

# Honiton Community College Academy Trust



This policy was adopted by the Governing Body of  
Honiton Community College Academy Trust  
on 25<sup>th</sup> March 2015  
and will be reviewed every 3 years

**FLEXIBLE WORKING  
REQUESTS POLICY**

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## **Introduction**

We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. This Flexible Working Policy gives employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure. The College will attempt to facilitate requests unless they cannot be accommodated for business or operational reasons or because they may affect teaching and learning standards.

No one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

This policy does not form part of your contract of employment and the College may amend it at any time.

## **Personnel Responsible for implementing the policy**

The Governing Body has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the Principal.

The Principal has responsibility for considering and deciding whether or not to agree to flexible working requests. The Principal may delegate this responsibility to the Vice-Principal.

The Principal has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **Application of the Policy**

This policy:

- will be applied in accordance with the College's equality policies;
- will be consistently and fairly applied across the College;
- will be conducted with respect for the confidentiality of individuals and in accordance with the Data Protection Act 1998;
- is based on open communication between members of staff and their managers;

## **No automatic entitlement**

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 College.

## **Proof of Eligibility**

Abuse of the right to request flexible working may result in the Colleges' Conduct Procedures being invoked.

## **Forms of flexible working**

Flexible working can incorporate a number of possible changes to working arrangements:

- (a) reduction or variation of working hours;
- (b) reduction or variation of the days worked; and/or
- (c) working from a different location (for example, from home).

Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working only during term-time (part-year working); working compressed hours; working flexi-time.

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 a school/college setting.

## **FORMAL PROCEDURE**

### **Eligibility for the formal right to request procedure**

To be eligible to make a request under the formal procedure you must:

- (a) be an employee;
- (b) have worked for us continuously for 26 weeks at the date your request is made; and
- (c) not have made a formal request to work flexibly during the last 12 months.

Employees who do not meet the eligibility requirements for a formal request, may make an informal request to [their line manager], who will consider the request according to our operational requirements.

## **Making a formal flexible working request**

Any employee interested in flexible working is advised to speak informally with [their Head of Department] to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues, pupils and on teaching and learning standards

You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. An employee wishing to make a request for flexible working must complete a **Flexible Working Request Form (Appendix 1)**. The date of this application will be used by the College in calculating the time limit for the Final Decision on your request (as set out in the Time Limit section below).

Your application should be submitted to the Principal and, in order to meet the requirements of the formal procedure and to help the Principal consider your request, should:

- (a) 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;
- (b) explain the reasons for your request, especially if you think our Equal Opportunities Policy may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.
- (c) identify the effect the changes to your working pattern will have on the work that you do, on your colleagues' work, on pupils and on teaching and learning standards. 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 this policy;
- (e) state whether you have made a previous formal request for flexible working and, if so, when; and
- (f) be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.

The Principal should acknowledge receipt of the request by returning, to the employee, **the Principal's Confirmation of Receipt Slip** at the end of the Flexible Working Request Form.

If we are able to agree your proposal without the need for a meeting, the Principal will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.

If your proposal cannot be accommodated, discussions between you and the Principal may result in an alternative working pattern that can assist you.

## **Formal Meeting**

Where necessary, the Principal will arrange to meet with you to discuss your application. This will usually take place within 28 days of your application being received. The meeting will also be attended by a Human Resources Advisor. You may bring a colleague to the meeting as a companion 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.

In most cases, the meeting will be held at the College. However, we will ensure that the meeting is held at a time and place that is convenient to you.

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, your colleagues' work, on pupils and on teaching and learning standards. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

The Principal may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your department.

### **Formal Decision**

Following the meeting, the Principal will notify you of the decision in writing and will aim to provide you with a decision within 14 days of your meeting. You will be notified if the Principal needs more than 14 days to make a decision. For example they may need more time to investigate how your request can be accommodated or to consult other members of staff.

If your request is accepted, or where we propose an alternative to the arrangements you requested, the Principal should complete a **Flexible Working Acceptance Form (Appendix 3)**. This will confirm the 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 form. 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 Head of Department] will discuss with you.

Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.

There will be circumstances where, due to the needs of the College, we are unable to agree to a request. If the request is refused the Principal should complete a **Flexible Working Reject Form (Appendix 4)** and will send this to you. The form will:

- (a) give the reason(s) for turning down your application;
- (b) explain why the business reasons apply in your case; and
- (c) set out the appeal procedure.

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.

## **Appeal**

If your request is rejected, you have the right to appeal. The employee should register the appeal using a **Flexible Working Appeal Form (Appendix 5)** and send this to the Clerk to Governors within 14 calendar days of receiving the written refusal for the request for flexible working.

The Clerk to Governors will arrange for a meeting to take place. This meeting will usually take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague. The meeting will be heard by governor or a panel of governors (the Appeal Panel).

The Appeal Panel will aim to provide you with a decision within 14 days of your meeting. You will be informed in writing of the Appeal Panel's decision (**Final Decision**). The Appeal Panel will notify the employee of the decision using a **Flexible Working Appeal Reply Form (Appendix 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 Head of Department] will discuss with you.

