



Twyford
C of E
Academies Trust

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| Policy Author | Director of Finance & Operations |

FLEXIBLE WORKING POLICY AND PROCEDURE

Policy statement

The Trust is committed to facilitating, wherever possible, flexible working practices for staff without compromising, directly or indirectly, the delivery of high quality teaching and learning.

The Trust recognises that for individuals, the opportunity to work flexibly can enable them to achieve a better work-life balance. Working flexibly can provide employees with a greater sense of responsibility, ownership and control of their working life.

The Trust also recognises that it makes good business sense to provide flexible working opportunities for their staff because such arrangements can enable the school to:

- Attract and retain skilled staff and reduce recruitment costs
- Raise staff morale and increase loyalty and commitment
- Increase attendance
- React to the changing role of schools more effectively (e.g. extended schools)

The Trust is committed to the fair treatment of all employees. Any requests for flexible working will be considered, seriously, reasonably, objectively and consistently.

There is a statutory obligation on schools to deliver teaching and learning during prescribed hours. The Trust will therefore consider any flexible working requests within the parameters of this statutory obligation.

Scope

This policy applies to all employees who have a contract of employment with the Trust. It does not apply to agency workers or contractors (including staff employed by contractors under PFI arrangements).

The Trust recognises that different terms and conditions of employment apply to leadership, teaching and support staff and that any flexible working decision will need to have regard to any relevant conditions as some flexible working options may not be applicable to certain groups of staff.

When considering the need to balance work and life outside work, the focus will not just be on the demands of those with care responsibilities (both children and adults). It is recognised that in such a diverse workforce staff will have many and varied commitments and interests outside work that they will need to balance with their work commitments. These might include employees combining work with continuing education, those with duties or interests outside work, employees needing time off for religious observances and employees who have retired from full time work but who are available on a part-time or temporary basis.

Making a flexible working request

Staff have a statutory right to take time off work when they are sick or in some circumstances when they have parental, family or carer responsibilities. In these cases the Trust applies LB Ealing policies (<https://www.egfl.org.uk/human-resources/hr-policies-and-procedures>).

All employees who have 26 weeks continuous service have the statutory right to request flexible working

The Trust has an agreed procedure to consider requests for flexible working (see page 6 for details). Requests can only be refused where there is an organisational reason as listed below. These are in accordance with those provided by statute:

- Burden of additional costs
- Detrimental effect on the ability of the school to meet children's needs
- Inability to reorganise work among existing staff
- Inability to recruit suitable additional staff
- Detrimental impact on quality and/or performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- The conditions will apply to job shares on TLR1 and above.
- Job share responsibility to be equally owned by both members of staff.
- Job shares not to be allocated on basis of two people each on 0.5 FTE. One person to at least be on 0.6 FTE of timetable. Days of week to be stipulated.
- Job share subject to review.
- Any member of staff leaving the job share will mean the whole job becomes subject to review.

Employees who do not have 26 weeks continuous service with the Trust can still make a flexible working request but such requests will not be considered using the Trust's procedure. Such requests will, however, be given serious consideration. Where it is impractical to agree to flexible working because of an organisational reason, then the manager will clearly explain the reasons for refusal to the employee.

Defining flexible working

There are many different forms of flexible working that cover the way working hours are organised during the day, week or year.

Flexible working covers a wide range of options (or possible combination of options) including the examples detailed below:

| Type of flexible working | Description | Change to contract required ¹ Y/N |
|------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Part-time working | There is no set pattern to part-time working. It may involve a later start and earlier finish time than a full-time position, working mornings or afternoons only, fewer days in the week or any other arrangement of working time whereby the employee is contracted to work less than normal basic full time hours. The employee will be paid pro rata for the hours they work, with the exception of training and car allowances. | Y |
| Flexi-time | Employees are required to work within a “core time period”. Hours worked outside the core time period are often worked flexibly. | Y |
| Job-sharing | Typically, two employees share the work normally done by one employee | Y |
| Working from home | New technology makes communication with office and customers possible by telephone, fax and email from home, car or other remote locations. Working from home needs to be balanced against the requirements of ‘directed time’. | Y |
| Term-time working | Employees work during school term time only. Their salary is calculated accordingly (based on the total number of weeks worked) and payment is spread across the year. | Y |
| Staggered hours | Employees in the same workplace have different start, finish and break times – often as a way of covering longer opening hours. This may assist with extended school provision. | Y |
| Annual hours | This is a system that calculates the hours an employee works over a whole year. The annual hours are usually split into 'set shifts' and 'reserve shifts' which are worked as the demand dictates | Y |
| A leave or additional leave entitlement | This may be agreed either unpaid or paid with salary re-calculated to take account of the extra leave. Additional leave may also be agreed as part of an annual arrangement | Y |

¹ For permanent agreements only.

| Type of flexible working | Description | Change to contract required ¹ Y/N |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| Compressed working hours | Employees work their total agreed hours over fewer working days – for example, a five-day working week is compressed into four days | Y |
| Time off in lieu | This allows employees to take time off to compensate them for extra hours | N |
| Unique working patterns | These are individually tailored patterns which may involve a combination of options | Y |
| Career breaks | These are unpaid breaks with a guarantee that they will be able to return to work at the end of the agreed period. | N |
| Working reduced hours | Managers at their discretion may approve the working of reduced hours on a temporary or permanent basis if the business needs of the service allow. | Y |
| Extended leave | Employees may request up to one year's absence from work as a mix of paid and unpaid leave. One year's notice to commence the leave is required | N |

Disability Discrimination Act 1995 (DDA)

Employees who are disabled or become disabled in the course of their employment are encouraged to inform the school if they require any reasonable adjustments which are considered necessary for the performance of their duties. Flexible working options may be considered when making reasonable adjustments where appropriate and relevant to the provisions of the DDA.

Guidance

Guidance and associated forms on making and considering requests for flexible working are available for staff and managers from the HR Advisor.

Flexible Working Procedure

The Trust's procedure for considering flexible working requests applies to all employees with 26 weeks continuous service with the Trust including those who have the statutory right to request flexible working made under section 80F of the Employment Rights Act 1996 (as amended).

Eligibility

- Be an employee
- Have worked for the Trust for 26 weeks at the date the application is made
- Have not made another application to work flexibly during the past 12 months within the same post²

Requesting Flexible Working

Specialist HR advice is available at all stages of the process through the Trust's HR Advisor.

The Application

An application must:

- Be in writing,
- Specify the flexible working pattern applied for
- Explain what effect, if any, the employee thinks the proposed change would have on the delivery of their role and how, in their opinion, any such effect might be dealt with
- State the date on which it is proposed the change should become effective
- State whether a previous application has been made and, if so when it was made
- Be dated.

If the employee does not provide all the required information the manager must inform the employee what has been omitted and ask them to resubmit the application when complete. The manager must also inform the employee that they are not obliged to consider the application until it is complete and resubmitted. Any application is regarded as being dated as the date that it is received by the designated manager or equivalent.

Should the Trust approve the application, the variation in contractual terms may be permanent or for a specified time period only. Should a permanent change be requested and agreed the employee has no automatic right to change back to their previous pattern of work. A trial period may however be agreed (see below).

The manager will have 28 days after the day they receive the application to either agree to the request or arrange a meeting to discuss the application in accordance with the procedure as set out below.

The meeting

- The manager must hold a meeting to consider the request within 28 days of receiving the application.
- The employee may be represented by a work colleague or trade union representative at the meeting who will be permitted to speak on their behalf
- The manager must write to the employee advising them of their decision within 14 days after the date of the meeting.

² In exceptional circumstances (e.g. where the employee's circumstances have changed), requests will be considered within the 12 month period and within the same post but such requests will not be considered using the Trust's procedure.

The meeting will provide the manager and the employee with the opportunity to discuss the employee's desired working pattern in depth and to consider how it might be accommodated. A successful outcome will be assisted if both the manager and the employee are prepared to be flexible. If the original working pattern cannot be accommodated, the meeting will provide an opportunity to see if an alternative working arrangement may be appropriate. Where it is in the interests of both parties a trial period can be agreed to see how the new pattern suits them both (see below).

Where a trade union representative or work colleague chosen by the employee to represent them at the meeting cannot attend on the date proposed, an alternative date may be arranged. This should normally be within five working days, beginning with the first working day after the original date proposed by the manager.

The meeting would not normally be postponed a second time if the trade union or work colleague were again unavailable.

Following the meeting the manager must notify the employee of the decision in writing. This must be done within 14 days of the date of the meeting.

Outcome of the meeting

Notification of the outcome of the meeting will either:

- Accept the request and establish a start date and any other action or
- Confirm an alternative agreed at the meeting or
- Reject the request and set out clear business reasons for the rejection together with notification of the appeals process

If the request is accepted or alternative agreed the notification (using the application acceptance form) must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated

Where the parties agree there should be a trial period of the new working pattern the manager will make a final decision on the application within 14 days of the end of the trial period. The manager must notify the employee of this final decision in writing.

There will be circumstances where, due to organisational reasons, the manager is not able to accept the request. In these circumstances the Trust will state in writing:

- The organisational reasons why the request cannot be accepted
- Provide an explanation of why the organisational reasons apply in the circumstances
- Set out the appeal procedure and
- Ensure the written notice is dated

An application can only be refused where there is an organisational reason. The organisational reason for refusing an application must be from one of the following:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand (school priorities)

- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality and/or performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes
- The conditions will apply to job shares on TLR1 and above
- Job share responsibility to be equally owned by both members of staff
- Job shares not to be allocated on basis of two people each on 0.5 FTE.
One person to at least be on 0.6 FTE of timetable. Days of week to be stipulated
- Job share subject to review
- Any member of staff leaving the job share will mean the whole job becomes subject to review

In addition to providing an organisational reason the manager must include an explanation about why the organisational reason applies in the particular circumstances.

