

Human Resources Policies and Procedures

Flexible Working Policy

Aim: This policy details how staff may request to work flexibly due to personal or caring responsibilities and the procedure for application and consideration of such requests.

Policy Number and Version:	HR7 Version 2.0
Policy Authorisation:	Management: FCAT Executive Trade Union: Representatives of FCAT Staff Consultation & Negotiation Meeting.
Date of Policy Introduction:	1 st August 2018
Date of Policy Review:	Every 2 years
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1. Introduction

- 1.1 Flexible working is a way of working that may suit an employee's needs, e.g. having different start and finish times, term time working or reduced hours.
- 1.2 This policy details how staff may request to work flexibly due to personal or caring responsibilities and the procedure for application and consideration of such requests.
- 1.3 FCAT recognises the importance of supporting staff in maintaining good health and wellbeing and the benefits that flexible working opportunities can provide in maintaining the balance for staff between work and personal or caring responsibilities.
- 1.4 The content of this policy is in accordance with statutory employee rights (the Flexible Working Regulations 2014), recognising the need to provide temporary or permanent support to our staff with personal matters or caring responsibilities, as well as considering the impact of any such request on the performance and operation of our Academies/Trust and colleagues.

2. Scope of the Policy

- 2.1 This policy is applicable to all staff employed by FCAT.

3. General Principles of the Policy

- 3.1 This policy provides a framework for considering all requests for flexible working fairly and consistently.
- 3.2 There is no automatic entitlement for a flexible working request to be authorised. All staff have the right to make a request to work flexibly and for this request to be seriously and reasonably considered.
- 3.3 Each request for flexible working will be reviewed on an individual basis. This means that consideration will be given to both the nature of the employee's request and the operational requirements of the Academy/Trust. All valid requests from staff for flexible working will be considered and a request will only be unsuccessful if there are genuine business reasons that can be evidenced.
- 3.4 An employee may only submit one request for flexible working in a 12 month period.
- 3.5 A request for flexible working may be for temporary or permanent arrangements.
- 3.6 Where there is a change to circumstances of the Academy/Trust or employee, the flexible working request whether permanent or temporary may be reviewed through consultation between both parties. If this was in relation to a temporary arrangement, this may be at an earlier review time than was initially agreed.
- 3.7 Staff should be aware that the contract of employment may be affected by an authorised flexible working request, where there is a change in the number of contractual hours/weeks worked, whether this is temporary or permanent. Continuity of service will not be affected by any flexible working request authorised.

- 3.8 If at any time after making a request and before a decision has been confirmed (verbally or in writing) regarding the request, an employee wishes to withdraw this, they must tell the Principal/Line Manager in writing to affirm this.
- 3.9 In accordance with the terms of the FCAT's recognised pension schemes (TPS and LGPS) any increase or decrease in an employee's contracted working hours following an authorised flexible working request will affect employee pension contributions accordingly. It may be possible to pay additional contributions to the pension scheme where this does occur and employees are advised to contact their pension scheme provider for more information.
- 3.10 Any concerns regarding the fair application of this policy should be raised with FCAT Human Resources in the first instance. Human Resources will provide training, support and advice in relation to this policy.
- 3.11 Staff have a right of appeal against the outcome of their flexible working request if this is not upheld or partially upheld. This is set out under section 11 of this policy.

4. Records and Monitoring

- 4.1 FCAT will retain maintain and monitor records of all employee requests for flexible working and the outcome of these requests. Records will be stored securely and access will be restricted to those only responsible for managing and recording flexible working requests in line with the General Data Protection Regulation.

5. Review

- 5.1 The content and operation of this policy will be reviewed every two years by Human Resources and FCAT Executive and then negotiated and agreed with Trade Union Associations.

6. Equality Act 2010

- 6.1 FCAT will observe the requirements of the Equality Act 2010 in the application of this policy which protects employees from unfavourable treatment related to a protected characteristic including; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation.

7. Flexible Working Options

- 7.1 There is a number of flexible working options which employees may wish to apply for:
- Reduction in hours;
 - Job sharing;
 - Changes to working pattern;
 - Term time working;
 - Annualised hours;
 - Working from Home;
 - Compressed Hours;
 - Flexi Time.

8. Process for making a Request for Flexible Working

- 8.1 When making a request for flexible working, staff should follow the process outlined below:
- 8.2 The Flexible Working Request Application Form (Appendix 1) must be completed by the employee and submitted to Principal (if Academy based staff) or their Line Manager (if FCAT Central Services staff, Principal or Executive Principal).
- 8.3 Staff should provide as much detail as possible on the form regarding how they wish to work flexibly, when they propose this to start and any impact of their request on their department; including suggestions as to how the request may be accommodated and any problems they may foresee with their request and how these may be overcome. Any form not completed in full will be returned to the employee to review and re-submit.
- 8.4 The request should be submitted with as much notice as possible before the proposed start date of the request to enable full consideration and any arrangements in order to accommodate the request to be implemented; ideally a minimum of 3 months.

9. Process for considering a Request for Flexible Working

- 9.1 All requests for flexible working will be considered fairly and consistently by the Principal (if Academy based staff) or their Line Manager (if FCAT Central Services staff, Principal or Executive Principal) in line with the process outlined below.
- 9.2 Advice may be sought from FCAT HR on what must be considered when making a decision regarding any flexible working request received.
- 9.3 Each request for flexible working will be reviewed on an individual basis with consideration given to both the nature of the employee's request and the operational requirements of the Academy/Trust.
- 9.4 If the Principal/Line Manager is simply able to agree to a flexible working request, this must be confirmed in writing to the member of staff ideally within 28 calendar days of receipt of the request.
- 9.5 Where an agreed flexible working request will result in a change to an employee's number of contracted hours per week/weeks per year of employment; the Principal/Line Manager must ensure that a change of appointment form is completed to ensure that Payroll are notified. The Principal/Line Manager must also ensure that a written variation to the employee's contract of employment is issued.
- 9.6 If the Principal/Line Manager is unable to agree to the flexible working request at this time; then a meeting must be arranged with the member of staff ideally within 28 calendar days of receiving the request. A representative from FCAT HR may be attendance at this meeting. The member of staff may also be accompanied at this meeting by a Trade Union Representative or Workplace Colleague.

- 9.7 The purpose of the meeting will be to discuss any issues surrounding the request and to seek to reach agreement on the request between the employee and the Academy/Trust.
- 9.8 If the employee does not attend 2 arranged and agreed meetings without a good reason, the Academy/Trust will treat the request as withdrawn and will be informed of this in writing from the Principal/Line Manager. The employee will be unable to make another request for 12 months.
- 9.9 Ideally within 28 calendar days following the meeting; a decision as to whether the flexible working request has been agreed, partially agreed or not agreed must be provided in writing to the employee. If the flexible working request is agreed or partially agreed and will result in a change to an employee's number of contracted hours/weeks of employment; the process as outlined in section 9.5 of this policy must be followed.
- 9.10 The ideal timescales set above in this policy mean that overall, the decision whether to grant a request should not take more than the maximum time allowable of 3 months after the date the request was received from the employee. If further time beyond 3 months is however required to consider the decision regarding a flexible working request; this can be agreed with consent from both parties.
- 9.11 Temporary or permanent flexible working arrangements may be agreed. If flexible working arrangements are agreed on a temporary basis a review date will be set 8 weeks prior to the end date of the arrangement to discuss the circumstances of the employee and the Academy/Trust at this time. Either the member of staff or the Academy/Trust can choose to end the arrangement on reasonable grounds at this time.

10. Refusing a Flexible Working Request

- 10.1 A flexible working request may be refused only for one of the following business reasons:
- additional costs that may detriment the Academy/Trust;
 - the request prevents the Academy/Trust from meeting its required demands;
 - the work can't be reorganised among other staff in the Academy/Trust;
 - the Academy/Trust can't recruit staff to do the remaining work;
 - flexible working will have an effect on the Academy/Trust's quality and performance;
 - insufficient work during the period an employee proposes to work;
 - planned structural changes in the Academy/Trust.
- 10.2 Any request for flexible working will be considered based on circumstances at the Academy/Trust at the time of the request and not any past circumstances.

11. Appeal

- 11.1 A member of staff has the right to appeal against the outcome of their flexible working request if it is refused or only partially met.

