



**Bath & Wells Multi Academy Trust  
Flexible Working Procedure**

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## **1. Purpose**

- 1.1 This procedure identifies the legal right for employees to apply for a change in their contractual terms and conditions of employment to work flexibly and the framework through which employees can request flexible working.
- 1.2 This procedure is effective from 30 June 2014 as approved by The Bath & Wells Multi Academy Trust (hereafter referred to as the MAT).

## **2. Applicability**

- 2.1 This procedure applies to all employees of the MAT who meet the following eligibility criteria:
  - Have been employed continuously with the MAT for 26 weeks at the date the application is made
  - Submit a request for flexible working no more than once in every 12 months
- 2.2 Employees who have not been employed for 26 weeks and agency workers do not have a statutory right to request flexible working.

## **3. Roles and Responsibilities**

- 3.1 Headteachers are responsible for responding to requests for flexible working in accordance with this procedure, including working within the timescales set out and for giving proper consideration to all applications.
- 3.2 Employees are responsible for complying with this procedure.
- 3.3 Human Resources 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 The legal timeframes for responding to a requests for flexible working, including appeals, is three months from the date of application. This timeframe can only be extended through agreement with the employee. The timeframes set out in the below procedure provide a guideline to responding to requests in order to meet the overall legal timeframe of three months, however may be adjusted if needed according to each case.
- 4.2 If a member of staff wishes to change their working pattern they should apply in writing to the Headteacher. (the template in Appendix 1 should be used) The request should include:
  - Whether they are making the request under the statutory right to request flexible working and confirm they meet the eligibility criteria

- The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect.
  - Explain what effect the proposed change would have on the school/MAT and how the change will effect their work area and how in their opinion it might be dealt with
  - Specify the type of flexible working arrangement they are applying for
  - State the date on which they would like the proposed change to take effect
  - State whether a previous application has been made and on what date.
- 4.3 The Headteacher will acknowledge receipt of the application, and as soon as possible within 28 days of receiving the request will 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.
- 4.4 Headteachers should consider the request carefully looking at the benefits of the requested changes in working conditions for the business and the employee and weighing these up against any adverse business impact. The school/MAT is under no statutory obligation to grant the request if it cannot be granted on business grounds.
- 4.5 If the Headteacher has reservations about a particular aspect of the request they should consider whether a counter proposal would be acceptable to the employee.
- 4.6 Having considered the request carefully and weighed up potential advantages and disadvantages, the Headteacher will write to the employee within 14 days of the meeting to notify the employee in writing of their decision, to either:
- Accept the request
  - Confirm a compromise arrangement
  - Reject the request, setting out the clear business reasons why and explaining the appeal process
- 4.7 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.
- 4.8 Any changes permitted will normally be made on a permanent basis, where changes are permanent 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.

- 4.9 If the proposed arrangement is rejected, the Headteacher must consider whether any alternative is possible and put this to the employee as a counter proposal. If a compromise is agreed, the notification must include a description of the compromised working arrangement and state the reasons for the compromise, the date on which it will take effect, if on a temporary basis an end date should be specified and explain any other agreed provisions.
- 4.10 If the request is refused or a alternative is proposed, the notification must state the business reason for refusing the application which must be based on one of more of the following grounds:
- Burden of additional costs that is unacceptable to the school/MAT
  - Inability to reorganise work amongst other staff
  - Inability to recruit additional staff
  - If it is believed that the change will have a detrimental impact on quality of work
  - It is believed the change would have a detrimental impact on meeting customer demands (i.e. the needs of pupils)
  - It is believed the change will have a detrimental impact on performance
  - There is insufficient work during the periods the employee is proposing to work
  - There are planned structural changes.
- 4.11 In considering the business reasons for rejecting a flexible working request Headteachers must be careful not to inadvertently discriminate against employees because of their protected characteristics, which include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In considering flexible working requests Headteachers also need to ensure that part time workers are treated consistently with full time workers.
- 4.12 There may be occasions where several requests are received from employees close together, it may be possible to grant all requests received where this can be accommodated, however where it is not possible for all requests to be approved they should be considered in order of receipt and each on its own merit. Approved request should be considered and taken into account in terms of considering impacts when approving the next request and so forth.

- 4.13 Where an application is refused, the employee can appeal against the decision providing they submit their appeal within 14 days of the notification of the Headteacher's decision.
- 4.14 The appeal should be submitted in writing to the Chair of the Local Governing Body. A panel of three governors should meet the employee within 14 days of receiving the appeal. The Headteacher should attend the appeal meeting in order to provide justification of their decision.
- 4.15 Within 14 days of the appeal meeting, the appeal panel should write to the employee to advise them of the outcome of the appeal.
- 4.16 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.
- 4.17 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.

**The Bath and Wells Diocesan Academies Trust operating as Bath & Wells Multi  
Academy Trust**

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## 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 for employees to request a change to contractual terms and conditions of employment to work flexibly provided they have 26 weeks service at the date of application. 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 Headteacher 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 Headteacher will have 28 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 Headteacher

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 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:

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.

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

Describe the working pattern you would like to work in the future (days/hours/times worked) and why you would like this working pattern:

I would like this working pattern to commence from:

**DATE:**

**Impact of the New Working Pattern**

I think this change in my working pattern will affect my work place as follows:

**Accommodating the New Work Pattern**

I think the effect on my work place can be dealt with as follows:



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

**Dear:**

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

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

**From:**

## Appendix 2: Flexible Working Application Acceptance Form

Note to the Headteacher

You must write to the employee within 14 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:**

Following receipt of your application and our meeting on:

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:

Your new working pattern will begin from: **INSERT DATE**

Your working pattern will end on: **INSERT END DATE IF APPLICABLE**

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 Headteacher

You must write to your employee within 14 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:

Following receipt of your application and our meeting held on: **INSERT 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):

The grounds apply in the circumstances because:

Please note, you have the right of appeal against this decision. You may appeal within 14 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 14 days of receiving written notice that your application for flexible working has been turned down.

### Note to the Chair of the Local Governing Body

This is a formal appeal made under the Flexible Working Policy. The appeal must be heard within 14 days of the notice of appeal being given by a panel of three governors. The outcome of the appeal must be conveyed to the employee within 14 days of the appeal hearing.

**Dear:**

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

(Please continue on a blank sheet if necessary)

**Printed Name  
and  
signature:**

**Date:**