



Thinking Schools Academy Trust
“Transforming Life Chances”

Flexible Working Policy & Procedure

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| This policy was adopted on | September 2015 |
| The policy is to be reviewed on | |

Contents Page

| | |
|--|----|
| Part A - Policy..... | 3 |
| 1 Policy Statement..... | 3 |
| 2 Scope..... | 3 |
| 3 Adoption Arrangements and Date..... | 3 |
| 4 Responsibilities of the Trust..... | 4 |
| 5 Responsibilities of the Employee | 4 |
| 6 Timescales for Considering a Request..... | 4 |
| 7 Delegated Responsibility..... | 4 |
| 8 Right to Representation | 4 |
| 9 Equality Considerations | 4 |
| Part B - Procedure | 5 |
| 10 Entitlement to Request Flexible Working..... | 5 |
| 11 Making a Request for Flexible Working | 5 |
| 12 Considering a Request | 6 |
| 13 Accepting a Request..... | 6 |
| 14 Rejecting a Request | 6 |
| 15 Right of Appeal..... | 7 |
| 16 Non Attendance At Meetings..... | 7 |
| 17 Suspected Abuse of Flexible Working Provisions..... | 7 |
| 18 Record Keeping..... | 7 |
| Appendix 1: Flexible Working Request Form | 9 |
| Appendix 2: Flexible Working Request Acknowledgement Form..... | 10 |

Part A - Policy

1 Policy Statement

The Trust recognises that at some stages during their working lives, Employees may wish to request flexible working arrangements. The Trust also acknowledges that qualifying Employees have a statutory right to make a flexible working request.

The Trust recognise the value of flexible working at all levels of the organisation and the positive impact that this can have on promoting equality of opportunity in the workplace, productivity and staff retention. In an increasingly diverse and competitive labour market we must adopt more flexible working practices if we wish to attract and retain talented and skilled individuals.

Accordingly, Flexible working requests should be favourably considered in the context of organisational needs and requirements, although it should be made clear that flexible options are an opportunity and not an entitlement.

Flexible working can:

- Improve the ability to strike a better work/life balance;
- Allow Employees to gain greater control of their working lives;
- Increase motivation and the sense of being valued;
- Encourage greater commitment and a sense of having a stake in the organisation.
- Assist in promoting equality of opportunity and thus in meeting Trusts statutory objectives under the Equality Act 2010

The Trust will give reasonable consideration to requests made under these provisions and will endeavour to grant flexible working arrangements in so far as is practicable – taking into account the business needs of the Academy.

The Trust reserves the right to decline requests where this would have an adverse impact on the operation of the Academy or cause undue disruption to other staff.

It is important that this policy be applied in a non-discriminatory manner. The Trust will monitor the equality impact of the policy at school and trust basis and will review the policy as necessary to prevent any direct or indirect discrimination.

2 Scope

This Policy and Procedure applies to all Employees of The Thinking Schools Academy Trust.

3 Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2015 and supersedes any previous flexible working policy.

This policy will be reviewed by the Board of Directors annually or earlier if there is a need. This will involve consultation with the recognised unions.

4 Responsibilities of the Academy Trust

- To comply with statutory provisions relating to flexible working
- To consider requests in accordance with the provisions of this procedure
- To consider each request fully and fairly on its own merits with regards to the possible business implications of granting the specific request
- To ensure that granting a request does not have a detrimental impact on the operation of the Academy or work of colleagues

5 Responsibilities of the Employee

- To make any request for flexible working in accordance with the provisions of this procedure
- To consider the impact of any flexible working request on the operation of the Academy and on colleagues and reflect on how this may be overcome

6 Timescales for Considering a Request

Requests should be considered within a reasonable timeframe and without undue delay.

The following indicative timescales are provided for guidance:

| | |
|---|---|
| Meeting to consider the request | Within 20 working days of receipt of the request |
| Written notification of the decision | Within 10 working days of any meeting to consider the request |
| Appeal to be made | Within 10 working days of the notification of the decision |
| Appeal to be heard | Within 10 working days of receipt |
| Written notification of appeal decision | Within 10 working days of the appeal meeting |

All requests, including any appeals, must be considered and determined within 3 months from receipt of the initial request – unless a longer timescale is agreed with the Employee.

An extension may be considered where a trial of the new arrangements is agreed.

7 Delegated Responsibility

Flexible Working requests will usually be determined by the Headteacher / Principal but may be delegated to his / her nominee.

8 Right to Representation

An Employee may be accompanied by a trade union representative or workplace colleague at a meeting to discuss a flexible working request or any subsequent appeal.

9 Equality Considerations

In considering a flexible working request, the Headteacher / Principal will consider the Equality implications of any decision.

Flexible working arrangements may be considered as a ‘reasonable adjustment’ to support an Employee with a disability (as set out in the Equality Act 2010) or following a return from maternity / adoption leave.

Part B - Procedure

10 Entitlement to Request Flexible Working

An Employee may make a statutory request to work flexibly after 26 weeks’ continuous service with the Academy Trust.

An Employee may only make one statutory request in every 12 month period. This does not preclude parties from discussing possible flexible working options on an informal basis.

An Employee may only make one request in every 12 month period – however if there has been a significant change in the individual’s personal circumstances Headteacher / Principals have discretion to consider a further application within the year.

