



# St Edmundsbury and Ipswich

## Diocesan Multi Academy Trust

### **MAT Flexible Working Policy and Procedure**

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## **Introduction**

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. Employees who have been employed for less than 26 weeks, agency workers and office holders do not have a statutory right to request flexible working.

## **Purpose**

It is recognised that employees may wish to request a different way of working that more closely meets their needs, this is likely to be due to a variety of reasons and will be personal to individual employees. Requests will involve a different work pattern to the one the employee currently follows.

This policy explains what flexible working is, the typical types of flexible working within a school environment, the eligibility requirements, how to submit a request and the process to be followed by the school and employee.

The school is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the school and the employee can be met.

It is the school's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to contact Headteacher to arrange an informal discussion to talk about the options.

## **Scope**

This policy applies to all teaching and support staff in the school (including those seconded to other schools or organisations) in which the governing body has adopted them for use.

An employee working within a school but employed on another organisation's terms and conditions of employment should have flexible working requests managed under their own organisation's appropriate policy/procedure.

## **What is flexible working?**

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

The following flexible working options are considered to be the typical arrangements that employees will request but the school recognises that there may be alternatives or a combination of options which are suitable to both the school and the employee:

- Job-sharing
- Part-time working
- Term-time working
- Change in working pattern, i.e., the days, hours or start and finish times normally worked

## **The needs of the school**

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

Where a flexible working arrangement is proposed the school will need to take into account 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 and pupils
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of staff resources and ability to recruit
- the impact on quality and performance
- 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
- health and safety issues

## **Types of flexible working**

*Job-sharing* is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the school. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements

*Part-time working* covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The school believes that all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements

*Term-time working* is where an employee reduces their hours or takes time off during any school holidays. Any weeks above their annual leave entitlement will be unpaid. Salary is paid in 12 equal monthly instalments.

## **Eligibility**

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working. [However the school has taken the view that employees in all areas, and at any level, are entitled to submit a request for flexible working regardless of their length of service].

From 30 June 2014, the statutory right to request flexible working applies to all employees that meet the following criteria:

- Have 26 weeks' continuous service at the date of application, and;
- Are an employee, not a worker, and;
- Have not made another application to work flexibly in the previous 12 months. However 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.

Although the criteria above set out who has a statutory entitlement to request flexible working, schools are encouraged to give reasonable consideration to all requests regardless of whether they meet the criteria.

## **Submitting a flexible working request**

All requests must be made in writing by filling in an application form (Appendix 1) addressed to the Headteacher. Any request made must include:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date from when the employee would like the proposed change to come into effect

- what effect the employee thinks the requested change would have on the school
- how, in their view, any such effect could be dealt with
- whether this is a statutory or non-statutory request
- whether a previous application for flexible working has been made
- the dates of any previous applications

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 application does not contain all of the required information Headteacher will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

### **Meetings regarding flexible working**

Upon receiving a written request for flexible working Headteacher will usually seek to arrange a meeting with the employee to:

- discuss the request
- find out more about the proposed working arrangements
- how it could be of benefit to both the employee and school

If a meeting is arranged it will be held within [28 days] of the school receiving the request. This time limit may be extended with the agreement of both the employee and Headteacher.

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed. If a face to face meeting is difficult to arrange then, if agreed by the employee and Headteacher, the meeting may be held over the telephone.

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.

Where a request can, without further discussion, be approved as stated in the employee's written application a meeting to discuss the request may not be necessary. The employee will be informed of the school's agreement to the request by a confirmation letter as outlined in the section 'Responding to a flexible working request' within [28 days] of the school receiving the request. This time limit may be extended with the agreement of both the employee and Headteacher.

### **Responding to a flexible working request**

Headteacher will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse affects, 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.

If the request is rejected, in accordance with employment legislation, it must be for one of the following business reasons:

- The burden of additional costs
- An inability to re-organise 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
- A planned structural change to your business

The employee will be informed in writing of the school's decision as soon as is reasonably practicable, but no later than [14 days] after the meeting.

The request may be granted in full, in part or refused. The school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact Headteacher within [14] days if they wish to discuss the new arrangements further, or have any concerns.

### **Right to appeal decision**

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal to the Chair of Governors within [14 days] of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing. The appeal will be heard within [14 days]. The employee will then be informed of the outcome to their appeal within [14 days] of the appeal meeting. These time limits may be extended with the agreement of both parties.

