

# FLEXIBLE WORKING REQUEST POLICY AND PROCEDURE

## **Mission Statement**

WeST holds a deep seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in 21 March 2019.

Westcountry Schools' Trust will review this policy bi-annually.

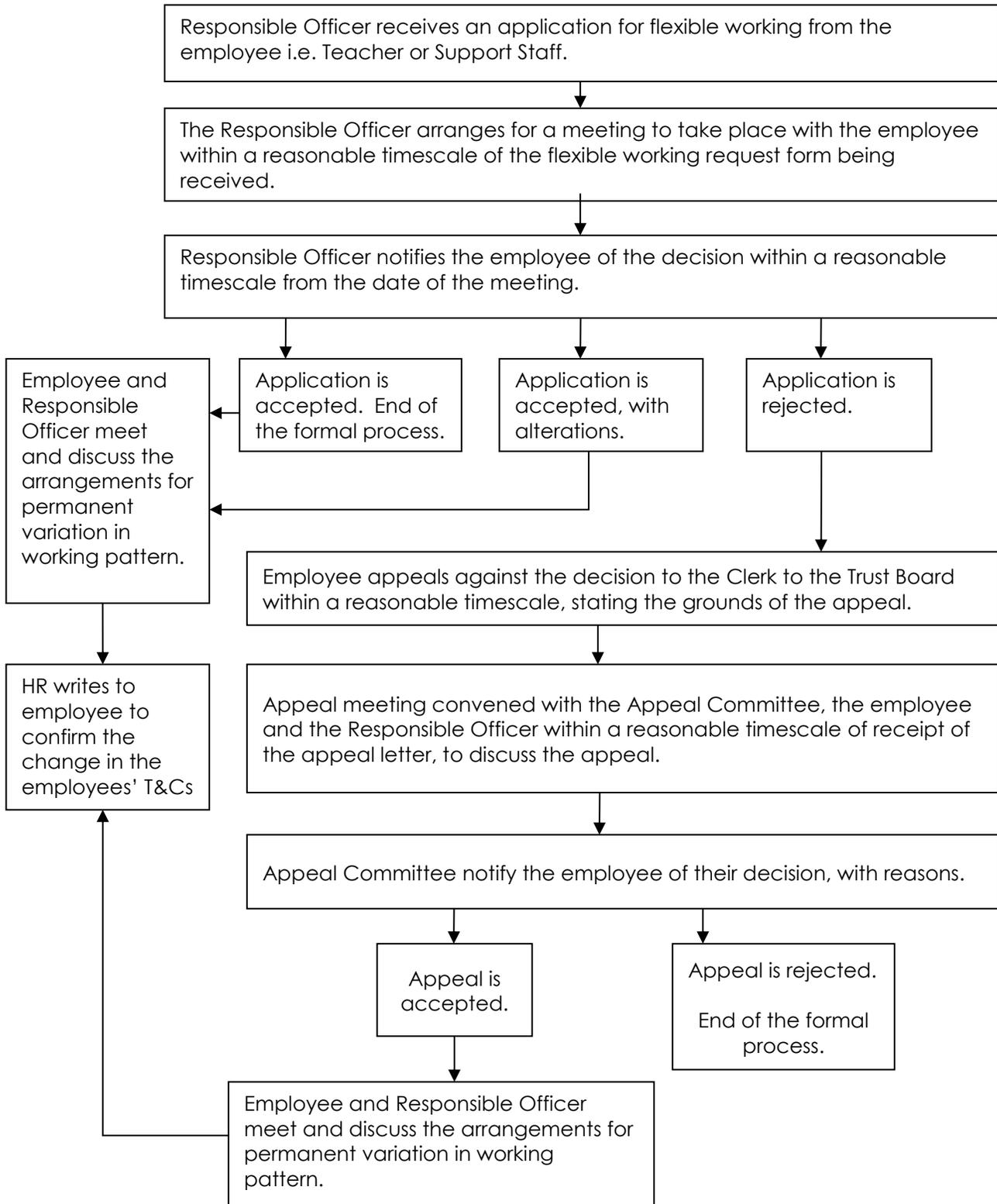
# Westcountry Schools Trust (WeST)

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## Flexible Working Request Flow Chart



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### 1. Delegation of Authority

The Trust is committed to ensuring a consistent, fair, and equitable approach in all staffing matters, and will not discriminate either directly or indirectly on the grounds of an employee's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

