

Flexible Working Policy

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1. Terms of Reference

1.1 This policy applies to all employees of the West Norfolk Academies Trust.

1.2 Definitions:

- “Executive Headteacher” also refers to any other title used to identify the Executive Headteacher, where appropriate, or other senior manager delegated to deal with the matter by the Executive Headteacher.
- “Companion” refers to a person chosen by the employee to accompany him/her at a formal meeting, who shall be a trade union representative or a workplace colleague. A companion is entitled to speak to the employee during any meeting, and confer privately, but may not answer questions on the employee’s behalf.
- “Headteacher/Senior Manager” refers to the person responsible for considering the formal flexible working request. For school staff this will be the Headteacher. For Trust staff this will be the appropriate senior manager.
- “WNAT” or “The Trust” refers to West Norfolk Academies Trust

2. Legislation and Guidance

This policy meets the requirements of:

Employment Relations (Flexible Working) Act 2023
Flexible Working regulations 2014
Equality Act 2010
Employment Rights Act 1996

It also reflects best practice guidance set out in:

The DfE’s guidance for flexible working in schools
Access code of practice on request for flexible working

3. Our Approach to Flexible Working

3.1 The West Norfolk Academies Trust is committed to providing equality of opportunity in employment and to developing work practices that support work-life balance.

We recognise that, in addition to helping balance work and personal lives, flexible working can;

- raise staff morale and improve staff motivation, performance and productivity
- reduce staff stress and have a positive impact on wellbeing
- reduce staff absence and help improve retention by creating new opportunities and ways of working
- attract and retain teachers and support staff, which provides a sound basis for financial and resource planning
- increase diversity and equality
- retain skilled and experienced employees approaching retirement who may wish to reduce their working hours rather than stop working completely

4. Eligibility

4.1 All employees have the right to make a request for flexibility in their working pattern.

4.2 To be eligible to make a request the employee must:

- be an employee (not an agency worker)
- have not made two applications to work flexibly under the right in the past 12 months
- not have another current flexible working request live

5. Applying for Flexible Working

5.1 Requests for flexible working can be made using the Flexible working application form (appendix 1).

5.2 This policy covers the following types of flexible working arrangements (this is not an exhaustive list)

- Part time working – either working less than full time hours and/or working fewer days
- Job sharing – two or more people split a full-time post and share the overall duties and responsibilities
- Phased retirement – where a staff member gradually reduces their working hours to transition from full-time work to full-time retirement
 - Compressed hours – working full time hours over less than 5 days. NB. Consideration would need to be given to an increased workload and that this is being managed appropriately over fewer days.
 - Staggered hours – Different start, finish and break times to other workers. Where this can be timetabled successfully (using usual classroom cover options), this can help those who have caring/childcare responsibilities who may need to drop off or collect children.
 - Working from home – If a school feels it can support an employee (including the Headteacher) to work from home (e.g., to undertake PPE, write up reports)
 - Part year working - where the employee works only for part of the year but their salary is calculated on a pro-rata basis and paid over the whole year.

5.3 Employees who wish to make a request for flexible working may make a request to the Headteacher/Senior Manager who will consider it alongside educational, business and operational requirements. Where the Headteacher is making a request this should be made to the Executive Headteacher.

5.4 Employees should discuss their flexible working request informally with the Headteacher/Senior Manager prior to instigating the formal procedure.

6. Making a Formal Flexible Working Request

6.1 Employees are required to submit a written application, for their flexible working request to be considered under the formal procedure. Appendix A contains the required application form to be completed.

