



# Flexible Working Policy

**Reviewed by: Trustees**

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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. 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 our use and retention of staff.

**2.2** This flexible working policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally.

**2.3** Nobody making a request for flexible working will be subjected to any detriment, or lose any career development opportunities as a result.

**2.4** This policy does not form part of any employee’s contract of employment and it may be amended at any time.

## **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 section 7, the person making the request must:

- Be an employee
- Have at least 26 weeks’ continuous service at the date the request is made
- 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 section 6 to the relevant Headteacher/Senior Manager, who will consider the request according to the school’s educational, business and operational needs.

**3.3** Employees whose request 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 they do not want changes to be permanent, they may follow the informal procedure instead.

**3.4** Any employee interested in flexible working may request an informal meeting with their line manager, or the relevant Headteacher/Senior Manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and/or students and curriculum and/or service delivery, before submitting a formal or informal request.

#### **4. Personnel Responsible for Implementing the Policy**

**4.1** The Trustees have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trustees have delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Executive Headteacher.

**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 to the Executive Headteacher.

#### **5. Forms of Flexible Working**

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

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

#### **6. Informal Flexible Working Request**

**6.1** 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.

**6.2** An employee may wish to discuss their flexible working request informally with the Headteacher/Senior Manager prior to instigating the formal procedure.

**6.3** To enable the Headteacher/Senior Manager to consider a request, it is suggested that employees:

- a) make their request in writing and confirm whether they wish any changes to current working pattern to be temporary or permanent
- b) provide as much information as possible about current and desired working pattern, including working days, hours and start and finish times, and give the date from when they want the desired working pattern to start.

6.4 The Headteacher/Senior Manager will advise what steps will be taken to consider the request, which may include inviting the employee to attend a meeting, before advising of the outcome of the request.

## **7. Making a Formal Flexible Working Request**

7.1 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.

7.2 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.

7.3 The application should ideally be submitted at least two months before the date that it is desired that the changes take effect from.

7.4 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 write to the employee, confirming the decision and explaining the permanent changes that will be made to the employee's contract.

7.5 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.

## **8. Formal Procedure: Meeting**

8.1 Where necessary, the Headteacher or Senior Manager, will arrange to meet with the employee within 28 days of the application submission. 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.

- 8.2 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.
- 8.3 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.
- 8.4 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.

## **9. Formal Procedure: Decision**

- 9.1 Following the meeting the Headteacher or 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 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.
- 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 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. 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.
- 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.
- 9.9** 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.

## **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
  - c) be sent to the Clerk to the Trustees within 14 days of the date the employee received the written rejection of their request.
- 10.3** 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 Trustees may be accompanied by an HR advisor and/or note taker and the employee may be accompanied by a companion.
- 10.4** 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.

**10.5** 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.

**10.6** The employee will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.

**10.7** 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.

## **11. Extending Time under 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, the Headteacher or Senior Manager will write to the employee confirming the extension and the date on which it will end.

## **12. Withdrawn Applications**

**12.1** If the employee withdraws their formal request for flexible working, they will not be eligible to make another formal request for 12 months from the date of their original request. 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.

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

## **13. Monitoring and Review of the Policy**

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

**13.2** This policy will be reviewed by the Trustees as necessary.

## Appendix A - Form to Request Flexible Working



### 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 B 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 relevant Headteacher/Senior Manager well in advance of the date you wish the request to take effect (at least 2 months in advance).

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

#### Eligibility Check

Please tick those which apply (below). If you are unable to tick all of the relevant boxes, then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered but you should explore this separately, informally under section 6 of the Flexible Working policy.

I confirm that I have worked continuously as an employee of the school for the last 26 weeks [ ]

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

Date of any previous request to work flexibly under this right:

A brief explanation as to the reason for your request, including whether the request is being made in relation to the Equality Act 2010:

**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**

Please tick the below box and attach the required statement – if there are potential negative impacts please consider including suggestions about mitigating against these:

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

This is a statutory formal request for Flexible Working:

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:

## **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 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.