

# FLEXIBLE WORKING PROCEDURE

**Date of issue:** 01/05/2020

## 1. Purpose

- 1.1 The Trust values flexibility within the workforce and recognises the importance of helping employees to balance their work and personal life. This policy sets out the rights and responsibilities of employees in respect of flexible working.

## 2. Scope

- 2.1 This policy applies to all employees who have at least 26 weeks' continuous service and who have not made another flexible working application in the last 12 months. Before June 2014 employees could only request flexible working if the purpose was to carry out certain caring responsibilities however this requirement no longer applies.

## 3. Definitions

- 3.1 A flexible working request means a written request by an employee to normally change either the number of hours they work, weeks they work, the times they work, or their place of work.

## 4. General principles

- 4.1 All requests will be considered fully, however employees are asked to note that whilst they have a right to make a request to work flexibly, there is no automatic right to work flexibly and there will be times when we are unable to accommodate an employee's desired change of working pattern due to the operational impact.
- 4.2 A flexible working request represents a permanent change to existing terms and conditions of employment in relation to any of the following:
- The number of hours of work
  - The number of weeks of work
  - The times of work
  - The place of work
- 4.3 Where new terms and conditions of employment are agreed to replace existing ones employees should note that they do not have the right to return to previous working arrangements and that changes will be permanent unless agreed otherwise.
- 4.4 It is important therefore that before making an application, the employee gives careful consideration to the working pattern and any financial implications it might have on them in cases where the desired working pattern will involve a reduction in salary.
- 4.5 An agreement to one employee's request does not set a precedent or create a right for another employee to be granted the same or a similar change to their working arrangements.

## 5. Application process

- 5.1 Employees may only make one flexible working application in any 12 month period.
- 5.2 All applications to work flexibly should be submitted using the standard Flexible Working Application Form.
- 5.3 Once completed, the form should be sent to the Headteacher who will review the request and determine the outcome in accordance with clause 6.4.
- 5.4 All applications will be dealt with promptly and within a maximum time period of three months from receipt of the initial application including any appeal, unless otherwise agreed with the employee.

## 6. Receipt of an application

- 6.1 Upon receipt of an application a meeting will be arranged within 10 working days in order to explore the desired work pattern and to discuss how it might be accommodated. The meeting will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired pattern.
- 6.2 Employees may be accompanied by a trade union representative or work colleague at the meeting.



6.3 An application will be considered as withdrawn should an employee fail to attend two pre-arranged meetings without providing reasonable notice or reasonable explanation for non-attendance.

6.4 The outcome of the meeting will normally be either:

The request is approved

If the new work pattern is approved, a letter of confirmation will provide a date from which the change is to commence, how the working pattern will change, the impact on existing terms and conditions of employment and that this will be a permanent change to existing terms and conditions.

An alternative working pattern is agreed

If the working pattern that the employee originally requested cannot be accommodated, but an alternative has been agreed, this will be confirmed in writing. The letter will include details of the new working pattern, effective date, any impact on existing terms and conditions and that this will be a permanent change to existing terms and conditions.

The request is refused

Where an application is not approved, the employee will be told of the reasons for refusing the request (see below).

Further action is required

Further action, for example, another meeting or further investigation, is required before a decision can be made on the application

6.5 Where a request is refused, the reasons will be provided. Whilst there is no expectation to provide a lengthy and complex explanation for each argument in fine detail the aim is to explain to the employee why the requested working pattern cannot be accepted.

## 7. Refusing a Request to Work Flexibly

7.1 An application to work flexibly will normally only be refused if one or more of the following apply:

- The additional costs of the proposed change will impose a financial burden
- The request would have a detrimental impact on students
- Work cannot be re-organised among existing staff
- Additional staff cannot be recruited
- There is insufficient work during the period the employee proposes to work

## 8. Appeal Process

8.1 Employees have a right to appeal against the decision taken following their request to change working arrangements if it is refused. Appeals must be in writing and detail the reasons for the appeal. The appeal must be made within 10 working days of receipt of the outcome of the request to change working arrangements.

8.2 The appeal should be addressed to the Headteacher.

8.3 Appeals will be heard by either a more senior manager than the initial manager. Where this was the Headteacher this will be a member of the Local Governing Body.

8.4 A meeting will normally be convened to hear the appeal within 10 working days of the appeal notice being received, or, in exceptional circumstances, as soon as practicable thereafter.

8.5 All documentation relating to the request to change working arrangements will be given to those hearing the appeal at least 5 working days in advance of the meeting.

8.6 Employees will be informed of the time, date and venue of this meeting in writing in good time and they must take all reasonable steps to attend.

8.7 Employees may be accompanied by a trade union representative or work colleague at the appeal meeting.

8.8 At the hearing every effort will be made by both parties to reach a satisfactory outcome.



- 8.9 A written decision will be issued within 5 working days of the hearing containing the decision and the rationale for arriving at it.
- 8.10 If the appeal is upheld the written decision will include a description of the new working pattern / location and the date from which the new working pattern is to take effect;
- 8.11 If the appeal is not upheld the written decision will state the grounds for the decision.
- 8.12 The decision of the appeal hearing is final.

## **9. General Data Protection Regulation**

- 9.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

