



# **FLEXIBLE WORKING POLICY**

**Blessed Edward Bamber Catholic Multi Academy Trust**

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## Previous versions

Version	Author	Date	Changes
v1.2	CEO	07/07/22	Section 3 – Table updated to include LGBs
V 2.1	HR	1/2/2023	Change to legislation on flexible working: Number of applications per year Day 1 right to request Employee evidence Consultation meeting Deadline periods

### PLEASE NOTE:

**WHERE THIS POLICY REFERS TO 'HEADTEACHER' THIS INCLUDES EXECUTIVE HEADTEACHERS AND INTERIM/ACTING HEADTEACHERS.**

This is a Trust-Wide Policy which applies to all academies within the Trust

## *Proverbs 16:3*

*Commit to the Lord whatever you do, and he will establish your plans.*

### Contents

1. Introduction and scope .....	4
2. Who is covered by this policy.....	4
3. Requests for flexible working.....	4
4. Consultation meeting to discuss a flexible working request.....	5
5. Outcome of a flexible working request .....	5
6. Contractual effect of accepted applications.....	5
7. Reasons for turning down a flexible working request .....	6
8. Right of appeal.....	6
9. Flexible working requests that are granted.....	7
10. Withdrawal of a request to work flexibly .....	7
11. Timescales .....	7
12. Home/agile working.....	7
13. Data protection .....	10
14. Problems with a flexible working request .....	10
15. Review .....	10
Appendix 1 – Request Form for Flexible Working .....	11

## **1. Introduction and scope**

The Blessed Edward Bamber Catholic Multi Academy Trust is committed to providing flexible working arrangements to recruit and retain staff and in its role as a reasonable employer. This policy will operate in accordance with the Trust's duties to promote equality and eliminate discrimination, as required under the Equality Act 2010. The Trust believes that flexible working can increase staff motivation, promote work-life balance, enrich employee wellbeing, and improve performance and productivity.

This policy sets out our approach to flexible working requests under the statutory procedure.

This policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

## **2. Who is covered by this policy**

All employees have the right to request flexible working and to have their request considered. This includes employees at all levels and grades, including senior managers, officers, trainees, part-time and fixed-term employees. It does not apply to agency staff and self-employed contractors. Employees will only be allowed to submit two requests within any 12-month period.

## **3. Requests for flexible working**

If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.

A request for flexible working could include a request for a change to the number of hours that you work, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from your home.

All requests must be made in writing by email or letter by filling in an application form (Appendix 1).

Any request made under this policy must include:

- The date of the application;
- The changes that you are seeking to your terms and conditions;
- The date on which you would like the terms and conditions to come into effect;
- A statement that this is a statutory request;
- Whether or not you have made a previous application for flexible working;
- If you have made a previous request, when you made that application.

Should a request not contain the required information, the Headteacher or Trust HR Department will explain to you what additional or amended information you need to provide and ask you to resubmit the request.

Where the request is being made by a disabled person, as part of a request for a reasonable adjustment to their working arrangements, we would ask that they state this in the written application.

Headteachers who receive a request will have regard to the Trust's commitment to equal

opportunities /policy when considering the request.

#### **4. Consultation meeting to discuss a flexible working request**

Once the Headteacher receives your request they will arrange a consultation meeting to discuss your flexible working request. The consultation meeting will be held within 14 days of receiving your request. If this is not possible, you will be informed of the reason for any delay.

The consultation meeting is an opportunity for you to explain how the proposed working arrangements would benefit you and for the Headteacher to consider and discuss any alternative flexible working options that may be available and suitable for you and the Academy.

Where a request can be approved to the terms stated in your written application, without further discussion, a consultation meeting will not be necessary.

You may wish to be accompanied by a work colleague or a Trade Union representative at any flexible working meeting. You should make your own arrangements for them to attend. You should inform your Headteacher at least 24 hours in advance of the meeting if you are planning to be accompanied.

If your companion cannot attend a meeting on a proposed date, then you must suggest an alternative time and date which should normally be no more than five working days after the original date.

Where you are accompanied the work colleague or Trade Union representative they may address the meeting but may not answer questions on your behalf. They may confer with you during the meeting. If your companion is a work colleague, arrangements will be made if necessary to release them to accompany you to the meeting.

If you are a member of a Trade Union, we would encourage you to seek advice/assistance when making the written application at the initial or appeal stage.

The Headteacher may be supported by a HR representative or senior colleague at any meeting held under this policy.

#### **5. Outcome of a flexible working request**

After the meeting, the Headteacher will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to you and to the Academy against any adverse impact of implementing the changes. Each request may be discussed with Governors and will be considered case-by-case: agreeing to one request will not set a precedent or create the right for others to be granted a similar change to their working pattern.

