

The Mercian Trust

Flexible Working Policy

Policy Owner	The Mercian Trust
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1. Introduction

1. The Mercian Trust is committed to the development of flexible working practices that ensure our workforce is effectively and efficiently deployed to support improvements to service delivery, and the development of a flexible, motivated and high performing workforce. Examples of flexible working that benefit the organisation and the individual, with the potential to improve employee motivation, work life balance and support the recruitment, and retention of staff:

- Flexible arrangements enabling experienced staff to return to work after maternity leave more quickly since full-time working can be difficult to balance with caring commitments.
- Effective job share arrangements can give pupils the opportunity to learn from two experienced teachers.
- Flexible arrangements as an alternative to early retirement for those in their final years of service, allowing a reduction in working time before retirement to retain skilled and experienced members of staff.

1.2 The flexible working procedure applies to all employees within the Trust. Staff are advised to consider how any changes in working hours may impact on their pension and contact pensions for information.

2. The right to request flexible working (Flexible Working Regulations 2014)

2.1 The right to request flexible working applies to all employees of the school, and is a statutory right if they:

- have 26 weeks continuous service, (check the statement of particulars to ensure all relevant service is included, as this may include service with other schools/ local authority) before applying and;
- have not made another application to work flexibly during the previous 12 months

2.2 An employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments, in which case this should be made clear in the application.

2.3 Managers have a duty to consider a request in a reasonable manner and can only refuse a request for flexible working for one of a specific number of reasons listed under 4.8. The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless there is an agreement to extend this period with the employee. The Trusts aim is to respond to all requests within 28 days of receipt

3. Types of flexible working

The Mercian Trust is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Type of Flexible Working	Description
Part time working or a reduction in hours	A request to work part time, or a reduction of current contracted hours.

Job-sharing	<p>Two employees carry out the duties of a single post. Each job-sharer is employed on a part-time basis, but together they cover the whole post Examples are:</p> <ul style="list-style-type: none"> • Split day • Weekly split- each job sharer works 2.5 days per week • Overlap –both sharers work three short days per week, or one job sharer works 3 days and the other works 2 days • Alternating days- work alternate days over a fortnight • Alternating weeks
Term time working or term time plus # weeks	<p>Employees who work during school term times, and all leave entitlement is taken outside of those weeks. Employees can work term time plus additional weeks.</p>
Home-working or working from a different location	<p>Employees who may work either all or some of their normal contractual hours from home or from a different location, where this does not impact upon the requirements of the role.</p>
Annualised hours	<p>The number of hours to be worked is calculated over a year and divided up to fit in with peaks and troughs of work. The basic pattern of work needs to be agreed in advance, with some scope for variation. Additional hours can be worked by agreement. The treatment of annual leave, bank holidays and sick pay needs to be built into the contract</p>
Compressed hours working	<p>An arrangement where employees work their contractual hours over a shorter number of days e.g. an employee may work longer hours on four days or work nine longer days over a fortnight.</p>
Staggered Hours	<p>The employee has different start, finish and break times from other workers (this would be dependent on each individual application and situation). Useful for staff with caring/childcare responsibilities who may need to drop off or collect children but who don't want or need to work less than five days a week.</p>
Flexitime	<p>Flexitime is a system that allows employees to vary the time that they start or finish work, provided that an agreed total number of hours are spent at work.</p>

Phased Retirement	A phased retirement includes a broad range of employment arrangements that allow an employee who is approaching retirement age to continue working with a reduced workload, and eventually transition from full-time work to full-time retirement.
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4. Procedure for requesting flexible working

Making the request

4.1 Employees must make their request in writing on the request for flexible working application form (Form A), at the earliest opportunity to allow time for consideration and any required changes to be implemented.

Considering the request

4.2 The manager should meet with the employee as soon as possible (recommended within 28 days, this may be extended with the agreement of the employee and manager), to discuss the request and any possible options and alternatives if the original request cannot be granted. The employee may be accompanied by a trade union representative or colleague. If the 28 days needs to be extended Form F should be used to document consent of both parties. Each request will be considered on a case by case basis.

4.3 The manager has a legal duty to consider all applications and to decide whether the desired work pattern can be accommodated within the needs of the business and must not discriminate unlawfully. HR Advisors can offer advice to ensure consistency and fairness.

Confirming the outcome

4.4 The manager must confirm their decision in writing to the employee, within 10 working days of the meeting. This may be either to:

- accept the request;
- confirm an alternative solution discussed in the meeting and set a date for a response; or
- reject the request, explaining the business reasons for refusal (see below), and outline the employee's right to appeal against the decision within 10 days of receipt of their notification.

4.5 Where recruitment is taking place in an attempt to accommodate a request, the manager should write to confirm this to the employee indicating when a final response to the request is likely. A manager's record of flexible working should be completed, and a copy should be retained on the employee's personnel file.

Agreeing a request

4.6 Where a request of flexible working is agreed, the new working pattern will be a permanent change to their terms and conditions unless agreed otherwise.

4.7 The agreement will be confirmed in writing describing the new working pattern/contracted time and the agreed start date (Form B). A copy of any agreement should be retained on the employee's personnel file and the manager should contact employment support services so that permanent or temporary amendments can be made to the employee's terms and conditions of employment.

Refusing a request

4.8 A request can be refused legally only for one of the eight business reasons outlined below. The reason(s) for refusal will be explained by the manager to the employee in person and followed up in writing (Form c). An employee must wait 12 months from the date on which his or her last application was refused, before making a further request should they wish to do so.

Business grounds for refusing a request

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- A detrimental impact on quality
- A detrimental impact on performance
- The employer is unable to reorganise work among existing staff
- The employer is unable to recruit additional staff
- There is insufficient work for the periods the employee proposed to work
- A planned structural change of your business

Appeal

4.9 Employees who are unhappy with a manager's reason(s) for refusing their request for flexible working with regard to the statutory criteria for refusal, or who believe the procedure has not been followed correctly may appeal against it using Form D to do so.

4.10 The employee must set out, in writing, the grounds for appeal, within 10 working days of receipt of the letter confirming the refusal of the request. Appeals will be heard at the earliest available opportunity and reasonable written notice of the date and the arrangements will be given, in line with the hearing and appeal procedure. Employees will have the right to be accompanied at the appeal hearing by a work colleague or a Trade Union representative.

4.11 If the employee fails to attend a meeting to discuss the application, including any appeal, and then fails to attend a rearranged meeting without good reason, the employee will be notified that their application will be deemed to have been withdrawn.

4.12 A written outcome of the appeal meeting will be provided to the employee within 10 working days of the meeting taking place (Form E)

Form A: Flexible Working Application

Notes for completing the form

This form is provided for those wishing to make an application to work flexibly under the terms of the flexible working policy.

Employees should be mindful that with this, as with any other application, The Mercian Trust has the right to refuse a request if there is a good business reason to do so. Remember, you have the right to request flexible working – but not the right to have it.

Be aware of the timescales for considering a flexible working request, as set out in the policy. Therefore, you are advised to submit your application to your manager well in advance of the date from which you wish the request to take effect.

In order for the application to be valid, you must complete all sections of the form. It will help us in considering your request if you provide as much information as you can about your desired working pattern. When completing sections 6 and 7 think about what effect your change in working pattern will have on the work you do and on your colleagues. Once you have completed the form please email to your manager (keeping a copy for your own records).

You will receive a response within 28 calendar days of receipt of your application to advise you of the outcome, or to arrange a meeting in order to discuss your request further. If your request is granted, your terms and conditions will be updated to reflect this.

1. Personal Details

Name:		Payroll number: (on your payslip)	
Manager:		National Insurance No:	

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

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

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(Continue on separate sheet if necessary)

4. I would like this working pattern to commence from (date):

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5. I think this change in my working pattern will affect my Service, Team and individual colleagues as follows:

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6. I think the effect on my department and colleagues can be dealt with as follows:

This section does not have to go into extraneous detail

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Name:

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Signature:

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Date:

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NOW PASS THIS FORM TO YOUR MANAGER

Note to Manager: This is a formal application for flexible working and you should confirm receipt using the confirmation slip below. You have 28 calendar days upon receipt in which to either agree to this request or to arrange a meeting with the employee to discuss this request.

Confirmation of Receipt

Dear

I confirm that I received your request to change your work pattern on (date)

I shall be arranging a meeting to discuss your application within 28 calendar days following this date.

