

Flexible Working Policy

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Contents

1. Introduction 3

2. Eligibility 3

3. One Application per year 3

4. Making an Application..... 3

5. Timing of applications..... 4

6. Flexible Working Request Process 4

7. Discussing the request..... 5

8. The Decision..... 5

9. Request Agreed..... 5

10. Permanent Change 5

11. Requests for temporary changes 6

12. Request Denied..... 6

13. Appeals..... 6

14. Right to be accompanied 7

15. Withdrawal of request 7

Appendix 1- Flexible working process overview..... 8

Appendix 2 – Flexible Working Application Form (SFW1)..... 9

1. Introduction

The Trust recognises that employees may wish to change their working pattern / arrangements for a variety of reasons and recognises that allowing this can support the retention of experienced staff and support wellbeing and work life balance. Flexible working arrangements can also increase staff motivation and improve performance and productivity.

This policy sets out the process employees should follow when making a flexible working request and how such requests will be handled. All flexible working requests will be considered and will be managed objectively and fairly. There is no obligation under the flexible working legislation for employers to agree to a request, however, requests will only be rejected where there is a valid business reason for doing so (see section 11 below).

A flexible working request is a request by an employee for a permanent change to their contractual terms and conditions of employment. Examples of changes employees may request include changes to:

- Their overall hours of work (including part time or job share)
- Their working times / pattern
- Work from home or change their place of work

Any agreed change to the contract of employment as a result of a flexible working application will result in a permanent variation to the contract. If the employee is requesting a temporary change to their working pattern/arrangements this is outside the scope of the flexible working legislation and this policy (see section 11).

The only way for an employee to further change/amend their working pattern or return to their previous working pattern will be to make a further flexible working request, although an employee may still only make one request within any period of 12 months.

2. Eligibility

The statutory right to request flexible working applies to all employees with 26 weeks continuous service with their employer at the date the application is made.

Employees who have been employed for less than 26 weeks do not have a statutory right to request flexible working, although requests from these individuals may be considered on a discretionary basis. All requests from all employees will be given equal consideration and looked at in a fair and equitable manner.

3. One application per year

Under the statutory scheme, an employee may only make one application within any 12-month period to the same employer. Any further applications will be considered on a discretionary basis.

4. Making an application

Employees who wish to submit a flexible working application must do so in writing. Employees may complete a Flexible Working Application Form (see Appendix 2) or submit a letter or email containing the appropriate information as set out below. Applications must be submitted to the Headteacher in the first instance.

In line with flexible working legislation, any request made must include the following information in their application:

- State that it is a statutory request for flexible working;
- State whether a previous application for flexible working has been made to the employer and, if so, the date of the application;
- State the date of the application;
- Set out the change to working conditions applied for and the date they wish it to become effective;
- Explain the effect that they envisage the requested change will have on their employer and / or department / area of work, including how, in their opinion, any such effect might be dealt with;
- State if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability. In such cases, this policy will not apply and the request will be dealt with as a request for a reasonable adjustment, and not as a request under this policy.

A flexible working application is taken as made on the day it is received by the employer.

If an employee's request for flexible working does not contain the required information, the Headteacher or HR representative should explain to the employee what additional or amended information needs to be provided and ask the employee to resubmit their request.

5. Timing of applications

Under the statutory scheme there is no set notice period for making a request. The law requires the consideration process to be completed within three months of first receiving the request, including any appeal. Therefore the proposed date for the change to take effect should allow time for the application to be considered and implemented.

If for some reason the request cannot be dealt within three months then an extension to this time limit can be agreed between the employer and the employee. Any such extension will be confirmed in writing.

Although requests can be submitted at any time, employees are encouraged to submit them during normal school term times. Where a request is received shortly before or during a school closure period, an extension to the three month period may be sought to ensure the request can be properly considered and to allow adequate time for the process to be concluded.

An employee who is thinking about changing their working pattern should discuss the possibility of doing so with their Headteacher/Line Manager as soon as possible. The employee will need to propose how any such request might be accommodated. This will enable both parties to explore the opportunities that are available to them.

If an employee would like the change to their working arrangements to commence after a period of leave (e.g. maternity leave) they should make the application in good time and, wherever possible, mention it to their Headteacher/Line Manager before they commence their leave.

6. Flexible Working Request Process

A flowchart showing an overview of the process is available at Appendix 1.

7. Discussing the request

On receipt of a request, the Headteacher/Line Manager will usually arrange to discuss the request with the employee as soon as possible so that their application can be properly and fairly considered. This will normally be in a meeting or by another method agreed with the employee.

The discussion will provide an opportunity to explore the desired work pattern in depth and how it might be accommodated. It may be necessary to discuss other possible alternative working arrangements if there are problems in accommodating the employee's exact requested pattern/arrangements as outlined in their application.

A discussion may not always be needed, for example when the employer is happy to accept a request, but it may be helpful to discuss a request with an employee anyway to confirm how the proposed working arrangements in practice and clarify any outstanding practical considerations.

8. The Decision

The Headteacher will consider all requests fairly and equitably taking into account all the individual circumstances and operational needs.

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 his/her working pattern.

The duty upon the employer is to consider requests for flexible working. There is no obligation to accept such requests, however, applications will only be rejected for a valid reason as set out at section 12 below.

9. Request Agreed

If after the discussion/meeting with the employee, the Headteacher agrees to the proposal (or an alternative arrangement which has been discussed and agreed with the employee) the employee will be notified in writing of the variation that has been agreed and the date on which it will take effect as soon as is reasonably practicable after the meeting.

If the variation requires new / amended contractual documentation this will be provided to the employee, wherever possible before the variation takes effect.

10. Permanent Change

A new working pattern/arrangement will be a permanent change. There is no statutory right to revert back to any former working arrangements. There may be occasions where an employee makes a request for a permanent change to their working pattern / arrangements under this policy and during the discussion with the employee an agreement is made that the new working pattern/arrangement will be for a temporary/trial period.

In such circumstances, the Headteacher will confirm the agreed arrangements to the HR team, who will confirm the outcome of the request by letter. As the initial request has been made under this policy it will count as an application (see section 3 above) precluding the employee making a further request in the following 12-month period (unless the employer exercises their discretion to hear such a request).

If the request is granted for a temporary or trial period, the Headteacher will normally set review points at which the new arrangements can be reviewed and discussed and any necessary adjustments can be made. Unless otherwise agreed, the employee will revert to their original working pattern/arrangement at the end of the temporary or trial period.

11. Requests for temporary changes

Where an employee specifically requests a temporary change to their working patterns/arrangements (i.e. the employee will be returning to their previous working arrangements after a specified event or period of time) this falls outside the scope of the flexible working legislation. Such requests will be considered outside this policy and if the temporary change can be accommodated the employee will be issued with confirmation of the temporary variation to their terms and conditions. Unless otherwise agreed, the employee will then revert to their original working pattern/arrangement at the end of the temporary or trial period. If the request cannot be agreed, the employee will be notified and there will be no right of appeal.

Any temporary requests which have been agreed will not count as a formal flexible working application and therefore if a subsequent request for a permanent change to working patterns/arrangements is made it will be considered under the procedure set out in this policy.

12. Request denied

All requests to work flexibly will be considered objectively and requests will only be refused where there is a valid ground. The valid grounds for rejecting a request are as follows:

- The burden of additional costs
- Detrimental effect on ability to meet customer demands
- 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 the employee proposes to work
- Planned structural changes

If the Headteacher is unable to agree to the request, the employee will be notified in writing as soon as reasonably practicable with an explanation of grounds for refusal, explaining why they apply in the circumstances, and setting out the appeal procedure.

13. Appeals

The time limit for submitting an appeal will be notified to the employee in the letter confirming their request has been rejected. Bearing in mind the duty to deal with the application within 3 months of it being made including any appeal (unless an extension has been agreed), the employee will have at least 5 working days from the date they are notified of the decision to appeal in writing to the Chair of the Local Governing Committee c/o the School setting out the grounds of their appeal.

