two requests to work flexibly 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

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

Signed:	
Date:	



Section 3 – Outcome of request (to be completed by Manager)

Request agreed in full	
Request partially agreed	
Request declined	

Signed:	
Date:	

