

FLEXIBLE WORKING POLICY

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Document Type	Flexible Working Policy			
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Summary	<p>All employees have the legal right to request flexible working, provided they have worked for the Trust for at least 26 weeks.</p> <p>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.</p>			
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VERSION CONTROL

Version No:	Type of change	Date	Revisions from previous version
0.1	New Document	April 2020	New Policy
1.1	Annual review	July 2020	Corporate format, no other changes
1.2	Interim review	June 2022	Interim review pending legislation changes.
1.3	Annual review	May 2023	Annual Review, no changes. Awaiting legislation change and interim review to be done when confirmation of changes received.
1.4	Annual review	May 2024	Annual Review, date changes only. Awaiting Bill to go through Parliament, then an interim review to be done.

TABLE OF CONTENTS

VERSION CONTROL	2
1. STATUS	4
2. INTRODUCTION	4
3. PURPOSE AND SCOPE	4
4. POLICY PROVISIONS	4
5. CONTRACTUAL OPTIONS	4
6. MAKING AN APPLICATION	4
7. DECISION	5
7.1 Extension of Time	5
8. OTHER CONSIDERATIONS	5
9. APPEALS	6
10. ROLES AND RESPONSIBILITIES	6
10.1 Employee's responsibilities:	6
10.2 Headteacher/Principal/Nominated Person's responsibilities:	6
11. MONITORING AND REVIEW	6

1. STATUS

- a. Non statutory.

2. INTRODUCTION

- a. All employees have the legal right to request flexible working, provided they have worked for the Trust for at least 26 weeks.
- b. 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.
- c. 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.
- d. The aim of the policy is to help employees achieve a good balance between their work and their lives outside work, and to enable our Trust to retain skilled employees.

3. PURPOSE AND SCOPE

- a. This policy applies to all employees of the Trust, who have worked for at least 26 weeks.

4. POLICY PROVISIONS

- a. There are several 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.
 - i. **Reduced hours** – working less than a full-time schedule with corresponding adjustment to pay and benefits.
 - ii. **Term-time working** – working annual hours during school or college term time only.
 - iii. **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 comparable responsibilities if the grade of each person is to be maintained.
 - iv. **Variable hours / flexitime** – selecting different start and finish times, within agreed limits, from the standard ones in a service area.

5. CONTRACTUAL OPTIONS

- a. In most cases flexible working arrangements are agreed at the outset as permanent changes.
- b. In some cases, however the individual may want to test an arrangement for a trial period before making a long-term commitment, or a Headteacher/Principal/Nominated Person may suggest a trial period where the likely business impacts of a proposed working pattern are unclear.
- c. 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 into place. There are therefore three contractual options:
 - i. **Permanent** change to terms and conditions of employment
 - ii. **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.
 - iii. **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.

6. MAKING AN APPLICATION

- a. The employee must make a dated request in writing to the Headteacher/Principal/Nominated Person. The application must state:
 - i. It is a formal application for flexible working; a formal application to change their work pattern / location.
 - ii. The change applied for.
 - iii. The date on which they want the change to take place.
 - iv. 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.
 - v. Whether they have made a previous application, and if so, when.

- b. Having received the employee's completed application form, the Headteacher/Principal/Nominated Person will ensure that the employee receives an acknowledgement in writing, and then will have 28 calendar days to consider the employee's request.
- c. In considering the request, the Headteacher/Principal/Nominated Person should meet with the employee to discuss the application in more detail. If the employee cannot attend meeting they should contact their manager immediately and give reasons. The meeting will be rearranged. If employee fails to attend rearranged meeting without good cause the manager will treat the employee's application as having been withdrawn.
- d. The Headteacher/Principal/Nominated Person will ensure that the employee is written to and either:
 - i. 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;
 - ii. Arrange a meeting with the employee to discuss their request.
- e. Where an employee wishes to withdraw a request after it has been submitted, they may do so in writing.

7. DECISION

- a. The employee must be told of the decision in writing within 14 calendar days of the meeting.
- b. If a request is accepted, the Headteacher/Principal/Nominated Person should ensure any necessary changes are made to the employee's payroll record, including the issue of a new statement of employment particulars.
- c. 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.
- d. Sometimes it may be necessary to turn down or postpone a request. Whatever the reason for refusing a request, the Headteacher/Principal/Nominated Person 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.
- e. 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.
- f. 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:
 - i. Additional Costs which are excessive
 - ii. Detrimental effect on ability to meet customer demand
 - iii. Inability to reorganise work amongst existing staff
 - iv. Inability to recruit additional staff
 - v. Detrimental impact on quality of work produced or individual's performance standards
 - vi. Planned structural changes that have already been announced
 - vii. A request for home-working that will result in excessive additional cost or infringes on other regulatory obligations, e.g. data protection

7.1 Extension of Time

- a. There may be occasions when it is necessary to seek to extend the time limit for any part of the process. Headteacher/Principal/Nominated Person must obtain the agreement of the employee to any such extension.

8. OTHER CONSIDERATIONS

- a. 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 pensions. The employee should contact the pension's team for employees in the Local Government Scheme, or the Teacher Pensions Scheme for further information and advice.
- b. The Headteacher/Principal/Nominated Person in conjunction with the individual, should discuss the management of health and safety when agreeing flexible / home-working arrangements and document how any hazards identified are to be controlled within a risk assessment.

9. APPEALS

- a. If, having spoken to their Headteacher/Principal/Nominated Person, an employee disagrees with their flexible working application being declined, they should firstly discuss their concerns with their manager. There may be other options that could be considered that would meet both the employee's and the business needs.
- b. If the employee feels they have not been treated fairly, they can appeal to the next level of management in their team, by completing a Flexible Working Appeal Form, which can be downloaded from the Flexible Working intranet page.
- c. 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.
- d. A meeting to discuss the appeal must be held within 14 calendar days of the form being submitted.
- e. 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.
- f. 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.

10. ROLES AND RESPONSIBILITIES

10.1 Employee's responsibilities:

- a. To complete their application form as comprehensively and thoroughly as possible, anticipating any potential problems and suggesting solutions where possible to their Headteacher/Principal/Nominated Person.
- b. 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 County Council.
- c. To be willing to explore all possible alternatives if the first preference working pattern is not feasible.
- d. To base discussions purely on the business impact of the proposal, not on the personal reasons for making a request.
- e. To respond constructively to Headteacher/Principal/Nominated Person requests to discuss changing a current flexible working pattern which is no longer working for the business.
- f. To contact their Pensions team for further information and advice.

10.2 Headteacher/Principal/Nominated Person's responsibilities:

- a. 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.
- b. To receive applications for flexible working positively.
- c. To take each application on its own merits and keep an open mind about work patterns that could operate in their team.
- d. 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.
- e. 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.
- f. To ensure that any declines are in line with the policy, explained to the employee and fully documented.
- g. 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.
- h. 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.

11. MONITORING AND REVIEW

- a. This policy will be reviewed by the Policy and Procedures Working Group on a bi-annual basis to ensure continuing compliance.