You will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than 7 days after the meeting. The request may be granted in full or in part: for example, the Academy may propose a modified version of the request.

#### **6. Contractual effect of accepted applications**

Accepted applications will mean a permanent change to your terms and conditions of employment. It is important therefore that, before you make an application, you consider which working pattern will suit you best and to any financial implications it might have, particularly in cases where the desired working pattern will involve a drop in your salary.

## 7. Reasons for turning down a flexible working request

The Headteacher 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/quality;
- A detrimental effect on ability to meet customer demand;
- Insufficient work for the periods the employee proposes to work;
- A planned structural change to the business.

## 8. Right of appeal

- You have a right of appeal against the decision where your requests are refused or upheld in part;
- Any appeals should be in writing or by e-mail and should clearly state the grounds for appeal;
- Appeals must be submitted to the Clerk to the Board within 7 days of being notified of the decision.

Appeals will be considered in line with the following table:

Employee Level	First Determinant	Appeal Manager
All other employees	Headteacher	Chair of the LGB (in consultation with the CEO)
Headteacher	CEO (in consultation with the Chair of LGB)	Chair of the Trust Board
CEO	Board Director appointed by the Chair of the Board	Trust Appeal Panel

An appeal meeting will be arranged within 14 days of receiving the letter of appeal. At the meeting the Appeal Manager will be advised by a HR representative.

- You may be accompanied by a Professional Association/Trade Union representative or work colleague at any appeal meeting;
- The Appeal Manager will inform you of the outcome of the appeal in writing within 14 days after the date of the hearing;
- Where the Appeal Manager upholds the appeal and agrees to the implementation of the desired working pattern, they will specify the agreed change and the date from which the change will take effect;
- Where the Appeal Manager dismisses the appeal, they will explain the grounds on which the refusal is based;
- The Appeal Manager will be advised by a HR representative.

## **9. Flexible working requests that are granted**

If the request is upheld, the Headteacher will discuss with you how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to you as an amendment to your contract of employment as soon as is reasonably practicable.

## **10. Withdrawal of a request to work flexibly**

A request will be considered as withdrawn if:

- You submit written notification to your Headteacher that you wish to withdraw your request;
- You fail twice, without reasonable cause or explanation, to attend the meeting to discuss the application or a meeting to hear an appeal;
- You unreasonably refuse to provide the Headteacher with sufficient information required to assess whether the request can be granted.

## **11. Timescales**

All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal. The Headteacher should hold the consultation meeting within 14 days of receiving the request and notify the decision to the you within 7 days of the meeting, so that there is enough time for any appeal to be concluded.

If you are dissatisfied with the outcome of your request you are allowed to lodge an appeal within 7 days of the notification, with the appeal to be heard within 14 days. You will be informed of the outcome of your appeal within 14 days of the appeal meeting. These time limits may be extended where both you and the Academy agree. For example, the relevant manager and you may agree to extend the time limits to accommodate Academy closures.

## **12. Home/agile working**

Agile working is the term used by the Trust to describe how employees can work flexibly from different locations, at different times and using mobile devices. This could be from any Trust building,

within the community, or by varying degrees of home working and hot-desking. Agile working encompasses all forms of work outside the usual base including non-traditional environments such as virtual work.

Agile working arrangements will differ depending on the nature of an individual's role, duties and responsibilities and so are discretionary and subject to agreement with your line manager. It must be established where the individual will be located and know when and how to contact them. The hours of work must be agreed in advance allowing employees who are using their homes as part of their agile working arrangements, to have a right to privacy out of hours and be able to separate their working and home lives.

The days and times worked from your workplace and your agreed remote working location are subject to agreement with your line manager and may vary to accommodate the needs of our business.

Not all roles and not all jobs are suitable for agile working. An agile working arrangement is unlikely to be agreed if:

- a) You need to be present in the workplace to perform your job, for example, because it involves a high degree of personal interaction with colleagues, students or third parties or involves equipment that is only available in the workplace;
- b) Your most recent appraisal identifies any aspect of your performance as unsatisfactory;
- c) Your line manager has advised you that your current standard of work or work production is unsatisfactory;
- d) You have an unexpired warning, whether relating to conduct or performance; or
- e) You need training and/or supervision to deliver an acceptable quality or quantity of work.

