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# Flexible Working Policy

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## **1. OBJECTIVE AND SCOPE**

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.

Flexible working can have a positive impact on an individual and their wellbeing. It can also maximise the potential of our employees and support us in optimising the use of new technology and challenging traditional working methods and practices.

Both employee and employer need to be practical and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas, and we have to consider that appropriate staffing levels must remain in line with the demands of the delivery of education (the business) at all times.

Each application will be considered on an individual basis, decisions do not form a precedent as the circumstances are different and can also change following the acceptance of each request.

## **2. ELIGIBILITY TO APPLY FOR FLEXIBLE WORKING**

Employees who have a minimum of twenty-six weeks' continuous service have the right to request flexible working. This does not apply to agency workers, consultants or self-employed contractors.

While not all flexible working patterns will be suitable, an employee has the right to request any flexible working pattern they believe would support themselves and/or us.

All employees have the right to request flexible working if:

*they have a minimum of twenty-six weeks continuous service with the employer at the date of the application*

*they have not made a flexible working request in the previous twelve months*

It is important to understand that an employee does not have the automatic right to work flexibly but does have a right to request changes to the conditions of how they work, which may include how, when or where they work, and for this request to be considered fairly.

## **3. IMPACT OF FLEXIBLE WORKING ON OTHER TERMS AND CONDITIONS**

### **3.1. Pay and pensions**

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

### **3.2. 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.

## **4. PROCEDURE**

### **4.1. Making a flexible working application**

An application to work flexibly must be made in writing to the Executive Headteacher or (in the case of the Executive Headteacher the Chair of Governors, and specify the following:

- the date of the application (today's date)
- a statement that this is a statutory request
- details of how you would like to work flexibly and when you would like to start
- an explanation of how you think flexible working might affect us as the employer and how this could be dealt with, for example if you're not at work on certain days
- a statement saying if and when you've made a previous application

### **4.2. Consideration of the request**

The consideration of the request should be completed within 3 months from receiving the request. This 3-month period includes any meetings to discuss the request and any appeal that may occur.

If the request cannot be dealt with during this period, we may extend the time limit by mutual consent. An example of when an extension might be agreed is when non-directed working time, i.e., the summer holidays, sits within the three-month timescale.

We may need to meet with you to consider the request carefully, looking at the benefits of the requested changes for both the employee and employer, and weigh these against any adverse business impact of implementing the changes.

The following non-exhaustive factors may be considered for each request:

- the cost of the proposed arrangement
- the effect the proposed arrangement will have on other staff
- the impact the proposed arrangement may have on the ability to deliver an appropriate quality of educational service
- the impact the proposed arrangement may have on the ability of the role to deliver and perform to a satisfactory level
- the level of supervision the post holder will need to have

- an analysis of the tasks and workload specific to the role

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 pattern.

#### **4.3. Meetings regarding flexible working**

Upon receiving a written request for flexible working we will usually seek to arrange a meeting with you to:

- discuss the request
- find out more about the proposed working arrangements
- understand how it could be of benefit to both the employee and employer

If a meeting is arranged it will be held within a reasonable amount of time from receiving this request. This time frame may be extended with the agreement of both parties.

Alternatively, we may choose to state in how many days the meeting will be held and confirm this time frame may be extended with the agreement of both parties.

If you fail to attend a meeting without good reason, this meeting may be rescheduled. If you fail to attend the rescheduled meeting your application may be deemed to have been withdrawn.

Where a request can, without further discussion, be approved, a meeting to discuss the request may not be necessary. You will be informed of the agreement to the request by a confirmation letter and your contract of employment will be formally changed following the request being approved.

## **5. OUTCOME OF A FLEXIBLE WORKING REQUEST**

Once a decision has been made, you will receive written confirmation as soon as possible.

The request may either:

- Be agreed to in full – we will agree to the application and specify the contract variation and the start date on which it is to take effect
- Be agreed to in part – we may agree to part of your request and/or propose alternative arrangements. We may also propose a modified version of the request. Please note, proposed changes from us will only be confirmed as agreed if mutual consent has been received
- Be agreed as a trial period (see section 6 below)

- Be refused - if refused, the specified grounds for refusal must be stated. It should also be explained why those grounds apply in relation to the application. You should also be made aware of the appeal procedure

If we cannot meet your request due to business and operational reasons it may be based on one or more of the following legislative grounds for rejection:

- extra costs that will damage the business
- the work cannot be reorganised among other staff
- people cannot be recruited to do the work
- flexible working will affect quality and performance
- the business will not be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

If at any point the change is agreed as permanent, this becomes your new working pattern and there is no right for you to revert back to your former working pattern.

## **6. TRIAL PERIODS**

Where there is some uncertainty about whether the flexible working arrangement is practicable for both parties, or where it is unclear what potential impact the change will have on the delivery of education and service the role provides, a trial period may be agreed.

The trial period is an opportunity for both parties to ensure that the arrangement is working satisfactorily before it is confirmed in the longer term.

In order to accommodate the trial period and any additional necessary steps the parties will have to agree an extension to the decision date beyond the statutory three-month period.

If a trial period is offered it should be for a reasonable, although not excessive, amount of time, to enable both parties to understand if this arrangement will work for us both.

If a trial period is offered, the change to your terms and conditions of employment during a trial period is a temporary change for a specified period of time.

If, the trial is not successful you will revert back to your previous terms and conditions of employment, and you will be entitled to exercise your 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**

If the flexible working application was not concluded to your satisfaction, you may appeal to us within seven calendar days of receiving the written outcome decision. Wherever possible, the appeal will be heard by an appropriate individual or panel of individuals who have had no prior involvement in the process.

The decision of the appeal hearing and the reasons for that decision will be communicated to all parties and confirmed in writing as soon as reasonably practicable, usually within five working days. The decision reached at this hearing is final.

## **8. WITHDRAWING AN APPLICATION**

A request to work flexibly can be withdrawn at any time before it has been accepted. However, if you withdraw the application you will not be eligible to make another flexible working request for a further twelve months from the date of the original request.

If you fail to attend two or more meetings arranged to discuss the request and does not provide a reasonable explanation, we may assume that the application has been withdrawn.

We may also treat an application as withdrawn if you do not provide all the information required.