

DEMAT Flexible Working Policy

In the development of this policy consideration has been given to Equality and Diversity and Data Protection.

Equality and Diversity

The Diocese of Ely Multi Academy Trust (DEMAT) is committed to promoting equality of opportunity for all staff and job applicants. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit. We do not discriminate against staff based on age, race, nationality, ethnic origin, religious or political belief or affiliation, trade union membership, gender, gender reassignment, marriage and civil partnership status, pregnancy and maternity, sexual orientation, disability, socio- economic background or any other inappropriate distinction or characteristic covered by the Equality Act 2010.

The principles of non-discrimination and equality of opportunity also apply to the way in which DEMAT staff, Trustees, Directors and Governors treat visitors, volunteers, contractors.

Data Protection

DEMAT will process personal data of staff (which may be held on paper, electronically, or otherwise). DEMAT recognises the need to treat it in an appropriate and lawful manner, in accordance with the General Data Protection Regulations (GDPR).

	Version	Date
Date of EPM Model Policy used as a baseline by DEMAT	1	January 2019
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Date consulted with the unions if applicable	2	January 2019
Effective date as determined by DEMAT	2	February 2019
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For all questions in relation to this policy please contact the DEMAT HR team on 01353 656760 or email: hrteam@demat.org.uk

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1. Policy Statement

- 1.1. DEMAT is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of employees.
- 1.2. This flexible working policy gives eligible employees an opportunity to submit requests a change to their working pattern either informally or formally.
- 1.3. No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4. 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.

2. Eligibility for the formal right to request procedure

- 2.1. To be eligible to make a request under the formal procedure set out in paragraph 6 and 8 you must:
 - a) be a DEMAT employee (either within a DEMAT school or the Shared Services Team);
 - b) have at least 26 weeks' continuous service at the date your request is made;
 - c) not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).
- 2.2. Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 10 to their line manager, who will consider the request according to the Trust's educational, business and operational needs.
- 2.3. Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.
- 2.4. Any employee interested in flexible working may request an informal meeting with their line manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery, before submitting a formal or informal request.

3. Personnel Responsible for Implementing the Policy

- 3.1. Trustees have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Trustees have delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review, to the CEO and Directorates.
- 3.2. All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the Trust HR Manager.

4. Forms of Flexible Working

- 4.1. Flexible working can incorporate a number of changes to working arrangements, including but not limited to:
 - a) reduction or variation of working hours;
 - b) reduction of the number of days worked each week; and/or
 - c) working from a different location (for example, from home).

5. Making a Formal Flexible Working Request

- 5.1. You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.
- 5.2. Your written and dated application should be submitted to your line manager and, in order to meet the requirements of the formal procedure and to help your line manager consider your request, should:
 - a) state the reason for your request;
 - b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
 - c) address the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
 - d) provide information to confirm that you meet the eligibility criteria set out in section 2 of this policy;
 - e) state whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when;

- f) state if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability; and
 - g) ideally be submitted at least two months before you wish the changes you are requesting to take effect.
- 5.3. Your line manager might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, your line manager will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.
- 5.4. If your proposal cannot be accommodated, discussion between you and your line manager may result in an alternative working pattern that can assist you.

6. Formal Procedure: Meeting

- 6.1. Where necessary, your line manager will arrange to meet with you within 28 days of your application being submitted. You will be given 10 days' notice of the meeting. The meeting will also be attended by a colleague from the HR team. You may bring a Companion (either a union rep or work place colleague) to the meeting if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 6.2. In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.
- 6.3. The meeting will be used to consider the working arrangements you have requested. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and of your team. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 6.4. Your line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team.

7. Formal Procedure: Decision

- 7.1. Following the meeting, your line manager will notify you of the decision in writing within 14 days.
- 7.2. If your request is accepted, or where we propose an alternative to the arrangements you requested, your line manager will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.

