



FLEXIBLE WORKING POLICY AND GUIDANCE

Approved and signed by the Board of Trustees

REVIEWED: July 2023

CHANGES

January 2023: Policy Implemented

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I POLICY STATEMENT

Under provisions set out in the Children and Families Act 2014, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12-month period. Employees who have been employed for less than 26 weeks and agency workers do not have a statutory right to request flexible working.

This policy reflects the 'ACAS Statutory Guidance Document' and 'Good Practice Guide'.

The Right to Request Flexible Working Policy offers employees the right to request changes to their employment contract, for any reason, in order to allow them to work more flexibly, which can assist employees in balancing care responsibilities with their work commitments. This means that changes to hours, times, patterns and place of work can be requested. These positive employment practices in turn promote equality of opportunity in employment and may aid retention and reduce absenteeism.

Whilst all requests will be carefully considered and dealt with reasonably it should not be assumed that a submission will automatically be successful as applications will be weighed against the needs of the Trust.

2 SCOPE

Subject to the eligibility criteria shown below this policy and procedure applies to all Discovery Multi Academy Trust employees.

3 ELIGIBILITY

To be eligible to request flexible working applicants must:

- be an employee of the Trust and:
- not have made a previous application to work flexibly during the past 12 months and
- have 26 weeks' continuous service
- working from home is only available for employees on the Leadership Scale

4 RIGHTS

Employees may be accompanied by a trade union, official professional representative, or another person of their choice, at any stage in the procedure.

5 TYPES OF FLEXIBLE WORKING

Types of flexible working that can be requested and may be considered include:

- Flexi-time
- Part-time working
- Job share
- Temporary work
- Working from home (Leadership scale employees only)
- Condensed hours
- Annualised hours
- Term-time working

This list is not exhaustive.

6 WORKING FROM HOME

Only employees who are on the Leadership scale are eligible to request working from home. In exceptional circumstances the CEO can extend this provision to other employees.

If this request is accepted then a Risk-Assessment must be carried out (Appendix 2). These will be carried out annually at the beginning of each academic year. The procedure for requesting flexible working must be carried out as below.

7 PROCEDURE FOR REQUESTING FLEXIBLE WORKING

In order to make a request for flexible working the employee will need to submit a request in writing to the CEO, this can be an email. The CEO will confirm in writing receipt of the request.

Within a maximum 28 calendar day the CEO will arrange to meet with the employee to discuss the request. The meeting is to be arranged at a time and place convenient to both the employee and employer.

There may be a number of reasons why the time limits specified are too short and an extension required. Time limits can be extended where the CEO and employee agree. A written record should be retained of any extensions that are agreed.

Time limits will be automatically extended where the person who would ordinarily consider the Flexible Working request is absent because of annual leave or sick leave when the application is received or if the application is received before a school holiday.

If the request is agreed, the CEO will set out in writing (Appendix 1) the terms of the agreement, including any compromise offered at the meeting, and the date from which changes are to take effect. The decision must be given to the employee within 14 days after the date of the meeting. (However, the employer and employee may agree to extend the 14-day time limit because, for example, the employer requires more time to examine the requested flexible working arrangement).

If there are any changes to hours/shift pattern, the CEO is to arrange for this to be confirmed to the Trust's payroll provider.

If a change is agreed (unless a trial period is in place), it will be a permanent variation of contract and there will be no right for the employee to revert back to the former arrangement. A subsequent request for a variation in the contract cannot be made for 12 months.

A trial period may be undertaken with both parties' agreement. The letter setting out the agreement should clearly state that the trial period is a temporary change to their Terms and Conditions.

If the request is refused, a letter from the CEO (Appendix 2) will set out the grounds for refusal, explaining why they apply in the circumstances and also set out the appeal procedure. A subsequent request for a variation in the contract cannot be made for 12 months.

The only valid reasons for a request being refused include:

- Unacceptable burden of additional cost to the Trust
- Detrimental effect on the Trusts' ability to deliver its services
- Inability to re-organise 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
- Other grounds as covered within the ACAS Code of Practice

8 PROCEDURE FOR APPEAL

An employee wishing to appeal should do so in writing within 14 days of receiving the written refusal. (The CEO and employee may agree to extend the 14-day limit). The letter should set out the grounds for appeal and be sent to the Governance Professional.

A meeting must be arranged to hear the appeal within 14 days of receipt of the appeal letter. (The CEO and employee may agree to extend the 14-day limit). The appeal panel will comprise of a panel of 3 Board members. An HR Adviser may also attend this meeting if required

The employee must be notified in writing of the decision 14 days after the date of the meeting. (The panel and employee may agree to extend the 14-day limit).

If, following appeal, the request is accepted the employee will be advised in writing and informed of the contractual changes agreed to and the date on which they are to take effect.

If, following appeal, the request is refused a letter setting out the grounds for the refusal (Appendix 3) and explaining why they apply will be sent to the employee.

9 WITHDRAWAL OF REQUEST

The Trust will treat the request as withdrawn if the employee:

- Indicates verbally or in writing that the request is withdrawn.

- Fails to attend a meeting (without giving a reason). A meeting will only be re-arranged once.
- Unreasonably refuses to provide relevant information.

10 ADDITIONAL INFORMATION

Copies of all correspondence relating to the request must be retained on the employee's personal file.

11 FREQUENTLY ASKED QUESTIONS

Do employees have an automatic right to work flexibly?

No. The ACAS Code of Practice gives eligible employees the right to request flexible working; however, it also places a duty on employers to consider such requests in a reasonable manner.

Can you refuse a request?

Yes, but you must demonstrate to an employee that the application has been considered properly and provide a sound business reason why a request cannot be accepted.

My employee has asked if a colleague can attend the meeting to discuss their request. Is it wise to agree to this?

Good practice is to allow an employee to be accompanied at both the meeting to discuss the request, and to any further meeting to discuss a subsequent appeal. The companion must be a worker employed by the Trust, and can include a colleague, trade union official or professional representative.

The role of the companion is to support the employee. For example, if the employee has not attended many meetings before, it is possible that s/he may be nervous. The presence of a colleague can therefore make the meeting more productive for the employer and the employee. The companion is permitted to address the meeting, and to confer with the employee during it, but they may not answer questions on behalf of the employee.

What should be taken into consideration when deciding whether the person can work flexibly?

Undertake an analysis of the job;

Are all the tasks necessary?

Could some of the tasks be allocated to another team member?

Is the job description up to date?

Consider how you could manage the new working arrangements:

How will the new arrangements i.e. home working, be supervised and performance measured?

What will be the impact on other people?

Will the long-term benefits of flexible working (i.e. staff retention and saving on recruitment)?

Outweigh the short-term costs of implementing change?

Will there be insurance or health & safety considerations (i.e. for home workers).

Will there be an impact on the team/School?

Ensure that other team members are informed about changes in working hours.

Is there an action plan for dealing with any problems that may arise out of the change?

Hold regular reviews to ensure that the new arrangements are working for everyone.

Use team meetings or other ways of ensuring that flexible workers remain involved and informed members of the team.

Appendix I:

NAME
ADDRESS
ADDRESS
POST CODE

DATE

RE: Request for Flexible Working

Dear NAME

Following our meeting on DATE I am pleased to confirm your request for flexible working has been agreed.

Your new working arrangements will take effect from DATE and are as follows: *[give details of new arrangements including work location, contractual hours, shift patterns etc.]*

The following terms and conditions of your employment will change: *[give details of any change to contractual hours, salary etc.]* All other terms and conditions will remain the same.

May I remind you that these new working arrangements are offered on a permanent basis and an application cannot be made to amend them again for a further 12 months.

OR

May I remind you that these new working arrangements are offered on a temporary basis for a trial period until [insert date agreed by both parties] at this point we will evaluate. A further request to work flexibly cannot be made for a further 12 months.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

Alison Nettleship
Chief Executive Officer

Appendix 2:

WORKING FROM HOME HEALTH AND SAFETY AND WELLBEING SELF ASSESSMENT CHECKLIST

Please complete this checklist prior to commencing a working from home arrangement and review at least once a year, or if there are any changes e.g. moving house; changes to the equipment/furniture or any health/wellbeing issues arise. The completed form should be given to your line manager and will help the Trust to ensure that your working conditions at home are safe.

Name:	Date:
Address:	
Details of the work to be carried out at home:	
Details of room / space used for working from home:	
Detail Trust equipment supplied, if any:	
Will your job involve any of the following whilst working from home? (please tick):-	
Computer use
Manual handling
Use of electrical equipment

Workstation and Home Office (- where applicable)	Yes	No	Comments
Is the room/area separate from other living areas in the home?			
Is the room/area used easily accessible?			
Is there enough space to safely accommodate all necessary furniture and equipment?			