- 11.2 An employee cannot appeal against the business reason provided by the Academy/Trust, but can appeal if they consider the information the Academy/Trust used to make the decision was incorrect or incomplete.
- 11.3 An employee must submit their appeal in writing using the Flexible Working Appeal Form found at Appendix 2 within 7 calendar days of receiving notification of the decision regarding their flexible working request to FCAT HR. The form must set out the reasons why the employee considers the information used by the Academy/Trust in refusing or partially meeting their request appears to be incorrect or incomplete.
- 11.4 Ideally within 21 calendar days of receipt of the appeal from the employee; a meeting must be arranged between an Executive Principal/more Senior Line Manager and the employee to hear the appeal. A representative from FCAT HR will be in attendance at this meeting. The employee may be accompanied at this meeting by a Trade Union Representative or Workplace Colleague.
- 11.5 If the employee does not attend 2 arranged and agreed appeal meetings without a good reason, the Academy/Trust will treat the appeal as withdrawn and will be informed of this in writing from an Executive Principal. The employee will be unable to make another request for 12 months.
- 11.6 Within 14 calendar days following the meeting; a decision as to whether the appeal had been upheld or not upheld must be provided in writing to the employee. If an appeal has been upheld, this letter must set out the agreed flexible working request. If an appeal has not been upheld, an employee will have no further right of appeal in accordance with this policy and will be unable to submit a further flexible working request in the next 12 months.

APPENDIX 1 – FLEXIBLE WORKING REQUEST APPLICATION FORM

Name:				
Post Title:				
Date Request Submitted:				
PLEASE OUTLINE THE TYPE OF FLEXIBLE WORKING REQUEST YOU WOULD LIKE TO MAKE:			Please Tick	
Reduction in hours				
Job sharing				
Changes to working pattern				
Term time working				
Annualised hours				
Working from Home				
Compressed Hours				
Flexi Time				
PLEASE OUTLINE FURTHER <u>DETAILS</u> OF THE REQUEST YOU WOULD LIKE TO MAKE & THE <u>REASON</u> FOR THIS REQUEST				
<i>E.g. if you are requesting to change working pattern please outline the proposed days/hours/times you would like to work or if you are requesting to reduce working hours please outline your current and proposed working hours.</i>				
WHAT DATE DO YOU PROPOSE THIS ARRANGEMENT TO START FROM?				
ARE YOU PROPOSING THIS TO BE A PERMANENT OR TEMPORARY ARRANGEMENT?				
Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Proposed End Date if Temporary 				
DO YOU CONSIDER THERE MAY BE ANY IMPACT OF YOUR REQUEST ON YOUR DEPARTMENT, IF SO PLEASE DETAIL?				
<i>E.g. on student learning, service provision, colleagues etc.</i>				
WHAT CAN YOU SUGGEST COULD BE DONE IN YOUR DEPARTMENT TO HELP ACCOMMODATE YOUR REQUEST OR ADDRESS ANY IMPACT OF YOUR REQUEST?				
Have you made a formal request to apply for flexible working in the last 12 months?	YES	Please Tick:	NO	Please Tick:
I would like to make this formal request made under the legal right to apply for flexible working:				
SIGNED: (Employee)		DATE:		

(To be completed by Academy/Trust)	DATE:	
Date request received by Principal/Line Manager		

APPENDIX 2 - FLEXIBLE WORKING APPEAL FORM

Name:	
Post Title:	
Academy:	
Date Flexible Working Request submitted:	

I wish to appeal against the outcome of my flexible working request because it was refused or only partially met. I understand that I cannot appeal against the business reason provided by the Academy/Trust, but am appealing because I consider the information the Academy/Trust used to make the decision was incorrect or incomplete.

WHY DO YOU CONSIDER THE INFORMATION THE ACADEMY/TRUST USED TO REFUSE OR PARTIALLY MEET YOUR REQUEST WAS INCORRECT OR INCOMPLETE?

IS THERE ANY INFORMATION YOU WISH TO BE CONSIDERED IN RELATION TO THIS?

SIGNED: (Employee)		DATE:	
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Please submit this completed appeal form to FCAT Human Resources, Mereside Primary School, Langdale Road, Blackpool, FY4 4RR.

(To be completed by FCAT HR) Date appeal received by FCAT HR	DATE:	
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