Under flexible working arrangements, a variety of working patterns may be requested including:

- a change to hours
- a change to the times worked
- a change to the place of work
- job share
- temporary variation including any of the above

A request for flexible working may be made on a permanent or temporary basis.

11 Making a Request for Flexible Working

Employees seeking flexible working arrangements should make their request in writing to the Headteacher / Principal.

This request should include:

- The date
- A statement that the application is being made under the statutory right to request flexible working
- Details of the working pattern the Employee wishes to adopt and whether it is a permanent or temporary change
- Details of the impact of the proposed working arrangements on the Academy / colleagues and how these might be overcome
- The proposed effective date of the change
- The date of any previous application that has been made

Alternatively Employees may complete the request form attached to this document.

The Headteacher / Principal will acknowledge and confirm receipt of the request in writing.

12 Considering a Request

A decision regarding the Employee's request should be made by the Headteacher / Principal as soon as possible.

The Headteacher / Principal should consider the benefits of agreeing the request for the Employee against any implications for the Academy.

Before reaching a decision, the Headteacher / Principal and Employee should meet to discuss the request in further detail. This meeting may include a discussion of the impact of the proposed working arrangements, how these may be mitigated and any alternative arrangements that may be considered. Where the Headteacher / Principal are in agreement to the request – a meeting is not necessary.

The Employee may be accompanied by a workplace colleague or trade union representative during discussions with the Headteacher / Principal about their request.

13 Accepting a Request

Where a request is agreed the Headteacher / Principal should discuss and agree the start date of the new working arrangements with the Employee.

Where it is not possible for the Headteacher / Principal to accept a flexible working request in full, it may be possible to reach agreement with an Employee to accept elements of the request or agree alternative arrangements.

A flexible working request may be agreed on either a permanent or temporary basis. It is also possible for the Headteacher / Principal and Employee to agree a trial period to assess whether the changed working arrangements are practical for both parties in the longer term.

The details of the new working arrangements should be confirmed in writing with the Employee.

14 Rejecting a Request

If it is not possible to agree to a flexible working request, this decision should be confirmed in writing by the Headteacher / Principal.

This notification should include a detailed explanation of the business reasons for the decision and provide details of the procedure for making an appeal.

In the notification the Headteacher / Principal should provide evidence of which of the following business reasons have led to the decision to decline the request:

- the burden of additional costs
- a detrimental effect on ability to meet customer demand
- an inability to reorganise work among existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- insufficiency of work during the periods the Employee proposes to work
- planned structural change

15 Right of Appeal

Employees may appeal against the Headteacher / Principal's decision not to grant a flexible working request.

Appeals must be made in writing and submitted within 10 working days of receipt of the written decision. The letter of appeal should include the Employee's reasons for making an appeal.

Arrangements will be made for an appeal meeting to take place as soon as possible (usually within one month of the original decision being taken).

The appeal will usually be usually be considered by panel of two or more governors.

The Employee may be accompanied at the appeal meeting by a workplace colleague or trade union representative

The Employee will receive a written outcome to the appeal within 10 working days of the meeting.

If an appeal is not upheld the notification must include a detailed explanation for this - including the business reason for being unable to accommodate the request.

The decision of the appeal is final and there is no further right of appeal

16 Non Attendance at Meetings

If an Employee is unable to attend a meeting to discuss their flexible working request or any subsequent appeal, they should contact the Headteacher / Principal as soon as possible.

The Headteacher / Principal will rearrange the meeting, but if the Employee fails to attend the rearranged meeting without a reasonable explanation the request will be treated as being withdrawn.

If an Employee's workplace colleague or trade union representative is unavailable to attend – a meeting or appeal may be deferred by up to 5 working days from the date of the original meeting.

17 Suspected Abuse of Flexible Working Provisions

Where it is suspected that Flexible Working Provisions have been abused the Academy may, after appropriate investigation, address the matter through its disciplinary procedure

18 Record Keeping

Notes may be taken of all discussions / meetings with Employees relating to a request for flexible working. Where notes are taken a copy will be made available to the Employee Copies of any correspondence with the Employee relating to their request will be kept on file.

The Trust may also undertake whole school monitoring of flexible working requests.

All records will be treated as confidential and processed in accordance with the data protection act which provides individual's with the right to request and have access to certain data.

Appendix 1: Flexible Working Request Form

Personal Details

Name:

Job Title:

Manager:

National Insurance No:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an Employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right:

1. Describe your current working pattern (days/hours/times worked):
2. Describe the working pattern you would like to work in future (days/hours/times worked):
3. Date you would like the new pattern to commence from:
4. Are you requesting a permanent or temporary change? If temporary – please state the requested duration
5. Impact of the new working pattern
I think this change in my working pattern will affect my employer and colleagues as follows:
6. Accommodating the new working pattern
I think the effect on the school or colleagues can be minimised by the following means:

Signed:

Name:

Date:

Appendix 2: Flexible Working Request Acknowledgement

Acknowledgement of a Flexible Working Request

Dear:

I confirm that I received your request on:

I shall notify you of my decision on this application within three months of this date, unless we agree a longer deadline for this decision.

Signed:

Name:

Date:

Position: