



Flexible Working Policy

Reviewed by: Trustees
Approved: May 2018
Review date: May 2021

| Table of Contents | Page Number |
|--|--------------------|
| 1. Terms of Reference | 1 |
| 2. General Principles | 1 |
| 3. Forms of Flexible Working | 1 |
| 4. Eligibility | 2 |
| 5. Informal Flexible Working Requests | 2 |
| 6. Formal Flexible Working Requests | 2 |
| 7. Formal Procedure – Application | 2 |
| 8. Formal Procedure – Meeting | 3 |
| 9. Formal Procedure – Decision | 3-4 |
| 10. Formal Procedure – Appeal | 4 |
| 11. Breaches of the Formal Procedure | 4 |
| 12. Withdrawn Applications | 4-5 |
| Appendix A: Interpretation of “Business Reasons” | |
| Appendix B: Form to Request Flexible Working | |

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.

2. General Principles

2.1 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, reduce absenteeism and improve staff retention.

2.2 The purpose of this policy is to advise and guide all employees on their rights regarding formal flexible working requests and the procedure to be followed.

2.3 Outside of the provisions of this policy, any employee is able to make an informal temporary or permanent flexible working request to the Headteacher/Senior Manager.

2.4 The aim is for formal flexible working requests to be considered and decided (including the appeal) within 3 months of first receiving the request.

2.5 This policy is non-contractual and it may be amended at any time.

3. Forms of Flexible Working

3.1 Flexible working can incorporate a number of changes to working arrangements, for example:

- a) reduction or variation of working hours/working pattern;
- b) reduction of the number of days worked each week; and/or
- c) working from a different location (for example, from home).

4. Eligibility

- 4.1 All employees are entitled to make a formal flexible working request providing they have not 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).

5. Informal Flexible Working Request

- 5.1 Employees who wish to make an informal request for flexible working may make a request to the Headteacher/Senior Manager who will consider it alongside educational, business and operational requirements.
- 5.2 The Headteacher/Senior Manager will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

6. Formal Flexible Working Requests

- 6.1 An employee may wish to discuss their flexible working request informally with the Headteacher/Senior Manager prior to instigating the formal procedure.
- 6.2 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. If temporary changes are sought, an employee should request this informally with the Headteacher/Senior Manager.

7. Formal Procedure – Application

- 7.1 A formal flexible working request must:
- a) be in writing and dated;
 - b) state the reason for the request,
 - c) provide as much information about current and requested working patterns, including working days, hours, start and finish times and the proposed start date for change(s);
 - d) 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;
 - e) state if it is a statutory formal request and whether a previous formal or informal request for flexible working has been made and, if so, when;
 - f) state if the request is made in relation to the Equality Act 2010;
 - g) ideally be submitted at least two months before the requested date of change(s).

8. Formal Procedure - Meeting

- 8.1 Within 28 days of receiving a formal written flexible working request, the Headteacher/Senior Manager will either accept the request 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 it may be accommodated. It will also provide an opportunity to consider alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's original application. The employee is entitled to bring a companion to this meeting.

9. Formal Procedure – Decision

- 9.1 Following the meeting the Headteacher/Senior Manager will notify the employee of the decision, in writing, within 14 days.
- 9.2 If the request is accepted, or where the Headteacher/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, 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 file as confirmation of the variation to the terms of employment.
- 9.3 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.
- 9.4 If the Headteacher/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. It may be appropriate for the Headteacher/Senior Manager to investigate how a request can be accommodated or consult with other members of staff.
- 9.5 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.
- 9.6 When considering the flexible working request, the Executive Headteacher may wish to discuss the request with the employee and the Headteacher/Senior Manager.
- 9.7 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

9.8 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.

10. Formal Procedure: Appeal

10.1 If a formal flexible working request is rejected, the employee has the right of appeal.

10.2 The appeal must:

- a) be in writing and dated;
- b) set out the grounds on which the appeal is based; and
- c) be sent to the Clerk to the Trustees within 14 days of the date on which you received the written rejection of your request.

10.3 The Clerk to the Trustees will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague.

10.4 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.

11. Breaches of the Formal Procedure

11.1 There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 3 months of first receiving the request. Where an extension of time is agreed with you, the Headteacher/Senior Manager will write to you confirming the extension and the date on which it will end.

12. Withdrawn Applications

12.1 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- a) you fail to attend two meetings under the formal procedure without reasonable cause; or
- b) you unreasonably refuse to provide information we require to consider your request.

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

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 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 more costly 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 pupils 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 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.

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 pupils' work is essential for their progress. Pupils' 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 pupils 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 pupils. 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 workpatterns 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 pupil 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.

Appendix B Form to Request Flexible Working

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy and Appendix A carefully and check that you are eligible to make a request.

You should note that it may take several weeks to consider your request, allowing for discussion and meetings as appropriate and further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to the Headteacher/Senior Manager well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to the Headteacher/Senior Manager (you might want to keep a copy for your own records). The Headteacher/Senior Manager will respond to your request within 28 days, either to approve your request or to arrange a meeting to discuss it further. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name:

Job Title

I confirm that I have not made a request to work flexibly under this right during the past 12 months []

2. Working Patterns

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

3. Impact of the new working pattern

[] I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

Signed: Date:.....

✂-----

Return slip

Confirmation of Receipt (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

date received

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.

Signed:

Date: