



# **Flexible Working Request Policy and Procedure**

## **May 2026**

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## **1. Introduction**

- 1.1. The purpose of this Flexible Working Request Policy and Procedure is to provide a framework to support decisions when employees request a change to their working arrangements under the statutory procedure, and to ensure that statutory requests for flexible working are handled fairly, objectively and consistently.
- 1.2. This policy and procedure has been developed in line with the [ACAS Code of Practice on requests for flexible working](#), which provides guidance to employers and employees on the statutory right to request flexible working as set out in the Employment Rights Act 1996 (as amended) and regulations made under it.
- 1.3. This policy and procedure has been implemented following consultation with all recognised trade unions.

## **2. Scope**

- 2.1. This Trust-wide policy and procedure applies to all employees employed by Derby Diocesan Academy Trust (DDAT). It does not apply to agency and supply staff, contractors, volunteers, or any self-employed individuals working for and on behalf of DDAT.
- 2.2. All DDAT employees have the statutory right to request flexible working from day one of employment. Under the statutory procedure, employees can make two statutory requests for flexible working in any 12-month period.
- 2.3. While the statutory right to request flexible working does not apply until the first day of employment, the School/Trust should give consideration to flexible working options when advertising a job vacancy, as this can help prepare for any future requests once employment commences. It is good practice for the School/Trust to:
  - think about how the job might be done flexibly before advertising
  - advertise any specific flexible working options that are available within the scope of the role and the needs of the School/Trust
  - add a clause in job adverts that they are open to discussing other flexible working options
  - discuss flexible working before the employee commences the role
  - be open and transparent to what might be possible and what the limitations are

## **3. Trust Policy Statement**

- 3.1. DDAT believes that flexible working can increase employee motivation, promote work-life balance, enrich employee wellbeing, and improve performance and productivity.
- 3.2. Employees and Headteachers/Executive Headteachers/Head of Schools should work collaboratively to agree flexible working arrangements that meet the demands placed upon the School/Trust whilst balancing the needs of employees.
- 3.3. This policy and procedure does not form part of an employee's contract of employment and may be varied by DDAT.

## 4. Principles

4.1. DDAT will consider requests for any type of flexible working reasonably and with an open mind. Some examples of flexible working options that an employee may consider include (but are not limited to):

- a change to the number of working hours
- a change to the pattern of hours worked
- compressed hours (working full contracted hours over fewer days, for example, a four-day working week or nine-day fortnight).
- job sharing (where two employees share one job)
- staggered hours (where an employee starts and finishes their day at different times)
- annualised hours (working time organised on the basis of the number of hours to be worked over a year rather than a week)
- flexitime
- remote working or working from home
- term-time working (working only during school term times, with salary and annual leave entitlement being adjusted accordingly)
- hybrid working

4.2. Where remote working or working from home, or hybrid working is approved, employees are asked to read and sign the DDAT Hybrid and Home Working Policy.

4.3. DDAT expects employees to provide the Headteacher/Executive Headteacher/Head of School as much notice as possible, normally two months before they would like the change to be implemented, while realising that unexpected circumstances may not allow for this.

4.4. Where it is not possible to hold a face-to-face meeting under this policy, meetings will be conducted remotely. DDAT will ensure that employees and their companions have access to the necessary technology to participate. Employee rights will not be affected, and the procedure will remain fair and reasonable.

4.5. Each request will be considered on a case-by-case basis and according to the circumstances at the time a request is made. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change, as the circumstances and the impact to the School/Trust may have changed.

4.6. In handling a request, and any information that the employee discloses as part of that request, the School/Trust must not discriminate unlawfully against the employee in relation to any of the protected characteristics set out in the Equality Act 2010. The protected characteristics are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race

- religion and belief
- sex
- sexual orientation

4.7. If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the School/Trust must consider this in line with its legal obligations under the Equality Act 2010. The School/Trust must make reasonable adjustments to remove any disadvantage related to an individual's disability. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.

## **5. Making a statutory request for flexible working**

5.1. Employees are required to make a formal application to request flexible working using the DDAT Request for Flexible Working Form (Appendix 1), and they should submit this to the Headteacher/Executive Headteacher/Head of School.

5.2. Once a flexible working request is received, the School/Trust should acknowledge receipt as soon as reasonably practicable, ensuring the request is dealt with as soon as possible. All requests must be decided and communicated to the employee within a maximum period of two months, from when the employer receives the request to notification of any appeal decision.

5.3. Once an employee has submitted a flexible working request, they should wait until this has been considered (including any appeal), before submitting another request. Only one further statutory request can be made by the same employee in the following 12-month period from the date of the first request.

5.4. Any request made under this policy must include:

- the date of the request
- the change(s) the employee is requesting to their terms and conditions of employment
- the date on which the employee would like the change to come into effect
- a statement that this is a statutory request
- if the request is temporary or permanent (if temporary, an end date is also required)
- the date of any previous applications for flexible working

5.5. Requests should contain all the required information, and employees may need to resubmit the request, to include all the necessary information. Any request that is incomplete or contains errors will not be automatically rejected.

5.6. An employee may have only one live request for flexible working at any one time. Once a request has been made, it will stay live until any of the following occur:

- a decision about the request has been made
- the request is withdrawn
- an outcome is mutually agreed
- the statutory two-month period for deciding requests ends

A request continues to be live during:

- any appeal
- any extension to the statutory two-month decision period, if both the employee and School/Trust have mutually agreed to extend it

## **6. Consulting an employee**

- 6.1. In cases where a request can be approved in full without further discussion, as per the terms stated in the employee's request form, a meeting will not be necessary. Where the request can be approved without holding a meeting with the employee, the School/Trust will send a letter to the employee confirming the change(s), update SAMpeople accordingly, and, where the change permanently/temporarily affects contracted hours, complete an adjustment form and share this with Payroll for processing.
- 6.2. Where a flexible working request cannot be approved without discussion, the School/Trust must consult the employee and invite them to a meeting to discuss this in more detail. This will be a valuable opportunity to listen and engage meaningfully with each other so that all relevant information is understood before a fully-informed, evidence-based decision can be made. This includes jointly exploring alternative solutions if the original request cannot be accepted.
- 6.3. The meeting should be held without unreasonable delay, while taking into account the statutory two-month period for deciding requests including any appeal.
- 6.4. A member of the DDAT Central HR Team may support at the meeting.
- 6.5. Employees will require at least five working days' notice, in writing, of the meeting, as they are entitled to be accompanied, should they wish (see clause 7). If an employee requests for this meeting to take place sooner, the notice can be waived and, in this situation, it is good practice to confirm this in writing. For example, in an email.
- 6.6. The School/Trust should notify the employee of the time and place in advance of the meeting, which should be held privately. It can be held in person or remotely via online video conferencing, or where neither of those are possible, via telephone call.
- 6.7. The purpose of the meeting will be to:
- clarify the change(s) the employee is requesting
  - confirm if the employee has made a previous application for flexible working and, if so, when that application was made
  - consider any potential benefits from the proposed change
  - consider any potential challenges or adverse impacts of accommodating the proposed change
  - discuss any alternative flexible working options if the change may not be possible, and discuss whether the employee would consider any alternatives
  - consider if a temporary agreement or trial period would be appropriate to assess a potential possible impact

- 6.8. The meeting is an opportunity for the employee to explain how the proposed working arrangements would benefit them and for the School/Trust to consider and discuss any alternative flexible working options that may be available and suitable for the employee and the School/Trust.
- 6.9. At the meeting, it is encouraged that employees are as open as possible about their needs to ensure that managers can engage in a constructive discussion about what may be feasible.
- 6.10. If an employee cannot or does not attend the meeting at the scheduled time, they must notify the Headteacher/Executive Headteacher/Head of School who will re-arrange the meeting at a time that is suitable. If an employee does not attend the re-scheduled meeting without providing a good reason, the School/Trust can consider that the employee has withdrawn their request. If the School/Trust considers the request has been withdrawn, they must communicate this to the employee, in writing.
- 6.11. An employee, companion or any other person attending a meeting under this policy and procedure must not make electronic recordings of any meetings without prior written authorisation from the School/Trust. Any breach of this may lead to disciplinary action against the employee, up to and including dismissal.
- 6.12. A written record of the meeting should be kept, and the notes should be shared with the employee following the meeting to give them the opportunity to confirm whether they are an accurate reflection of the discussion that has taken place.
- 6.13. The meeting will be adjourned so that all factors can be considered carefully and objectively.

