


# FLEXIBLE WORKING POLICY



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*WHERE LEARNING IS UNSTOPPABLE AND ASPIRATIONS HAVE NO LIMITS*

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## **1 Policy statement**

- 1.1 We are 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 staff morale, reduce absenteeism, and improve our retention of staff.
- 1.2 This policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests.
- 1.3 Through this policy we will accommodate flexible working where possible, giving careful consideration to, and assessment of the effect of, the requested change on the effective running of the Orwell Multi Academy Trust for the benefit of the pupils. Where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner and appropriate consultation will take place with employees.
- 1.4 No-one who makes a request for flexible working or intends to make such a request will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5 All requests will be handled appropriately and will not discriminate unlawfully against any employee in relation to any of the protected characteristics set out in the Equality Act 2010. Any requests for a reasonable adjustment relating to an employee's disability should be dealt with separately rather than as a flexible working request.
- 1.6 This policy has been agreed following consultation with staff JCNC.
- 1.7 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.

## **2 Scope and purpose of the policy**

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees have a statutory right to request flexible working from day one of their employment. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 5.
- 2.3 Any employee interested in flexible working can request an informal meeting with Headteacher (line manager for SST) to discuss the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal.

## **3 Responsibility for implementing the policy**

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

## **4 Forms of flexible working**

- 4.1 Flexible working can incorporate a number of possible changes to working arrangements:
  - 4.1.1 reduction or variation of working hours;
  - 4.1.2 reduction or variation of the days worked; and/or
  - 4.1.3 working from a different location (for example, from home).
- 4.2 Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request but decisions will be made in consultation with employees.
- 4.3 Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

## **5 Eligibility for the formal right to request procedure**

- 5.1 Requests under the formal procedure set out in paragraph 6 to paragraph 9 of this policy can only be made by employees who meet the criteria set out below.
- 5.2 To be eligible to make a request under the formal procedure, you must:
  - 5.2.1 be an employee;
  - 5.2.2 not have already made two formal requests to work flexibly during the last 12 months; and
  - 5.2.3 only have one live request for flexible working at any one time.
- 5.3 A request will be considered as live unless any of the following apply:
  - 5.3.1 A decision on the request has been made by the employer;
  - 5.3.2 the request has been withdrawn;
  - 5.3.3 an outcome to the request has been mutually agreed by the employer and employee; or
  - 5.3.4 the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome. It is envisaged this will only happen in rare and exceptional circumstances and the Trust will always endeavour to comply with statutory deadlines.
- 5.4 A request continues to be live during any appeal or any extension to the procedure that an employer and employee have agreed.

## **6 Making a formal flexible working request**

- 6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. Once we have received a request we will consider it.
- 6.2 Your written and dated application should be submitted to the Headteacher (line manager for SST) and, in order to meet the requirements of the formal procedure and to help them to consider your request, should:
  - 6.2.1 state that it is a statutory flexible working request;
  - 6.2.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
  - 6.2.3 give the date from which you want your desired working pattern to start;
  - 6.2.4 state whether you have made any previous formal requests for flexible working within the last 12 months and, if so, when; and
  - 6.2.5 be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.
- 6.3 We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Headteacher (line manager for SST) will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 6.4 If your proposal cannot be accommodated, discussion between you and the Headteacher (line manager for SST) may result in an alternative working pattern that can assist you.

## **7 Formal procedure: meeting**

- 7.1 Where necessary, the Headteacher (line manager for SST) will arrange to meet with you as soon as is practicably possible and without unreasonable delay after receiving your written application. We will inform you if there is a delay in arranging this meeting. The Headteacher (line manager for SST) may discuss your request with your line manager and make any necessary enquiries regarding your proposals prior to the meeting.
- 7.2 You may bring a companion to the meeting if you wish who may be your trade union representative or a work colleague. Your companion will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.
- 7.3 The meeting will take place in private and can be held in person or remotely via online video conferencing, or where neither are possible, via telephone call. The content of the meeting and the way it is conducted should allow a

reasonable discussion and consideration of the request. An accurate record of the discussion will be kept in writing.

- 7.4 The meeting will be used to discuss the working arrangements you have requested. During the meeting we will jointly consider and discuss any alternative flexible working options that may be available and suitable for both you and the organisation if the original request cannot be met.

## **8 Formal procedure: decision**

- 8.1 Following the meeting, the Headteacher (line manager for SST) will consider your request carefully and notify you of the decision in writing as soon as possible.

- 8.2 Each request will be considered on a case-by-case basis; agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

- 8.3 If your request is accepted, the Headteacher (line manager for SST) will discuss with you how and when the changes might best be implemented and will confirm these in writing. Such confirmation will include details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.

- 8.4 The Headteacher (line manager for SST) may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team or department. We will set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working.

- 8.5 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will only be able to make one other formal request until 12 months after the date of your most recent request.

- 8.6 If the Headteacher (line manager for SST) needs more time to make a decision, they will discuss this with you. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.

- 8.7 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the Headteacher (line manager for SST) will write to you:

8.7.1 giving the business reason(s) for turning down your application;

8.7.2 explaining why the business reasons apply in your case; and

8.7.3 setting out the appeal procedure.

- 8.8 If we reject a request it will be for one or more of the following eight business reasons:
- 8.8.1 the burden of additional costs;
  - 8.8.2 detrimental effect on ability to meet pupil and/or Orwell Multi Academy Trust demand;
  - 8.8.3 inability to reorganise work among existing staff;
  - 8.8.4 inability to recruit additional staff;
  - 8.8.5 detrimental impact on quality;
  - 8.8.6 detrimental impact on performance;
  - 8.8.7 insufficiency of work during the periods that you propose to work; and
  - 8.8.8 planned changes.
- 8.9 We will also set out such additional information as is reasonable to help explain the decision.

## **9 Formal procedure: appeal**

- 9.1 You may appeal against the decision if your request is rejected, or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if you feel your request was not handled reasonably in line with this policy.
- 9.2 Your appeal must:
- 9.2.1 be in writing and dated;
  - 9.2.2 set out the grounds on which you are appealing; and
  - 9.2.3 be sent to Headteacher (CFO for SST) within 10 school days of the date on which you received the written rejection of your request.
- 9.3 Headteacher (line manager for SST) will arrange for a meeting to take place as soon as possible following receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a companion who may be your trade union representative or another work colleague.
- 9.4 Where possible, the appeal meeting will be conducted by the CEO/ panel of Governors] who has/have not been previously involved in considering your request.
- 9.5 You will be informed in writing of the Appeal decision as soon as possible following the appeal meeting.

- 9.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.
- 9.7 You should be aware that changes to your terms of employment will be permanent and you will only be able to make one other formal request until 12 months after the date of your original application.
- 9.8 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will only be able to make one other formal request until 12 months after the date of your original application.

## **10 Timescales**

- 10.1 Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.
- 10.2 As a guide and to help ensure that requests are dealt with within this timescale:
- 10.2.1 a meeting will normally be held with you within 10 school days of your request being received;
  - 10.2.2 you will normally be informed in writing of the decision within 10 school days of the meeting; and
  - 10.2.3 where an appeal is lodged, an appeal meeting will normally take place within 10 school days of receipt of the appeal and the outcome will be notified in writing within 10 school days of the meeting.
- 10.3 However, there may be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with you, the Headteacher (line manager for SST) will write to you confirming the extension and the date on which it will end.
- 10.4 If you withdraw a formal request for flexible working, you will only be eligible to make one other formal request for 12 months from the date of your original request.
- 10.5 In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
- 10.5.1 you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause; or
  - 10.5.2 you unreasonably refuse to provide information we require to consider your request, without good cause.

In such circumstances, the Headteacher (line manager for SST) will write to you confirming that the request has been treated as withdrawn.

## **11 Retention and data protection**

As part of the application of this policy, the Orwell Multi Academy Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Data Protection Policy and in line with the requirements of the **Data Protection Legislation**.

## **12 Review of the policy**

This policy is reviewed by the Trust in consultation with the recognised JCNC upon change of legislation or request by the LGC. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## Appendix 1

### Flexible working application form

This form is to make a formal request to change your working pattern under the OMAT Flexible Working Policy and in accordance with the statutory procedure; please ensure that you have read this policy before making an application. A copy is available on SharePoint. You may also wish to have an informal discussion with your Headteacher (Line Manager for SST) to discuss with them before making an application.

Please ensure that you submit your request in good time and as early as possible before the date you wish the request to start. Requests will be dealt with within two months of receipt or longer where we agree an extension with you.

Please complete all questions below and provide as much information as possible about your application and your desired working pattern to help us to consider your request fully.

<b>Name:</b>	
<b>Line manager's name:</b>	
<b>Faculty/ Department:</b>	

<b>I wish to submit a statutory request for flexible working as detailed below. I confirm I have not already made two formal request to work flexibly during the last 12 months</b>		
Start date of employment		
Have you submitted a previous request(s) for flexible working?	Yes	No
If you have answered yes above, please state the date(s) of this request		
Are you making this request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability?	Yes	No

<b>Describe your current working pattern (days/hours/times worked):</b>

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**Please set out the pattern of working that you are requesting. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be or, if you wish to work at home at certain times, please state which hours you would like to work at home.**

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I would like the above change(s) to my working pattern to take effect on:	
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**Signed:** .....

**Print name:** .....

**Date:** .....

Please send your completed form to your Headteacher (Line Manager for SST) who will deal with your application in accordance with the OMAT Flexible Working Policy.

Please note that if your request is granted, this will be a permanent change to your terms of employment. You should be aware that changes to work hours will affect your pay and other benefits, for example your pension.