



Flexible Working Policy June 2017

The Local Governing Body of the [NAME] Academy adopted this policy on [DATE]
It will be reviewed annually by the Trust Personnel and Appraisal Committee, no later than 30 June 2018

Contents

Introduction	3
Procedure	3
Written Application	4
Meeting	4
Outcome	4
Appeal	5
Withdrawal	5
General Principles Underlying this Policy	6

Flexible Working Policy

Introduction

This policy applies to all Academies within The Spencer Academies Trust. The Directors may approve a transitional policy for recently converted Academies in exceptional circumstances. The Scheme of Delegation for each Academy within the Trust outlines the delegated responsibility for staffing matters and the pay and conditions of all staff.

This policy has been developed taking into account the relevant education and employment law and recognises the ACAS guidance in force at the date of adoption of the policy.

In this policy references to Principal include the Chief Executive Officer (CEO) and the Senior Leader responsible for each Academy, as appropriate, considering the management structure of the Academy or appropriate Trust Operational support lead.

The procedures will be managed in the case of the Principal, Executive Principal or Executive Leadership Team by the CEO or in the case of the CEO by the Chair of Directors of the Trust Board.

Academies regularly receive informal requests for changes to existing working patterns and this policy does not seek to discourage that informal process.

Any employee with 26 weeks' continuous service has the right to request a flexible working pattern. Employees who do not meet the eligibility criteria, but who wish to make changes to their working arrangements, may submit an informal request following the same procedure. The request will be considered according to the Trust/Academy's operational needs. Employees who have made a request which has been considered under this policy within the last 12 months are not entitled to make further requests.

Employees can request:

- a change to the hours or days they work
- a change to the times when they are required to work
- a distribution of the hours over a shorter period
- a job share
- flexitime
- annualised hours
- staggered hours
- term time working
- phased retirement
- to work from home or an alternative location

Guidance on Managing Flexible Working requests is available from the Trust HR Manager who must be consulted before commencing these procedures.

Procedure

The procedure set out below must be followed in all cases. Any employee exercising their statutory right to make a request is encouraged to first consider and discuss with their line manager:

- which working pattern they would like to request
- any potential effects on the functioning of the Trust/Academy, and other colleagues, and how these might be met
- any potential financial implications on themselves.

Written application

The application for flexible working under the formal procedure should be submitted to the Principal as a formal request for flexible working, including details of:

- the date of application
- the reason for the request
- as far as possible, details of the changes being requested to the employee's working arrangements, for example desired working hours or days
- information on how the employee meets the eligibility criteria
- details of whether any previous application for flexible working has been made
- any suggestions from the employee as to how the impact of the requested arrangement might be addressed
- if the application is being made as a reasonable adjustment request in relation to the Equality Act 2010

The employee must recognise that any changes made to their working arrangements as a result of their formal request are permanent and that they are entitled to make only one statutory request for flexible working in any 12 month period. Should the employee wish to make a request for a temporary change, an informal request should be made to the Principal outside of this policy.

Meeting

On receipt of a formal request the Principal or their appointed representative will meet with the employee, within 28 days, unless it is not reasonably practicable (for example due to school holiday periods), to explore the proposed work pattern in depth and to discuss the possibilities of accommodating the request. The Principal or their appointed representative and employee will also discuss other alternative work patterns if appropriate.

The employee may be accompanied by a companion who may be a colleague or trade union representative who may contribute to the meeting, but not answer questions on behalf of the employee. Notes will be taken and a copy sent to the employee.

Outcome

The Principal or their appointed representative will respond in writing to the employee within 10 working days, unless it is not reasonably practicable, either agreeing the changes and proposing a start date, or stating the reasons why the proposed changes cannot be agreed. Where the proposed changes cannot be agreed, alternatives may be offered to assist the employee where this can be accommodated within the Trust/Academy's operational requirements. Where there are timetabling, class allocation or other operational implications to be considered the outcome may necessarily be delayed as appropriate to the circumstances of the individual request.

Where the request is agreed, the employee will be required to sign a copy of the document setting out the new arrangement and this will be retained on the employee's personnel file as a record of the agreed variation in the terms of the contract. Where appropriate a new contract will be issued. The Trust/Academy may suggest an implementation of the proposed changes for a trial period, and this will be discussed with the employee should this be considered a helpful way forward for both the employee and the Trust/Academy.

Any refusal will be confirmed in writing stating the business reasons for the refusal and setting out the appeals procedure. Business reasons must include one or more of the following:

- burden of additional costs
- detrimental effect on ability to meet pupils' requirements
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality of service
- detrimental impact on performance of duties
- insufficiency of work during the period the employee proposes to work
- planned structural changes.

Appeal

Employees may appeal in writing against the decision within 5 working days of receiving a refusal letter, setting out the grounds for appeal or any information not previously considered. All appeals will be considered without unreasonable delay and in all cases within three months from first receipt.

If the appeal is on the grounds of a procedural flaw, the appeal meeting will, where possible, be at an agreed time and place and with individuals not previously involved with the request. The employee may be accompanied by a companion who may be a colleague or trade union representative. Notes will be taken and a copy sent to the employee.

In other cases, a Director(s) of the Trust or their appointed representative, Chief Executive Officer or their appointed representative or appeal governor(s) may review the original decision based on the paperwork and the contents of the appeal.

The employee will be notified in writing of the result of the appeal as soon as possible. Where the appeal is upheld the letter will specify the agreed contract variation and the date of commencement. The employee must sign and return a copy of the variation letter. If the appeal is refused, the letter will detail grounds for the refusal and contain an explanation of how those grounds apply. There is no further right of appeal under this or other Trust/Academy procedures.

Withdrawal

The Principal and Local Governing Body will consider any application to be withdrawn if the employee has:

- informed them that the application is being withdrawn
- without reasonable cause, not attended a meeting or re-arranged meeting
- without reasonable cause, refused to provide the Academy with information needed to assess whether the contract variation should be agreed

The Principal or their appointed representative will confirm in writing any withdrawal of an application for flexible working. In such circumstances, the employee will not be eligible to make a further formal application for flexible working for a period of 12 months.

General Principles Underlying This Policy

Confidentiality and data protection

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy is responsible for observing the high level of confidentiality that is required. Details of the matter must only be disclosed on a "need to know" basis.

Information about flexible working procedures may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with the Academy's Data Protection Policy. Breaches of confidentiality may give rise to disciplinary action under the Academy's Disciplinary Policy.

Consistency of Treatment and Fairness

The Spencer Academies Trust and Local Governing Body are committed to ensuring consistency of treatment and fairness and will abide by all relevant equality legislation.

Delegation

The Scheme of Delegation sets out the rules in respect of the delegation of functions by Trust Directors, CEO, Local Governing Bodies, Principals or other senior leader responsible for the Academy.

Grievances

Where a grievance is raised during the procedure, and that grievance has relevance to the procedure, the process may be temporarily suspended, if appropriate, until the grievance has been resolved or answered. In the situation where there is more than one grievance from the same person these will be heard together. If a grievance restates a complaint they have already raised and had heard or dealt with in the past, they will be asked to explain how the new grievance differs, what new incident has occurred and/or what new evidence has come to light. Where it is clear that there is nothing new being raised the grievance can be rejected without a formal grievance meeting.

Sickness

If long term sickness absence appears to have been triggered by the commencement of the procedure, the case will be dealt with in accordance with the Academy's Attendance Management Policy and will be referred immediately to the occupational health service to assess the employee's health and fitness for continued employment and the appropriateness or otherwise of continuing with formal procedures.

Monitoring and Evaluation

The CEO, Local Governing Body and Principal will monitor the operation and effectiveness of the Academy's arrangements for the management of flexible working requests.

Equality Impact Assessment (EIA)

An Equality Impact Assessment (EIA) has been completed in relation to this policy.