

FLEXIBLE WORKING POLICY

Date of last review	November 2019	Date of next review	November 2022
Review period	3 years	Owner	OFC
Type of policy	Non-statutory and statutory		

This policy has been agreed with the trade unions recognised by Paradigm Trust. It was adopted by the Trust at a meeting of its Operations and Finance Committee on 12 November 2019.

This policy applies to all Paradigm Trust employees.

1. Introduction

Paradigm Trust ("the Trust") is wholly committed to providing the very best education to its pupils. In order to achieve this, the Trust recognises that recruiting and retaining staff of the highest calibre is fundamentally important, and therefore, the Trust's aspiration is to be an employer of choice and to be recognised as a family friendly employer. The introduction of a Flexible Working Policy recognises that a supportive approach in relation to employees managing work and family life is important in maintaining good employment relationships and staff retention.

The Trust also recognises the importance of maintaining a safe, healthy and productive work life balance for all employees and ensures that it complies with statutory obligations underpinning employees managing their work and family life, including caring responsibilities. The Trust recognises the valuable contribution made by employees who are carers and acknowledges the needs and challenges faced by employees who have ongoing regular caring responsibilities and the impact that this may have on their working lives.

The choice to request flexible working sits with the employee. The aim of this policy is to provide staff with a range of options to work more flexibly in order to support combining work with other personal interests, commitments and responsibilities.

The following principles underpin this policy:

- 1.1 There are many different types of flexible working arrangements that exist, for example part time working, home working, staggered hours, compressed hours, term-time only working, reduced hours and job sharing. These are just examples and you can request any working arrangement you wish.
- 1.2 Flexible working opportunities benefit both the Trust and its employees through:
 - Promoting equality in employment
 - Increasing employee productivity, engagement, effectiveness and commitment
 - Achieving a better work-life balance for staff, for example with respect to childcare responsibilities, care of elderly dependants, furthering of outside interests or voluntary work
 - Improving staff recruitment, retention and motivation
 - Reducing staff absenteeism
 - Improving employment opportunities for staff with disabilities and/or health issues.

- 1.3 Effective flexible working is dependent on good communication, including regular meetings between you and your manager such as performance management discussions, one to ones and team meetings/briefings. You and your manager are jointly responsible for ensuring that the arrangements work well for both parties, and you should work to resolve any issues together.
- 1.4 In the spirit of good communication, anyone considering making an application to work flexibly is strongly encouraged to speak with their Principal/Service Head in advance of submitting a formal application.
- 1.5 In addition the following policies and procedures, which may be accessed on the staff intranet/hub or from Human Resources, may be relevant to some employees looking for a better work-life balance:
- Annual and Special Leave Procedure (including unpaid leave)
 - Parental and Adoption Leave
 - Extended Leave Scheme
- 1.6 The Trust will ensure that if you request flexible working arrangements your request will be taken seriously. We will not seek to refuse a reasonable request provided we are able to balance our commitment to your own work-life balance with our commitment to providing the best education possible for our pupils.
- 1.7 The Trust will ensure managers with responsibility for agreeing flexible working arrangements receive appropriate support/training.
- 1.8 All applications for flexible working will be treated with an appropriate level of confidentiality ensuring individual's personal details are processed in line with contractual agreements and dealt with by staff who have a legitimate reason for processing.

2. EQUALITIES

2.1 The Trust will comply with relevant equalities legislation, including:

The Employment Relations Act 1999
The Equality Act 2010
The Employment Rights Act 1996
The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
The Agency Workers Regulations 2010

2.2 The Trust will promote equality in all aspects of school life, particularly as regards all decisions on advertising of posts, appointing, promoting and paying staff, training and staff development.

2.3 We are committed to complying with the Equality Act 2010 and will monitor the impact of this policy, paying particular attention to any equality implications. When considering any amendments to this policy, the Trust will assure itself that appropriate arrangements are in place to enable the consistent application of the policy.

2.4 The Trust agrees to share anonymised data regarding numbers of requests including numbers granted, and appeals, with the recognised trade unions on an annual basis to enable them to monitor trends.

3. Eligibility

3.1 Under the Flexible Working Regulations all employees have the legal right to request flexible working - not just parents and carers. This is known as 'making a statutory application'. You must have worked for the Trust for at least 26 weeks to be eligible to make a statutory application.

3.2 However, in recognition of our commitment to being a family friendly employer and to helping our employees to strike a healthy work/life balance, we have extended eligibility to request to work flexibly and all our employees, regardless of length of service, are entitled to make at least one request for flexible working per year.

4. Types of flexible working

4.1 You may request any working arrangement you wish, and we commit to giving it serious consideration. The following list, which is not exhaustive, describes some flexible working options that you might want to consider. Requests for permanent or temporary changes will be considered.

4.2 Reduced hours

You may ask to work fewer hours to improve your work/life balance. Your Principal or, if you are in Central Services your Service Head, will consider any requests for reduced working hours, taking into account your career, life plans and the service needs.

4.3 Term Time Only Working

The majority of employees within the Trust are schools-based and many already work term time only. If you work all year around, working term time might help you with childcare or other responsibilities. A term-time only arrangement means that you work only during school term times (normally 38 or 39 weeks a year) and so cannot select the dates when you take annual leave, which you are deemed to take during school holiday periods. You would receive a reduced salary to reflect the reduced working arrangement, but it would be paid in 12 equal monthly payments.

4.4 Staggered hours

Changes to your starting and finishing times may help you to combine outside commitments or interests with working for the Trust and may in some cases be beneficial to the service by providing cover over an extended number of hours.

4.5 Compressed hours

This is where your working hours are carried out over a shorter than 'normal' time span. So, for example, you may currently work 30 hours over five days. A compressed hours arrangement could mean working the same number of hours but over 4 days per week.

4.6 Homeworking

This is where you may regularly carry out all, or part of your duties from home. This could be an occasional agreed day or half day, or a more formal arrangement. For teaching staff, it may be that PPA could be worked from home on occasion, depending on your timetable.

4.7 Part-Time and Job-Share Working

The Trust recognises the important role that part-time staff play in the workplace and wherever possible will accommodate requests for part-time working/job share. Job-sharing is generally where one full time job or role is undertaken by two part-time employees (usually working at opposite ends of the week, or either end of the day, i.e. a morning/afternoon arrangement).

The advantages of job-sharing include:

- more skills and experience available at little extra cost to the organisation
- increased capacity for cover during holidays, sickness or other absences

- increased capacity for cover for peak periods

4.8 Flexible retirement

Flexible Retirement allows you, if you are a member of the Local Government Pension scheme and are 55 years or older, to:

- Reduce your contractual hours (the reduction in hours normally being at least 40 per cent of the previous hours worked) and
- Move to a lower graded post (the reduction in grade should normally be at least two grades or a 25 per cent drop in gross salary) and
- Draw your pension benefits from that time, whilst continuing, if you wish, to accrue further benefits in continuing employment. The reduction in hours or grade should not be temporary.

For further details please contact the Pension team. For London based staff in the LGPS please contact the LBTH pensions team (020 7364 5000) or email tim.dean@towerhamlets.gov.uk. For Ipswich based staff in the LGPS scheme please contact pensions@suffolk.gov.uk.

4.9 Phased retirement

Teachers pensions members can take phased retirement and return to work, for a minimum of 1 year, provided that there will be a reduction in earnings of at least 20%, compared to their previous six months earnings. The reduction can be achieved through a move to a role of lesser responsibility (and hence salary), or a reduction in working pattern.

For further details please contact Teachers' Pensions on www.teacherspensions.co.uk or 0845 6066166 for full details of scheme regulations relating to flexible retirement.

5. How to apply to work flexibly

- 5.1 Your starting point should be to speak with your Principal/Service Head (or Human Resources). For all flexible working requests, whether statutory or not, you will need to apply using the Flexible Working Request Application form attached as appendix 1 to this policy. Before making a request you are advised to consider the effects on your pay and pension before you make an application, so that you are clear about any financial implications, and you are welcome to seek advice from HR on this.

- 5.2 On receipt of your written application, your Principal /Service Head will meet with you within a reasonable timeframe, to discuss your request. For more on timeframes see 5.5 and 5.6 below. In this meeting, you and your Principal/Service Head can consider the types of flexible working that are available and what would suit your needs. You will want to explore together how the arrangement might work, and any alternatives.
- 5.3 You may be accompanied by a trade union representative or a work colleague at the meeting. Your Principal/Service Head may be accompanied by an HR officer.
- 5.4 Your Principal/Service Head will consider the request and make a decision with advice from HR. At the meeting the Principal/Service Head will either
- agree to your request and confirm a start date for the new working arrangements
 - or**
 - offer an alternative arrangement to which you both agree
 - or**
 - agree an arrangement on a trial basis, with an agreed review date (as an alternative to rejection)
 - or**
 - reject the request explaining the business reason(s) why the request cannot be accommodated, along with details of the appeals process.
- 5.5 Your Principal/Service Head will notify you of the outcome of your application within a reasonable timeframe, usually within 1 week of the meeting, and will forward a copy of your application and their response to HR.
- 5.6 The Trust will ensure that the whole process for responding to your application for flexible working including any appeal, will be dealt with within 3 months. This is in line with the statutory requirement that all statutory requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless you agree to extend this period. There may for example be occasions where your Principal/Service Head will want to take further advice or make additional arrangements prior to notifying you of their final decision. In these cases, you will be advised of the reason for any delay and an alternative timescale will be agreed with you.
- 5.7 If your application is approved you will be notified in writing, making it clear that the changes constitute an amendment to your contract of employment (and, depending on what is agreed whether this is a permanent or temporary change) and advise you of the effect of the change on your salary and other benefits.