If you are working under an agile working arrangement you agree to:

- a) Have a suitable working environment at your remote working location that enables you to carry out your role effectively;
- b) Continue to work the hours required by your contract of employment;
- c) Work independently, motivate yourself and use your own initiative;
- d) Manage your workload effectively and complete work to set deadlines;
- e) Identify and resolve any new pressures created by working from a remote working location;
- f) Adapt to new working practices, including maintaining contact with your line manager and colleagues at work;
- g) Exercise flexibility to make changes on our reasonable request to the agile working arrangement, including to the days, times and location from which you work (as between your workplace and your agreed remote working location), to meet the needs of our business;
- h) Determine any resulting tax implications for yourself;
- i) Make arrangements for the care of any children or other dependents when you are working



from your remote working location; and

- j) Finance any travel and/or related expenses incurred when travelling to and from your remote working location and your workplace.

Where staff are utilising home work spaces they should ensure that no sensitive information of any kind is left unsecure and that all devices left unattended are password protected. The employee will have to take responsibility for the confidentiality of any records held remotely (either in paper or electronic form) and for their transportation. Any paper documents must be disposed of according to Trust policies and staff should ideally not be printing documents and taking them home but instead using the mobile devices and remote access they have been provided with. All employees must take adequate precautions to protect the Trusts responsibilities with regard to the Data Protection Act at all times.

When working from your remote working location you undertake to:

- a) Change your password each month and comply with instructions relating to password security;
- b) Comply with instructions relating to software security and to implement all updates to equipment as soon as you are requested to do so;
- c) Send work-related emails and messages through our designated communication facilities;
- d) Make all work-related calls through our designated routes;
- e) Maintain a private space for confidential work calls;
- f) Ensure that any display screen equipment is positioned so that only you can see it or a privacy screen is used;
- g) Lock your computer terminal whenever it is left unattended;
- h) Ensure no one else in your remote working location has access to confidential information stored on your computer or other devices;
- i) Ensure any wireless network used is secure;
- j) Change your wireless network passwords and ensure that your wireless network router has software security updates applied;
- k) Keep all papers secure when not in use, and ensure that no one else in your remote working location has access to such papers; and
- l) Shred or otherwise dispose securely of confidential information when it is no longer required and at all times comply with our instructions on document retention.

We reserve the right to terminate the agile working arrangement, for example, due to a change in business needs, performance concerns or if your role changes such that agile working is no longer suitable, subject to one month's written notice.

If you want to terminate your agile working arrangement, you must give your line manager one month's notice to allow us to arrange a desk space for you in the workplace and collect any equipment that is no longer required.

### **13. Data protection**

When managing any flexible working request, the Trust processes personal data collected in accordance with its data protection policy. Data collected from the point at which the Academy receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

### **14. Problems with a flexible working request**

If you are unclear at any stage throughout the process, you should contact the Headteacher or HR Manager to seek clarification. If you are dissatisfied with the way in which your request has been handled, you should raise a grievance under the Trust's grievance procedure.

### **15. Review**

This policy will be subject to biennial review, in consultation with the JCC. Any amendment to it will be notified to employees in writing by the Trust and, as such, written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the Trust's/ Academy's intranet or via use of school systems.

## Appendix 1 – Request Form for Flexible Working

<b>Request for flexible working</b>		
<b>Name of Employee:</b>		
<b>School/Academy:</b>		
<b>Job Title:</b>		
<p>All employees have the statutory right to request flexible working.</p> <p>Under the statutory procedure, you can make two requests in every 12-month period. If you have submitted a flexible working request, you must wait until that one has been considered and any appeal has been dealt with, before submitting another.</p> <p>If you are uncertain whether you are eligible to make a request, please contact your Headteacher or the HR Manager.</p>		
<b>Date form submitted:</b>		
<b>Previous applications for flexible working</b>		
Have you submitted a previous request for flexible working? (If yes, please answer the next question).	Yes	No
When did you submit your last request for flexible working?		
Are you a disabled person whose request for flexible working is related to your disability?	Yes	No
<b>I wish to submit a statutory request for flexible working as detailed below.</b>		

**CURRENT WORKING PATTERN:**

Please detail your current working pattern – days, hours, times and place of work.

**PROPOSED WORKING PATTERN:**

Please detail your proposed working pattern – days, hours, times and place of work.

**REASON FOR REQUEST:**

I would like the above change(s) to my working pattern to take effect on:

I understand that any change(s) to my working pattern will be permanent:

Yes

No

I confirm that this is a statutory request for flexible working.

Yes

No

Once you have submitted a valid application for flexible working, we will contact you to arrange a consultation meeting, which will take place within (14 days) of the application being submitted.

The consultation meeting is an opportunity for you to explain how the proposed working arrangements would benefit you and for us to consider and discuss any alternative flexible working options that may be available and suitable for you and the organisation. We would ask that you are as open as possible about your needs so that we are able to engage in a constructive discussion about what is feasible.

We treat personal data collected while managing your flexible working request in accordance with its data protection policy. Information about how your data is used and the basis for processing your data is provided in (our employee privacy notice).

**Signed:**

**Date:**