

# **FLEXIBLE WORKING POLICY**

**V2**

**May 2023**

## Table of Contents

1.0	Policy Statement .....	3
2.0	Scope and Purpose.....	3
3.0	Overarching Principles .....	4
4.0	Responsibilities and Arrangements .....	4
4.1	Making an informal flexible working request.....	4
4.2	Eligibility for the formal right to request procedure .....	4
4.3	Making a formal flexible working request.....	5
4.4	Formal Procedure: Meeting.....	5
4.5	Formal Procedure: Decision.....	6
4.6	Formal Procedure: Appeal .....	6
4.7	Timescales.....	7
5.0	Retention and Data Protection .....	8
6.0	Review of Policy .....	8

## 1.0 Policy Statement

- 1.1. We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our use and retention of staff.
- 1.2. This policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure.
- 1.3. Through this policy we will accommodate flexible working where possible, but the priority will be the effective running of the school/team for the benefit of the pupils and where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner.
- 1.4. No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5. The policy has been implemented following consultation with recognised trade unions. It has been formally adopted by the Trust Board.
- 1.6. The Trustees have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy to the Headteacher/Central Director.
- 1.7. This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

## 2.0 Scope and Purpose

- 2.1. This policy applies to all employees. It does not apply to agency workers, consultants, or self-employed contractors.
- 2.2. Employees with at least 26 weeks' continuous service have a statutory right to request flexible working. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 6.
- 2.3. Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request under paragraph 5 to the Headteacher/Central Director, or in the case of a request from a central team member, the Central Director, who will consider the request according to our business and operational requirements.
- 2.4. Any employee interested in flexible working can request an informal meeting with the Headteacher/Central Director to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request. The policy has been drafted with reference to: Insert appropriate legislation and reference points.
  - Working Together to Safeguarding Children (2018)
  - What to do if you're worried a child is being abused (2015)
  - The Teacher Standards 2012

## **3.0 Overarching Principles**

3.1. Flexible working can incorporate a number of possible changes to working arrangements:

- reduction or variation of working hours
- reduction or variation of the days worked and/or
- working from a different location (for example, from home).

3.3 Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexitime. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.

3.4 Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

## **4.0 Responsibilities and Arrangements**

### **4.1 Making an informal flexible working request**

4.1.1 Employees who are ineligible to make a formal request and who wish to make an informal request for flexible working may make a request to the Headteacher/ Central Director, who will consider it according to our business and operational requirements.

4.1.2 It will help the Headteacher/ Central Director to consider your request if you:

- make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent
- provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start and
- think about what effect the changes to your working pattern will have on the work that you do and, on your colleagues, as well as on our service delivery and that of your team. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application.

4.1.3 The Headteacher/ Central Director will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request and the impact on your contract of employment.<sup>4</sup>

### **4.2 Eligibility for the formal right to request procedure**

4.2.1 Requests under the formal procedure set out in section 4.3 to paragraph 4.6 of this policy can only be made by employees who meet the criteria set out below.

- be an employee
- have worked for us continuously for 26 weeks at the date your request is made
- not have made a formal request to work flexibly during the last 12 months.

### **4.3 Making a formal flexible working request**

- 4.3.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. Once we have received a request, we will consider it.
- 4.3.2 Your written and dated application should be submitted to the Headteacher/ Central Director and, in order to meet the requirements of the formal procedure and to help them to consider your request, should:
1. State that it is a statutory flexible working request.
  2. Explain the reasons for your request especially if you think our Equality and Diversity Policy may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.
  3. Provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times.
  4. Give the date from which you want your desired working pattern to start.
  5. Identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application.
  6. Provide information to confirm that you meet the eligibility criteria set out in section 4.2 of this policy.
  7. State whether you have made a previous formal request for flexible working and, if so, when and
  8. Be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.
- 4.3.3 We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Headteacher/Central Director will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 4.3.4 If your proposal cannot be accommodated, discussion between you and the Headteacher/Central Director may result in an alternative working pattern that can assist you.

### **4.4 Formal Procedure: Meeting**

- 4.4.1 Where necessary, the Headteacher/ Central Director will arrange to meet with you as soon as is practicably possible after receiving your written application. The meeting may also be attended by a member of the HR Team. We will inform you if there is a delay in arranging this meeting. The Headteacher/Central Director may discuss your request with your line manager/head of department and make any necessary enquiries regarding your proposals prior to the meeting.
- 4.4.2 You may bring a companion to the meeting if you wish who may be your trade union representative or a work colleague. Your companion will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.
- 4.4.3. The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will benefit you as well as what impact your proposed working arrangements will have on your work and that of your colleagues and of your team. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

4.4.4. The Headteacher/ Central Director may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team. We will set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working.

#### **4.5 Formal Procedure: Decision**

4.5.1 Following the meeting, the Headteacher/ Central Director will consider your request carefully and notify you of the decision in writing as soon as possible.

4.5.2 Each request will be considered on a case-by-case basis; agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

4.5.3 If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher/ Central Director will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment.

4.5.4 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.

4.5.5. If the Headteacher/Central Director needs more time to make a decision, they will discuss this with you.

4.5.6 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the Headteacher/Central Director will write to you:

- giving the business reason(s) for turning down your application
- explaining why the business reasons apply in your case and
- setting out the appeal procedure.

4.5.7 If we reject a request, it will be for one or more of the following eight business reasons:

- the burden of additional costs
- detrimental effect on ability to meet pupil and/or school/team demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods that you propose to work; and
- planned changes.

#### **4.6 Formal Procedure: Appeal**

4.6.1 You may appeal against the decision if your request is rejected, or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if you feel your request was not handled reasonably in line with this policy. Your appeal must:

- be in writing and dated

- set out the grounds on which you are appealing
  - be sent to the Headteacher/Central Director within 5 working days of the date on which you received the written rejection of your request.
- 4.6.2 The Headteacher/ Central Director will arrange for a meeting to take place as soon as possible following receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a companion who may be your trade union representative or another work colleague.
- 4.6.3 Where possible, the appeal meeting will be conducted by a more senior manager who has not been previously involved in considering your request.
- 4.6.4 You will be informed in writing of the Appeal decision as soon as possible following the appeal meeting.
- 4.6.5 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher/Central Director will discuss with you.
- 4.6.6 You should be aware that changes to your terms of employment will be permanent, and you will not be able to make another formal request until 12 months after the date of your original application.
- 4.6.7 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

#### **4.7 Timescales**

- 4.7.1 Requests will be dealt with within a period of 3 months from first receipt to notification of the decision on appeal.
- 4.7.2 As a guide and to help ensure that requests are dealt with within this timescale:
- a meeting will normally be held with you within 28 days of your request being received.
  - you will normally be informed in writing of the decision within 14 days of the meeting and
  - where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 14 days of the meeting.
- 4.7.3 However, there may be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with you, the Headteacher/Central Director will write to you confirming the extension and the date on which it will end.
- 4.7.4 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
- you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause; or
  - you unreasonably refuse to provide information we require to consider your request, without good cause.

In such circumstances, the Headteacher/ Central Director will write to you confirming that the request has been treated as withdrawn.

## **5.0 Retention and Data Protection**

5.1 As part of the application of this policy, the organisation may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Records will be kept in accordance with our GDPR, Data Protection and FOI policy that includes our Workforce Privacy Notice and our Retention and Destruction procedure and in line with the requirements of the Data Protection Legislation.

## **6.0 Review of Policy**

6.1 This policy is reviewed and amended annually by the Executive and in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.