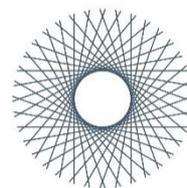


# Flexible working policy



HERTS FOR  
LEARNING  
**MULTI  
ACADEMY  
TRUST**

STATUS:	Non-statutory
DATE ISSUED:	September 2018
REVIEW DATE:	September 2020
APPROVED BY:	Board of Trustees
APPROVAL DATE:	tbc

## 1 Objective and scope

- 1.1 This policy sets out the rights of the employee to request flexible working and also outlines the process by which employees should make an application to work flexibly. It does not apply to agency workers, consultants or self-employed contractors. This policy and procedure does not form part of any employees' contract of employment.
- 1.2 Flexible working is about improving the way we deliver services, maximising the potential of our staff, being efficient in the use of resources, optimising the use of new technology and challenging traditional working methods and practices.
- 1.3 Flexible working is also intended to ensure that individuals strike a balance between their home and work priorities; encouraging employees to work smarter whilst discouraging them from continually working long hours.

## 2 The business need

- 2.1 Where the business case can be supported the Trust is committed to providing flexible working. However, the Trust, schools and employees need to be practical and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the Trust or school. The Trust has to consider that appropriate staffing levels must remain in line with the demands of the delivery of education (the business) at all times.

2.2 Each application will be considered on an individual basis and decisions do not form a precedent (as the circumstances are different in each area of the Trust and also change following the acceptance of each request).

### 3 Eligibility to apply for flexible working

3.1 While not all flexible working patterns will be suitable for all areas of the Trust there are no barriers to an employee applying to work flexibly.

3.2 All employees have the right to make an application to work flexibly providing they:

- have a minimum of 26 weeks continuous service with the employer at the date of the application
- have not made a flexible working request in the previous 12 months

3.3 It is important to understand that it is not a right to work flexibly but a **right to make a request** for a different working pattern and to have the request considered.

### 4 Part time working (teachers in secondary schools)

4.1 Unless commitments can be made to the contrary it should be explained that due to timetabling restrictions it may not always be possible to accommodate a specific working percentage over the smallest possible number of days.

4.2 For example if a teacher requests to work 0.4 it may be appropriate for the school to make clear that while efforts will be made to assign work over two days it may be essential for this to be spread over three days.

4.3 Reasonable efforts will be made to limit the number of days an employee that has made a flexible working request to work part time unless they indicate that they are happy to be deployed more flexibly.

### 5 Impact of flexible working on other terms and conditions

#### 5.1 Pay and pensions

Employees taking up flexible working options which may result in reduced working hours will be paid on a pro rata basis, according to the number of hours worked. Employees should obtain detail of the impact on their pension from the relevant scheme administrator, LGPS or teachers' pensions.

## 5.2 Annual leave

The impact on annual leave arrangements will vary according to the type of flexible working option agreed. Part-time employees for example will be entitled to annual leave and bank holidays calculated on a pro rata basis.

## 6 Procedure

### 6.1 *Making a flexible working application*

An application to work flexibly must be made in writing to be considered by your headteacher, line manager or Chair (of the Board in the case of the CEO and the Academy Governing Board in the case of the headteacher). The template provided should be used and the application should specify the following:

- 1) the date of the application
- 2) that the request is made under the terms of the flexible working legislation
- 3) the requested change to their working pattern and the date the employee would like this to be effective
- 4) the reason for the request especially if the reasons concern childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability
- 5) the period for which the change is requested (i.e.: is it a temporary or permanent change being requested)
- 6) any impact this change may have on the work undertaken by the employee making the request, on the work of his/her colleagues and on service delivery and suggestions of how this may be overcome
- 7) whether any previous request to work flexibly has been made and, if so, the date of that application
- 8) if the application is being made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability

### 6.2 *Consideration of the request*

6.2.1 The Trust/school will give serious and full consideration to all requests to work flexibly.

6.2.2 Completion of the consideration process including any appeal will normally take place within three months of first receiving the request. If the request cannot be dealt with during this period the school may extend the time limit by mutual consent.

6.2.3 When the headteacher, line manager or Chair (of the Board in the case of the CEO and the Academy Governing Board in the case of the headteacher)

receives an application for flexible working they should consider the arrangement that has been requested.

6.2.4 The headteacher, line manager or chair will need to consider and discuss with the applicant:

- the cost of the proposed arrangement
- the effect the proposed arrangement will have on other staff
- the impact of the proposed arrangement on delivery of the service of the school (education) and the service the role is intended to provide within the school
- the level of supervision the post holder will need
- an analysis of the tasks and workload specific to the role
- if the request is considered to be a reasonable adjustment for a disability or due to caring responsibilities

6.2.5 The employee is entitled to be accompanied to that meeting by a work colleague or trade union representative. If the employee or their representative is not available for the meeting then an alternative suitable time for all parties should be agreed and held within five working days.

6.2.6 If the request is suitably clear or no other information needs to be sought or considered in discussion with an employee, and the school concludes the request to be agreeable from the outset, the right is retained to confirm acceptance of the request without the need for a meeting.

6.2.7 If the school cannot meet the employee's request due to business and operational reasons it will be based on one or more of the following legislative grounds for rejection;

- the burden of additional costs
- the detrimental effect on the ability to meet student/pupil needs/service demands
- an inability to reorganise or redistribute work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality or performance
- insufficient work available during the hours the employee is requesting to work
- other planned changes (redundancy/reorganisations)

6.2.8 Once a decision has been made the employee will receive written confirmation as soon as possible either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect; or

- refusing the application and stating which of the specified grounds for refusal it considers to be applicable and explaining why those grounds apply in relation to the application. The appeal procedure will be set out.

6.2.9 If at any point the change is agreed as permanent, there is no right for the employee to revert back to their former working pattern.

### **6.3 Trial periods**

6.3.1 The Trust may decide to offer the new way of working on a trial basis, initially where it is not sure what impact the change will have on the delivery of education and service the role provides within the Trust/school. In such circumstances, the change to the employee's terms and conditions of employment during a trial period is a temporary change. In order to accommodate the trial period and any necessary steps if unsuccessful the parties will have to agree an extension to the decision date beyond the statutory three month period.

6.3.2 If, in the Trust's opinion, the trial is not successful the employee will revert back to their previous terms and conditions of employment and they will be entitled to exercise their right of appeal. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

## **7 The appeal process**

7.1 The employee has the right to appeal if the application is declined and must put their appeal in writing to the chair of governors (school based employees), care of the school, or Chair of the HR Committee (central team staff), within seven calendar days (unless an extension is agreed) of receipt of the decision or confirmation of the failure of the trial period.

7.2 The letter of appeal must clearly state the grounds for appeal and a further meeting, to be led by a panel of three governors/three Trustees, will then be arranged, again giving the employee the right to be accompanied, to review the decision.

7.3 Following the appeal hearing, the school will confirm the outcome in writing within 10 working days (unless an extension is agreed). If the appeal is upheld the new working arrangements and the date they are to commence will be confirmed. If the appeal is rejected the letter will confirm the business reason(s) for the decision and explain why they apply. The decision at the appeal hearing stage is final.

## 8 Withdrawing an application

- 8.1 A request to work flexibly can be withdrawn at any time before it has been accepted. However, an employee who withdraws the application will not be eligible to make another flexible working request for a further 12 months.
- 8.2 If an employee fails to attend more than one meeting arranged to discuss the request and does not provide a reasonable explanation, the school may assume that the application has been withdrawn.
- 8.3 The school may also treat an application as withdrawn if the employee does not provide the required information.