- 7.3. You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your original application.
- 7.4. If your line manager needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, your line manager may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 7.5. There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request. In these circumstances, your line manager will write to you:
- a) giving the business reason(s) for turning down your application;
 - b) explaining why the business reasons apply in your case; and
 - c) setting out the appeal procedure.
- 7.6. The eight business reasons for which we may reject your request are:
- a) the burden of additional costs;
 - b) detrimental effect on ability to meet customer demand;
 - c) inability to reorganise work among existing staff;
 - d) inability to recruit additional staff;
 - e) detrimental impact on quality;
 - f) detrimental impact on performance;
 - g) insufficiency of work during the periods that you propose to work; and
 - h) planned changes.

Appendix A gives a brief overview of the way in which the school will interpret and apply these business reasons.

8. Formal Procedure: Appeal

- 8.1. If your request is rejected, you have the right to appeal.
- 8.2. Your appeal must:
- a) be in writing and dated;
 - b) set out the grounds on which you are appealing; and

- c) be sent to the Trust HR Manager within 14 days of the date on which you received the written rejection of your request.
- 8.3. The HR Manager will arrange for a meeting to take place within 14 days of receipt of your appeal where possible. You will be given 10 days' notice of the appeal meeting
- 8.4. The meeting will be held at a convenient time for all those attending and you may be accompanied by a Companion.
- 8.5. You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 8.6. If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.
- 8.7. You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until at least 12 months after the date of your original application
- 8.8. If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

9. Extending Time under the Formal Procedure

- 9.1. There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 3 months of first receiving the request. Where an extension of time is agreed with you, your line manager will write to you confirming the extension and the date on which it will end.
- 9.2. If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
 - a) you fail to attend two meetings under the formal procedure without reasonable cause; or
 - b) you unreasonably refuse to provide information we require to consider your request.
- 9.3. In such circumstances, your line manager will write to you confirming that the request has been treated as withdrawn.

10. Making an Informal Flexible Working Request

- 10.1. Employees who wish to make an informal request for flexible working may make a request to their line manager who will consider it according to school educational, business and operational requirements.
- 10.2. It will help your line manager to consider your request if you:
 - a) make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
 - b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start.

Where appropriate, details agreed as part of an informal flexible working request will be confirmed in writing and will include 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.

There is no formal right of appeal against a decision regarding an informal flexible working request.

Monitoring and Review of the Policy

- 10.3. The HR Manager is responsible for monitoring the implementation, use and effectiveness of this policy/procedure and will report on these matters annually or more frequently if necessary.
- 10.4. This policy/procedure will be reviewed by the Trust as necessary.

Appendix A

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 Trust.

If a request to work flexibly is rejected, the 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 among 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.

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

Schools within the Trust are our 'customers' as are their pupils and parents. It is important that the quality of the shared service we provide is not adversely affected by agreeing to flexible working.

3. Inability to re-organise work among existing staff

In addition to 2 above, where the employee has leadership or management responsibilities, it is necessary to take into account the ability of the Trust and individual team to distribute these to other employees at times when the part time member of staff is not working. This 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

The Trust understands the importance of delivering an excellent shared service to support schools in delivering quality teaching and for raising school standards. It is not always possible to recruit staff to work the time that the employee has requested not to work but the Trust 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 leadership 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 service delivery.

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 service 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 effective service delivery 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 B

Form to Request Flexible Working

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy and Appendix A carefully and check that you 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 where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to your line manager well 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 sections 3 & 4, 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 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name:

Job Title:

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet each of the eligibility criteria as follows:

I have worked continuously as an employee of the school for the last 26 weeks.

I have not made a request to work flexibly under this right during the past 12 months, or

Date of any previous request to work flexibly under this right:

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

3. Impact of the new working pattern

[] I have attached a statement explaining how I think this change in my working pattern will affect [your work] and colleagues.

4. Accommodating the new working pattern

[] I have attached a statement explaining how I think this change in my working pattern will affect [your work] and colleagues.

Signed:

Date:

Return slip

Confirmation of Receipt (to be completed and returned to the employee)

Dear

I confirm that I received your request to change your work pattern on:

I shall be arranging a meeting to discuss your application within 28 working days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.

Signed:

Date: