



## Flexible Working Policy

This policy incorporates the changes that were set out by the Employment Relations (Flexible Working) Act 2023 and the Flexible Working (Amendment) Regulations 2023 which come into force on 6<sup>th</sup> April 2024.

The substantive changes are:

- **Flexible working** will become a day one right, so that no minimum period of service is required before an employee can make a flexible working request.
  - An employer will be required to consult with the employee if it is considering rejecting a request.
- Employees will be permitted to make two **flexible working** requests in a 12-month period instead of one.
- The period in which an employer must respond to a **flexible working** request will be reduced from three months to two months.
- The requirement for employees to specify how the employer might deal with the effects of the **flexible working** request will be removed.

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Review Cycle	Biennially
Date Approved	July 2024
Approved By	Board of Directors
Next Review Date	July 2026

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## 1 Policy statement

- 1.0 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 retention of staff.
- 1.1 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.
- 1.2 Through this policy we will accommodate flexible working where possible, giving careful consideration to, and assessment of the effect of the requested change on the effective running of the academy/trust for the benefit of the pupils. Where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner and appropriate consultation will take place with employees.
- 1.3 No-one who makes a request for flexible working, or intends to make such a request, will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 All requests will be handled appropriately and will not discriminate unlawfully against any employee in relation to any of the protected characteristics set out in the Equality Act 2010. Any requests for a reasonable adjustment relating to an employee's disability should be dealt with separately rather than as a flexible working request.
- 1.5 This policy has been implemented following consultation with staff and recognised Trade Unions. The Board of Directors adopted the policy in July 2024.
- 1.6 This policy does not form part of any employee's contract, and it may be amended at any time following consultation.

## 2 Scope and purpose of the policy

- 2.0 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.1 Employees have a statutory right to request flexible working from day one of their employment. 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.
- 2.2 Any employee interested in flexible working can request an informal meeting with their line manager or headteacher to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal request.

## 3 Responsibility for implementing the policy.

- 3.0 The Trust has 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 and ensuring its maintenance and review to the Trust Head of Finance, Business and Operations.

## 4 Forms of flexible working

- 4.0 Flexible working can incorporate a number of possible changes to working arrangements:
- 4.0.1 reduction or variation of working hours;
  - 4.0.2 reduction or variation of the days worked; and/or
  - 4.0.3 working from a different location (for example, from home).

4.1 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 but decisions will be made in consultation with employees.

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

## **5 Eligibility for the formal right to request procedure.**

5.0 Requests under the formal procedure set out in paragraph 6 to paragraph 9 of this policy can only be made by employees who meet the criteria set out below.

5.1 To be eligible to make a request under the formal procedure, you must:

5.1.1 be an employee;

5.1.2 not have already made two formal requests to work flexibly during the last 12 months and

5.1.3 only have one live request for flexible working at any one time

5.2 A request will be considered as live unless any of the following apply:

5.2.1 A decision on the request has been made by the employer;

5.2.2 the request has been withdrawn;

5.2.3 an outcome to the request has been mutually agreed by the employer and employee; or

5.2.4 the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome. It is envisaged this will only happen in rare and exceptional circumstances and the Trust will always endeavour to comply with statutory deadlines.

5.3 A request continues to be live during any appeal or any extension to the procedure that an employer and employee have agreed.

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

6.0 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.

6.1 Your written and dated application should be submitted to the Headteacher and, in order to meet the requirements of the formal procedure and to help them to consider your request, should:

6.1.1 state that it is a statutory flexible working request;

6.1.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;

6.1.3 give the date from which you want your desired working pattern to start;

6.1.4 state whether you have made any previous formal request for flexible working within the last 12 months and, if so, when; and

6.1.5 be submitted at least two months before you wish the changes you are requesting to take effect (unless there are urgent circumstances) .

6.2 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 will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.

- 6.3 If your proposal cannot be accommodated, discussion between you and the headteacher may result in an alternative working pattern that can assist you.

## 7 Formal procedure: meeting

- 7.0 Where necessary, the headteacher will arrange to meet with you as soon as is practicably possible and without unreasonable delay after receiving your written application. The meeting may also be attended by a member of the HR Department. We will inform you if there is a delay in arranging this meeting. The headteacher may discuss your request with your line manager and make any necessary enquiries regarding your proposals prior to the meeting.
- 7.1 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.
- 7.2 The meeting will take place in private and can be held in person or remotely via online video conferencing, or where neither are possible for the staff member, via telephone call. The content of the meeting and the way it is conducted should allow a reasonable discussion and consideration of the request. An accurate record of the discussion will be kept in writing.
- 7.3 The meeting will be used to discuss the working arrangements you have requested. During the meeting we will jointly consider and discuss any alternative flexible working options that may be available and suitable for both you and the organisation if the original request cannot be met.

