



Flexible Working Policy

Policy reviewed by Academy Transformation Trust on	January 2018
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This policy links to:

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| <ul style="list-style-type: none">• Equality Opportunities (Staff) Policy• Maternity, Paternity, Adoption and Parental Leave Policy |
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Review Date: January 2021

Our Mission

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

Our commitment

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

We will continue to make reasonable adjustments to avoid anyone with a protected characteristic being placed at a disadvantage.

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1 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 employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests.
- 1.3 No-one who makes a request for flexible working will be subject to any detriment or loss of career development opportunities as a result.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.

2 Scope and Purpose of the Policy

- 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 5.
- 2.3 Any employee interested in flexible working can request an informal meeting with their line manager to discuss the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal request.

3 Responsibilities for Implementing the Policy

- 3.1 The HR Director has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy has been delegated to the Principal.

4 Forms of Flexible Working

- 4.1 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
 - working from a different location within The Trust.
- 4.2 Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working only during term-time (part-time working);

working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.

5 Eligibility for the Formal Right to Request Procedure

- 5.1 Requests under the formal procedure set out in paragraphs 6-9 of this policy can only be made by employees who meet the criteria set out below.
- 5.2 To be eligible to make a request under the formal procedure, you must:
 - be an employee
 - have worked for us continuously 26 weeks' at the date your request is made
 - not have made a formal request to work flexibly during the last 12 months.

6 Making a Formal Flexible Working Request

- 6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.
- 6.2 Your written and dated application should be submitted to your line manager. In order to meet the requirements of the formal procedure and to help your line manager consider your request it should:
 - provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, give the date from which you want your desired working pattern to begin
 - 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
 - state whether you have made a previous formal request for flexible working and, if so when
 - be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.
- 6.3 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, your line manager will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 6.4 If your proposal cannot be accommodated, discussion between you and your line manager may result in an alternative working pattern that can assist you.

7 Formal Procedure: Meeting

- 7.1 Where necessary, your line manager will arrange to meet with you within 28 days of your application being submitted. You have the right to be accompanied to any formal meeting under this procedure by a companion, who may be a colleague or a trade union

representative. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

- 7.2 In most cases, the meeting will usually be held at your usual place of work. However, we will do our best to try and have the meeting at a time and a place that is convenient for you.
- 7.3 The meeting will be used to consider the working arrangements you have requested. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues (and of your team or department). If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 7.4 Your line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team or department.

8 Formal Procedure: Decision

- 8.1 Following the meeting, your line manager will notify you of the decision in writing within 14 days.
- 8.2 If your request is accepted, or where proposed an alternative to the arrangements you requested, your line manager 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 personal file to confirm that variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that your line manager will discuss with you.
- 8.3 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.
- 8.4 If your line manager needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, your line manager may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, your line manager will write to you:
 - giving the business reason(s) for turning down your application
 - explaining why the business reasons apply in your case
 - setting out the appeal procedure.
- 8.6 The eight business reasons for which we may reject your request are:
 - the burden of additional costs
 - detrimental effect on ability to meet pupil/academy 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
- planned changes to the business.

9 Formal Procedure: Appeal

- 9.1 If your request is rejected, or an alternative arrangement from the one you requested is offered, you have the right to appeal.
- 9.2 Your appeal must:
- be in writing and dated
 - set out the grounds on which you are appealing
 - be sent to the HR department within 10 working days of the date on which you received the written rejection of your request.
- 9.3 The HR department will arrange a meeting to take place within 14 days of 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 colleague.
- 9.4 An Appeal Panel will be selected, specifically for the appeal, from our Senior Management Team or Local Governing Body.
- 9.5 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 9.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, and 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 personal 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 your line manager will discuss with you.
- 9.7 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.
- 9.8 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.

10 Breaches of the Formal Procedure

- 10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, your line manager will write to you confirming the extension and the date on which it will end.

- 10.2 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 two meetings under the formal procedure without reasonable cause;
or
 - you unreasonably refuse to provide information we require to consider your request.
- 10.3 In such circumstances, your line manager will write to you confirming that the request has been treated as withdrawn.

APPENDIX 1

Manager Guidance – considering a flexible working request

1. What should I do when I receive a flexible working request?
2. What happens at the meeting?
3. What do I need to do to consider a request?
4. What are the Business reasons to consider?
5. What are the factors to consider for:
 - a) term time only/annual hours requests
 - b) home working requests
 - c) job sharing requests
6. What should I do if I can't support any further flexible working arrangements?
7. What do I do if I receive more than one request at the same time?
8. How do I inform employees of the decision?
9. What is a trial period?
10. Should I review the new arrangements?
11. Can employees revert to their original arrangements?
12. Can employees make a further request if I don't support it?

1. What should I do when I receive a flexible working request?

When you receive a flexible working request you should speak to your Regional HR Business Partner in the first instance.

You might be able to agree the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, please liaise with HR and they will provide a letter to you confirming the decision and explaining the changes to the employee.

Where necessary you will need to arrange to meet with the employee, within 28 days of the application, to discuss the proposal. HR will prepare a letter acknowledging receipt of the application and inviting the employee to a meeting.

Please make note of the meeting date as you need to consider the request and make a decision within three months of receiving the application (this includes time for any appeal). If it is likely to take longer then you should inform them and seek to agree an extension of the time limit.

The employee is entitled to be accompanied at the meeting by a work colleague or trade union representative if they so wish. This will be made clear to them in the invite letter.

If the employee cannot make the proposed meeting another date and time should be arranged.

Before the meeting ensure that you have read the Flexible Working Policy and sections 3 and 4 below:

- Think carefully about the request and any potential benefits/impact of the proposed way of working;

- Make any necessary initial enquiries as to how this request might be accommodated i.e. assess other team members working patterns, future staffing plans, forthcoming projects/workload etc;
- Think creatively to try to accommodate requests;
- Seek advice within the department, as appropriate (for example, in line with any local reporting arrangements that may exist);
- It is important not to make any presumptions about the request without first speaking to the employee.

Considerations for employee with significant caring responsibilities

Carers' needs are different from the needs of employees with mainstream childcare responsibilities, and the circumstances and milestones of caring may also differ. It is therefore important for managers to consider what flexible adjustments could be made to support these employees to combine work with care.

Potential flexible arrangements may include, but are not limited to:

- Flexible working arrangements (Informal/Formal);
- Use of a telephone to make or receive calls in connection with his/her caring responsibilities;
- Private time or a private space to make/receive calls;

Please note that if it is a request to make a reasonable adjustment for a disability it should not be treated as a flexible working request and you should seek advice from Regional HR.

2. What happens at the meeting?

Treat the meeting as any other management conversation and hold it in a location which is private. Talk through the application and explore exactly what changes they are seeking and how these may be accommodated. Ask if they are willing to elaborate on the reasons why they are seeking the change and check if there is any additional information you should be aware of in relation to their request.

If you believe that supporting the request may not be straight forward or may not be possible you should discuss any potential difficulties. Explore possible alternatives which may be different from that proposed and ensure that all possible flexible options are discussed. It is not advisable to give a final decision at the meeting. Please seek further advice from Regional HR if you are unsure.

3. What do I need to do to consider a request?

Flexible working arrangements work best when they are planned for as a team rather than on an ad hoc basis as individuals request different working arrangements.

Understand the current working arrangements in your team and try to anticipate the main concerns of team members. Consider and be clear on the following:

- Outline the advantages for the Trust/academy, the team, the individual and students.
- Where appropriate, consult with other team members who might be directly affected, to discuss working patterns, workload and cover before making any decision.
- Will other employees be expected to incur an increased workload due to a colleague's flexible working pattern?

- What is the minimum cover required operationally to provide an effective service?
- Do they have line management responsibilities? If so how do they anticipate these employees will cope in their absence?

4. What are the business reasons to consider?

You should consider requests to work flexibly on the presumption that you approve them unless there is a good business reason for not doing so. These business reasons are set out in Employments Rights legislation and are:

The burden of additional costs

In considering this, reflect on whether or not the proposed new arrangement allows the Trust/academy/department to recoup costs through better coverage of service or increased outputs.

Detrimental effect on the ability to meet pupil/academy demand

Consider if you have sufficient resources to respond to the academies needs and will it be sustainable.

Inability to reorganise work among existing employees

Consider talking to the team about any reorganisation of work where this would be appropriate before coming to a decision. Does it put unreasonable pressure on the other employees?

Inability to recruit additional employees

Consider the cost of recruiting additional employees against the potential cost of losing the existing employee making the request. If the request is to reduce hours or to change the work pattern, can you fill the gaps?

Detrimental impact on quality

Look carefully at the skills and potential of other employees when considering these reasons. Will there be an impact on the ability to meet customer demand? Can you offer training to new employee?