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 12 months after the date of your original application.

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.

## **Time Limit**

The College shall deal with all flexible working requests in a reasonable manner. The College will seek to notify you of the Final Decision within three months of the date on which you made your application. There may be exceptional occasions when it is not possible to provide you with a decision within this time period. If at any time the College does not think that it will be able to provide you with a Final Decision within three months of your flexible working application being made then it will write to you to request an extension of time. **See Flexible Working Extension of Time Limit Form – (Appendix 2).**

The College will also seek to make arrangements during the summer holidays to ensure that any anticipated flexible working requests are dealt with within the three month period.

### **Withdrawing a Request**

If you withdraw a formal request for flexible working, you should do so in writing using the **Flexible Working Notice of Withdrawal Form (Appendix 7)**. 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.
- In such circumstances, the Principal will write to you confirming that the request has been treated as withdrawn.

### **INFORMAL PROCEDURE**

#### **Making an informal flexible working request**

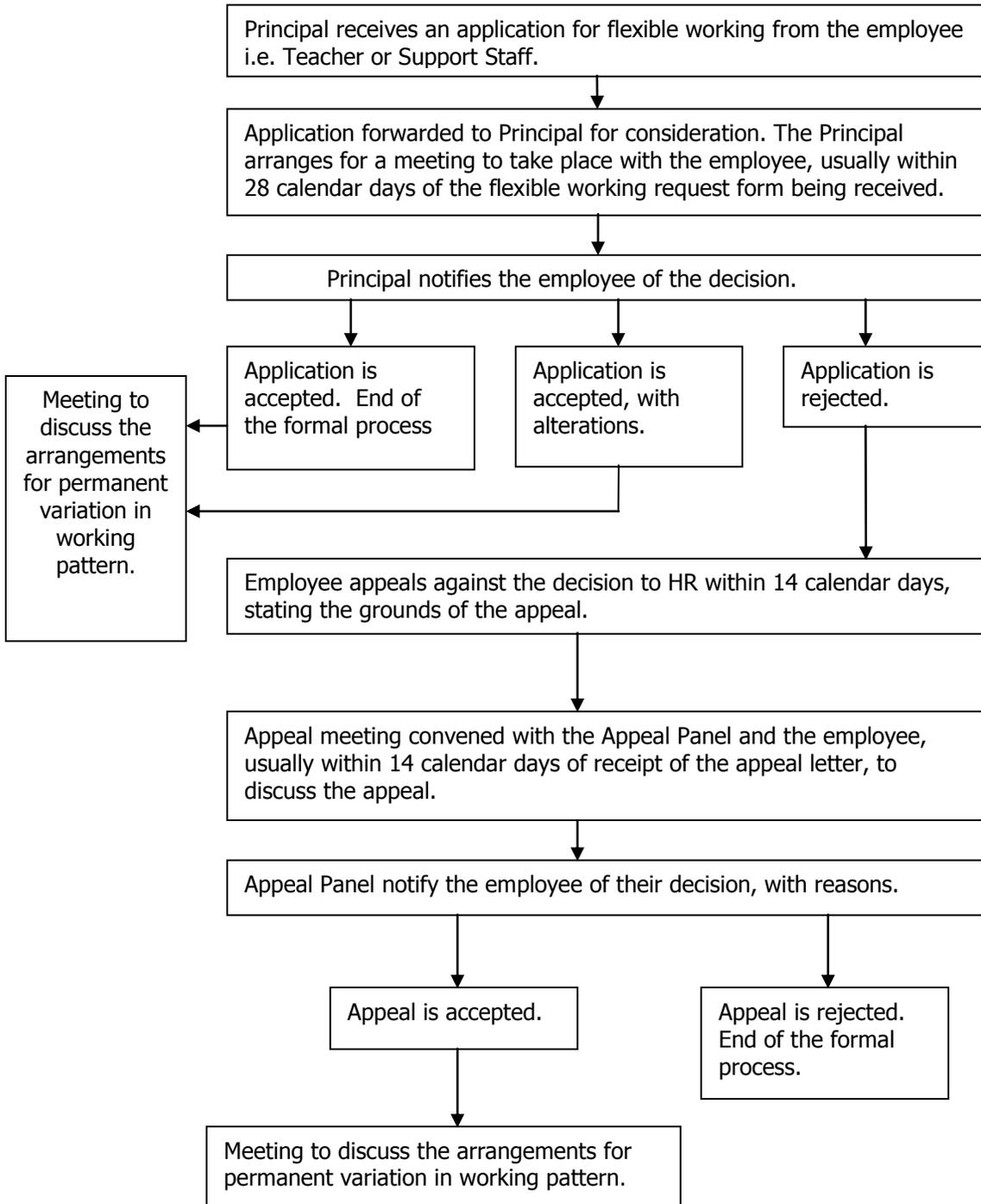
Employees who wish to make an informal request for flexible working may make a request to [their Head of Department], who will consider it according to our business and operational requirements.

It will help [your Head of Department] 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;
- (c) think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on the pupils and on teaching and learning standards. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application.
- (d) give details of the demands of your caring responsibilities, if you have any.

[Your Head of Department] will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

## Flexible Working Request Flow Chart - Schools



## Appendix 1 - Flexible Working Request Form

<b>Personal Details</b>	
Employee Name:	
Principal:	College:
Payroll Number:	NI Number:
<b>Work Pattern Details</b>	
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 College to consider:	
Explain the reasons for your request	
Detail when you would like the new contractual variation implemented (date):	
<b>Impact of the Flexible Working Request</b>	
Describe how the contractual variation will affect the College and colleagues:	
<b>Accommodating the Flexible Working Request</b>	
Describe how the effect on the College and colleagues can be addressed:	

I confirm I have not made a flexible working request during the past 12 months.

Employee Signature:

Date:

**NOW PASS THIS REQUEST TO THE PRINCIPAL**

**Principal's Confirmation of Receipt (to be completed and returned to employee)**

Dear:

I confirm that I received your flexible working request on (date):

A meeting will be arranged with the Principal to discuss your application. In the meantime you might want to consider whether you would like a work colleague to accompany you at the meeting.

From:

Principal Signature:

Date:

**Appendix 2 - Flexible Working Extension of Time Limit Form**

Dear: .....

Payroll Number: .....

I wish to extend the amount of time available to the College to provide a Final Decision on your flexible working request dated .....

I wish to extend the time limit for providing a Final Decision by..... calendar days.

This means that the College will have until .....to provide a Final Decision.

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.

.....

Name: .....

Date:

Signature: .....

**NOW PASS THIS APPLICATION TO THE EMPLOYEE**

-----  
Cut this slip off and return it to the Principal in order to confirm your acceptance of their request.

**Employee’s Agreement to Time Extension**

(to be completed and returned to the Principal)

Dear: .....

I accept your request to extend the amount of time to .....

Name: .....

Date: .....

Signature: .....

**Appendix 3 - Flexible Working Request Acceptance Form**

Dear: ..... Payroll Number: .....

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:

.....

.....

.....

.....

The contractual variation will begin from ..... (date).

Signature (Principal): ..... Date: .....

**SEND FORM TO EMPLOYEE FOR SIGNATURE**

Please note that unless otherwise stated the change will be a permanent change to the terms and conditions of employment and you have no right to revert back to your previous contract of employment.

Name (Employee): ..... Date: .....

Signature: .....

**NOW RETURN THIS FORM TO THE PRINCIPAL**

**Appendix 4 - Flexible Working Request Rejection Form**

**PRINCIPAL TO SEND THIS FORM TO THE EMPLOYEE**

Dear: ..... Payroll Number: .....

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):

.....  
.....  
.....  
.....

The grounds apply in the circumstances because:

.....  
.....  
.....  
.....

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.

Name: ..... Date: .....

Principal’s signature: .....

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**The Appeal Process**

**TO THE EMPLOYEE**

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 Clerk to Governors, setting out the grounds for your appeal, within 14 calendar days after receiving written notice of their decision.

**Appendix 5 - Flexible Working Request Appeal Form**

Dear:

.....

I wish to appeal against your decision to refuse my request for flexible working.

I am appealing on the following grounds:

.....

.....

.....

.....

.....

.....

.....

.....

(Please continue on a blank sheet if necessary)

Signed: ..... Date: .....

Name: ..... Payroll Number: .....

School: .....

**NOW RETURN THIS FORM TO THE CLERK TO GOVERNORS**

**Appendix 6 - Flexible Working Appeal Reply Form**

Dear: ..... Payroll Number: .....

Following our meeting on: .....(date)

The Appeal Panel has considered your appeal against the decision to refuse your Flexible Working Request application.

The Appeal Panel’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 the change will be a permanent change to your contract of employment and you have no automatic right to revert back.

The Appeal Panel’s decision is to reject your appeal for the following ground(s):

.....  
.....  
.....  
.....  
.....

The grounds apply because:

.....  
.....  
.....

Please continue on a separate sheet if necessary.

Signed: ..... Date: .....

Name: .....

**PRINCIPAL TO RETURN THIS FORM TO THE EMPLOYEE**

**Appendix 7 - Flexible Working Notice of Withdrawal Form**

Dear: .....

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.

Name: ..... Date: .....

Signature: .....

**NOW RETURN THIS FORM TO YOUR PRINCIPAL.**

Cut this slip off and return it to your employee in order to confirm your receipt of their withdrawal notice.

**School Confirmation of Withdrawal**

(to be completed by the Principal and returned to employee)

Dear: .....

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.

Name: ..... Date: .....

Signature: .....

## **Document Change History**

- Major review of the policy by solicitors (Foot Anstey) – May 2014
  
- Review of policy by solicitors (Foot Anstey) – January 2015.
  - Page 5 (Making a formal flexible working request) – (b) added *'explain the reasons for your request, especially if you think our Equal Opportunities Policy may be relevant, for example, if your requests concerns childcare of other family commitments, religious or cultural requirements, or adjustments because of a disability.'*
  - Appendix 1 updated to include *'Explain the reason for your request.'*