From:

Date:

Form B: Flexible Working Outcome

Notes for Manager

You must write to staff within 10 Working days following the meeting and notify them of your decision. You may use this form if you are accepting their application to work flexibly or if you are unable to accommodate their request but wish to offer an alternative working pattern suitable to you both or if you wish to offer a trial period.

Dear

Payroll number:

Following receipt of your application and our meeting on: Date:
I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your request.

I am unable to accommodate your original request. However, I am able to offer the alternative pattern, which we have discussed, and you agreed would be suitable to you.

I am unable to agree to your request at this time but I am able to offer you a trial period on the basis outlined below.

Your new working pattern will be as follows:

Your new Working arrangements will begin from:

Date:

Please note that your terms and conditions will be updated to reflect the agreed change to your working pattern. You have no right in law to revert back to your previous working pattern.

If you have any questions on the information provided on this form please contact me to discuss them as soon as possible.

From:

Form C: Flexible Working Application Rejection

Date	
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Notes for Manager

You must write to staff within 10 working days following the meeting and notify them of your decision. You may use this form if you are declining their application to work flexibly. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why the ground(s) applies in these circumstances. You must also include a timescale for when a new request could be considered.

Dear

Payroll number:

Following receipt of your application and our meeting on:
I have considered your request for a new flexible working pattern.

Date:

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

The grounds apply in the circumstances because: (Note also include an explanation why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary)

From:

Date:

The Appeal Process

To the employee

You have the right to appeal against this decision. If you wish to appeal, you must write to your manager, setting out the grounds for your appeal, within 10 working days after receiving this notification.

You should use Form D - Flexible Working Appeal for this purpose.

Form D: Flexible Working Appeal

Notes for Employee

If your application has been refused, you have a right to appeal against the decision within 10 working days of receiving written notice. You should use this form to make your appeal. You should set out the grounds of your appeal and return the form to your manager. **Note:** Your appeal may be considered by a senior manager if this felt to be appropriate.

Dear

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following ground(s):

Please continue on a blank sheet if necessary.

Name:

Date:

Note to Manager

This is a formal appeal made under the legal right to apply for flexible working. You have 10 working days following receipt of this form in which to arrange a meeting with the employee to discuss their appeal. See the flexible working policy for more information. You should use Form E - Flexible Working Appeal Reply to respond to this appeal.

Form E: Flexible Working Appeal Reply

Notes for Manager

You should use this form when replying to an appeal against the outcome of a flexible working request. You must return this form to the employee, giving notice of your decision, within 10 working days after the meeting at which the appeal was discussed. If you decide to turn down the appeal, you must state the grounds for refusal.

Dear

Payroll number:

Following our meeting on:

Date:

I have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from:

Date:

Please note that your terms and conditions will be updated to reflect the agreed change in your working pattern. You have no right in law to revert back to your previous pattern.

I am unable to accept your appeal at this time but I am prepared to offer you a trial on the basis outlined below:

Your trial working arrangements will be:

Your trial will be reviewed on:

Date:

Your trial will end on:

Date:

I am sorry but I must reject your appeal on the following ground(s):

The ground(s) apply because:

Please continue on separate sheet if necessary.

From:

Date:

Form F: Flexible Working Extension of Time Limit

Notes for Manager

You should use this form when confirming agreement with your employee that you wish to extend the time limit for part of the procedure. You may extend the time limit for any part of the process providing the employee agrees to the extension.

Dear:

Payroll number:

I wish to extend the amount of time that the regulation allows me to:

- Arrange a meeting to discuss your application (28 calendar days)
- Notify you of my decision regarding your application (10 working days)
- Arrange a meeting to discuss your appeal (10 working days)
- Notify you of my decision regarding your appeal (10 working days)

I wish to extend the time limit to days. This means I will have until:

to complete the necessary action. I need the extra time for the following reason:

Name:

Signature:

Date:

Note to Employee: To allow proper consideration of your request, your manager may wish to extend the permitted time limit for any part of the process. Your manager needs your agreement to any extension. If you agree to the above request, please complete the agreement slip below and return it to your manager.



Confirmation of Receipt

Dear

I accept your request to extend the amount of time to

Name:

Signed:

Date:

