

## *Flexible Working Procedure*

### **1 Introduction**

#### **1.1** The Trust believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress, and improve performance and productivity.

All employees have the right to request flexible working and to have their request considered seriously by Trust.

Employees have the right to submit a flexible working request from day one of their employment with Trust.

Employees have an opportunity to make two statutory flexible working requests in a 12-month period (even if they withdrew a request(s)). This includes requests for part-time, term-time, flexitime, compressed hours, and varied working locations.

The Trust and its academies will deal with flexible working requests in a reasonable manner and within a reasonable time, in any case a decision will be made and communicated to employees within 2 months of the application.

### **2 Requests for Flexible Working**

#### **2.1** A request for flexible working could include part-time, term-time, flexitime, compressed hours, and varied working locations such as hybrid working or working from home.

All requests must be made in writing by filling in the requisite application form which is attached to this policy and should be submitted to the Trust (for those staff with Trust wide roles) or the appropriate academy of the Trust.

#### **2.2** Any request made under this policy must include:

- the date of the application;
- the changes that the employee is seeking to their terms and conditions;
- the date on which the employee would like the terms and conditions to come into effect;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

**2.3** Where the request is being made by a disabled person as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in the written application.

**2.4** The Trust or its academies should not reject out of hand a request that does not contain the required information. The employee's line manager should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

### **3 Meeting to discuss a flexible working request**

**3.1** Once the Chief Executive/Principal/Headteacher receives the employee request, it will be dealt with as soon as possible, but no later than the deadline set out below. The Chief Executive/Principal/Headteacher (or designated alternate) will usually arrange a meeting at a convenient time and place to deal with the request. Where a request can be approved without further discussion in line with the terms stated in the employee's written application, a meeting will not be necessary, and the employee will be informed in writing of the decision.

**3.2** An employee should be given the right to be accompanied by a work colleague or a trade union representative at any flexible working meeting. They will be entitled to speak and confer privately with the employee but may not answer questions on their behalf. 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 Trust/Academy of the Trust.

### **4 Outcome of a flexible working request**

**4.1** After the meeting, the Chief Executive/Principal/Headteacher (or designated alternate) will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Trust/Academy of the Trust 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 their working pattern.

**4.2** The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the organisation 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 upheld or is upheld in part.

## Policy document

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**4.3** If a decision is made to reject the flexible working request, a full rationale behind the decision will be provided as outlined below.

**4.4** Unless otherwise agreed, the changes to the employee's terms and conditions will be permanent.

### **5 Reasons for turning down a flexible working request**

**5.1** The Chief Executive/Principal/Headteacher (or designated alternate) will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

**5.2** If a request has been rejected, the employee will be informed which of those reasons applies in writing, and of the appeal procedure.

### **6 Flexible working requests that are granted**

**6.1** If the request is upheld in full or in part, the employee and the Chief Executive/Principal/Headteacher (or designated alternate) will discuss how and when the changes will take effect. Any changes to terms and conditions, and the date on which they will commence, will be put in writing, and sent to the employee as an amendment to their contract of employment / written statement of terms and conditions of employment as soon as is reasonably practicable.

### **7 Timescales**

**7.1** All requests will be dealt with within a period of two months from first receipt to notification of the decision on any appeal. The Chief Executive/Principal/Headteacher should hold the meeting within a maximum of 28 days of receiving the request and notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded.

**7.2** Time limits detailed in this policy may be extended where both the employee and Trust/Academy of the Trust are in agreement.

For example, the Chief Executive/Principal/Headteacher and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

### **8 Appeal**

**8.1** Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal in writing within 14 days of the notification, with the appeal to be heard within a maximum of 14 days. Any appeal must be dated and must set out the grounds on which the appeal is being made. A meeting will be held to discuss the appeal. As explained above, an employee should be given the right to be accompanied.

**8.2** The employee will be informed in writing of the outcome of their appeal, and the reasons for the decision, within a maximum of 14 days of the appeal meeting. There is no further right of appeal.

### **9 Problems with a flexible working request**

**9.1** If an employee is dissatisfied or unclear at any stage throughout the process, they should seek clarification from the Chief Executive/Principal/Headteacher (or designated alternate). If an employee is dissatisfied with the way in which their request has been handled, they can raise a grievance under the HoM Grievance policy.

**9.2** Chief Executive/Principal/Headteachers who receive a request will have regard to the HoM Equality, Diversity and Inclusion policy when considering the request.

**9.3** If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

### **10 Monitoring**

This procedure will be reviewed annually by the HoM HR Director in consultation with the Chief Executive.

## *Flexible Working Request*

### Personal Details

Name: \_\_\_\_\_ Department: \_\_\_\_\_

Line manager: \_\_\_\_\_

### To the employer

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

- I have not made more than two requests to work flexibly under this right during the past 12-months.

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

Date / Month / Year \_\_\_\_\_

Date / Month / Year \_\_\_\_\_

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:

Employee Name: \_\_\_\_\_

Date: \_\_\_\_\_