



Flexible Working Policy & Procedure

Policy lead:	Director of People
Last review date:	28 January 2022
Next review date:	28 January 2023
Approval needed by:	Finance and Staffing Committee

Scope

This policy is applicable to all employees of The Learning Alliance including teaching and support staff.

The Trust is committed to agreeing to flexible working requests, providing that the needs and objectives of both the Trust and the employee can be met. The requirements of some jobs may not lend themselves to some of the contractual arrangements in this policy.

Aims

This policy aims to encourage staff to consider flexible working arrangements, and to set out the statutory rights and responsibilities of employees who wish to apply for the right to request flexible working.

Policy Statement

The Trust recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the Trust wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

The Trust recognises that employees may have questions or concerns relating to their right to apply to request to work flexibly. It is the Trust's policy to encourage open discussions with employees to ensure that questions can be answered as quickly as possible.

The Trust will ensure that all employees are afforded their full statutory rights.

Principles

The Trust's policy on flexible working allows for many different flexible working arrangements. There can be variations in the:

- start and finish times to the working day;
- number of days in the working week; and
- number of weeks worked in the year.

There may be more demands at certain times of the day or week, or it may be busier at certain times of the year. Work-life balance can allow an employee to have a better life balance between work and other demands. The arrangements support diversity, assisting in the recruitment and retention of employees, improving commitment and reducing absenteeism.

Eligibility

The Employment Rights Act 1996 gives all employees with 26 weeks' continuous service the legal right to request flexible working - not just parents and carers. Eligible employees, i.e. those with adequate service, can apply to work flexibly for any reason. The Trust will also keep in mind their

duty to make reasonable adjustments under the Equality Act 2010 when considering a request for flexible working from an employee with a disability. Employees are entitled to make one statutory request in any 12 month period.

There is no automatic right for employees to change to any flexible working arrangement - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on the employee, colleagues or the Trust. All requests will be considered seriously and on an individual basis.

Employees with less than 26 weeks' service do not have the right to apply to work flexibly, however, the Trust may still wish to consider a request from employees in this group as flexible working can bring benefits to both the employee and the Trust. While it is the Trust's policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right (i.e. employees with 26 weeks' continuous service) and those that are making the request in relation to the Equality Act (e.g. as a reasonable adjustment relating to a disability).

Flexible Working Options

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

A number of different flexible working arrangement options are available as listed below (this list is not exhaustive). Adopting more than one option to meet individual circumstances may be applicable. In all cases, the employee and the head teacher/principal must have a clear agreement about the precise flexible working arrangement.

- Part time
 - Part time working is when an employee is contracted to work less than 37 hours per week (support staff) or 32.436 (teaching staff). This is agreed when first taking up the appointment. The employee's salary and annual leave is pro-rata in accordance with the number of hours worked.

- Annualised hours
 - The employee has a contract to work a given number of hours in the year, rather than the traditional number of hours in the week. The employee works when the demand is greatest. The employee and the head teacher/principal agree the precise flexible working arrangement.

- Term-time working
 - The employee works only in school/academic terms. Depending on the number of hours and weeks worked, there will be a pro-rata reduction in salary.

- Job sharing
 - Two people may share one full-time post. The individuals agree their precise pattern of working with their head teacher/principal and each other, both having an obligation to ensure work priorities are met. A job sharer has the same rights as a full-time employee.

- Reduced working hours
 - An employee may ask to reduce their working hours and the employee's salary and leave will reduce by a proportionate amount.

- Occasional temporary arrangements
 - An employee may request either a change in working hours or work patterns for an agreed period of time in order to manage personal circumstances. The employee's salary will reduce by a proportionate amount during this time should less hours be worked with a review of circumstances taking place with the head teacher/principal on an agreed frequency. Annual leave will be affected should the temporary arrangements of reduced hours continue for any long period of time.

- Compressed hours
 - This allows employees to work their total number of hours in fewer working days. In this situation more often than not a 10 day fortnight is compressed into 9 days, although in rare cases, 5 days have been compressed into a 4 day week.

The Trust is committed to providing a range of appropriate flexible working arrangements. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

PROCEDURE

The Needs of the Individual School

The Trust is committed to providing a range of appropriate flexible working arrangements. However, employees and management need to be realistic and recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is requested, the school will need to consider a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement;
- the effect of the proposed arrangement on other staff;
- the need for, and effect on, supervision;
- the need for, and effect on, performance management;
- the existing structure of the school;
- the availability of staff resources;
- details of the tasks specific to the role;
- the workload of the role;
- whether it is a request for a reasonable adjustment related to a disability; and
- health and safety issues.

The head teacher/principal and all employees will be given clear guidance about their roles and responsibilities in implementing this policy and its associated procedures.

Roles and Responsibilities

Head teachers/principals are responsible for:

- giving all flexible working requests serious consideration within a reasonable timescale;
- being flexible in their approach to requests;
- seeking advice and guidance from HR where necessary;
- considering operational needs against personal circumstances of the employee;
- considering the impact on the rest of the staff, the school and the wider Trust;
- suggesting alternative solutions; and
- explaining and communicating decisions and confirming them in writing within the correct timescales.

Employees are responsible for:

- submitting their dated request in writing and including all statutory information;
- considering the impact on colleagues and the school, and suggesting solutions;
- including a proposed start date for the change giving the head teacher/principal reasonable time to implement any changes;

- stating whether they have made a previous application and if so, state the date of when the application was made; and
- being willing to consider alternative flexible working proposals.