The person/body who will hear the appeal will depend on who made the initial decision:

Initial Decision	Appeal heard by:
Line Manager (other than Headteacher)	Headteacher or (COFO for Central Staff)
Headteacher/CEO	Local Governing Committee panel or (CEO for Central Staff)
CEO	Chair of Trustees or Board of Trustees panel

If the employee's appeal is successful and the request is agreed at this stage, the employee will be notified in writing of the variation and the date it is to start as soon as possible.

If the person/panel considering the appeal cannot initially agree to the request, they will convene an appeal meeting as soon as possible after receiving the employee's written notice of appeal. This meeting will provide an opportunity for the employee to explain their application and reasons for appeal.

As soon as possible after the appeal meeting (and normally within 5 working days unless otherwise agreed) the employee will be notified in writing of the outcome of the appeal. There is no further right of appeal.

14. Right to be accompanied

An employee may choose to be accompanied at the initial discussion/meeting and any appeal meeting by a work colleague of his / her choice or by a trade union representative. The companion may address the meeting and confer with the employee during the discussion/meeting, but will not be permitted to answer questions on the employee's behalf.

If an employee's chosen companion is unavailable at the time proposed for a meeting then the employer may postpone the meeting to an alternative agreed time. The new agreed time should be as soon as possible and normally within 7 days beginning after the day initially proposed by the employer.

15. Withdrawal of request

An employee who withdraws their application will not be eligible to make another application for 12 months from the date their application was made. Confirmation of the withdrawal must be made in writing to the Headteacher.

Where a meeting has been arranged to discuss the request, if an employee cannot attend the meeting the employee must contact the Headteacher as soon as possible to explain the reason they cannot attend. The meeting will be re-arranged at the next mutually convenient time. An employee who fails to attend a meeting and any subsequently rearranged one without a reasonable explanation will be treated as having withdrawn their application. The Headteacher will consider the reasons for the employee failing to attend both meetings before reaching any decision to consider their application withdrawn. In such circumstances, the Headteacher will write to the employee confirming that their application is considered withdrawn.

16. Data Protection and records retention

The Trust processes personal data collected during the flexible working application process (including written records of meetings held under the process) in accordance with its data protection policy. In particular, data collected from the point at which the school receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the flexible working request. On the conclusion of the process, data collected will be held in accordance with the Trust's retention schedule.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

Appendix 1- Flexible working process overview

To be completed within 3 months of receipt of application (unless extension agreed)

Employee makes written request



HT and employee discuss the application if necessary



Employee has the right to appeal. This appeal must be in writing, by letter to the Chair of the Local Governing Body, setting out the grounds of the appeal

Acceptance confirmation letter and Contractual paperwork is processed and issued to employee



Chair of Governors receives the employee's written appeal



Local Governance Committee member and employee meet to discuss the appeal



Headteacher / Local Governance Committee confirms in writing the outcome of the appeal hearing to the employee



Acceptance confirmation letter and contractual paperwork is processed and issued to employee



Existing contractual terms continue

Appendix 2 – Flexible Working Application Form

Part A

Name:	
Post:	
Sigma Location:	

I would like to apply to change my working pattern/arrangements on a permanent basis. I confirm that I meet the eligibility criteria as follows:

I have not made a flexible working request under this right during the past 12 months 12

If I have made a request within the last 12 months, the previous date was _____

I have worked continuously for my current employer for 26 weeks

If you are making this request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability, please tick this box.

Employee Signed:		For School Office Use Only Date application received:
Print Name:		
Date:		

Part B

Describe your current working pattern (days, hours, times worked):

Describe the working pattern you would like in future (days, hours, time worked):

I would like the working pattern to commence from:

Impact of the new working pattern

I think this change in my working pattern will affect my employer and colleagues as follows:

Accommodating the new working pattern

I think the effect on my employer and colleagues can be dealt with as follows:

Any Additional Information you would like to add