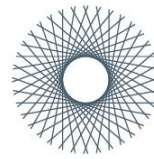


# Flexible working policy



AGORA  
LEARNING  
PARTNERSHIP

STATUS:	Non-statutory
DATE FIRST ISSUED:	September 2018
DATE LAST REVIEWED:	March 2024
DATE OF NEXT REVIEW:	March 2026
APPROVED BY:	Board of Trustees
APPROVAL DATE:	TBC

## 1 Objective and scope

- 1.1 This policy sets out the rights of the employee to request flexible working and also outlines the process by which employees should make an application to work flexibly. You have the right to request flexible working from Day 1 of employment. It does not apply to agency workers, consultants, or self-employed contractors. This policy and procedure does not form part of any employees' contract of employment.
- 1.2 Flexible working can have a positive impact on an individual and their wellbeing. It can also maximise the potential of our employees and support us in optimising the use of new technology and challenging traditional working methods and practices.
- 1.3 Flexible working is also intended to ensure that individuals strike a balance between their home and work priorities; encouraging employees to work smarter whilst discouraging them from continually working long hours.

## 2 The business need

- 2.1 Where the business case can be supported, the Trust is committed to providing flexible working. However, the Trust, schools and employees need to be practical and recognise that the full range of flexible working options will not be appropriate for all jobs and areas across the Trust and schools. The Trust has to consider that appropriate staffing levels must always remain in line with the demands of the delivery of education (the business).
- 2.2 Each application will be considered on an individual basis and decisions do not form a precedent, (as circumstances are different and change in each area of the Trust and Schools following the acceptance of each request).
- 3 Eligibility to apply for flexible working**
- 3.1 While not all flexible working patterns will be suitable, you have the right to request any flexible working pattern you believe would support yourself and the Trust.
- 3.2 All employees have the right to make an application to work flexibly providing they:
- are employed from Day 1 with the Trust or School at the date of the application
  - you have not made more than 2 requests for flexible working in the previous twelve months
- 3.3 It is important to understand that you do not have the automatic right to work flexibly but do have a right to request changes to the conditions of how up work, which may include how, when or where you work, and for this request to be considered fairly.

## **4 Part time working**

- 4.1 Unless commitments can be made to the contrary it should be explained that due to timetabling restrictions it may not always be possible to accommodate a specific working percentage over the smallest possible number of days.
- 4.2 For example if a teacher requests to work 0.4 it may be appropriate for the school to make clear that while efforts will be made to assign work over two days it may be essential for this to be spread over three days.
- 4.3 Reasonable efforts will be made to limit the number of days for an employee that has made a flexible working request to work part time, unless they indicate that they are happy to be deployed more flexibly.

## 5 Impact of flexible working on other terms and conditions

### 5.1 Pay and pensions

Employees taking up flexible working options which may result in reduced working hours will be paid on a pro rata basis, according to the number of hours worked. Employees should obtain detail of the impact on their pension from the relevant scheme administrator; LGPS or teachers' pensions.

### 5.2 Annual leave

The impact on annual leave arrangements will vary according to the type of flexible working option agreed. If you are part-time for example, you will be entitled to annual leave and bank holidays calculated on a pro rata basis.

## 6 Procedure

### 6.1 *Making a flexible working application*

An application to work flexibly must be made in writing to the headteacher, line manager or Chair of the Board in the case of the headteacher it must be made to the CEO.. The template provided should be used and the application should specify the following:

- 1) the date of application (today's date)
- 2) a statement that this is a statutory request
- 3) details of how the employee wants to work flexibly and when they want to start
- 4) an explanation of how they think flexible working might affect the business and how this could be dealt with, for example if they are not at work on certain days
- 5) a statement saying if and when they have made a previous application in the last 12 months
- 6) if the application is being made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability

(You can access a copy of the Flexible working Application form in this policy shown in Appendix 1)

### 6.2 *Consideration of the request*

- 6.2.1 The Trust/school will give serious and full consideration to all requests to work flexibly.
- 6.2.2 Completion of the consideration process including any appeal will normally take place within two months of first receiving the request. If the request cannot be dealt with during this period, the school may extend the time limit by mutual consent. An example of when an extension might be agreed is when non-directed working time, i.e., the summer holidays, sits within the two-month timescale
- 6.2.3 When the headteacher, line manager or Chair of the Board or in the case of the headteacher the CEO receives an application for flexible working they should consider the arrangement that has been requested.
- 6.2.4 The headteacher, line manager or Chair of the Board will need to consider and discuss with the applicant:
- the cost of the proposed arrangement
  - the effect the proposed arrangement will have on other staff
  - the impact the proposed arrangement may have on the ability to deliver an appropriate quality of educational service
  - the impact the proposed arrangement may have on the ability of the role to deliver and perform to a satisfactory level
  - the level of supervision the post holder will need to have
  - an analysis of the tasks and workload specific to the role
  - if the request is considered to be a reasonable adjustment for a disability or due to caring responsibilities

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 their working pattern.

### **6.3 Meetings regarding flexible working**

- 6.3.1 Upon receiving a written request for flexible working we will arrange a meeting with you to:
- discuss the request
  - find out more about the proposed working arrangements
  - understand how it could be of benefit to both the employee and employer
- 6.3.2 The meeting will be held within a reasonable amount of time from receiving this request. This time frame may be extended with the agreement of both parties.