Are walkways clear of trip hazards, such as trailing cables?			
Is there a source of heating to maintain a comfortable temperature?			
Does the room have an opening window for ventilation?			
Is there adequate light to comfortably see documents and your computer screen?			
Can you reach storage shelves without having to stretch over the desk?			
Do you generally find your workstation comfortable to use?			
Do you know how your workstation should be arranged to achieve the most comfortable posture?			
Do you have somewhere secure to store confidential school documents in order to maintain Data Protection Act?			
Safe use of computers	Yes	No	Comments
Do you use a computer/laptop at home for work purposes?			
Do you have to use a computer/laptop intensively on a regular basis when working from home			
If yes to the above, have you completed and applied the Workstation Safety Learning module?			

Electrical Equipment	Yes	No	Comments
Does your electrical equipment have any signs of damage?			Look for obvious faults such as loose cables, cracked plugs, split covering to leads etc. This is a visual inspection only - you should not open plugs or take covers off the equipment.

If you have any items of school equipment at home, are they marked to show they have received a portable appliance test (PAT)?			There should be a label on the equipment showing the date it was checked.
When was this equipment last checked?			
Do you know how to safely use the equipment you use to work from home?			
Emergencies	Yes	No	Comments
Do you have an escape plan in case of fire?			
Do you have a smoke alarm fitted?			It is strongly recommended that you fit smoke alarms. These should be tested weekly to ensure they are working.
Do you know what to do in the event of having an accident at home?			
Wellbeing	Yes	No	Comments
If your job involves lifting and handling at home, have you received training to do it safely?			Health and Safety Policy
Do you have regular supervision with your line manager?			
Do your working hours at home comply with the current Working Time Regulations?			Working Time Regulations
Are you aware of the Trust's Absence Reporting Procedure requiring you to report any sickness, whether working from home or at school?			Route to Trust's absence reporting procedure: Share Point – Policies – Trust Policies – HR – Managing Attendance Policy
Do you have the opportunity to contact and meet with other team members if required?			

Do you have any other comments about your working conditions or any other health and safety concerns?

Employee's name (print)

Employee's signature:

Date:

CEO name (print)

CEO signature:

Date:

Appendix 3:

NAME
ADDRESS
ADDRESS
POST CODE

DATE

RE: Request for Flexible Working

Dear NAME

Following our meeting on DATE I am sorry to have to confirm that the Trust is unable to meet your request for flexible working.

This is for reason/s relating to: *[one or more of the following grounds – amend/delete as applicable*]*

- the burden of additional costs*
- an inability to re-organise or re-distribute work among other existing staff*
- an inability to recruit additional staff *(this may particularly be the case where the request leaves 'odd' hours to be filled by another employee) **
- a detrimental impact on quality or performance*
- there is insufficient work available during the hours the employees is requesting to work*
- other structural changes are planned*

[Add further specific details as necessary to explain grounds for refusal]

Your work arrangements will therefore remain as they are at present. May I remind you that you do not have the right to make another request for a further 12 months from the date this request was submitted.

You do have the right of appeal against this decision. If you wish to make an appeal it must be submitted in writing to our Governance Professional via clerktotrustees@discoverymat.co.uk within 14 days of receiving this notification stating your grounds for appeal. A further meeting will then be arranged to discuss your request with a panel of The Board.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

Alison Nettleship
Chief Executive Officer

Appendix 4:

NAME
ADDRESS
ADDRESS
POST CODE

DATE

RE: Request for Flexible Working

Dear NAME

I am writing to confirm the decision of the appeal hearing held on DATE at LOCATION, you were represented at this meeting by NAME, the management case was presented by the Alison Nettleship, CEO, I, NAME, acted as chair of the appeal panel, supported by NAME, NAME and NAME (HR Adviser) supported the panel.

I am sorry to have to confirm that following the appeal meeting to discuss your request to work flexibly we remain unable to meet the request you submitted on DATE.

This is for reason/s relating to: *[one or more of the following grounds – amend/delete as applicable*]*

- the burden of additional costs*
- an inability to re-organise or re-distribute work among other existing staff*
- an inability to recruit additional staff (this may particularly be the case where the request leaves 'odd' hours to be filled by another employee) *
- a detrimental impact on quality or performance*
- there is insufficient work available during the hours the employees is requesting to work*
- other structural changes are planned*

*[Add specific details to explain why the ground is applicable, including any relevant details that came to light as part of the appeal meeting] **

Your work arrangements will therefore remain as they are at present. May I remind you that you do not have the right to make another request for a further 12 months from the date this request was submitted.

If you have any questions, please do not hesitate to contact me.

Yours sincerely

Alison Nettleship
Chief Executive Officer

Appendix 5 FLEXIBLE WORK FLOWCHART



