



Diocese of Salisbury
Academy Trust

FLEXIBLE WORKING POLICY FOR ALL STAFF

Diocese of Salisbury Academy Trust

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1. Purpose

This procedure identifies the legal right for employees with caring responsibilities to apply for a change in working patterns by providing eligible employees the framework through which to request flexible working.

2. Applicability

2.1 This procedure applies to all employees of Diocese of Salisbury Academies Trust (hereafter referred to as the DSAT) who meet the following eligibility criteria:

- a. Have been employed continuously with their current employer for 26 weeks at the date the application is made
- b. Have a child under the age of 17 (or under 18 if the child has disabilities) or have caring responsibility for a person aged 18 years or over who is either married to or the partner of the employee; or a relative of the employee; or living at the same address as the employee
- c. Making the application to enable them to care for this person
- d. In the case of an application to care for a child, the employee should have or expect to have responsibility for the child's upbringing and should make the application no later than 2 weeks before the child's 17th birthday (or 18th birthday in the case of a disabled child)
- e. Submit a request for flexible working no more than once in every 12 months.

3. Roles and Responsibilities

3.1 Principal (or Executive Principal in the case of the Principal) is responsible for responding to requests for flexible working in accordance with this procedure, including working within the timescales set out and for giving serious and proper consideration to all applications.

3.2 Employees are responsible for complying with this procedure.

3.3 Human Resources (HR) are responsible for providing support and advice under this procedure to management and for ensuring the procedure complies with employment legislation and best practice.

4. Procedure
- 4.1 If a member of staff wishes to change their working pattern they should apply in writing to the Principal (or Executive Principal in the case of the Principal). The request should include:
- a. Whether they are making the request under the statutory right to request flexible working and confirm how they meet the eligibility criteria
 - b. Describe how the proposed new working pattern will benefit the caring arrangements
 - c. Explain what effect the proposed change would have on their work area and how in their opinion it might be dealt with
 - d. Specify the type of flexible working arrangement they are applying for
 - e. State the date on which they would like the proposed change to take effect
 - f. State whether a previous application has been made and on what date.
- 4.2 The Principal (or Executive Principal in the case of the Principal) will acknowledge receipt of the application and within 28 calendar days of receiving the request arrange to meet with the employee to discuss their application. The employee can be accompanied at the meeting by either a work colleague or trade union representative but not by a family member or relative. If the Principal has reservations about a particular aspect of the request it should consider whether a counter proposal would be acceptable to the employee. Any changes permitted will be made on a permanent basis and the employee will not have the right to revert back to their previous working arrangement, unless specifically agreed. If the arrangements are made on a temporary basis the reasons and timescales should be clearly confirmed in writing.
- 4.3 Within 10 working days of the meeting the Principal (or Executive Principal in the case of the Principal) should notify the employee in writing of its decision. If the request is accepted, the notification must include a description of the new working arrangement and state the date on which it will take effect, and if on a temporary basis an end date should be specified. An addendum will be issued by HR to the employee to sign to confirm the changes to their contract.

4.4 If the proposed arrangement is rejected the Principal (or Executive Principal in the case of the Principal) must consider whether any alternative is possible and put this to the employee as a counter proposal. If the request is refused, the notification must state the business grounds for refusing the application which must be based on one of more of the following grounds:

- a. Burden of additional cost
- b. Detrimental effect on ability to meet the needs of the pupils
- c. An inability to reorganise the work among existing staff or recruit additional staff
- d. A detrimental impact on quality or performance
- e. Insufficiency of work during the periods the employee proposes to work
- f. Planned structural changes

4.5 Where an application is refused, the employee can appeal against the decision providing they submit their appeal within 10 working days of the notification of the Principal's decision.

4.6 The appeal should be submitted in writing to the Chair of the Local Advisory Body. A panel of three governors should meet the employee within 10 working days of receiving the appeal if they are able. The Principal (or Executive Principal in the case of the Principal) should attend the appeal meeting in order to provide justification of their decision.

4.7 Within 10 working days of the appeal meeting, the appeal panel should write to the employee to advise them of the outcome of the appeal.

4.8 The time limits within this procedure may be extended through agreement between both parties, for example when more time is needed to explore an alternative working pattern.

4.9 Where an agreement under this procedure results in a change to the number of hours worked per week, then the appropriate notification should be provided to payroll.

Appendix 1: Flexible Working Application Form

Note to the applicant:

You should use this form to make an application to work flexibly under the right provided in law to help eligible employees care for their children or certain adults. You should note that it may take up to 12 weeks for a request to be implemented, therefore you should ensure that you submit your application well in advance of the date you wish the request to take effect. It will help your Principal to consider your request if you provide as much information as you can about your desired working pattern. When completing the form you should think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once completed and submitted, your Principal will have 28 calendar days after the date your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the Principal and/or Executive Principal

This is a formal application made under the legal right to apply for flexible working and it is the duty of employers to consider applications seriously. You have 28 calendar days after the date you received this application to arrange a meeting with the employee to discuss their request.

Personal Details

Name:		Job Title:	
Line Manager:		Payroll Number:	

I would like to apply for a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet each of the eligibility criteria as follows:

Either :

I have responsibility for the upbringing of either a child under 17 or a disabled child under 18. ☐

I am:

The mother, father, adopter, guardian or foster parent of the child, or married to or the partner of the child's mother, father, adopter, guardian ☐

or foster parent

I am making the request to help me care for the child ☐

I am making the request no later than the day before the child's 17th birthday or 18th birthday where disabled ☐

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

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

Or :

I have caring responsibility for a person aged 18 years or over ☐

I am:

Married to or the partner or civil partner of the person with caring needs, or ☐

A relative of the person with caring needs or
Living at the same address as the person with caring needs

I am making the request to help me care for the person ☐

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

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

Or:

I do not have caring responsibilities, however, I wish to make a request under the Flexible Working Policy because: ☐

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

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

FOR ALL TO COMPLETE:

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

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Describe the working pattern you would like to work in the future (days/hours/times worked) and how this will support your caring arrangements (e.g. 'starting work at 9.30am to enable me to drop my child off at school'; 'leaving at 4pm to facilitate a handover with my mother's Home Care'):

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I would like this working pattern to commence from:

Date:

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Impact of the New Working Pattern

I think this change in my working pattern will effect my employer and colleague as follows:

--

Accommodating the New Work Pattern

I think the effect on my employer and colleagues can be dealt with as follows:

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Executive Principal/Principal's Confirmation of Receipt
(to be completed and returned to the employee)

Dear:

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I confirm that I received your request to amend your working pattern on:

DATE

I shall be arranging a meeting to discuss your application within 28 calendar days following this date. In the meantime you might want to consider whether you would like to be accompanied at the meeting.

From:

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Appendix 2: Flexible Working Application Acceptance Form

Note to the Principal/Executive Principal

You must write to the employee within 10 working days following the meeting with your decision. This form should be completed when accepting an application to work flexibly. If you cannot accommodate the requested working pattern you may still wish to explore alternative to find a working pattern suitable to you both.

Dear:

	Job Title:	
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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 application

☐

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.

☐

Your new working pattern will be as follows:

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Your new working arrangements will begin from:

Date:

End date (if applicable)

Date:

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and 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.

Signed:

Date:

Appendix 3: Flexible Working Application Rejection Form

Note to the Principal/Executive Principal

You must write to your employee within 10 working days following the meeting with your decision. This form can be completed by you when ***declining*** an application.

Before completing this form you must ensure that full consideration has been given to the application. You must state that 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 the circumstances.

Dear:

	Job Title:	
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Following receipt of your application and our meeting on:

Date:

I have considered your request for a new flexible working pattern.

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

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The grounds apply in the circumstances because:

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Please note, you have the right of appeal against this decision. You may appeal within 10 working days of receipt of this form. Please refer to the Flexible Working Policy for further details.

Signed:

Date:

Appendix 4: Flexible Working Appeal Form

Note to the Employee

If your application has been refused, you may appeal against your employer's decision. You can use this form to make your appeal. You should set out the grounds on which you are appealing, and do so within 10 working days of receiving written notice that your application for flexible working has been turned down.

Note to the Chair of the Local Advisory Body

This is a formal appeal made under the Flexible Working Policy. The appeal must be heard within 10 working days of the notice of appeal being given reasonably where possible, by a panel of three governors. The outcome of the appeal must be conveyed to the employee within 10 working days of the appeal hearing.

Dear:

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I wish to appeal against my manager's decision to refuse my application for flexible working. I am appealing on the following grounds:

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(Please continue on a blank sheet if necessary)

**Printed Name
and
signature:**

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Date:

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