



Fierté Multi Academy Trust
Placing children's rights at the heart of all we undertake

Flexible Working Policy

2018-2019

Approved by: Chair of Trust Board	Date: 10.12.2018
Reviewed by: HR Insight	Date: November 2018
Next review due:	Date: Autumn 2019

All employees have the legal right to request flexible working, provided they have at least 26 weeks continuous service.

The Flexible Working legislation gives all employees the opportunity to apply for a temporary or permanent change of working pattern, at any stage of their career, and regardless of their personal reasons for making the request.

Whilst there is no automatic right to work flexibly, this policy provides a fair and consistent basis for making applications so that requests should not be refused unless they have a clear, detrimental impact on the business in accordance with the Employment Rights Act 1996, section 80G.

The aim of the policy is to help employees achieve a good balance between their work and their lives outside work, and to enable the Trust to retain skilled employees.

Who the Policy Covers

This policy applies to all employees, who have at least 26 weeks continuous service.

This policy does not apply to agency workers.

Policy Provisions

There are six main work patterns to choose from, but individuals may also combine different options and suggest their own alternatives. By definition, term-time working and job sharing are always coupled with reduced hours.

- Reduced hours – working less than a full time schedule with corresponding adjustment to pay and benefits.
- Term-time working – working annual hours during school or college term times only.
- Job sharing – two individuals sharing the duties of a full time position with a corresponding adjustment to pay and benefits. Job share partners must carry out Employees working this type of arrangement must ensure their health and safety is not compromised by working long hours without adequate breaks, or by working alone in potentially dangerous situations.

The Contractual Options

In most cases flexible working arrangements are agreed at the outset as permanent changes.

In some cases, however, the individual may want to test an arrangement for a trial period before making a long term commitment, or a manager may suggest a trial period where the likely business impacts of a proposed working pattern are unclear.

There may be occasions where an individual only needs flexibility for a defined period, in which case a temporary fixed term arrangement may be put in place. There are therefore three contractual options:

- Permanent change to terms and conditions of employment.
- Fixed period change in working pattern of between one and six months, after which individuals can either return to their previous hours/pattern or apply for a permanent flexible working pattern.
- Trial of a new working pattern of between one and three months, after which the working pattern will either end or continue as a permanent contractual change.

Making an Application

The employee must make a dated request in writing to their manager (or may use the application form available in the staff shared drive). The application must state:

- That it is a formal application to apply for flexible working/ a formal application to change their work pattern/location;
- The change applied for;
- The date on which they want the change to take place;

Commented [VB1]: How can an employee work compressed hours in a school situation

Commented [KG2R1]: I would agree that this would be rare in a school situation - I have got one Business Manager who has recently just done this - working 37 hours but over 4 days instead of 5, but this is rare.

Commented [VB3]: Should this be the Headteacher

Commented [KG4R3]: The MAT can decide at what level they would want these applications to be considered. If it is always going to be the Headteacher, then yes you can change this to say Headteacher. It might be the case that sometimes the line manager would deal with the request? Dependent upon the category of staff making the application?

Commented [VB5]: Do we have an application form on the sharepoint?

- Explain what effect, if any, they think making the change would have for the Trust and how, in their opinion, this effect might be dealt with; and
- Whether they have made a previous application and, if so, when.

Having received the employee's completed application form, the manager will ensure that the employee receives an acknowledgement in writing, and then will have 28 calendar days from receipt of the application form to consider the employee's request.

In considering the request, the **manager** should meet with the employee to discuss the application in more detail. If the employee cannot attend the meeting they should contact their **manager** immediately and give reasons. The meeting will be rearranged. If the employee fails to attend a rearranged meeting without good cause the **manager** will treat the employee's application as having been withdrawn.

The **manager** will ensure that the employee is written to and either:

- (a) inform the employee that their request has been approved and state the contract variation agreed to and the date from which it will take effect. At this point the process is complete, or;
- (b) arrange a meeting with the employee to discuss their request.

Where an employee wishes to withdraw a request after it has been submitted, they may do so, in writing.

The Decision

The employee must be told of the decision in writing within 14 calendar days of the meeting.

If a request is accepted on a permanent basis the **manager** should ensure any necessary changes are made to the employee's payroll record, including the issue of a new statement of employment particulars.

If a trial period is necessary to assess whether the proposed new arrangements would work or not, the employee needs to be informed of the decision. The decision must not only state the period of the trial but also why the request has not been accepted at this stage. If the employee refuses to accept a trial period they still have a right of appeal.

Sometimes it may be necessary to turn down or postpone a request. Whatever the reason for refusing a request, the manager should keep a record of the date, reason and circumstances of the refusal on file so that it can be reviewed at a later date.

If the employee's request is declined, the letter must give reasons for the refusal, set out the appeal process and give them a timescale after which a new request can be considered.

A request to work flexibly should not be declined unless there is a detrimental **business** impact and after all options of finding a mutually agreed solution have been explored. This includes investigating all feasible options other than the working pattern originally proposed. A decline can only be justified if one or more of the following detrimental **business** impacts are identified:

- Additional costs which are excessive
- Detrimental effect on ability to meet **customer** demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality of work produced or individual's normal performance standards
- Planned structural changes that have already been announced
- A request for **homeworking** that will result in excessive additional cost or infringes on other regulatory obligations, e.g. data protection.

Extension of Time

There may be occasions when it is necessary to seek to extend the time limit for any part of the process. **Managers** must obtain the agreement of the employee to any such extension.

Other Considerations

- The employee must be aware that any change in contract i.e. reduction in hours, reallocation of duties, etc as a result of a successful application could impact upon pension as well as other benefits as applicable. The employee should contact the Pensions team for employees in the Local Government Scheme, or the Teacher Pensions team for employees in the Teachers' Pension Scheme for further information and advice.
- The **manager**, in conjunction with the individual, should discuss the management of health and safety when agreeing flexible/homeworking arrangements and document how any hazards identified are to be controlled within a risk assessment.

Appeals

If, having spoken to their **manager**, an employee disagrees with their flexible working application being declined, they should firstly discuss their concerns with

Commented [VB6]: Educational?

Commented [KG7R6]: The term 'business' comes from the employment legislation surrounding these requests. I would agree that in practice, in a school setting, this will mean 'educational' impact

Commented [VB8]: Attainment targets?

Commented [KG9R8]: I would interpret this bullet point as referring to a situation in which someone asks to work at times of the day and this will result in them not being available for peak periods with children/ parents/ other stakeholders, for example a school receptionist asking to work 10am-2pm, and then you would say that this is detrimental as the person will not then be available to meet the demand from parents/ carers/ children at the beginning and end of the school day.

I would link attainment targets to the bullet point that refers to detrimental impact on quality of work/ performance standards

Commented [KG10R8]:

Commented [VB11]: Is this feasible in an academy?

Commented [KG12R11]: I would be happy to remove this bullet point as I don't think you would want homeworking as an option in a school setting.

their manager. There may be other options that could be considered that would meet both the employee's and the **business'** needs.

If the employee feels they have not been treated fairly, they can appeal to the appeals committee of the Local Governing Board.

Once completed, and within 7 calendar days after being notified in writing of the decline of the request, the employee should send the form to their **manager**, who will then forward it to the person hearing the appeal.

A meeting to discuss the appeal must be held within 14 calendar days of the form being received.

Individuals may arrange to be accompanied to the appeal meeting by a trade union representative or work colleague. The individual's chosen companion may confer and contribute to the meeting, but may not answer questions on the individual's behalf.

The outcome of the appeal must be notified to the individual in writing within 14 calendar days of the meeting taking place. This decision is final.

Roles and Responsibilities

Employee's responsibilities

- To complete their application form as comprehensively and thoroughly as possible, anticipating any potential problems and suggesting solutions where possible to their **manager**
- To approach the discussions about their application in a creative and flexible way, seeking to achieve an outcome that is a win-win for themselves and the school.
- To be willing to explore all possible alternatives if the first preference working pattern is not feasible.
- To base discussions purely on the business impact of the proposal, not on the personal reasons for making a request.
- To respond constructively to manager requests to discuss changing a current flexible working pattern which is no longer working for the business.
- To contact their Pensions team for further information and advice as applicable.

Manager's responsibilities

- To create an environment where employees can access the flexible working policy when they want to, are comfortable making requests, and know that any application will receive fair consideration.
- To receive applications for flexible working positively.
- To take each application on its own merits and keep an open mind about work patterns that could operate in their team.
- To approach the discussions about their application in a creative and flexible way, seeking to achieve an outcome that is a win-win for the individual and the Trust.
- To objectively review all relevant information in deciding on an application, exploring all options, and acting in accordance with the timescales set out in the policy.
- To ensure that any declines are in line with the policy, explained to the employee and fully documented.
- To receive appeals against flexible working request declines constructively, acting in accordance with the timescales set out in the policy, taking a fresh look at the application from an independent perspective. To focus on finding a positive outcome for both sides, where possible.
- To handle constructively and sensitively the need to discuss with an employee a current flexible working pattern which is no longer working for the business, striving to reach a mutually acceptable solution.