



# Flexible Working Policy

Further advice and guidance on this policy can be obtained from your HR Business Partner or the HR Helpdesk [hrsupport@academiesenterprisetrust.org](mailto:hrsupport@academiesenterprisetrust.org)

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## **1. POLICY STATEMENT**

From 30 June 2014, all employees have the legal right to request flexible working - not just parents and carers. The Group is 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 employee morale, reduce absenteeism and improve our use and retention of employees.

The law gives certain employees (not just parents and carers) a statutory right to request flexible working to which the employer is required to give reasonable consideration. This policy covers the procedure for any employee who wishes to request flexible working, whether or not eligible to make a request under the terms of the statutory provisions.

Requests made under the terms of the statutory provisions are referred to in this policy as "formal requests".

No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

This policy has been agreed following consultation with our recognised trade unions and does not form part of any employee's contract of employment and it may be amended at any time, subject to further consultation in accordance with the recognition agreement.

## **2. ELIGIBILITY FOR THE STATUTORY RIGHT TO REQUEST PROCEDURE**

To be eligible to make a formal request under the statutory provisions you must:

- be an employee;
- have at least 26 weeks' continuous service at the date your request is made;
- not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).

Employees who do not meet the statutory eligibility criteria to make a formal request, but who want to make either permanent or temporary changes to their working arrangements, may still submit a request under this procedure set out to the principal who will at their discretion consider the request according to the academy's educational, business and operational needs and other exigencies of service.

Employees whose requests for flexible working are accepted will have changes made to their contracts of employment to reflect their new working arrangements. The Group, as the employer, retains the right to decide whether those changes should be permanent or temporary. The duration of any temporary changes, in particular, will be determined in accordance with the academy's educational, business and operational needs and other exigencies of service. Where an employee requests a temporary change which cannot be accommodated a permanent change might be offered but would not be imposed.

Any employee interested in flexible working may request an informal meeting with the principal to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery/safeguarding before submitting a request.

### **3. ROLES AND PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE POLICY**

#### **3.1 The Group and Local Governing Body**

The Group has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The local governing body and principal have delegated day-to-day responsibility for operating the policy and ensuring its maintenance.

#### **3.2 Employees**

All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the principal.

### **4. FORMS OF FLEXIBLE WORKING**

Flexible working can incorporate a number of changes to working arrangements:

- reduction or variation of working hours;
- reduction of the number of days worked each week; and/or
- working from a different location (for example, from home).

### **5. MAKING A FLEXIBLE WORKING REQUEST**

The employee will need to submit a written application if their request for flexible working request to be considered.

The employee's written and dated application should be submitted to the principal. In order to help consider the request, it should:

- state the reason for the request and whether they wish the variation to be permanent or temporary and if so for how long;
- provide as much information as they can about current and desired working pattern, including working days, hours and start and finish times, and give the date from which they wish their desired working pattern to start;
- address the effect the changes to the working pattern will have on the work that they do, that of their colleagues and on service delivery. If the employee has any suggestions about dealing with any potentially negative effects, please include these in the written application;
- provide information to confirm whether or not they meet the statutory eligibility criteria;
- state whether this is a statutory formal request and whether they have made a previous request for flexible working and, if so, when;
- state if they are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability; and
- ideally be submitted at least two months before they wish the changes that are being requested to take effect.

The principal might be able to agree the employee's proposal without the need for a meeting (which is the next stage of the procedure). If that is the case, confirmation of the decision in writing explaining the changes that will be made to your contract of

employment, whether they will be permanent or temporary and if so for how long and the date that they will be effective from.

If the employees' proposal cannot be accommodated, discussion will take place between the employee and the principal, which may result in an alternative working pattern agreeable to both parties.

## **6. PROCEDURE: MEETING**

Where necessary, the principal will arrange to meet with the employee within 28 days of the application being submitted. The meeting will also be attended by the HR Manager. The employee may bring a colleague or trade union representative to the meeting as a companion if they wish.

In most cases, the meeting will be held at the employees' usual place of work. However, the academy will ensure that the meeting is held at a time and place that is convenient to the employee.

The meeting will be used to consider the working arrangements they have requested. The employee will also be able to discuss what impact their proposed working arrangements will have on their work and that of their colleagues and of your department. If the arrangements they have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

The principal may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the employee's academy.

## **7. PROCEDURE: DECISION**

Following the meeting, the employee will be notified of the decision in writing within 14 days.

If an employee's request is accepted, or where an alternative is proposed, confirmation of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence will be made in writing. The employee will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to their terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that will be discussed.

The employee should be aware that where changes to their terms of employment are intended to be permanent, they will not be able to make another request until 12 months after the date of the original application.

If the principal needs more time to seek further information to make a decision, they communicate this to the employee in writing with an indication of the date of response.

There will be circumstances where, due to educational, business and operational requirements and other exigencies of service, the principal will be unable to agree to a request. In these circumstances, the employee will receive written confirmation of the below:

- give the business reason(s) for turning down the application;
- explain why the business reasons apply in the employees case; and

- setting out the appeal procedure.

The eight business reasons for which the academy may reject a formal request are:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand such as the ability to meet educational requirements of students;
- inability to reorganise work among existing employees;
- inability to recruit additional employees;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that you propose to work; and
- planned changes.

## **8. PROCEDURE: APPEAL**

If your formal request is rejected, the employee has the right to appeal.

The appeal must:

- be in writing and dated;
- set out the grounds on which you are appealing; and
- be sent to the chair of the local governing body within 10 working days of the date on which the employee received the written confirmation of rejection of their request.

The chair of the local governing body will arrange for a meeting to take place normally within 10 working days of receipt of the employees' appeal. The employee may be accompanied by a colleague or trade union representative.

The employee will be informed in writing of the appeal panel's decision within 10 working days of the date of the appeal meeting.

If the appeal is upheld, the employee will be advised of their new working arrangements and any changes to their contract of employment, details of any trial period and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on the personnel file to confirm the variation to the terms of employment. Any additional practical matters relating to service delivery will be discussed.

The employee should be aware that where changes to their terms of employment are intended to be permanent, they will not be able to make another request until at least 12 months after the date of the original application.

If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in the case. The employee will not be able to make another request until 12 months after the date of the original application.

## **9. BREACHES OF THE PROCEDURE**

There will be exceptional occasions it may not possible to complete the consideration process (including any appeal) within three months of first receiving the request. Where an extension of time is required, the employee will be confirmed in writing confirming the extension and the date on which it will end.

If the employee withdraws a formal request for flexible working, they will not be eligible to make another request for 12 months from the date of their original request. In certain circumstances, a formal request will be treated as withdrawn. This will occur if:

- they fail to attend two meetings without reasonable cause; or
- they unreasonably refuse to provide information the academy require to consider your request.

In such circumstances, the principal will confirm in writing that the request has been withdrawn.

## APPENDIX A

### Form to request flexible working

#### Note to the employee

You can use this form to make an application to work flexibly under the right provided in law (From 30 June 2014, all employees have the legal right to request flexible working - not just parents and carers). Before completing this form, you should first read the flexible working policy carefully.

You should note that it may take up to three months to consider your request and allow for discussion and meetings between yourself and the principal with further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to the principal well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to the principal (you might want to keep a copy for your own records). The academy will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

#### 1. Personal Details

Name:

Job Title

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under The Children and Families Act 2014. I confirm I meet each of the eligibility criteria as follows:

**Either** *Please tick those which apply. If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under paragraph 11 of the policy.*

I have worked continuously as an employee of the academy for the last 26 weeks.

I have not made a request to work flexibly under this right during the past 12 months.  
or

Date of any previous request to work flexibly under this right:

2a. Describe your current working pattern (days/hours/times worked):

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

2c. I would like this working pattern to commence from:

3. Impact of the new working pattern

I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

4. Accommodating the new working pattern

I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

Signed:

Date:



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Return slip

**Confirmation of Receipt** (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

*date received*

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.

Signed:

Date:

## APPENDIX B

### Glossary and Status of the Policy and Guidance

#### Glossary

Throughout this policy and guidance (where applicable), the terms shown below will have, or include, the following meanings:

- **Principal** includes Headteachers where these are in post;
- **Vice-Principal** includes Deputy Headteachers where these are in post;
- **Group** refers to the Academies Enterprise Trust (this includes all academy and professional services employees), Unity City Academy and London Academies Enterprise Trust;
- **Line Manager** includes any members of teaching and support staff with management responsibility for other employees.