In order to achieve this aim, there needs to be a clear delegation of authority throughout the structure of the Trust. Therefore the following delegated responsibility for considering and authorising flexible working requests, as part of this Flexible Working Policy, will apply as follows:

Action	Flexible request from....						
	Central Services Team Staff	Primary School Support Staff / Teachers	Secondary School Support Staff / Teachers	Principal of Primary School	Principal/ Headteacher of Secondary School	Executive Primary Principal / Plymouth Cluster Executive	CEO
Responsibility to authorise Flexible Working Requests	CEO of Trust	Headteacher (with notification to Executive Primary Principal)	Principal/ Headteacher	Executive Primary Principal	CEO	CEO	Chair of Trust Board (Trust Board)
Appeal Committee	Ideally 3 x Trustees Minimum 2 Trustees with 1 Governor (not part of the original hearing nor employed in anyway at the Trust)					3 x Trustees	3 x Trustees

For the purpose of this Policy the term “**Responsible Officer**” will refer to Principal/Headteacher, CEO or Executive Primary Principal as detailed above. The responsible officer identified may delegate this to another representative of the senior leadership team at their discretion.

#### **Responsibility for the Appeal Stage**

All employees have the right to appeal against a decision made in a range of staffing matters. To ensure transparency and a fair process is maintained, the appeal will be heard by a separate panel to the original hearing. Ideally, the Appeal Committee will consist of 3 trustees, however, where this is not possible at least two trustees must be present, and the other member will be a school governor from the MAT. Members of the Appeal Committee must not have been involved in the original hearing or be employed in any way for the Trust

## 2. Introduction and Purpose

### 2.1 Aim of Policy and Implementation

It is the responsibility of the Trust and Responsible Officers to ensure that employees who meet the eligibility criteria detailed in the Flexible Working Requests Policy are provided with the right to request a variation to their contract so that they can work more flexibly and thereby achieve a better balance between their lives outside of work and work commitments.

The Responsible Officers are responsible for ensuring that the statutory procedures and timeframes detailed in the Flexible Working Requests Policy are adhered to.

In considering a flexible working request, the Responsible Officer should ensure that they have due regard to the Trust's staffing structure requirements, in particular ensuring that teaching and learning standards can be maintained.

This policy supports employees, who meet the eligibility criteria, to request a permanent variation to their contract of employment so that they can work more flexibly and thereby achieve a better balance between their lives outside work and their work commitments.

### 2.2 Consultation

This policy is provided, following consultation with Trade Unions and Professional Associations, for the Trust to consider for adoption. Should the Trust Board wish to make changes to this policy, the required consultation must be undertaken with the recognised Trade Unions and Professional Associations.

The policy supersedes all previous Flexible Working policies.

### 2.3 Coverage

This policy applies to all staff in the Trust and will be made available to every member of staff through the Trust's internal systems. Eligibility to apply for flexible working is detailed in section 6.

### 2.4 Confidentiality

The Responsible Officer will ensure there are full, comprehensive records of the process which will be stored confidentially.

All decisions relating to the request should be recorded in writing. Subject to Data Protection legislation, documentation or data that has been used to form the basis of the decision should be available upon request.

### 2.5 Being Accompanied at Meetings

Although there is no statutory right to be accompanied at any meetings in this procedure the Trust will allow employees to be accompanied by a representative from a trade union/professional association or a workplace colleague.

## 3. Contractual Variations

If a change is agreed, it will be a permanent variation of contract and there will be no right for the employee to revert back to the former working arrangement.

Where there is concern by either party on the implications of agreeing a flexible working request, a trial period or a limited period of working flexibly can be mutually agreed. A

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timeframe should be agreed in advance of the arrangement commencing and this should be documented in writing. A trial period would usually be for a period of up to 3 months maximum.

### 4. Timescales

The timescales detailed in the policy are in accordance with the statutory requirements which state that the process **must be completed within 3 months** and therefore must be adhered to unless both parties have agreed to an extension of time. An example timeline is provided in Appendix 10.

There may be a number of reasons why the time limits specified are too short and an extension may be required. Where an extension to the time limits is agreed, a written record of this decision should be made (see Appendix 2).

An application is taken to have been made on the date that it is received. Where an application is made by email, it is taken to be received on the day it was transmitted.

An employee who is thinking about making a request to change their work pattern should speak to their manager as early as possible in order to explore what possibilities might be available.

Where the manager is absent from work due to leave or illness the statutory procedures provide an automatic extension to the time limits. Therefore during periods of School closure or where the Responsible Officer is absent due to illness, the period that the Responsible Officer has to arrange the meeting will commence either on the day of their return or twenty-eight calendar days after the application is made, whichever is the sooner. It is advisable that the Trust makes arrangements during the summer holidays to ensure that any anticipated flexible working requests are registered within the twenty-eight calendar days extension period.

### 5. Pensions

It is recommended that the employee seeks advice from their pension provider prior to requesting a variation to the contract of employment. The employee's Trade Unions / Professional Association may also be able to provide information.

Teachers should contact Teachers' Pensions at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk). Support staff belonging to the Local Government Pension Scheme can make contact at [www.lgps.org.uk](http://www.lgps.org.uk)

### 6. Eligibility

- 6.1 The Flexible Working Requests Policy applies to employees who:
- have worked for Westcountry School' Trust continuously for twenty-six weeks at the date the application is made
  - have not made another application to work flexibly under this policy during the past twelve months.
- 6.2 The principles of the Flexible Working Requests Policy may be used to consider flexible working requests received from employees who do not meet the eligibility criteria. However, it should be noted that the Trust is not bound by the statutory requirements detailed in the Flexible Working Requests Legislation.
- 6.3 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

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entitlement to have a flexible working request agreed; every request will be considered in conjunction with the needs of the Trust.

### 7. Types of Flexible Working

Types of flexible work patterns include the consideration of:

- Flexi-time – working time is split between core hours and time when employees can choose when to work.
- Part-time working – allows employees to work a proportion of the hours which would normally be regarded as full-time for that employment.
- Job share – involves two or more people sharing a full-time post.
- Shift working – provides employers with the opportunity to open their business for longer.
- Annualised hours – where working time is organised over the number of hours to be worked in a year rather than a week.
- Term-time working – allows employees to take unpaid leave of absence during the school holidays.
- Home working - individuals have the opportunity to work from home on either a full or part time basis.
- Compressed hours – where individuals complete their hours over a shorter period of time.
- Staggered hours – allows employees to start and finish their day at different times

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 setting.

### 8. Procedure - Making the Request

An employee ('you') wishing to make a request for flexible working must complete a **Flexible Working Request Form (Appendix 1)** and submit it to the Responsible Officer.

The Flexible Working Request Form provides you with the opportunity to give an explanation of what effect, if any, you think the proposed change would have on the school/Trust and how you feel any such effect might be dealt with.

You should ensure that all sections of the form are completed. Incomplete forms will be returned to you for completion and the timeframes indicated in the Flexible Working Requests policy shall not commence until the completed form is received.

The Responsible Officer should acknowledge receipt of the request by returning the slip at the end of the Flexible Working Application - see **Responsible Officer's Confirmation of Receipt (Appendix 1)**.

If you unreasonably refuse to provide all the information needed to assess whether the change can be agreed, the Responsible Officer will be entitled to treat the application as withdrawn. You would not then be able to make another application for twelve months. In these circumstances, the Responsible Officer will write to you to confirm that the status of the application is considered as being withdrawn (**Appendix 8**).

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### 9. Considering the Request

The Responsible Officer may arrange a meeting with you within a reasonable timescale of the Flexible Working Request Form being received. The purpose of the meeting will be to discuss and clarify any aspect of the flexible working request and if necessary, to consider alternatives.

Where there is complete agreement to the request by the Responsible Office there may not need to be a meeting to discuss and the paperwork for acceptance will be completed.

Consideration should be given to the long term implications of agreeing a flexible working request and the restrictions that may be associated with a particular type of employment contract. The Responsible Officer may wish to obtain advice from the HR Department prior to responding to a flexible working request.

If you are unable to attend the meeting, a new meeting should be arranged for a date within a reasonable timescale of the original proposed time.

If you fail to attend the meeting without explanation more than once, the Responsible Officer may consider the flexible working request application withdrawn. You would not then be able to make another application for twelve months. In these circumstances, the Responsible Officer will write to you to confirm that the status of the application is considered as being withdrawn (**Appendix 8**).

Both parties should be prepared to be flexible when reaching an agreement whilst having due regard for the needs of the school/Trust.

Where an employee is looking to reduce working hours consideration should be given to agreeing the arrangements for ad hoc events which may occur throughout the year (such as non-pupil days, team meeting attendance, twilight sessions, parents' evenings, and other events). If a part time employee is required to attend for additional hours the relevant payment of additional hours will be provided. The agreement for flexible working should clarify the requirements of each party in these circumstances.

Any recommendation provided by the Responsible Officer should be supported by the relevant documentation and / or evidence.

The Responsible Officer should ensure that a written record of the meeting is made detailing the key points of discussion, including any alternative working proposals suggested and the response. A copy of the record should be provided to you.

If the flexible working request cannot be accommodated the Responsible Officer will use reasonable endeavours to explore alternative working arrangements that may enable you to work flexibly. The rationale for accepting or refusing any arrangement will be documented.

A decision regarding the flexible working request will be made by the Responsible Officer. The Responsible Officer must consider the flexible working request within a reasonable timescale from the meeting, including clarifying any information that may have been submitted as part of the process and to provide the employee in writing, with details of the final decision.

It may be appropriate for the Responsible Officer and you to agree a trial period of a new working arrangement to establish whether it suits both parties. This may also be agreed as a temporary period of adjustment. It is important that any trial period agreed outside of the original flexible working request is documented, detailing the length of time that the trial period

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will operate, when it will be reviewed and extending the timescales for a final decision to be made on the flexible working request. The trial period would usually be for a period of up to 3 months maximum. Where a trial period is not successful, the employee will retain the right to appeal in accordance with this policy.

Where a flexible working request is approved on a permanent basis there will be an expectation for annual reviews to be planned to ensure this meets both the needs of the individual and school unit. These reviews can coincide with the annual appraisal to provide an opportunity to reflect on the implications of the flexible working arrangement in practice and any opportunities to mutually agree amendments.

Where a flexible working application to reduce contracted hours is agreed for a member of teaching delivery staff this will relate to the number of hours per week. In applying this agreement, the line manager and employee will discuss and agree the working pattern arrangements for days / times and this may be subject to variation as required by timetabling. Where a potential variation is required the line manager will discuss this in advance and provide reasonable notice of the adjustment in working pattern.

Where a flexible working request is unlikely to be accepted, the Responsible Officer must ensure that the decision can be substantiated with the appropriate evidence. It is advisable that advice is sought from the HR Department in respect of flexible working requests which may be refused.

### 10. Informing of the Decision

The Responsible Officer will write to inform you of their decision within a reasonable timescale following the meeting.

If the request is agreed the Responsible Officer will write to you detailing the decision and any compromise offered and agreed at the meeting. See **Flexible Working Request Acceptance Form (Appendix 3)**.

If the request is refused the Responsible Officer will write to you detailing the reason in reference to below. See **Flexible Working Rejection Form (Appendix 4)**.

The only valid reasons for a request being refused include:

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

In addition to stating the reason for the request being refused the Responsible Officer should include an explanation about why the reason(s) apply in the circumstances. It is not necessary for the Responsible Officer to provide evidence to support the explanation however they should ensure that they are able to substantiate any facts in the event of a subsequent dispute occurring.

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The Responsible Officer should arrange for a copy of the Flexible Working Request Form and all corresponding records detailing the decision to be placed onto the employee's personnel file.

### 11. Appeal Against the Decision

If you are dissatisfied with the response from the Responsible Officer, you have the right of appeal.

An Appeal meeting provides an opportunity for you to make representation to a Committee of Trustees not involved in the original decision. There are no constraints on the grounds under which you can appeal.

You should register the appeal using a **Flexible Working Appeal Form (Appendix 5)** within a reasonable timescale of receiving the written refusal for the request for flexible working, providing concise details of the grounds under which you are appealing the original decision. The completed form should be sent to Clerk of the Trust Board and HR Director.

The Clerk to the Trust Board will arrange for an Appeal meeting to be convened within a reasonable timescale of receipt of the appeal.

The Appeal will be considered by an Appeal Committee. Ideally, the Appeal Committee will consist of 3 trustees; however, where this is not possible at least two trustee must be present, and the other member will be a school governor from the MAT. It will be confirmed that members of the Appeal Committee have not had any previous involvement in the flexible working request, a close relationship with you or a vested interest.

Both you and the Responsible Officer will be invited to attend the Appeal meeting to submit the respective cases.

Where you fail to attend an Appeal meeting, the Clerk to the Trust Board will arrange for a second Appeal meeting to be scheduled. If you fail to attend more than two Appeal meetings the Responsible Officer can assume that the flexible working request has been withdrawn. The Responsible Officer will write to you to confirm this course of action (**Appendix 8**).

Either party may invite witnesses, who are relevant to the flexible working request, to attend the meeting.

An accurate account of the Appeal meeting will be made.

The Appeal Committee has responsibility for considering the grounds on which the appeal has been raised; as detailed in your Flexible Working Appeal Form. This may require the panel to review the original decision making process, the grounds of refusal and any supporting documentation to establish whether the original decision was reasonable and was in line with legislative requirements.

The Chair of the Appeal Committee will notify you of the decision using a **Flexible Working Appeal Reply Form (Appendix 6)**, within a reasonable timescale after the date of the meeting.

Once the process is complete, the Chair of the Appeal Committee will arrange for copies of the Flexible Working Appeal Form and the Flexible Working Appeal Reply Form to be placed on file.

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At the end of the appeal procedure there is no further mechanism for considering the flexible working request.

### 12. Withdrawal of Flexible Working Request

If you wish to withdraw a flexible working request, you should do so in writing using the **Flexible Working Notice of Withdrawal Form (Appendix 7)**. The Responsible Officer will respond by completing the **Confirmation of Withdrawal** slip which can be found at the end of the Notice of Withdrawal Form. A copy of the Flexible Working Notice of Withdrawal Form will be placed on file.

Where you fail to meet any employee responsibilities, as detailed in the Flexible Working Requests policy, the Trust may also treat an application as withdrawn. In these circumstances, the Responsible Officer will write to you to confirm that the application has been withdrawn using the relevant section on the notice of withdrawal form (**Appendix 8**).

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### Appendix 1 - Flexible Working Request Form

FLEXIBLE WORKING REQUEST FORM	
<b>Personal Details</b>	
Employee Name:	
Principal/Headteacher:	
School:	
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 Trust to consider:	
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 School, Trust and colleagues:	
<b>Accommodating the Flexible Working Request</b>	
Describe how the effect on the School, Trust and colleagues can be addressed:	
I confirm I have not made a flexible working request during the past 12 months.	
Employee Signature:	Date:
<i>Now pass this request to the Responsible Officer.</i>	
<b>Responsible Officer's Confirmation of Receipt (to be completed and returned to employee)</b>	
Dear	
I confirm that I received your flexible working request on (date):	
A meeting may be arranged to discuss your application within a reasonable timescale following this date. In the meantime you might want to consider whether you would like trade union representative or work colleague to accompany you at the meeting.	
From:	
Responsible Officer Signature:	
Date:	

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

<b>Flexible Working Extension of Time Limit Form</b>	
Dear _____	
I wish to extend the amount of time for this procedure to ensure full and fair consideration.	
I wish to extend the time limit to ..... calendar days.	
This means that I will have until .....to complete the necessary action.	
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:	
Signature:	
Date:	
<i>NOW PASS THIS APPLICATION TO THE EMPLOYEE</i>	

Cut this slip off and return it to the Responsible Officer in order to confirm your acceptance of their request.	
<b>Employee's Agreement to Time Extension</b> (to be completed and returned to the Responsible Officer)	
Dear _____	
I accept your request to extend the amount of time to .....	
Name:	
Signature:	
Date:	

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

<b>Flexible Working Request Acceptance Form</b>	
Dear: .....	Payroll Number: .....
Following receipt of your request and our meeting on.....(date):	
I have considered your Flexible Working Request:	
<input type="checkbox"/>	I am pleased to confirm that I am able to accommodate your application.
<input type="checkbox"/>	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):	
Name:	
Signature:	
Date:	
<b>SEND FORM TO EMPLOYEE FOR SIGNATURE</b>	

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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):
Signature:
Date:
<b>NOW RETURN THIS FORM TO THE RESPONSIBLE OFFICER</b>

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### Appendix 4 – Acceptance of Flexible Working Model Letter

School Name  
Address  
City  
Postcode  
Telephone Number  
Website Link

Employee Name  
Address  
Address  
City  
Postcode

Date: Date

Dear Employee Name,

#### Re: Confirmation of Flexible Working Application

Thank you for your completed flexible working application which was received on date. We met on date and present at the meeting where name / role and name / role.

In discussing your request, we have explored the implications of this amendment for your role and service delivery. We have agreed that which effect from date you will be working details of change, number of hours per week and any other specifics.

This will be a permanent amendment / temporary amendment for the period of X to your contract of employment. The relevant payroll paperwork shall be submitted at the earliest opportunity.

We will review these arrangements on an annual basis. This review will provide an opportunity to reflect on the implications of your flexible working arrangement in practice and any opportunities to mutually agree amendments.

Your amendment is for a change to your working hours and we have agreed your initial working pattern to be details of days and times. As we have discussed, there may be ad hoc events through the school year which require your participation as part of your role and responsibilities. This may include non-pupil days, team meetings, twilight CPD sessions, parents' evenings, and other events. As these events arise we will discuss and agree if your attendance is required with reasonable notice and the relevant additional hours payment for this.

The amendment to your working hours per week may be subject to variation as required by timetabling and curriculum need. Where a potential variation is required I will discuss this in advance and provide reasonable notice of the adjustment in working pattern.

You will not be entitled to make a further request for flexible working for a period of 12 months.

Should you have any queries regarding this letter please contact me directly on the above details. I hope this letter provides clarification to your agreed flexible working request and an opportunity to support you in work/life balance.

Yours sincerely,

Name / role



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

<b>Flexible Working Request Appeal Form</b> <b>(RESPONSIBLE OFFICER TO SEND THIS FORM TO THE EMPLOYEE)</b>	
<p>Dear: .....</p> <p>I wish to appeal against the decision to refuse my request for flexible working.</p> <p>I am appealing on the following grounds:</p>	
Name (Employee):	
School Name:	
Signature:	
Date:	
<b>NOW RETURN THIS FORM TO THE CLERK OF THE TRUST BOARD</b>	

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**Appendix 7 - Flexible Working Appeal Reply Form**

**Flexible Working Request Appeal Form  
(RESPONSIBLE OFFICER TO SEND THIS FORM TO THE EMPLOYEE)**

Dear: .....

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

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

The Committee'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:

This 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 Committee's decision is to reject your appeal for the following ground(s):

The grounds apply because:

Chair to Trust Board:

Signature:

Date:

**RESPONSIBLE OFFICER TO RETURN THIS FORM TO THE EMPLOYEE**

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### Appendix 8 - Flexible Working Notice of Withdrawal Form

<b>Flexible Working Notice of Withdrawal Form – from employee</b>	
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 (Employee):	
School Name:	
Signature:	
Date:	
<b>NOW RETURN THIS FORM TO THE RESPONSIBLE OFFICER.</b>	

<b>Confirmation of Withdrawal</b> (to be completed by the Responsible Officer 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: .....	
Under the right to apply, you will not be eligible to submit another application until twelve months after the above date.	
Responsible Officer Name:	
Signature:	
Date:	

Copy of signed document to be retained by employee and a copy of signed document to be placed on personnel records to confirm withdrawal agreement.

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### Appendix 9 – Notice of Withdrawal from Responsible Officer

<b>Flexible Working Notice of Withdrawal Form – from Responsible Officer</b>
Dear: _____
In accordance with the Flexible Working Policy your application is considered withdrawn as at .....(date) due to:
<input type="checkbox"/> Incomplete information provided in the application for flexible working. <input type="checkbox"/> Non attendance at our planned meetings for DATE and DATE. <input type="checkbox"/> Failed to attend appeal meetings planned for DATE and DATE.
Therefore you will not be able to make another application until twelve months after the above date.
Name (Employee):
School Name:
Signature:
Date:

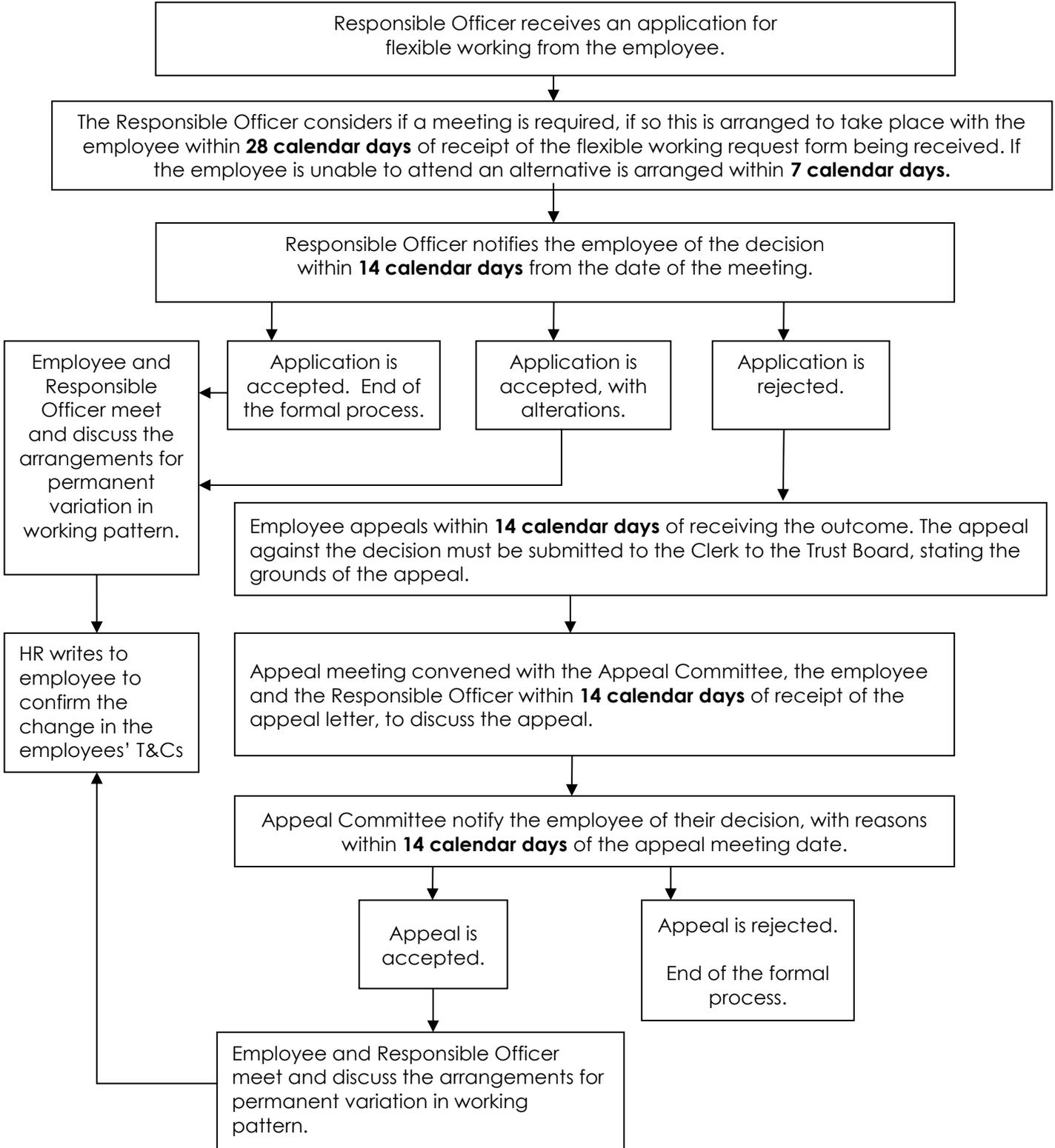
Copy of signed document to be provided to employee and a copy of signed document to be placed on personnel records to confirm withdrawal agreement.

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## Appendix 10 – Example Timescales

Timescales for the whole process are detailed in section 4 of the policy and the whole process must be completed within 3 months as per the statutory requirement.

The following example timescale gives a suggested timeframe for each key step:



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### POLICY HISTORY

Policy Date	Summary of change	Contact	Implementation Date	Review Date
05.04.2007	Revision of existing policy following Work and Families Act 2006	P & S	06.04.2007	
01.11.2008	Revision of existing policy – adapted for Schools.	Schools Personnel Team	06.04.2009	
30/06/2014	Revision of policy following legislation changes with effect from the 30/6/13.	HR ONE		
April 2017	Revision of policy with regards to Trust name changes and delegation of authority	WeST HR		
September 2017	Revised to include PCE role	WeST HR	September 2017	Biannually
March 2019	Reviewed and updated	HR WeST	February 2019	Annually
March 2019	Approved by Trust Board subject to local consultation	HR WeST	21 March 2019	Biannually or at change in statutory guidance
April 2019	Implementation following local consultation	HR WeST	29 April 2019	Biannually or at change in statutory guidance