Process to Request Flexible Working

Submitting a flexible working request

An eligible employee is entitled to submit one flexible working request in a twelve-month period (an employee is entitled to additional requests if they relate to a statutory entitlement, e.g. the Equality Act 2010 right to request reasonable adjustments).

All requests must be made by completing a Flexible Working Application Form and returning this to the head teacher/principal.

Any request must contain the following information:

- the date of the application;
- the dates of previous applications (if applicable);
- that the employee has not made a request to work flexibly under this right during the past 12 months;
- current working pattern;
- hours/days/working pattern/location being requesting to work;
- a proposed start date for the arrangements to begin;
- how the employee feels the change in working pattern will affect the school;
- any ideas for how the proposed changes could be accommodated; and
- any other information that is relevant to the application.

NB Any request that is not in writing and does not contain the required information above need not be dealt with under the statutory procedure. In order to ensure the employee fulfils the requirement, it is recommended that employees complete a Flexible Working Application Form and give this to their Headteacher/Principal.

If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

If an employee does not meet the eligibility criteria, they do not qualify to make a request to work flexibly under statutory regulations. However, this does not mean that their request may not be considered as it is the Trust's policy to be flexible on working patterns for all its employees.

Requests are not automatically agreed; however, if the head teacher/principal feels that the request can be implemented, they will write to the employee as soon as possible confirming their agreement and the changes to working patterns.

All requests must be considered and decided on as soon as practicable, and within a maximum period of three months from first receipt, unless an extension has been agreed with the school/Trust. This includes the appeal stage of the process.

Meetings regarding flexible working

If the head teacher/principal feels the request needs further discussion, they must arrange to meet with the employee to:

- discuss the request;
- find out more about the proposed working arrangements (including alternative solutions);
- explore how it can be accommodated; and
- discuss how it could be of benefit to both the employee and school.

This meeting should be held within 15 working days of the original request and the employee will be given advance notice of the time, date and place of the meeting. At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Responding to a flexible working request

The head teacher/principal will consider the proposed flexible working arrangement, looking at the potential benefits, and adverse effects, to the employee and to the school in implementing the proposed 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.

Within 10 working days of the meeting, the head teacher/principal will write to the employee to either confirm the agreed changes and a start date for flexible working or provide them with a clear reason why the application cannot be accepted.

Every effort should be made to agree a working pattern, however, there will be some occasions where requests are not possible to agree. If the head teacher/principal rejects the request, the refusal must be based on one or more of the following business reasons as set out in the legislation (s.80G of the Employment Rights Act 1996):

- the burden of additional costs;
- an inability to reorganise work amongst existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;

- detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; or
- a planned structural change to the individual academy.

Evidence should be collected to support the decision-making process.

Right to appeal decision

The employee has the right to appeal the decision made by the head teacher/principal if their request is refused or is only agreed in part.

The employee must submit an appeal to the Chair of Governors within 10 working days of receiving the letter of notification from the head teacher/principal. This should be done in writing and clearly state the grounds on which they are appealing. It must also be signed and dated.

A meeting will then be held with a member/members of the Governing Body, the employee and colleague/ trade union representative to discuss the flexible working request, and the reason why the head teacher/principal took the decision they did. The member/members of the Governing Body will consider the request. This meeting will be held within 10 working days of the appeal letter being submitted.

The member/members of the Governing Body will reconsider the application and make a decision which must be confirmed in writing within 10 working days of the meeting. This will either confirm the agreed changes and a start date for flexible working or provide them with a clear reason why the application cannot be accepted.

There is no other right of appeal.

If an employee is dissatisfied with the process that was undertaken following the application for flexible working, they may invoke the Trust's grievance procedure. The employee must indicate their wish to do so by writing to the Chair of the Governing Body within 10 working days of receipt of the letter following the appeal. The letter must set out the grounds of the grievance and be signed and dated.

Timescales

All of the above timescales above may be extended by mutual agreement in writing with the head teacher/principal and the employee. The start and finish dates for the extension must be documented, and the employee must be given a copy of the agreement to extend.

Changes to terms and conditions of employment

An accepted application will normally result in a permanent change to terms and conditions of employment and, therefore, employees need to be certain that they understand and are happy with all of the possible implications, e.g. drop in salary, financial implications. A change in an

employee's hours of work will affect their pension. Employees should contact the Local Government Pensions Scheme (LGPS) or Teachers' Pensions Scheme (TPS) for further advice about the possible implications.

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the Trust, a trial period may be agreed. This trial period should last at least 12 weeks. In order to do this, the employer and the employee must agree to extend the 10 working day time period during which the head teacher/principal would normally reach a decision about the flexible working request. In these circumstances the head teacher/principal should write to the employee stating:

- that their agreement to the employee's request for flexible working is subject to the outcome of the trial period;
- the length of the trial period, i.e. the start and end dates;
- that the change to the employee's terms and conditions of employment during the trial period is for a temporary period;
- the nature of the change to the employee's terms and conditions of employment; and
- the date that the employee will revert back to their previous terms and conditions of employment if the head teacher/principal refuses their request for flexible working.

The working arrangements should be reviewed regularly during the trial period to assess the success of the change to the working arrangements and/or address any problems that may have arisen.

Complaints

The Trust is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible working process, they should raise their concerns informally with their line manager.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the Trust's grievance procedure.

EQUALITY

The Learning Alliance will ensure that, when implementing the Flexible Working Policy, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

MONITORING

Data relating to the operation of this policy will be collated and monitored regularly to ensure that the policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

REVIEW

The policy will be reviewed in the light of operating experience and/or changes in legislation.