- 6.2** The written and dated application should be submitted to the relevant Headteacher, or Senior Manager, and the following information should be included:
- a) the reason for the request
 - b) as much information as is possible regarding current and desired working pattern, including working days, hours and start and finish times. Also required is the date from which it is requested that the desired working pattern begins.
 - c) a consideration of the effect the proposed changes may have on the employee's work, that of their colleagues and on subject/service delivery. Any suggestions about dealing with potential negative effects should be included.
 - d) proof and confirmation that the employee meets the eligibility criteria as set in Section 3 of this policy.
 - e) a statement that the request is a statutory formal request, that details whether a previous formal or informal request for flexible working has been made and, if so, when this occurred.
 - f) a statement as to whether the request is being made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.
- 6.3** The application should ideally be submitted at least two months before the date that it is desired that the changes take effect from.
- 6.4** The Headteacher or Senior Manager may be able to agree the proposal without the need for a meeting (which is the next stage of the formal procedure). Where this is the case, the Headteacher or Senior Manager will complete section 2 of appendix a and return this to the employee. They will organise for the relevant paperwork to be completed.
- 6.5** If the proposal cannot be accommodated, discussion between the employee and the relevant Headteacher or Senior Manager may result in an alternative working pattern that assists the employee.
- 6.6** Where there is a need for a meeting the Headteacher or Senior Manager will complete the process within two months (with the exception of extension to the timescale mutually agreed by all parties involved), including the time for an appeal where applicable. A request to extend the timescale may be made because extra time is needed to assess the viability of the flexible working pattern requested. The Headteacher or Senior Manager can do this via email but section 2 of appendix a must be signed by both parties to show agreement to an extension.
- 6.7** The Headteacher or Senior Manager has a duty to consider the application seriously. A consistent approach to requests is important.
- 6.8** Applications from Headteachers or members of the Trust Senior Leadership Team should be considered by the CEO and Chair of Trustees or if the CEO the board of Trustees.

7. Formal Procedure: Meeting

- 7.1** Where necessary, the Headteacher or Senior Manager, will arrange to meet with the employee. The meeting may also be attended by a representative from HR to support the Headteacher or Senior Manager and/or a note-taker. The employee may bring a companion to the meeting. The companion will be entitled to speak during the meeting and confer privately with the employee, but may not answer questions on the employee's behalf. An employee who does not attend a meeting without giving prior notification should contact their Headteacher or Senior Manager as soon as possible to explain their absence and to rearrange the meeting. If an employee fails to attend the meeting more than once without a reasonable explanation, the law allows the school to treat the

application as having been withdrawn. The Headteacher or Senior Manager should write to the employee to confirm this.

- 7.2 The meeting will usually be held at the employee's place of work. Care will be taken to arrange the meeting for a time and place that is convenient to the employee.
- 7.3 The meeting will consider the employee's flexible working application. It will include discussion of the impact of the proposed working arrangement on the employee's work and that of their colleagues and/or department. There may also be some practical matters, such as arrangements for handing over work, which will require discussion. If the arrangements requested cannot be accommodated, discussion at the meeting will provide opportunity to explore possible alternative working arrangements.
- 7.4 The Headteacher or Senior Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of the department.

8. Formal Procedure: Decision

- 8.1 Following the meeting the Headteacher or Senior Manager will notify the employee of the decision, in writing, within 14 days.
- 8.2 If the request is accepted, or where the Headteacher or Senior Manager proposes alternative arrangements that are agreeable to the employee, the Headteacher/Senior Manager will write to the employee with details of the new working arrangements, details of any trial period, confirmation of any practical matters, an explanation of changes to the employee's contract of employment and the date on which they will commence. The employee will be asked to confirm their acceptance of the changes, in writing. This will be retained on the employee's personnel file as confirmation of the variation to the terms of employment. Section 2 of appendix a should be completed.
- 8.3 Contractual changes agreed under the formal procedure will be permanent and an employee is not able to make another flexible working request until 12 months after the date of the original application.
- 8.4 If the Headteacher or Senior Manager needs more time to make a decision, they will seek the employee's agreement to delay the decision for up to a further 14 days. Section 2 of appendix a should be completed. A request for an extension is likely to benefit the employee. For example, it may allow the Headteacher or Senior Manager more time to investigate how a request can be accommodated or to consult with other members of staff.
- 8.5 There will be circumstances where, due to educational, business and operational requirements, the Headteacher/Senior Manager is unable to agree to a request. In these circumstances, the flexible working request will be referred to the Executive Headteacher for consideration.
- 8.6 When considering the flexible working request, the Executive Headteacher may wish to discuss the request with the employee and the Headteacher/Senior Manager.
- 8.7 If the Executive Headteacher is unable to agree to a flexible working request, this outcome will be confirmed in writing to the employee. This letter will include:
 - a) the business reason(s) for turning down the application;
 - b) why the business reasons apply; and
 - c) details of the appeal procedure

- 8.8** The eight business reasons for which a formal flexible working request may be rejected are:
- a) the burden of additional costs;
 - b) detrimental effect on ability to meet customer demand;
 - c) inability to reorganise work among existing staff;
 - d) inability to recruit additional staff;
 - e) detrimental impact on quality;
 - f) detrimental impact on performance;
 - g) insufficient work for the periods the employee proposes to work;
 - h) a planned structural change to the business.
- 8.9** Appendix B gives a brief overview of the way in which the Executive Headteacher will interpret and apply the business reasons set out in Section 9.8.

