

Flexible Working Policy

Aim of the Trust

One community. Many ideas. Everyone's future.

We aim to provide an exceptional education for every child in the Trust through an ethos of collaboration and high aspirations and through the principles of quality learning using curiosity, exploration and discovery.

This policy is linked to the following policies:

- Equality Policy
- Maternity and Adoption Leave Policy

Principles

The Trust and each Local Governing Body and its agents will act with integrity, objectivity and honesty in the best interests of each Academy. The Trust will comply with The Equality Act 2010. The Trust will promote equality in all aspects of academy life.

The Trust has a commitment to being an equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our Trust are paramount, and we will ensure that these are considered in relation to requests for flexible working.

Under The Children & Families Act 2014, all employees with at least 26 weeks' continuous service have the right to make a request to work flexibly. However, the Trust has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service.

The Trust is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and the Trust.

A flexible working request is a request to change the employee's terms and conditions and must relate to:

- the number of hours that an employee works;
- the times that an employee works; or
- the employee's place of work

Examples of flexible working include part-time working hours, job shares and term-time working.

When advertising for new roles in the Trust, consideration will be made as to whether the positions can be undertaken on a flexible basis.

An employee request for flexible working may only be made once in any 12-month period.

This Policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

The law prescribes a three-month time limit, starting with the date on which the application is made, within which the Trust must make a decision about the request. The three-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

Responsibilities

The Trustees

It is the responsibility of the Board of Trustees to ensure that this Policy is applied consistently and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail.

In addition, the Trustees/Governors/Executive Principle/Headteachers will ensure that:

- working patterns comply with the working time regulations;
- working patterns do not adversely impact on the level and/or quality of service;
- the contractual entitlements of any employee are not contravened;
- no employee's application is refused without due consideration of the feasibility of proposals.

The Employee

It is the responsibility of employees to ensure that they consider and prioritise the needs of their role when making an application to change their working pattern, taking into account the implications for their colleagues and the pupils. Employees should submit their application at least one week prior to the end of a given term.

The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The employee must:

- lodge the request in writing to the Headteacher
- date the request;
- state that they are making a statutory request for flexible working and that the changes will result to a change in term and conditions;
- state the requested effective date of the change;
- indicate the estimated effect(s) that change(s) will have on the Trust and how any such effects might be dealt with; and
- indicate details of any previously submitted requests for flexible working.

When indicating the effects these changes may have on the Trust, the employee may wish to consider:

- costs/savings to the Trust;
- need for additional resources;
- ability to meet the priorities of the Trust;
- quality and performance;
- ability to manage the attendance and performance;
- any health and safety considerations.

Flexible Working Meeting

Once the Headteacher receives the request, it will be dealt with as soon as possible, but no later than 28 days from the initial request. The Headteacher will usually arrange a meeting to deal with the request. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting will not be necessary. Each request must be approved by the Executive Principal.

Employees have the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Trust.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, the application will be deemed to have been withdrawn.

Outcome

After the meeting, the Headteacher will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Trust against any adverse impact of implementing the changes. 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 working pattern. Each request must be approved by the Executive Principal.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than 14 days after the meeting is held. The request may be granted in full or in part: for example, the Trust may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the Trust's request is not granted or is granted in part.

Where the Request is Unsuccessful

It will not be possible for a Headteacher to agree to a new working pattern in every circumstance. The Trust will provide clarity to the employee about the reason the request has been unsuccessful. The rejection of a request will be based on one or more of the following reasons:

- inability to meet needs, organisation and delivery;
- inability to organise work within the staffing available;
- insufficiency of work during the periods the employee proposes to work;
- inability to recruit additional staff;
- planned structural changes
- additional costs to the Trust
- detrimental impact on performance and quality

Where the Request has been Granted

If the request is upheld, the employee and the Headteacher will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to the contract of employment.

Headteachers should monitor flexible working arrangements and if there are any concerns, these should be raised with the employee promptly and on the record.

Trial Period

Consideration should be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an agreed extension to the statutory time frame.

Rejection of Request

At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is rejected, the Headteacher will state the reason(s) why in writing.

Timescales

All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. These time limits may be extended where both the employee and Trust are in agreement.

Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by their Headteacher, there is the option to lodge an appeal. Within 14 calendar days of receipt of the notification of the Headteacher's decision, the employee may appeal in writing to the Chair of Trustees/Chair of Governors. The employee should set out their grounds for making the appeal and date the letter.

Within 14 calendar days of receiving the appeal the Chair of Trustees /Chair of Governors will designate a panel of Trustees/Governors not previously involved with the application to arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union official at the appeal meeting. If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date.

Within 14 calendar days of the date of the appeal meeting, the panel of Trustees/Governors must inform the employee of the outcome of the appeal in writing.

If the appeal is upheld, the written decision must:

- include a description of the new working pattern;
- state the date from which the new working pattern is to take effect, including any trial period; and
- be dated.

If the appeal is dismissed, the written decision must:

- state the grounds for the decision, which should be appropriate to the employee's grounds for making the appeal;
- explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
- be dated.

A written notice of the appeal outcome constitutes the Trust's final decision and is effectively the end of the formal procedure.

Pension implications

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice prior to finalising any flexible working arrangements.

Please note that flexible retirement can only be considered once a request for flexible working has been agreed. The Local Government Pension and Teachers' Pension Schemes are subject to change and therefore guidance should be sought from the appropriate pensions team prior to making any retirement request.

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