## 8 Formal procedure: decision

- 8.0 Following the meeting, the headteacher will consider your request carefully and notify you of the decision in writing as soon as possible (maximum of 20 working days).
- 8.1 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.
- 8.2 If your request is accepted, the headteacher will discuss with you how and when the changes might best be implemented and will confirm these in writing. Such confirmation will include 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. There may also be some additional practical matters, such as arrangements for handing over work, that will be discussed with you.
- 8.3 The headteacher may suggest starting new working arrangements under an initial trial period (mutually agreed) to ensure that they meet your needs and those of your team or department. We will set a review date to meet with you again within and at the end of the trial period to discuss how the new arrangements are working.
- 8.4 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will only be able to make one more formal request until 12 months after the date of your most recent request.
- 8.5 If the headteacher needs more time to make a decision, they will discuss this with you. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.
- 8.6 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the headteacher will write to you:
- 8.6.1 giving the business reason(s) for turning down your application;
  - 8.6.2 explaining why the business reasons apply in your case; and
  - 8.6.3 setting out the appeal procedure.

- 8.7 If we reject a request, it will be for one or more of the following eight business reasons:
- 8.7.1 the burden of additional costs;
  - 8.7.2 detrimental effect on ability to meet pupil and/or school/Trust demand;
  - 8.7.3 inability to reorganise work among existing staff;
  - 8.7.4 inability to recruit additional staff;
  - 8.7.5 detrimental impact on quality;
  - 8.7.6 detrimental impact on performance;
  - 8.7.7 insufficiency of work during the periods that you propose to work; and
  - 8.7.8 planned changes.
- 8.8 We will also set out such additional information as is reasonable to help explain the decision. We will also offer to meet with you if this is required.

## 9 Formal procedure: appeal

- 9.0 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.
- 9.1 Your appeal must:
- 9.1.1 be in writing and dated;
  - 9.1.2 set out the grounds on which you are appealing; and
  - 9.1.3 be sent to the Trust Head of Finance, Business and Operations within 14 days of the date on which you received the written rejection of your request.
- 9.2 The Trust Head of Finance, Business and Operations 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.
- The appeal meeting will be conducted by a more senior manager / panel of Governors who has/have not been previously involved in considering your request.
- 9.3 You will be informed in writing of the Appeal senior manager/ panel's decision within 10 days of the appeal meeting
- 9.5 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 will be discussed with you.
- 9.6 You should be aware that changes to your terms of employment will be permanent, and you will only be able to make one other formal request during the next 12 months after the date of your original application.
- 9.7 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 only be able to make one other formal request until 12 months after the date of your original application.

## 10 Timescales

- 10.0 Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.
- 10.1 As a guide and to help ensure that requests are dealt with within this timescale:
- 10.1.1 a meeting will normally be held with you within 14 days of your request being received;
  - 10.1.2 you will normally be informed in writing of the decision within 14 days of the meeting; and
  - 10.1.3 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.
- 10.2 However, there may be exceptional occasions when it is not possible to complete the procedure within this time limit. Where an extension of time is agreed with you, the headteacher will write to you confirming the extension and the date on which it will end.
- 10.3 If you withdraw a formal request for flexible working, you will only be eligible to make one other formal request for 12 months from the date of your original request.
- 10.4 In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
- 10.4.1 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
  - 10.4.2 you unreasonably refuse to provide information we require to consider your request, without good cause.
- In such circumstances, the headteacher will write to you confirming that the request has been treated as withdrawn.

## 11 Making an informal flexible working request

- 11.0 Employees who are ineligible to make a formal request as they have already made two request within the last 12 months and who wish to make an informal request for flexible working may make a request to their line manager or headteacher who will consider it according to our business and operational requirements.
- 11.1 It will help your line manager or headteacher to consider your request if you:
- 11.1.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
  - 11.1.2 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;
- 11.3 Your headteacher 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.

## 12 Retention and data protection

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Records Management Policy and in line with the requirements of the Data Protection Legislation.



### 13 Review of the policy

This policy is reviewed annually by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.