## **7. Allowing an employee to be accompanied**

- 7.1. While there is no statutory right of accompaniment at meetings held to discuss a request for flexible working, the School/Trust will allow all employees to be accompanied by either a work colleague or Trade Union representative, and they will be informed of this prior to the meeting.
- 7.2. Employees should advise of the name and status of their chosen companion, in good time ahead of any meetings under this policy and procedure.
- 7.3. A companion is allowed reasonable time off from duties without loss of pay, however there is no obligation to act as a companion.
- 7.4. An employee will not be subjected to a detriment by DDAT by reason of having acted as a companion.
- 7.5. The role of a companion is to:
- familiarise themselves with the employee's request
  - assist the employee in preparing for the meeting
  - confer with the employee before and after the meeting
  - present and sum up the employee's circumstances, as agreed with the employee
  - address the meeting, as agreed with the employee
  - ask for adjournments, if necessary

- ask questions, however they are not permitted to answer questions on behalf of the employee
- not prevent the meeting chair from explaining the case
- not prevent any other person at the meeting from making their contribution

## 8. Outcome

### If the School/Trust agrees to the request

8.1. After the meeting, the School/Trust must carefully consider the proposed flexible working arrangements, weighing up:

- the potential benefits to both the employee and the School/Trust; and
- any adverse impact of implementing the changes

8.2. Requests may be granted in full or in part. For example:

- Proposal of a modified version of the request
- The request may be granted on a temporary basis; or
- The change may be agreed on a trial basis to assess the feasibility of the arrangement

8.3. If the original request cannot be accepted in full, the Headteacher/Executive Headteacher/Head of School and employee should discuss if it may be possible to secure some of the benefits that the original request sought. They should discuss, for example, any potential modifications to the original request, or any alternative flexible working options that may be available and suitable for both sides.

8.4. If the employer agrees to the employee's request, or if a modified or an alternative arrangement is agreed after consulting with the employee, the Headteacher/Executive Headteacher/Head of School will meet with the employee to discuss how and when the changes might best be implemented. The decision should be confirmed in writing without unreasonable delay, and this should confirm the details of the agreed arrangement.

8.5. If the request is accepted as a permanent change to the employee's current working arrangement, the contract will be adjusted to reflect the new terms and conditions. There is no statutory right for the employee to revert back to their substantive working arrangements. Should the employee wish for further variations to their contract, they will be required to submit another flexible working request, taking into account the statutory entitlement to two requests for flexible working in any 12-month period.

8.6. The written decision should offer the employee an opportunity for a discussion to clarify any further information that may be helpful in implementing the agreed arrangement. This might include, for example, agreeing dates to review how the arrangement is working. An accurate record of any such discussion should be kept in writing. The Headteacher/Executive Headteacher/Head of School and employee may mutually agree that such a discussion is not necessary.

8.7. A written confirmation of the decision should be stored on the employee's SAMpeople record.

## If the School/Trust rejects the request

8.8. The School/Trust must accept the request unless there is a genuine business reason not to. A decision to reject a request must be for one or more of the following statutory business reasons which are set out in the Employment Rights Act 1996:

- the burden of additional costs
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work available for the periods the employee proposes to work
- a planned structural change to the business

The Headteacher/Executive Headteacher/Head of School should not decline a request for any other reason than the ones listed above.

8.9. Before refusing a request, advice should be sought from the DDAT Central HR Team at [hr@ddat.org.uk](mailto:hr@ddat.org.uk).

8.10. If there is a genuine business reason for rejecting the original request, the School/Trust should discuss alternative options with the employee at a meeting (see clause 6.2).

8.11. Where a request is refused, the Headteacher/Executive Headteacher/Head of School must inform the employee of this decision and confirm this in writing without unreasonable delay, taking into account the statutory two-month period for deciding requests including any appeal. The written decision should clearly state which of the above statutory business reasons apply and, for each, include an explanation that is factual, accurate and relevant to the employee's request.

8.12. If the decision is made to decline a flexible working request, an employee is entitled to appeal (see clause 11). The written decision should clearly explain that the employee has the option to appeal the decision. This includes explaining how to appeal, should they wish, and the timeframe for submitting any appeal.

8.13. A written confirmation of the decision should be stored on the employee's SAMpeople record.

## **9. Withdrawal of a flexible working request**

9.1. Employees can withdraw their request for flexible working at any stage during the process by notifying their Headteacher/Executive Headteacher/Head of School, in writing, who will confirm receipt.

9.2. A request for flexible working will be treated as withdrawn where an employee has:

- Notified the Headteacher/Executive Headteacher/Head of School in writing that they wish to withdraw their application
- Fails to attend more than one meeting arranged to discuss the request, without providing a good reason

9.3. Where the School/Trust does consider the request withdrawn, they must inform the employee of this in writing.

## 10. Timescales

10.1. The timescales within this policy and procedure may be extended where this is mutually agreed between the employee and the School/Trust. This may be to explore options or to consider an alternative to the one requested. If an extension is agreed, the School/Trust should confirm this in writing to the employee.

10.2. Where an extension to the statutory two-month timeframe is not agreed by the employee, any decision will be based on the information available at that time.

## 11. Appeal

11.1. While there is no statutory right of appeal against a decision about a request for flexible working, all employees have the option to appeal the outcome of their flexible working request, if this is rejected in full or only agreed in part.

11.2. Employees should submit any appeals, in writing, to the DDAT Central HR Team at [hr@ddat.org.uk](mailto:hr@ddat.org.uk) within five working days of receipt of the letter confirming the decision, stating their full grounds of appeal.

11.3. The School/Trust will arrange an Appeal Hearing without unreasonable delay, giving employees at least five working days' written notice of the date, time and location this is scheduled to take place. If an employee requests for this meeting to take place sooner, the notice can be waived and, in this situation, it is good practice to confirm this in writing. For example, in an email.

11.4. The employee may be accompanied at the Appeal Hearing by either a work colleague or Trade Union representative.

11.5. The Appeal Hearing will be a review of the fairness of the original decision in light of the procedure that was followed.

11.6. The appeal will be conducted impartially and, wherever possible, the panel shall be chaired by a more senior person who has not previously been involved in considering the request.

11.7. The appeal panel may adjourn the Appeal Hearing if the employee presents new information that they wish to be considered and/or if the School/Trust needs to make any additional enquiries. The employee will be given a reasonable opportunity to consider any new information obtained before a decision is given.

11.8. The appeal panel may:

- confirm the original decision;
- revoke the original decision

11.9. The appeal panel must inform the employee of the decision and should confirm this in writing without unreasonable delay, usually within five working days of the Appeal Hearing, and taking into account the statutory two-month period for deciding requests. The decision should make clear what has been decided and why.

11.10. A written confirmation of the decision should be stored on the employee's SAMpeople record.

11.11. The decision of the appeal panel is final and there will be no further right of appeal.

11.12. A written record of the Appeal Hearing should be kept, and the notes should be shared with the employee following the meeting to give them the opportunity to confirm whether they are an accurate reflection of the discussion that has taken place.

## **12. Protection from dismissal and detriment**

12.1. By law, employees are protected from unfair dismissal and 'detriment' for making statutory flexible working requests.

12.2. 'Detriment' means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

12.3. Examples of detriment could be:

- they experience bullying
- they experience harassment
- they are turned down training requests without good reason
- they are overlooked for promotions or development opportunities
- their working hours are reduced without good reason

12.4. Protection from unfair dismissal and detriment applies when:

- the employee has made or intends to make a statutory request for flexible working
- the employee has issued legal proceedings against the School/Trust in relation to their right to request flexible working, or has stated that there are circumstances which could constitute a ground for them doing so

## Appendix 1 - DDAT Request for Flexible Working Form

# Request for Flexible Working Form

Employee Name:

Job Title:

School:

All employees have the statutory right to request flexible working from day one of their employment. Under the statutory procedure, you can make two requests in every 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another. If you are uncertain whether you are eligible to make a request, please contact your Headteacher/Executive Headteacher/Head of School.

Date form submitted:

### Previous applications for flexible working

Have you submitted a previous request for flexible working? (If yes, please answer the next question)

Yes

No

When did you submit your last request for flexible working?

<b>Are you a disabled person whose request for flexible working is related to your disability?</b>	Yes	No
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**I wish to submit a statutory request for flexible working as detailed below.**

**Please set out the pattern of working that you are seeking. For example, if you wish to change your contracted hours of work, please state what your current contracted hours are and what you would like your new hours to be.**

<b>I would like the above change(s) to my working pattern to take effect on:</b>	
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<b>I would like the above change(s) to my working pattern to be permanent</b>	Yes	No
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<b>If "No" to the above, I would like the above change(s) to my working pattern to be temporary and to end on:</b>	
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Please send your completed form to your Headteacher/Executive Headteacher/Head of School.

Once you have submitted a valid application for flexible working, your Headteacher/Executive Headteacher/Head of School may contact you to arrange a meeting to discuss how the pattern of working you have requested might be made to work. The meeting is an opportunity for you to explain how the proposed working arrangements would benefit you and for the School/Trust to consider and discuss any alternative flexible working options that may be available and suitable for you and the School/Trust.

We urge you to be as open as possible about your needs so that we are able to engage in a constructive discussion about what is feasible. For more information, please refer to the DDAT Flexible Working Request Policy and Procedure.

DDAT treats personal data collected while managing your flexible working request in accordance with its Data Protection Policy.

**Signed:**

**Date:**