

Flexible Working Policy



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Responsible Officer: HR Director

Mission, Vision and Values



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Where the word ‘Trust’ is used in this document it refers to Archway Learning Trust.

Where the word ‘Governing Body’ is used it refers to the Academy Advisory Board (AAB) of an individual academy within the Trust.

Where appropriate the AABs of individual academies will publish details of the procedures and practices to implement Trust policies.

Related Policies and Procedures:

- Equality Policy
- Family Friendly Policy
- Policy and Procedures Relating to the Management of Sickness Absence
- Special Leave of Absence Policy
- Wellbeing, Health and Benefits Policy

1. Policy Statement

- 1.1. Archway Learning Trust is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. The Trust recognises that, in addition to helping balance work and personal lives, flexible working can raise employees' morale, reduce absenteeism and improve effective deployment and retention of employees.

2. Scope and Principles

- 2.1. This Flexible Working Policy gives all eligible employees an opportunity to formally request a change to their working pattern (and all employees an opportunity to do so informally).
- 2.2. Those who make a request for flexible working will not be subjected to any detriment or lose any career development opportunities as a result.
- 2.3. In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees.
- 2.4. This policy does not form part of any employee's terms and conditions of employment and it may be amended at any time following appropriate consultation with staff and Trade Unions.

3. Eligibility for the Formal Right to request Procedure

- 3.1. To be eligible to make a request under the formal procedure set out in paragraphs 6 to 8 an individual must:
- be an employee;
 - have at least 26 weeks' continuous service at the date the request is made; and
 - 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).
- 3.2. Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 11 to a member of the Senior Leadership Team, who will consider the request according to the Trust's educational, business and operational needs.
- 3.3. Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements, unless otherwise agreed by both parties at the time of the changes being agreed. Short term temporary changes to working patterns are likely to be more appropriately dealt with using the informal procedure instead.
- 3.4. Any employee interested in flexible working may request an informal meeting with their line manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/students and curriculum/service delivery before submitting a formal or informal request.

4. Personnel Responsible for Implementing the Policy

- 4.1. The Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board of Trustees has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Chief Executive Officer.
- 4.2. 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 with their line manager or the HR Team.

5. Forms of Flexible Working

- 5.1. Flexible working can incorporate a number of changes to working arrangements, including but not limited to:
 - a job share arrangement;
 - reduction or variation of working hours;
 - reduction of the number of days worked each week;
 - alteration of work pattern (for example long days/short days);
 - working from a different location (for example, another campus or from home).

6. Making a Formal Flexible Working Request

- 6.1. In order to make a formal Flexible Working request employees will need to submit a written, dated application (which is available on Honeycomb or from the HR department) and submit it to their line manager, a member of the Executive/Senior Leadership Team and HR via email at HR@bluecoat.uk.com
- 6.2. It is normal practice for a member of the Senior Leadership Team to meet with the employee to discuss the request. However there may be circumstances where the member of the Senior Leadership Team might be able to agree the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, a member of the Senior Leadership Team will write to the employee, confirming the decision and explaining the changes that will be made to the employee's contract of employment, including whether they will be permanent changes or in exceptional circumstances, for a temporary period.
- 6.3. If the request cannot be accommodated, discussion between the employee and a member of the Senior Leadership Team may result in an alternative working pattern that meets the needs of both employee and employer.

7. Formal Procedure: Meeting

- 7.1. Where necessary, a member of the Senior Leadership Team will arrange to meet with the employee within 25 working days of the application being submitted. The meeting may also be attended by the employee's line manager and a HR representative. The employee may bring a work colleague or trade union representative to the meeting. Work colleagues or trade union representatives will be entitled to speak during the meeting and confer privately with employees, but may not answer questions on the employee's behalf.
- 7.2. The meeting will be used to consider the working arrangements requested. Employees will also be able to discuss what impact the proposed working arrangements will have on the employee's work, colleagues and the service delivery.

If the arrangements requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

Trial Periods

- 7.3. The member of the Senior Leadership Team may suggest starting new working arrangements under an initial trial period to ensure that they meet the needs of the employee, team and organisation.
- 7.4. The Senior Leadership Team will confirm the measures of success for the trial period.
- 7.5. The details of the trial period will be specified in the confirmation letter as outlined in section 8. The letter will confirm that the changes to the employee's contract are a temporary variation in line with the trial period.
- 7.6. The outcome of the trial period will be confirmed in writing. If the trial period is unsuccessful the employee will be required to revert to their previous working arrangements.
- 7.7. The trial period will normally be no longer than three months. The Senior Leadership Team may determine that an extension of the trial period is required. This should be explained and agreed with the employee and confirmed in writing.

8. Formal Procedure: Decision

- 8.1. Following the meeting, the member of the Senior Leadership Team will notify the employee of the decision in relation to the request and confirmation in writing will be provided as soon as possible and usually within 10 working days.
- 8.2. If the request is accepted, the confirmation letter will include the details 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. There may also be some additional practical matters, such as arrangements for handing over work, which the member of the Senior Leadership Team or line manager will discuss with the employee.
- 8.3. There may be a requirement to discuss alternative proposals at another meeting, in which case the member of the Senior Leadership Team will make further arrangements to meet again with the employee in an attempt to reach a final agreement.
- 8.4. The employee should be aware that changes to terms of employment will be permanent unless expressly agreed otherwise and that another formal request cannot be made until 12 months after the date of the original application.
- 8.5. If the member of the Senior Leadership Team needs more time to make a decision, they will ask for the employee's agreement to delay the decision for up to a further 10 working days. A request for an extension is likely to benefit the employee, for example, the member of the Senior Leadership Team may need more time to investigate how the request can be accommodated or to consult several members of staff.
- 8.6. There will be circumstances where, due to educational, business and operational requirements, the Trust is unable to agree to a request.

In these circumstances, the member of the Senior Leadership Team will write to the employee:

- giving the business reason(s) for turning down the application;
- explaining why the business reasons apply in the individual case; and
- setting out the appeal procedure.

8.7. The eight business reasons for which the Trust may reject your request are:

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

8.8. Appendix A gives a brief overview of the way in which the Trust will interpret and apply these business reasons.

9. Formal Procedure: Appeal

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

9.2. The appeal must:

- be in writing and dated;
- set out the grounds for appeal; and
- be sent to the Principal (or Chief Executive Officer if the original decision has been taken by the Principal) within 10 working days of the date on which the employee received the written rejection of the request.

9.3. The Principal or Chief Executive Officer will make arrangements for an appeal meeting to take place. All reasonable efforts will be made to ensure that the meeting is held promptly and at a convenient time for all those attending. The employee will be afforded the opportunity to be accompanied by a work colleague or recognised trade union representative.

9.4. The employee will be informed in writing of the appeal decision within 10 working days of the appeal meeting taking place.

9.5. If the appeal is upheld, the employee will be advised of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which the working agreement will commence. There may also be some additional practical matters, such as arrangements for handing over work that the member of the Senior Leadership Team or line manager will discuss with the employee.

9.6. The employee should be aware that changes to the terms of employment will be permanent and another request cannot be made until 12 months after the date of the original application.

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

10. Amendments to the Formal Procedure

10.1. There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with the employee, the member of the Senior Leadership Team will write to the employee confirming the extension and the date on which it will end.

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

- the employee fails to attend two meetings under the formal procedure without reasonable cause; or
- the employee unreasonably refuses to provide information the Trust requires to consider the request.

10.3. In such circumstances, the member of the Senior Leadership Team will write to the employee confirming that the request has been treated as withdrawn.

11. Making an Informal Flexible Working Request

11.1. Employees who wish to make an informal request for flexible working may make a request to a member of the Senior Leadership Team, who will consider it in the context of the Trust's educational, business and operational requirements.

11.2. It will help the member of the Senior Leadership Team to consider the request if the employee:

- makes the request in writing, confirming that it is an informal request and confirm the reason for the request and whether the change to the current working pattern is requested on a temporary or permanent basis;
- provides as much information possible about the current and desired working pattern, including working days, hours and start and finish times, and gives the date from which the desired working pattern would ideally start;
- outlines the effect the changes to the working pattern will have on:
 - the job role and the impact on the work that is undertaken;
 - work colleagues and on subject/service delivery;
- outlines suggestions for dealing with any potentially negative effects of the request in order that the member of the Senior Leadership can consider whether these suggestions are viable.

11.3. The member of the Senior Leadership Team will advise the employee what steps will be taken to consider the request, which may include inviting the employee to attend a meeting, before advising them of the outcome of the request.

11.4. If the request is accepted, written confirmation will be provided of the new working arrangements and if applicable, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. A copy of this will be

placed on the employee's personnel file to confirm the variation to the terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, which the member of the Senior Leadership Team or line manager will discuss with the employee.

- 11.5. The Senior Leadership Team reserve the right to review any flexible working patterns due to changes in organisational requirements. Employees will be fully consulted over any proposed changes in line with the management of restructures and redundancies policy.

Appendix A Interpretation of “Business Reasons”

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated in the context of the needs of the Trust.

If a request to work flexibly is rejected then the Trust will provide a specific “business reason”, which must be one of the eight stated in the relevant legislation:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes

The Trust’s interpretation of the “business reasons” is set out below in order to provide a clearer understanding of the specific circumstances in the Trust.

1 Burden of additional costs

It may, in some circumstances, be more costly to employ part time staff rather than full timers but this would not normally be a key reason for rejecting an application, unless those costs are substantial.

2 Detrimental effect on the ability to meet customer demand

The Trust’s customers include students and parents. It is important that the quality of teaching and learning and/or the operation of the organisation is not adversely affected by agreeing to flexible working. In particular the Senior Leader will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes) and pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the member of staff is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level and the impact in relation to this will be considered by the Senior Leader.

3 Inability to re-organise work among existing staff

In addition to 2 above where the member of staff has leadership or management responsibilities it is necessary to take into account the ability of the Trust to distribute these to other members of staff at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities. The Trust may wish to set a minimum contract for some posts such as those who lead departments, or a member of the Senior Leadership Team.. The Trust will also need to consider whether it is appropriate for a leader or manager to be absent for whole days in the week as a result of flexible working.

4 Inability to recruit additional staff

Excellent quality teaching is paramount for raising Trust standards. It is not always possible to recruit excellent teaching staff but the Trust will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the Trust will seek to recruit additional staff.

5 Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of learning and teaching and service provision.

6 Detrimental impact on performance

There are aspects of roles which can be made more difficult to achieve when the postholder is a member of part-time staff. An example of this is the timely marking of student work which is essential for their progress. Students' work should be marked on a regular basis in accordance with the Trust/Academy marking policy. The Trust recognises that it is potentially difficult for part time staff to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is not a detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the job should the request be agreed, and this will be considered before a decision is reached.

7 Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of students are paramount and service delivery must be maintained at a satisfactory level. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of students. The impact of a part time member of staff being absent from the Trust for one day per week may be to pressurise the timetabler to allocate a predominance of non-teaching periods for others in the team on that day. The Trust will need to consider the extent to which the proposed flexible/part time work pattern affects the work-patterns of the team.

8 Planned structural changes

The Trust will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced student numbers or changes to the staffing structure.

In addition, the Trust may consider any such other ground as the Secretary of State may specify by amendment to the Flexible Working Regulations albeit no such grounds are specified currently.