Detrimental impact on performance

Performance can mean the individual, the team or the Academy. Consider if this will be affected.

Insufficiency of work during the periods the employee proposes to work

Ensure that there is a need for the work to be delivered during the period requested.

Planned changes to the business

Where there are operational/ business changes planned the flexible working proposal may not work effectively in the new structure without impacting negatively on the business.

5. What are the factors to consider for:

a) Term time only/annualised hours requests

- Are there peaks and troughs in the workload?
- Does the nature of the role support working full time or part time around school terms?
- Can the work be defined over a whole year?
- If the post holder has line management responsibilities, account must be taken of whether or not the team involved can work extended periods without direct supervision.
- Is there adequate cover, by appropriately skilled employee, available to maintain service levels and to avoid over burdening team members during school holidays.

b) Home working requests

All employees working at or from home on a regular basis will need to have a risk assessment

undertaken/self-assessment. When assessing requests to work at or from home the following should be taken into account:

- The suitability of the job/work task – clarity of requirements, deadlines and objectives.
- The suitability of the home (risk assessment) – Health and safety requirements will apply.
- Will it be detrimental to the speed or quality of services provided?
- Will it be detrimental to the efficient working of the team?
- Do the hours to be worked at home agree and comply with contractual hours and the Trust’s policies on rest breaks and core working hours?

Consider the suitability and needs of the employee as follows:

- The capability and role development needs of the employee.
- Can they work without close supervision?
- Can they meet work deadlines?
- Can they demonstrate self-motivation and discipline?
- Can they demonstrate initiative and flexibility?
- Can they manage their workload and set their own priorities?
- Can they work successfully in a potentially isolating environment?
- Can they manage the proximity of work and home life so that work does not become unacceptably intrusive?

Examples of posts suitable for home working

There is no definitive list of posts suitable for home working, however, research indicates certain job characteristics which lend themselves to home working.

Suitable characteristics:

- A high degree of written rather than manual work/assessment of course/exam work.
- Customer service/help desk work where enquiries are answered by telephone or email.
- Work performed on an individual basis with clearly defined areas of individual work e.g. project work, research and report writing, case work, administrative tasks, data inputting.
- Work which has clearly defined objectives, and is not subject to sudden changes of priorities.
- Research, teaching preparation, marking/assessment of course work/exam work.

Unsuitable characteristics:

- Front of house work e.g. receptionist, customer services where one to one contact is essential.
- Teaching students, giving students one-to-one feedback, advising students on individual matters.
- Providing a service where one to one contact is essential. e.g. advisory work, appointments with employees/students, library work, catering service.
- Work which needs constant access to central filing systems/central resources.
- Work which requires close contact with a team, constant input/exchange of information from other team members or other employees.
- Building/academy based work e.g. caretaking, maintenance work, cleaning, security duties.

c) Job sharing requests

Managing job sharers effectively can take up more time and so allowances may need to be made for this. There will be some occasions when departments are only able to sustain a certain level of job shares within a given area or at a given grade. To reject a job share request, managers must be able to justify the decision on operational grounds.

- *The nature of the role, its duties and responsibilities*
Consider the tasks and responsibilities of the role. How can these be best transferred effectively between partners? Where this is not possible, can they be primarily assigned to one partner without the timescale for completion being affected? Consider continuity issues, the timescale for delivering the service. Where will partners need full contextual understanding of the role in order to engage effectively with issues? Can duties be divided according to tasks, projects, students/staff groups?
- *The nature and extent of any managerial or supervisory responsibilities*
Consider how the employee management aspects of the role could be successfully operated. A job share manager post responsible for a job share subordinate post would have particular challenges.
- *Briefing and communications*
Good communication is essential for a job share to work effectively. Every opportunity should be given for prospective job sharers to meet and to jointly propose how the arrangement will operate. Think creatively as to how job sharers can maintain effective communications between each other and their work colleagues. Are there times when both partners need to attend briefings/ meetings or can one partner attend and brief the other? How will the department schedule meetings so that the sharers can both attend if necessary?
- *Handover arrangements*
A handover period which allows for an update and outstanding tasks to be passed on will maintain continuity and ensure that tasks are completed. It also allows job sharers to build a more collaborative working approach to their work. This can be critical to the success of the job share. Consider how best to hand over information on a regular basis. How frequent, how long? Will partners keep a written or electronic log for each other, diary prompts, schedule a 'to do' list or just rely on a face to face meeting each week?
- *Distribution of duties and responsibilities*
Consider work patterns, what coverage will be required, will there be an overlap to cover peak period demands? Is the agreed work pattern one where if one partner leaves, the remaining hours form a sufficiently viable package to attract new applicants? A 50 /50 split is the most attractive and easiest to manage.
- *Skills and experience of job share partners*
A job share is in every sense a partnership and requires each partner to contribute effectively and equally to its successful operation. Skills and attributes need to be equally balanced to ensure that each partner is able to deliver all aspects of the role in the same way with the same level of skill. Managers should be mindful of areas where the tasks could become split due to one individual's skill set or an imbalance of hours. This could lead to a job split and the post will not operate as an effective job share if this is allowed to happen.
- *Line management*
Managers will need to carry out individual Performance Reviews but if appropriate these may be followed up by a joint review by the line manager in order to consider role objectives together.
- *Commitment of job share partners*
It may not be practical to limit contact outside working hours to emergencies only. However, this will need to be discussed with all parties so as not to impose unduly on an individual's non-working time. Whilst there would be no requirement for partners to cover for each

other's leave or sickness, it would not be unreasonable to ask if urgent or critical events could be covered. Can long term absence for sickness or maternity leave be offered to a partner as a temporary increase in hours?

In order to ensure effective delivery of the role, partners will need to be honest with each other and have a mutual trust and respect for one another, be open to review areas of work, service delivery etc. and possibly make adjustments in order to fit in with the way each partner works.

6. What should I do if I can't support any further flexible working arrangements?

Having considered the request and the reasons set out under Section 4, please note the following. If by approving further flexible working arrangements you believe that there would be an adverse impact on the business, you may wish to seek volunteers who are willing to change their current arrangements back to their previous pattern of working or perhaps full time.

7. What do I do if I receive more than one request at the same time?

Consider each request in the order in which they were made and in the context of business needs. If the first request is agreed, then you must take account of the changes this will make to staffing when considering the second request.

If you receive two requests for flexible working at the same time, one relating to the care of an elderly disabled relative and the other to enable employees to have more free time, you are not required to make a value judgement about the most deserving request. However, you may wish to seek advice from Regional HR in certain instances since some employees have extra legal rights under other legislation. For example refusing a request in order to care for a disabled family member will mean that they could bring an associated discrimination claim under the Equality Act 2010.

8. How do I inform the employee of the decision?

Having considered the changes, the employee is requesting and having weighed up the advantages and possible costs of granting the request, the decision must be provided in writing as soon as possible after your meeting. Please liaise with HR so they can produce a contract variation letter to be issued to the employee.

This decision will either be:

- Accept the request setting out what changes will be made to the individual's contract including hours, days and work pattern. You can accept the request with or without a trial period;
- Reject original request but agree to an alternative arrangement;
- Reject the request setting out clear business reasons for the rejection (See Section 4) and explain why the business reasons apply in the circumstance;

9. What is a trial period?

A trial period is an agreed period of time when you put in place the proposed changes in order to

determine and monitor the effectiveness of the flexible working arrangements. The length of any trial period should be agreed with the employee and confirmed in writing in response to their request. A suggested starting point for this would be 12 weeks. Any review of a trial period should consider the following:

- How others have found the arrangement and its effectiveness
- The impact on colleagues
- The impact on the service

10. Should I receive the new arrangement?

Where a request is granted, even after a trial period, it is best practice for the line manager and employee to jointly monitor and review the impact of the new working pattern or time spent working from home to ensure that it continues to meet operational needs which may be subject to change. You can build in a formal review point at six months or a year, when you can discuss how the new arrangements are working and make any adjustments necessary if they need to work better or differently.

If the working arrangement is not working effectively and no longer meets the departmental or academy/Trust needs, then you may need to give notice to revert to their former working arrangement if possible.

6. Can the employee revert back to their original arrangements?

Any change to their working pattern as a result of a request for flexible working is regarded as a permanent variation to their contract, unless agreed otherwise. Thus, once the change has been implemented, the employee has no right to revert to his or her previous pattern of working at a future date. Similarly there is no scope for the Trust/academy to insist that the employee revert to his or her previous working pattern when for example a child reaches the age of 17 (or 18 in the case of a disabled child), or when the employee no longer have caring responsibilities.

7. Can the employee make a further request if I don't support it?

Employees should be aware that once they have made a flexible working application, whether it was approved or not, they do not have a statutory right to request another variation for a period of 12 months from the date of their application.