5.8 Under the terms of the legislation your Principal/Service Head need only consider one request to work flexibly every twelve months. However, if your circumstances change within this period and you wish to do so, you may submit an additional application which we will consider.

6. Declined applications and delays in reaching decisions

6.1 Requests to work flexibly will be considered positively by the Trust and as far as possible objective criteria applied. The Trust will only refuse a request if there are business reasons for doing so.

6.2 If your request is refused, it will be for one of the following reasons:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to provide the required service
- insufficient work for the periods you are proposing to work
- a planned structural change to the organisation
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6.3 Your Principal/Service Head will have to take the needs of the service into account when considering your request, and may decline your application based on one or more of the aforementioned grounds. If this is the case, it will be confirmed in writing to you and you will be provided with details of the reason for the decision. Before refusing a request to work flexibly, your Principal/Service Head will discuss this and their reasoning with you.

7. Right of appeal against refusal of a request

7.1 You have the right to appeal against your Principal/Service Head's decision, within 10 working days of receiving the written decision. Appeals should be in writing, and dated, setting out the grounds for the appeal.

7.2 Your appeal will be considered by the CEO (providing the CEO hasn't had previous involvement in deciding the matter – in which case see 7.3 below), with advice from the Director of HR, within 10 working days of receiving your appeal. The CEO may invite you to a meeting to discuss your appeal, or rely on written evidence only when considering your

appeal. You may be accompanied by a trade union representative or work colleague at any meeting that you are invited to, to consider your appeal. Following consideration of your appeal, you will be written to confirming the CEO's decision, which will be final.

- 7.3 Where the CEO has had previous involvement in the decision to refuse a request for flexible working, the appeal will be considered by a director (who has had no previous involvement) with advice from HR.

8. Guidance for managers on handling requests to work flexibly in a fair way

- 8.1 There may be occasions when a Principal/Service Head receives more than one request to work flexibly closely together from different employees. Where this happens, it may or may not be possible to grant all of the requests received. Requests should normally be considered in the order they are received. If in such circumstances a first request is approved, the Principal/Service Head may legitimately take this into account (including the potential impact on the service of the second request, if approved) when considering such request. Each request will be considered on a case by case basis.
- 8.2 When a Principal/Service Head receives more than one request, they are not required by the law to make value judgements about the most deserving request. They should consider each case on its merits looking at the business case and the possible impact of refusing a request. The Principal/Service Head may want to have a discussion with both employees, to see if there is any room for adjustment or compromise on either part, before coming to a decision.
- 8.3 If the Principal/Service Head is unable to approve a request in an environment where a number of other employees are already working flexibly because any further flexible working arrangements would impact adversely upon the service, the Principal/Service Head may choose to explore the option of calling for volunteers from employees with existing flexible working agreements to see if they are willing to make adjustments to their own working arrangements, so as to create capacity for others to work flexibly. No pressure will be placed on any employee to change the working arrangements that have been agreed for them, subject to any flexibility clauses that may already exist within their contract of employment.

9. Further Information

If you have any queries regarding this policy please contact the HR team at hr@paradigmtrust.org

Flexible Working Request Application Form

1. Personal Details

Name:

Payroll number:

School/Service:

Start date:

Please advise if this is a statutory request as set out in this policy. If so, please confirm whether you have previously made a request to the Trust to work flexibly (and if so, the date of your most recent request).

Y/N

Please advise if this is a request made under the Equality Act (in which case please provide details to help us in our consideration of your request)

Y/N.....

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Please note that our policy is that all requests for flexible working will be considered whether statutory or not.

2a. Please describe your current working pattern (days/hours/times/weeks worked):

Is your request to work: Part time/Job share//home working/staggered hours/compressed hours/term time only working/reduced hours/other (please specify).....

2b. Please describe the working pattern you would like to work in future (days/hours/times/weeks worked):

2c. Please advise when you would like this working pattern to commence from:

Date:

3. Impact of the new working pattern

Please try to think about and consider how the working pattern you have requested may impact upon the school/service. In doing so, it might be worth briefly outlining any issues your request raises (if any) and how you think the school/service may respond, although there is no expectation for you to go into great depths or provide detailed responses.

4. Accommodating the new working pattern

As above, please try to think about and consider how the school/service may be able to accommodate your requested working pattern.

Name:

Date:

Please send this completed application to your Principal/Service Head.