



# STEP Academy Trust

## Flexible Working Policy and Guidance

Date of Policy: January 2019

Review: October 2020

### Introduction

STEP Academy Trust Board of Trustees has agreed this Policy and as such, it applies to all Academies within the Trust.

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Appendix 1 – Application for Flexible Working

### **Please Note:**

*Template letters are available for management use - please contact our STEP HR providers if you require a letter.*

## 1. Scope

This Policy has been adopted by STEP Academy Trust Board of Trustees and applies to all staff employed to work at the Academies which form part of STEP Academy Trust (hereafter referred to as “the Trust”).

## 2. Introduction

STEP Academy Trust has a commitment to being an exemplary equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our Academies are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.

The Children & Families Act 2014, changed the law on the right to request flexible working. **All** employees who have at least 26 weeks' continuous service have the right to make a request to work flexibly.

The Trust is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and Trust/Academy.

A flexible working request is a request to change the employee's terms and conditions and must relate to:

- a) the number of hours that the employee works;
- b) the times that the employees works; or
- c) the employee's place of work.

Examples of flexible working are part-time; change in working hours, job share, term-time working and working from home – please refer to the Trust’s Working from Home Guidance.

When advertising for new roles in our Academies, consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.

A request for flexible working may only be made once in any 12 month period.

This Policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

The law prescribes a three-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The three-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

## 3. Trustee/Governor/Headteacher/Line Manager Responsibilities

It is the responsibility of the Board of Trustees to ensure that this Policy is applied consistently, and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail.

In addition, the appropriate line manager (Headteacher, Executive Team, Heads of Service), for the member of staff will ensure that:

- working patterns comply with the working time regulations;
- working patterns do not adversely impact on the level and/or quality of service;
- the contractual entitlements of any employee is not contravened;
- no employee's application is refused without due consideration of the feasibility of proposals.

#### **4. The Employee's Responsibilities**

- 4.1 It is the responsibility of employees to ensure that they consider and prioritise the needs of their service when making an application to change their working pattern, taking into account the implications for their colleagues. Employees should submit their application in good time for it to be dealt with during the school term.
- 4.2 The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The employee must:
- a) lodge the request in writing to the Headteacher/Line Manager (email is acceptable); If you are unsure whether to contact the Headteacher or Line Manager, then please seek guidance from the STEP HR provider;
  - b) date the request;
  - c) state that they are making a statutory request for flexible working and the changes that the employee is seeking to his/her terms and conditions;
  - d) state the date of which the employee would like the terms and conditions to come into effect;
  - e) indicate the effect(s) that they think the change(s) will have on the Academy/Trust and how any such effects might be dealt with;
  - f) indicate whether they have previously submitted a request for flexible working and, if so, when; and
  - g) confirm your start date within the Trust.

When indicating the effects, the changes will have on the Academy/Trust, the employee may want to consider the following points:

- a) Costs/savings to the Trust/Academy;
- b) Need for additional resources;
- c) Ability to meet the priorities of the Academy/Trust (service needs);
- d) Quality and performance;
- e) Ability to manage the attendance and performance of the employee;
- f) Health and safety aspects.

#### **5. Meeting to Discuss a Flexible Working Request**

- 5.1 Once the Headteacher/line manager receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in the table below. The Headteacher/line manager will usually arrange a meeting to deal with the request. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting will not be necessary.
- 5.2 An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Academy/Trust.

5.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

## 6. Outcome of a Flexible Working Request

6.1 After the meeting, the Headteacher/line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes. 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 his/her working pattern.

6.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in the table below. The request may be granted in full or in part: for example, the school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not granted or is granted in part.

## 7. Where the Request for Flexible Working is Unsuccessful

It will not be possible for a Headteacher/line manager to agree to a new working pattern in every circumstance. The reason why a request cannot be granted should be made clear to the applicant and give clear reasons justifying the rejection of a request based on one or more of the following reasons:

- a) Burden of additional costs to the Academy/Trust;
- b) Inability to meet service needs, organisation and delivery;
- c) Inability to organise work within the staffing available;
- d) Detrimental impact on performance and quality of service;
- e) Insufficiency of work during the periods the employee proposes to work;
- f) Inability to recruit additional staff;
- g) Planned structural changes;
- h) Detrimental effect on ability to meet users demand.

## 8. Where the Request for Flexible Working is Granted

If the request is upheld, the employee and the Headteacher/line manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to his/her contract of employment.

Headteachers/Line Managers should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

### 8.1 Trial Period

Consideration should be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an **agreed extension to the statutory time frame**.

### 8.2 Rejection of Request

At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is turned down, the Headteacher/line manager must state the reason(s) why in writing.

## 9. Timescales

- 9.1 All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal
- 9.2 These time limits may be extended where both the employee and employer/ Trust/Academy are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

| Within 28 days of receiving the request for flexible working | Within 14 days of the meeting       | Within 14 days of the notification                 | Within 14 days after receiving the appeal | Within 14 days of the appeal meeting.                          |
|--|-------------------------------------|--|---|--|
| The Headteacher/ Line manager should hold the meeting        | Notify the employee of the decision | Employees who are dissatisfied can lodge an appeal | The appeal to be heard                    | The employee will be informed of the outcome of his/her appeal |
|  |                                     | Refer to 10 below for the Appeal process           | Refer to 10 below for the Appeal process  | Refer to 10 below for the Appeal process                       |

## 10. The Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by their Line Manager, they can lodge an appeal.

- 10.1 Within 14 calendar days of receipt of the notification of the Headteacher/Line Manager's decision the employee may if they wish, appeal in writing to the Chair of Trustees/Chair of Governors. They should set out their grounds for making the appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the Headteacher/Line Manager may not have been aware of or it may be to challenge a fact that the Headteacher/Line Manager has failed to explain the rationale for the decision.
- 10.2 Within 14 calendar days after receiving the appeal the Chair of Trustees /Chair of Governors will designate a panel of Trustees/Governors not previously involved with the application to arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union official at the appeal meeting.

If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date.

- 10.3 Within 14 calendar days of the date of the appeal meeting, the panel of Trustees/Governors must inform the employee of the outcome of the appeal in **writing**.

If the appeal is upheld, the written decision must:

- Include a description of the new working pattern;
- State the date from which the new working pattern is to take effect, including any trial period; and
- Be dated.

If the appeal is dismissed, the written decision must:

- a) State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal;
- b) Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
- c) Be dated.

A written notice of the appeal outcome constitutes the Trust's/Academy's final decision and is effectively the end of the formal procedure.

Please refer to the hearing protocol in [www.croydonhr.co.uk](http://www.croydonhr.co.uk) in the HR hand book.

[http://www.croydonhr.co.uk/File/handbook\\_c19\\_formal\\_hearings\\_protocol\\_completed.doc](http://www.croydonhr.co.uk/File/handbook_c19_formal_hearings_protocol_completed.doc)

## **11. Pension Implications**

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice.

Please note that flexible retirement can only be considered once a request for flexible working has been agreed. The Local Government Pension and Teachers' Pension Schemes are subject to change and therefore guidance should be sought from the appropriate pension's team prior to making any retirement request.

## Appendix 1

### APPLICATION FOR FLEXIBLE WORKING

#### Part A - APPLICATION

|              |
|--------------|
| <b>Name:</b> |
|--------------|

|                       |
|-----------------------|
| <b>Trust/Academy:</b> |
|-----------------------|

|                   |
|-------------------|
| <b>Job Title:</b> |
|-------------------|

|                         |
|-------------------------|
| <b>Employee number:</b> |
|-------------------------|

|              |
|--------------|
| <b>Date:</b> |
|--------------|

**Current working pattern:** (should include details of hours/days per week, location etc.)

|  |
|--|
|  |
|--|

**Proposed new working pattern:** (should include details of hours/days per week, location, job share, part time, technology required etc)

|                  |
|------------------|
| <b>Monday</b>    |
| <b>Tuesday</b>   |
| <b>Wednesday</b> |
| <b>Thursday</b>  |
| <b>Friday</b>    |
| <b>Saturday</b>  |
| <b>Sunday</b>    |
|                  |

Building a business case:

How do you measure your performance in your job? eg PDCS /Teachers standards

Are there any benefits that your team/department/the Trust/Academy would gain from your proposed flexible working arrangement?

Do you envisage requiring any additional technology/resources?

Do you envisage any additional costs?

Will you need to change your working practices? If so, how?

How will your request impact on the Trust/Academy and what are the benefits of your proposed flexible working arrangement?



Do your colleagues require any additional briefing/technology to support your proposed flexible working arrangement?

|  |
|--|
|  |
|--|

How do you suggest overcoming any potential problems with:

|   |  |
|---|--|
| <b>a) pupils/internal customers</b>   |  |
| <b>b) your manager</b>  |  |
| <b>c) your colleagues</b>   |  |
| <b>d) external customers</b> e.g. Officers of the LA, external agencies etc |  |

How will you communicate effectively when (if) you are away from the Trust/Academy?

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|--|
|  |
|--|

I confirm that I have read the flexible working documentation and will adhere to the principles contained in the policy. I understand that this will constitute a permanent change to my terms and conditions.

**Signed** .....**Date** .....

*If there is insufficient space in the boxes above, please use an additional sheet of paper and attach it to your application*