



FLEXIBLE WORKING POLICY

Reviewed by: Trustees

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FLEXIBLE WORKING POLICY

INTRODUCTION

The purpose of this policy is to advise and guide all eligible employees on the rights available and procedure to follow should they wish to apply for flexible working. The Trust acknowledges the right of any eligible employee to apply for flexible working to help them to care for their child or certain adults in need of care, and undertakes to treat the employee fairly and equitably, maintaining all their statutory rights.

This policy applies to all eligible employees.

Eligible employees may request:

- A change to the hours they work
- A change to the times when they are required to work
- To work from home

Any change granted would be deemed as a permanent variation to the terms and conditions of employment, unless otherwise agreed.

RESPONSIBILITY

It is the policy of the Trust to inform all eligible employees of their right to apply for flexible working.

Employees are responsible for ensuring that they meet the eligibility criteria to apply for flexible working as detailed in this policy. In addition, they should ensure that they follow the process as detailed in the policy if they wish to apply for flexible working.

ELIGIBILITY

Employees responsible for:-

- The upbringing of children aged under 17 or of disabled children aged under 18 (i.e. those entitled to Disability Living Allowance) OR
- carers of certain adults;

have a right to apply to work flexibly. This right aims to facilitate discussion and encourage both the employee and the Trust to consider flexible working patterns in order to find a solution that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application and the Trust is required to follow a specific procedure to ensure requests are considered seriously.

To be eligible to make a request under this right, a person must:

General

- Be an employee.
- Have worked for the Trust continuously for 26 weeks at the date the application is made.
- Submit their application before the child's 17th birthday (or child's 18th birthday, if disabled)
- Have or expect to have responsibility for the child's upbringing.

- Have a genuine need to work more flexibly in order to have more time to care for the child; and
- Not have made another application to work flexibly under the right during the past 12 months.

Parents

Be either:

- the mother, father, adopter, guardian, special guardian or foster parent of the child; OR
- married to or the partner/civil partner of the child's mother, father, adopter, guardian, special guardian or foster parent.

Carers of adults who are in need of care

- Must be or expect to be caring for a spouse, partner, civil partner or relative; or if not the spouse, partner or a relative, live at the same address as the adult in need of care.
- A relative for this purpose is a mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, son-in-law, step-son, daughter, daughter-in-law, step-daughter, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and includes adoptive relationships and relationships of full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption.

PROCEDURE

Employees may wish to discuss their application informally with their Head Teacher prior to instigating the formal procedure.

The initial responsibility will be on the employee to make a considered application in writing. Employees will be able to make only one application per year, and an accepted application will mean a permanent change to the employee's own terms and conditions of employment. The employee should therefore give careful consideration to which working pattern will help them best care for their child; any financial implications it might have on them in cases where the desired working pattern will involve a drop in salary; and any effects it will have on the Trust's operations and how these might be accommodated.

An application under the statutory procedure must:

- Be in writing
- State the application is being made under the statutory flexible working provisions.
- State the application is for a change to the employee's terms and conditions of employment;
- Specify the change applied for and the date on which it is proposed the change will become effective;
- Explain what effect, if any, the employee thinks the proposed change would have on the Trust and how, in their opinion, any such effect might be dealt with.
- Explain the employee's relationship to the child or adult in need of care.

- State the date on which it is proposed the change should become effective.
- State whether a previous application has been made to the Trust and, if so when it was made.
- Be dated

Within 28 days of receiving a written application the Head Teacher will either accept the application in writing or will arrange to meet with the employee. This will provide the Trust and the employee with the opportunity to explore the desired work pattern in depth, and to discuss how best it might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's original application. The employee may be accompanied at the meeting by another worker employed by the Trust.

Within 14 days following the date of the meeting, the Head Teacher will write to the employee to either agree to a new work pattern and a start date; or to provide clear business grounds as to why the application cannot be accepted, the reasons why the business grounds apply in the circumstances and the employee's right to appeal. The procedure will also provide for occasions when the Head Teacher will want to take further action before notifying the employee with their final decision. This may include speaking with other employees or consulting with the Trust's HR advisors and the Chair of Trustees.

Employees who have their request for flexible working declined have a right to appeal the decision within 14 days of being notified of the Trust's decision. Employees will be advised in writing of whom they may appeal to and this will normally be a more senior manager. The aim of the appeal is to encourage both parties to reach a satisfactory outcome to the request.

An appeal hearing will be arranged with the employee within 14 days of the date on which the notice of appeal is given by the employee. The employee may be accompanied at the meeting by another worker employed by the Trust.

Within 14 days following the date of the appeal hearing, the Manager will write to the employee advising of the Trust's decision to uphold or reject the appeal.

Any extensions to the time limits referred to above will be agreed with the employee and recorded in writing.

GROUND'S FOR REFUSAL

The Trust may refuse an employee's application where one or more of the following grounds apply:

- Burden of additional costs
- Detrimental effect on ability to meet teaching commitments
- Detrimental effect on ability to meet student needs
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality of educational provision
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Any other ground the Secretary of State may specify by regulations

VARIATION IN TERMS AND CONDITIONS

Any request for flexible working, which is granted, will result in a variation to the employee's terms and conditions of employment. This may be on a permanent or temporary basis as agreed. Where there is a reduction in the hours of work of the employee, this will result in a reduction pro rata of benefits in accordance with the number of hours worked by the employee.

ABUSE AND COMPLAINTS

Where an employee is found to be abusing the policy, they will be subject to the normal Trust disciplinary procedure.

Any complaint or grievance regarding flexible working should be made through the Trust's grievance procedure.

WITHDRAWAL OF APPLICATION

The Trust is no longer under a duty to consider a request for flexible working where it has been withdrawn by the employee. An application will be considered withdrawn in the following circumstances:-

- Where the employee has notified the Trust, orally or in writing, that he or she is withdrawing their application.
- Where without reasonable cause the employee fails to attend a meeting or an appeal meeting more than once.
- Where the employee without reasonable cause refuses to give the Trust information that is required by the Trust to assess whether the change in hours requested should be agreed to.