

# Flexible Working Policy

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**This policy is underpinned by a guidance note which should be read in conjunction with the policy.**

## **1 Legislative Framework**

**Employment Act 2002:** This broadly sets out the intention to provide the right for employees with children to request to work flexibly.

**Equalities Act 2010:** This act sets out the duty to make reasonable adjustments where the employee has a disability.

## **2 Scope of Policy**

**2.1** This policy has been developed in line with the appropriate national conditions of service for all Trust based employees.

**2.2** Requests for flexible working may be made to the CEO or may be delegated to the relevant Headteacher. Where reference is made within this document and the accompanying guidance to the application being made via the CEO, this also refers to the Headteacher.

## **3 Policy Statement**

**3.1** The Staffordshire Trusts Multi Academy Trust recognises that flexible working can increase staff motivation, build better relationships with employees, increase staff retention, reduce employee stress, improve individual performance and provide a solution to the demands on the Leadership team. The outcomes of flexible working arrangements should contribute to the Trust Improvement Plan.

**3.2** The Trust recognises its responsibility for the wellbeing of its entire staff, including the leadership team, and believes that everyone has a responsibility for considering and managing their own work life balance.

**3.3** Where it is not detrimental to the effective provision of education, all staff within the Trust will be supported in balancing their work and home life.

3.4 The Trust recognises that flexible working can enable staff to balance their working life with other priorities including parental and other caring responsibilities, life-long learning, voluntary work, leisure activities and other interests.

3.5 The Trust will consider flexible working requests from all employees; however, precedence will be given to employees who have the statutory right to request flexible working in order to ensure that the Trust is complying with its legal obligations under the Employment Act 2002, or in order to support a member of staff who has a protected characteristic as outlined in the Equalities Act 2010.

**3.6** When considering a request for flexible working the Trust will balance the needs of the individual with the need to maintain staffing levels at the Trust that meet the statutory and organisational requirements of the Trust.

**4. Principles of the Policy** - The Trust will manage flexible working requests on the following principles:

4.1 To value staff for their contribution to the Trust not their working pattern

4.2 To express the belief that the Trust and its pupils will benefit from the flexible working arrangements through improved teaching and learning

4.3 To accept that the needs of the Trust and the staff will change over time.

4.4 To ensure that flexible working requests are considered in a fair and consistent manner based on the needs of the Trust and the need to support the individual in attaining a work life balance.

## **5. Equity and Fairness**

5.1 The equality implications of any flexible working arrangements will be considered when considering any application for flexible working

5.2 The Trust will not victimise individuals who work under flexible working arrangements or who request to work more flexibly.

5.3 Any agreed flexible working arrangements will be carefully planned and reviewed to ensure that work life balance is achieved.

5.4 Flexible working arrangements will be monitored, evaluated and reviewed at both an individual level through performance management and at a Trust level through the Trust Improvement Plan.

## 6. **Purpose of the Policy**

6.1 This policy and associated guidance sets out the framework for:

6.1.1 All employees to make a request for flexible working arrangements

This can include:

- a request for a change to the number of hours they work
- a request for a change to the pattern of hours worked
- a request to perform some of the work from home for some of the time

Employees who wish to submit a request for flexible working should do so in writing. Information on how to make a request or an appeal can be found in the guidance.

6.1.2 The Trust will ensure a consistent approach to the consideration of flexible working requests

## 7. **Accountabilities**

### 7.1 **Employees responsibilities**

- To make a fully completed application for flexible working to the CEO in accordance with the procedure set out in the guidance
- To be available to discuss their application in more detail if required

### 7.2 **CEO responsibilities**

- To ensure that Trust leaders, including Directors, and staff discuss flexible working arrangements as part of the Trust's approach to work life balance
- To communicate flexible working practices and other work life balance solutions to staff including making employees aware of the policy
- To consider all requests objectively and with sensitivity
- To be consistent

- To discuss the impact on the employee with regards other policies i.e. pensions
- If you turn down a request, explain why you are doing so in writing, giving clear business reasons.
- To consider the work life balance implications of any revision to other procedure, policies or practices in the Trust as part of the equality impact assessment.

### 7.3 **Directors responsibilities**

- To consider how using flexible working can be used as an alternative leadership arrangement
- To consider carefully any appeals made in relation to a request to work flexibly.

## 8. **Trust's Responsibility to consider a request for flexible working**

8.1 The Trust has a legal responsibility to consider all applications and determine if the flexible working arrangements can be accommodated within the needs of the Trust. Each application should be considered individually and objectively.

8.2 Although there is no legal duty to agree a request to flexible working the Trust should be particularly mindful of their duty to make reasonable adjustments to working patterns for disabled workers, or flexible working requests to care for a disabled dependant.

8.3 Applications for flexible working made by an employee other than the CEO will be dealt with in accordance with process detailed below.

## 9. **The Application process**

9.1 Any request for flexible working must be made in writing and dated.

9.2 The employee must specify a start date for the change and also provide the Trust with a minimum of one term's notice of the effective date.

9.3 Only one application for flexible working can be made in an academic year. An accepted application will mean a permanent change to the employee's terms and conditions of employment unless it is agreed to be for a specified period.

9.4 Within 28 calendar days of receiving the application the CEO will meet with the employee to discuss it.

9.5 Within 14 calendar days of the meeting to discuss the application the CEO will write to the employee either

- Agreeing to the request and the start date
- Rejecting the request, the reasons why and the right of appeal to the Governing body

- Suggest that further action is necessary before they can make a decision. If more time is needed this must be agreed with the employee.

## **10 The Appeal**

10.1 Employees have 14 calendar days of being informed of the outcome of their application to appeal against the decision.

10.2 The CEO will arrange an appeal meeting, normally, with an appeal panel of Directors, within 14 calendar days of receiving an appeal.

10.3 The Chair of the Appeals Committee will communicate the outcome of this appeal meeting to the employee within 14 calendar days of the meeting.

### **N.B. references to calendar days exclude Trust closure periods**

## **11. Right to be accompanied**

11.1 Following a reasonable request, employees have the right to be accompanied by a companion at any meeting that forms part of the procedure.

11.2 A companion may be a fellow worker, a trade union representative or an official employed by the trade union. The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting, ask questions of anyone present and privately confer with the employee before, during and following the meeting. The companion however does not have the right to answer questions on behalf of the employee.

11.3 If the employee's chosen companion is not available on the proposed date of the meeting, the CEO should, within reason, postpone the meeting to allow the employee to bring along the chosen companion. Such a postponement should be granted twice. The alternative dates should normally follow within 14 calendar days of the original scheduled date.

## **12 Refusing an Application**

12.1 An application can only be refused where there is a clear business reason. The CEO must provide an explanation about why the business reason applies. This must also include key facts about why the business reason applies and why this is relevant to the Trust.

12.2 The CEO or Directors should contact the HR Consultant if they are intending to refuse a flexible working request.

### 13 Extension of time limits

13.1 Where the timescales need to be extended when managing a flexible working request, this should be done with the agreement of both parties. This may occur when the Trust wishes to investigate further before coming to a final decision. However the decision must not be unduly delayed. The timescales detailed in this policy are particularly important if the employee has a statutory right to request to work flexibly, under the Employment Act 2002.

### 14 Other Considerations

14.1 **Job Share** - Job Sharing is a working arrangement in which two or more employees voluntarily share the duties and responsibilities of one post. The individual sharers receiving pay and benefits in proportion to the number of hours they work. For teachers the division of hours will be expressed as a % of the 1265 hours directed time in accordance with paragraph 46.1 and 46.2 of the STPCD.

14.2 Where a contractual arrangement exists and a job sharer is absent from work for any period of time the remaining job share partner(s) may be asked but is not required to work the additional hours up to the full time equivalent.

14.3 Where a contractual arrangement exists and a job share partner leaves, Trusts should consider if it's appropriate to continue in a job share arrangement. Where there is no suitable job share partner and it is agreed that the post should be filled in another way then the incumbent job share partner should be offered this alternative work arrangement. If this is rejected then the individual may be subject to redeployment. Where redeployment is not successful this may result in their dismissal. Trusts should contact Human Resources where this situation arises.

14.4 **Co-headship** - Directors may wish to consider co-headship in response to a flexible working arrangement from a Headteacher, as part of a phased retirement or as part of their overall approach to succession planning.

**14.5 Making a Request for Phased Retirement (TPS members) or Flexible Retirement (LGPS members)** – Rather than continuing in a job to 65 or beyond employees may wish to consider the possibility of phased retirement (members of TPS) or flexible retirement (members of LGPS) where they manage the transition from employment to retirement. From age 55, if an employee reduces their hours or moves to another position, and provided the Trust agrees, an employee can draw some or all of the pension benefits they have built up - helping them ease into retirement. The Trust must be able to demonstrate the business case for allowing phased or flexible retirement and the reduction must result in a reduction of the contributable salary of at least 20% if a TPS member and 40% if a LGPS member.

**15 Right not to suffer any detriment**

**15.1** The employee is protected against detriment because of making a request for a flexible working arrangement.