### **Trialling new working arrangements**

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the school a trial period may be agreed. If a trial period is arranged the school will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

### **Varying an employee's contract**

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A variation to contract will be sent to the employee within [28 days] of the change to the employee's working pattern being agreed.

If the employee has any questions or concerns about the variation to contract they should contact Headteacher to discuss the matter further.

Where a trial period has been arranged the school will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the school may reduce or lengthen the trial period where necessary with the agreement of the employee). The school will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

### **Complaints and further information**

The school 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 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 school's grievance procedure.

## Appendix 1 - Application for Flexible Working

Name:	
Job title:	
Employment start date:	
Is this a statutory request?: I.e., you:	Yes/No
<ul style="list-style-type: none"> <li>• Have 26 weeks' continuous service at the date of this application, and;</li> <li>• Are an employee, not a worker, and;</li> <li>• Have not made another application to work flexibly in the previous 12 months</li> </ul>	
Describe your current working pattern (days/hours/times worked) and any other arrangements relevant to your application (e.g., home working):	
Describe the working pattern (days/hours/times worked) or other arrangements (e.g., home working) you would like to work in the future:	
Describe any flexibility you may be able to offer around your request: This may assist the school in accommodating a form of flexible working if your first preference cannot be accommodated. For example, "Whilst ideally I would like to reduce my hours to work 3 days per week, should this not be possible, I would be happy with a reduction in hours to anything between 2.5 and 4 days per week.	
Ideally, what date would you like the changes to start from?:	
Describe the impact you think the requested change would have on the school (for example, on pupils, learning and colleagues):	
Describe how you think the above effects might be dealt with:	
Please provide any other information that you feel may be relevant when considering your application for flexible working: Please state if you are making this request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.	

Please state if you are making your application in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, and provide further details:

I understand that if my request for flexible working is accepted by the school, it will represent a permanent change to my terms and conditions of employment, unless otherwise specifically agreed.

Signed:

Date of application:

## **Appendix 2 - Schedule for Appeal Hearing**

Hearings will be held in as informal a manner as possible and the employee will be afforded every reasonable assistance to put his/her case. The conduct of the hearing is at the discretion of the Headteacher, Chair of the committee or manager hearing the case, but s/he will allow the parties every reasonable opportunity to present their case.

At a hearing an employee's companion may make representations and ask questions but should not answer questions on the employee's behalf. The employee may confer privately with their companion at any time during the hearing.

Chairs of appeal committees or managers hearing appeals should ensure that all parties have a common understanding and agreement on the order of presentation.

### **1 Introduction**

The Chair of the Hearing committee hearing the case will ensure that those present are introduced to each other and that they are aware of the procedure to be followed.

### **2 The Employee's Case**

The employee or his/her representative may make an opening statement. The person or committee hearing the case may ask questions.

S/he may call any further witnesses and invite them to give their evidence. The person or committee hearing the case may then ask questions. The person presenting the employer's case may also ask questions. The employee or his/her representative may ask the witness final questions.

Where there is any documentary evidence, the employee or any witness on his/her behalf will explain its significance

### **3 Presentation of the Employer's Case**

The employer or may make an opening statement outlining their findings. The person or committee hearing the case and the employee responding to it may ask questions to which the employer will respond in a fact giving capacity.

S/he will then call any witnesses, if relevant and ask them to give their evidence. The employee or his/her representative may then ask questions of each witness. The person or committee hearing the case may also ask questions of any witness.

Where the evidence is presented in the form of documents, the employee or an appropriate witness will explain the nature and significance of the documents.

### **4 Re-examination**

The employee or his/her representative will be asked if they wish to re-examine any evidence. The person or committee hearing the case may also do so at its discretion.

### **5 Final Statements**

The person presenting the case against the employee may make a final statement. The employee or his/her representative may then make a final statement. Final statements will only contain information that has already been examined during the hearing. Neither the person presenting the case nor the employee is entitled to introduce new or fresh evidence at this stage.

## **6 Adjournment**

Either party may ask for an adjournment at any stage. The decision to adjourn is at the discretion of the Chair, who will consider a request in the light of the reason given for it.

## **7 Consideration of the Case**

All parties will withdraw. The committee will deliberate.

If it is necessary to recall either party or any witnesses, to resolve a point of uncertainty, both parties will be invited to be present, whether or not the point of doubt concerns one party or both.

## **8 Decision**

If possible, the decision will be communicated orally to the employee after the hearing. The decision will be confirmed in writing to the parties involved as soon as possible after the hearing.

Summary of changes

Document control		
Date	Section(s)	Update(s)