9. Formal Procedure: Appeal

- 9.1** If a formal flexible working request is rejected, the employee has the right of appeal.
- 9.2** The appeal must: (appendix a, section 3)
- a) be in writing and dated
 - b) set out the grounds on which the appeal is based
 - c) be sent to the Clerk to the Trustees within 14 days of the date the employee received the written rejection of their request.
- 9.3** The Clerk to the Trustees will arrange for a meeting to take place within 14 days of receipt of the appeal. The meeting will be held at a convenient time for all those attending, the three Trustees may be accompanied by an HR advisor and/or note taker and the employee may be accompanied by a companion.
- 9.4** If the employee's appeal is upheld, they will be advised of their new working arrangements, details of any trial period, confirmation of any practical matters, an explanation of changes to the employee's contract of employment and the date on which they will commence. The employee will be asked to confirm their acceptance of the changes, in writing. This will be retained on the employee's personnel file as confirmation of the variation to the terms of employment.
- 9.5** Contractual changes agreed under the formal procedure will be permanent and an employee is not able to make another flexible working request until 12 months after the date of the original application.
- 9.6** The employee will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 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 their original application.

10. Extending Time under the Formal Procedure

10.1 There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 2 months of first receiving the request. Where an extension of time is agreed, the Headteacher or Senior Manager will write to the employee confirming the extension and the date on which it will end. (appendix a, section 2)

11. Withdrawn Applications

11.1 If the employee withdraws their formal request for flexible working, they can submit another application within 12 months if it was their first withdrawn application in a 12 month period. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- a) the employee fails to attend two meetings under the formal procedure without reasonable cause
- b) the employee unreasonably refuses to provide information required by the Headteacher or Senior Manager to consider the request.

11.2 In such circumstances, the Headteacher/Senior Manager will write to the employee confirming that the request has been treated as withdrawn.

12. Monitoring and Review of the Policy

12.1 The Executive Headteacher is responsible for monitoring the implementation, use and effectiveness of this policy and will report on these matters as appropriate.

12.2 This policy will be reviewed by the Trustees as necessary.

Appendix A – Flexible Working Application form

Form to Request Flexible Working

Employee personal details	
Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="checkbox"/>	
Full name:	Post title:
Payroll number:	Place of work:
Headteacher name:	
<p>Note to the employee:</p> <p>You can use this form to make a formal application under the legal right to request flexible working. Before completing this form, please read the Flexible Working Policy.</p> <p>You should note that if accepted, the change in your working pattern will be a permanent change to your terms and conditions of employment (unless specifically agreed otherwise) and you have no right in law to revert back to your previous working pattern.</p> <p>Under the regulations, it may take up to 2 months for the whole process to be completed, including an appeal. Any extension to timescales needs to be agreed by yourself and the Headteacher or Senior Manager (see Section 2 below). It will then take time to implement the arrangement, if one is agreed, so you should ensure that you submit your application to the Headteacher or Senior Manager well in advance of the date you wish the request to take effect.</p> <p>It will help the Headteacher or Senior Manager to consider your request if you provide as much information as you can about your desired working pattern (Section 1). It is important that you complete all the questions, as otherwise your application may not be valid. When completing your application, think about the effect your change in working pattern will have both on the work that you do and on your colleagues.</p> <p>Once you have completed the form, you should immediately forward it to the Headteacher or Senior manager. You may wish to keep a copy for your own records. The Headteacher or Senior Manager will then respond as soon as possible or arrange a meeting with you to discuss your request.</p>	
<p>Note to the Headteacher/Senior Manager:</p> <p>This is a formal application to apply for flexible working and there is a duty on employers to consider applications seriously. You should confirm receipt of this application in writing to the employee (email is acceptable). You should respond to this application as soon as is possible to either agree to the request or arrange a meeting with the employee to discuss their request. A copy of the fully completed form should be retained on the employee's personal file at the school/academy.</p>	

Section 1 - Application details (Employee to complete)

I would like to apply for a flexible working pattern that is different from my current working pattern. I confirm I meet each of the eligibility criteria as follows:

I have not made 2 requests to work flexibly under this right during the past 12 months.

1a. Describe your current working pattern (days/hours/times worked):

1b. Describe the working pattern you would like to work in the future (days/hours/times worked):

1c. I would like this working pattern to commence from: / /

2. Impact of the new working pattern. I think this change in my working pattern will affect the school and my colleagues as follows:

3. Previous applications for flexible working.

I have previously made an application for flexible working and the date I made this application was / /

or

This is my first application for flexible working.

Employee signature:

Date: / /

Section 2 - Management consideration and decision (Headteacher / Senior manager to complete)	
Date request received:	/ /
Do you need a discussion or meeting to obtain more information in order to make a decision? If yes, please complete below.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date of discussion:	/ /
Key points noted:	
Do you require more time to consider the request? If yes, please confirm in writing to the employee (email is acceptable) and give a revised timeline. Both the employee and Headteacher/Senior manager should sign below to indicate an extension has been agreed.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Manager signature:	Date: / /
Employee signature:	Date: / /
Agreed to extended until:	Date: / /
Decision	
<input type="checkbox"/> Request accepted	Start date: / /
<input type="checkbox"/> Trial period agreed	From: / / To: / /
<input type="checkbox"/> Modified or alternative arrangement agreed (further details below).	Start date: / /
Please note, if you accept the request you will need to notify your HR provider to initiate a payroll change and amend contract documentation. EducationHR customers should do this via WorkSpace.	
<input type="checkbox"/> Request refused on the grounds of one or more of the statutory prescribed reasons (further details below).	
Please note, if you refuse the request, you will need to inform the employee of their right to appeal against the decision. If they wish to appeal, they should complete Section 3 of this form.	
Please give details of your decision for refusal and the factors considered in reaching your decision (including business grounds):	
Please sign and return this form to the employee.	
Manager signature:	Date: / /

Section 3 - Appeal (Employee and Headteacher /Senior manager to complete)		
<p>If the request is refused, the employee may appeal the decision by completing this section and returning the form to the Headteacher as soon as possible. Once the form is received by the Headteacher/Senior manager, they should arrange a meeting with the employee in order to discuss their appeal.</p>		
Employee to complete this part:		
<p>I am appealing your decision to refuse my application for flexible working on the following grounds:</p> 		
Headteacher to complete this part		
Date appeal received:		/ /
Date appeal to be heard:		/ /
Outcome of appeal: (please delete as appropriate)	I accept your appeal.	I reject your appeal.
Comments (as appropriate). 		

Appendix B - 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 alongside the needs of the school.

If a request to work flexibly is rejected then the school will provide a specific “business reason”, which must be one of the eight stated in the 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” are set out below in order to provide a clearer understanding of the specific circumstances in a school setting, although it should be noted that these are illustrative and not deemed exhaustive.

1 Burden of additional costs

It may, in some circumstances, be costlier to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application.

2 Detrimental effect on the ability to meet customer demand

The Trust’s customers are their students and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular, the Headteacher or Senior Manager will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), 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.

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 school 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 school may wish to set a minimum contract for a Head of Department, or senior leader, for example. The school 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. In the case of support staff this relates to the percentage of the working week and is applied to the number of weeks contracted to work.

4 Inability to recruit additional staff

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school 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 school 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.

6 Detrimental impact on performance

Timely marking of student work is essential for their progress. Student work must be marked on a regular basis in accordance with the school marking policy. The Trust recognises that it is potentially difficult for part-time teachers 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 no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part-time 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 and effective service delivery are paramount. 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 teacher being absent from school for one day per week may be to pressurise the timetabler to allocate a predominance of teaching periods for others in the team on that day. The extent to which the proposed flexible/part time work pattern affects the work patterns of the team will be considered before a flexible working application is agreed.

8 Planned structural changes

The school 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.

9 Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.