Appeal process

- An employee has 14 days to appeal in writing (using the flexible working appeal form) after the date of the manager's decision. The appeal must include the grounds of appeal, any relevant documentation and be dated.
- If an appeal is made the manager must arrange an appeal meeting to take place within 14 days after receiving the notice of the appeal. The appeal should be heard by the next level of manager to the manager who considered the original request³.
- The employee will have the right to be represented.
- The manager may invite Human Resources advisor to attend the meeting in an advisory capacity.
- The manager who hears the appeal must inform the employee of the outcome of the appeal in writing within 14 days after the date of the meeting.

If the appeal is upheld the written decision must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect and
- Be dated

If the appeal is dismissed the written decision must:

- State the reasons for the decision. These will be appropriate to the employee's own grounds for making the appeal.
- Provide an explanation as to why the reasons for refusal apply in the circumstances. The same principles as to what is a sufficient level of explanation following the initial meeting, will apply to the appeal.
- Be dated

The appeal decision will be final.

³ The manager considering the original employee request would usually be the person responsible for the performance management of that employee. However, should the Head Teacher consider the original request the appeal will be to the chair of the Directors. In the case of a Head Teacher requesting flexible working, the chair of the Directors would consider the original request and the appeal would be to the Directors' appeal panel.

Employees cannot generally raise a grievance to complain about or object to the fact that the request has been refused. The only exception would be if the grievance is that the reason for refusal amounts to unlawful discrimination or that the true reason is not the reason given.

Extensions to time limits

There may be exceptional circumstances when it is not possible to complete a part of the procedure within the specified time limit. An extension of time can, therefore, be agreed by the manager and the employee. A written record of the agreement must be kept by the manager.

The written record must:

- Specify what period the extension relates to
- State the date the extension is to end
- Be dated and
- Be sent to the employee

Applications treated as withdrawn

There may be occasions when an application is treated as withdrawn. In all circumstances a written record must be kept. The notice of withdrawal form can be used for this purpose.

There are three reasons why an application may be treated as withdrawn:

- **The employee decides to withdraw the application.**

An employee who withdraws their application will not be eligible to make another application for 12 months from the date their application was made (within the same post). Where the employee decides to withdraw their application, they should notify their manager in writing as soon as possible. A manager who is informed verbally that the application is withdrawn by the employee but does not subsequently receive written confirmation should contact the employee to confirm their intentions. Where the manager does not receive confirmation from the employee, the manager should confirm the withdrawal in writing.

- **The employee fails to attend two meetings**

Where the employee misses two meetings without reasonable cause, the manager may treat the application as withdrawn.

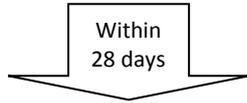
- The employee unreasonably refuses to provide the employer with the required information

There may be occasions where the manager is willing to accept a request for flexible working but requires the employee to provide them with certain information before they can do so. If the employee unreasonably refuses to provide the manager with the information, then the manager can treat the application as withdrawn.

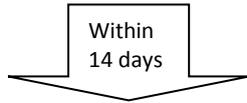
Procedure Flowchart

Making a request for flexible working

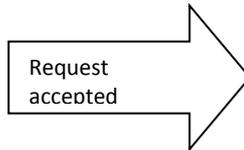
An application for flexible working is received



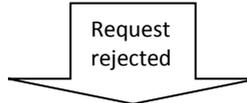
Arrange a meeting with the employee to discuss the application



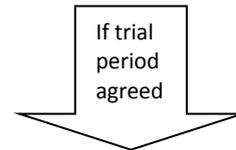
Write to the employee to provide formal notice of your decision



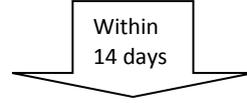
make arrangements for implementing new working pattern



Employee has the right of appeal within 14 days of receiving notification



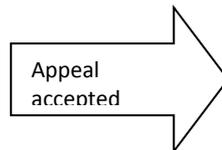
write to employee 14 days after the end of the TP to confirm final decision



Meet with the employee to discuss the appeal



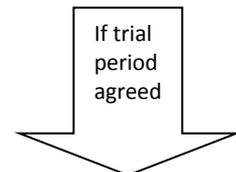
Write to the employee notifying the outcome of the appeal



make arrangements for implementing new working pattern



Decision final



Write to employee 14 days after the end of the TP to confirm final decision