- 6.3.3 Alternatively, we may choose to state in how many days the meeting will be held and confirm this time frame may be extended with the agreement of both parties.
- 6.3.4 If you fail to attend a meeting without good reason, this meeting may be rescheduled. If you fail to attend the rescheduled meeting your application may be deemed to have been withdrawn.
- 6.3.5 Where a request can, without further discussion, be approved, a meeting to discuss the request may not be necessary. You will be informed of the agreement to the request by a confirmation letter and your contract of employment will be formally changed following the request being approved.

## 7 Outcome of a Flexible Working Request

7.1. Once a decision has been made, you will receive written confirmation as soon as possible.

7.2 The request may either:

- Be agreed to in full – we will agree to the application and specify the contract variation and the start date on which it is to take effect
- Be agreed to in part – we may agree to part of your request and/or propose alternative arrangements. We may also propose a modified version of the request. Please note, proposed changes from us will only be confirmed as agreed if mutual consent has been received
- Be agreed as a trial period (see section 6 below)
- Be refused - if refused, the specified grounds for refusal must be stated. It should also be explained why those grounds apply in relation to the application. You should also be made aware of the appeal procedure

7.3 If the school cannot meet the employee's request due to business and operational reasons it will be based on one or more of the following legislative grounds for rejection;

- the burden of additional costs
- the detrimental effect on the ability to meet student/pupil needs/service demands
- an inability to reorganise or redistribute work amongst existing staff
- an inability to recruit additional staff

- a detrimental impact on quality or performance
- insufficient work available during the hours the employee is requesting to work
- other planned changes (redundancy/reorganisations)

7.4 If at any point the change is agreed as permanent, there is no right for the employee to revert back to their former working pattern. **8 Trial periods**

8.1 The Trust may decide to offer the new way of working on a trial basis, initially where it is not sure what impact the change will have on the delivery of education and service the role provides within the Trust/school. In such circumstances, the change to the employee's terms and conditions of employment during a trial period is a temporary change. In order to accommodate the trial period and any necessary steps if unsuccessful the parties will have to agree an extension to the decision date beyond the statutory three-month period.

8.2 If, in the Trust's opinion, the trial is not successful the employee will revert back to their previous terms and conditions of employment, and they will be entitled to exercise their right of appeal. If the requested change of working arrangements is accepted at the end of the trial, then the temporary terms and conditions will become permanent.

## **9 The appeal process**

9.1 The Trust offers an appeal process as part of its commitment to handling all requests for flexible working in a reasonable manner. The employee must put their appeal in writing to the Chair of the Academy Governing Board (school based employees), care of the school, or Chair of the HR Committee (central team staff), within seven calendar days (unless an extension is agreed) of receiving the written outcome decision or confirmation of the failure of the trial period.

9.2 The letter of appeal must clearly state the grounds for appeal, and a further meeting to be led by a panel of three governors/three Trustees, will then be arranged to review the decision. The employee can be accompanied to the meeting by a work colleague or trade union representative. Wherever possible the appeal will be heard by an appropriate individual, or panel of individuals, who have had no prior involvement in the process.

9.3 Following the appeal hearing, the school will confirm the outcome in writing as soon as reasonably practicable, usually within 5 working days (unless an extension is agreed). If the appeal is upheld the new working arrangements and

the date, they are to commence will be confirmed. If the appeal is rejected the letter will confirm the business reason(s) for the decision and explain why they apply. The decision at the appeal hearing stage is final.

## **10 Withdrawing an application**

10.1 A request to work flexibly can be withdrawn at any time before it has been accepted.

10.2 If an employee fails to attend more than one meeting arranged to discuss the request and does not provide a reasonable explanation, the school may assume that the application has been withdrawn.

10.3 The school may also treat an application as withdrawn if the employee does not provide the required information.

## APPENDIX 1: Form – Flexible Working Application

### Flexible Working Application Form

#### Notes on Completion

Before completing this form, please read the flexible working Policy.

When completing this form, please ensure that you provide as much information as possible to allow a thorough assessment of the request. You should ensure that you submit your application well in advance of the date you wish the request to take effect.

Please tick the appropriate response unless the question expressly asks you for more information.

#### Section 1 – Personal Details

Name:		Role:	
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Employment start date:	
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Date application form submitted:	
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Have you submitted a previous request for flexible working?	Yes	No
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<i>If yes, when did you submit your last request for flexible working? (please denote the date and month and year)</i>	
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What is the reason for the request?
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Are you a disabled person whose request for flexible working is related to your disability?	Yes	No
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What is the period of time for which the change is requested?	Permanent	Temporary
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<i>If this is a request for a temporary arrangement, please specify time period e.g., Spring term or 6 weeks.</i>	
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## Section 2 – Working Pattern

A. Please describe your current working pattern e.g. days/hours/times worked:
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B. Please describe the working pattern you would like to work in the future e.g. days/hours/times:
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C. When would like this new working pattern to commence from?	Date:
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### Section 3 – Impact of the “New Working Pattern”

A. Please clearly outline how you think this change in my working pattern will affect the organisation as follows:

B. Please clearly outline how you think the effect/ impact on the organisation can be dealt with as follows:

By signing this form, I confirm that I wish to submit a statutory request for flexible working as detailed in this form and in line with the Flexible Working Policy.

Signature:		Date:	
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Please send a completed copy of this form to the headteacher, line manager or Chair of the Board in the case of the headteacher it must be sent to the CEO.