



## **Flexible Working Policy**

Policy Code:	HR25
Policy Start Date:	September 2016
Policy Review Date:	September 2019

Please read this policy in conjunction with the policies listed below:

- HR8 Equal Opportunities and Diversity Policy
- HR11 Pay Policy
- HR15 Time Off for Dependants Policy
- HR19 Maternity Policy
- HR20 Parental Leave Policy
- HR31 Shared parental leave



## **1 Policy Statement**

- 1.1 The Trust is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. The Trust recognises that, in addition to helping balance work and personal lives, flexible working can raise employee morale, reduce absenteeism, and improve the use and retention of employees.
- 1.2 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.3 The Trust is committed to a programme of action to make this policy effective and bring it to the attention of all employees.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.5 This policy does not apply to agency workers, consultants or self-employed contractors.

## **2 Aims**

- 2.1 This policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure. Managers are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.

## **3 Roles, Responsibilities and Implementation**

- 3.1 The Pay, Performance and HR committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head of Human Resources.
- 3.2 Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote The Trust's aims and objectives with regard to flexible working. All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the Head of Human Resources.



#### **4 Eligibility**

- 4.1 Employees with at least 26 weeks' continuous service who have caring responsibilities for children under 17, disabled children, and adults in need of care, have a statutory right to request flexible working. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 7.
- 4.2 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request under paragraph 13 to the Head of Human Resources. The request will be considered according to The Trust's business and operational requirements.

#### **5 Forms of Flexible Working**

- 5.1 Flexible working can incorporate a number of possible changes to working arrangements:
- (a) reduction or variation of working hours;
  - (b) reduction or variation of the days worked; and/or
  - (c) working from a different location e.g. home
- 5.2 Such changes may involve starting a job share; working a set number of hours a year, rather than per week (annualised hours); working from home, whether for all or part of the week; working only during term-time (part year working); working compressed hours; working flexi-time.

#### **6 Eligibility for the Formal Right to Request Procedure**

- 6.1 Requests under the formal procedure set out in paragraphs 9 to 12 of this policy can only be made by employees who meet the criteria set out below.
- 6.2 To be eligible to make a request under the formal procedure, the individual must:
- (a) be an employee of The Trust;
  - (b) have worked for The Trust continuously for 26 weeks at the date the request is made;
  - (c) be making the request because of their caring responsibilities; and



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- (d) not have made a formal request to work flexibly during the last 12 months.

## 7 Caring Responsibilities

7.1 An employee can make a flexible working request to care for a child if:

- (a) the child is under 17 or is under 18 and in receipt of disability living allowance;
- (b) they are responsible for bringing up the child; and
- (c) either the employee:
  - (i) is the mother, father, adopter, guardian, special guardian, foster parent or private foster carer of the child; or
  - (ii) is married to, or the civil partner or partner of, the child's mother, father, adopter, guardian or foster parent; or
  - (iii) the employee or their spouse, partner or civil partner have a residence order in force in their favour in respect of the child.

7.2 An employee can make a flexible working request to care for an adult who is in need of care if they are, or expect to be, the person who cares for that adult, and they are either:

- (a) the employee's spouse, partner or civil partner, or
- (b) their relative; or
- (c) neither of the above, but living at the same address.

7.3 **Partner** means someone the employee lives with as if they were married or in a civil partnership.

7.4 **Relative** means the employee's mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt, or grandparent, and includes adoptive relationships and relationships of half blood.



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## **8 Making A Formal Flexible Working Request**

- 8.1 In order to be considered under the formal procedure, a written application must be submitted by the employee.
- 8.2 The written and dated application should be submitted to the Head of Human Resources. In order to meet the requirements of the formal procedure, the employee must include the following in their application:
- (a) the reason for the request, whether to care for a child or an adult;
  - (b) the details of the demands of their caring responsibility;
  - (c) as much information as they can about their current and desired working pattern, including working days, hours, and start and finish times, and give the date from which they want their desired working pattern to start;
  - (d) the effect the changes to their working pattern will have on the work that they do, that of their colleagues, on service delivery and if they have any suggestions about dealing with any potentially negative effects;
  - (e) information to confirm that they meet the eligibility criteria set out in paragraph 7 of this policy; and
  - (f) whether they have made a previous formal request for flexible working, and if so, when.
- 8.3 The application must be submitted in a timely manner, at least two months before the employee wishes the changes they are requesting to take place.
- 8.4 The Trust may be able to agree the employee's proposal without the need for a meeting which is the usual next step in a formal procedure. In this case, the Head of Human Resources will write to the employee confirming the decision and explaining the changes that will be made to their contract of employment.
- 8.5 If the employee's proposal cannot be accommodated, discussion between them and their Line Manager and/or Head of Human Resources may result in an alternative working pattern which can assist the employee.



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## 9 Formal Procedure: Meeting

- 9.1 Where necessary, the employee's line manager and/or the Head of Human Resources will arrange to meet with the employee within 28 days of the application being submitted. The employee may bring a colleague to this meeting if they should so wish. However, this colleague may not answer questions on the employee's behalf.
- 9.2 In most cases, the meeting will be held at the employee's usual place of work. However, the meeting will be held at a time and a place that is convenient to the employee.
- 9.3 The meeting will be used to consider the working arrangements the employee has requested. The employee will be able to explain how the arrangements will accommodate their caring responsibilities. They will also be able to discuss what impact their proposed working arrangements will have on their work and that of their colleagues/team/department. If the arrangements requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 9.4 The employee's line manager may suggest starting new working arrangements under a trial period to ensure that they meet the employee's needs and those of the Academy.

## 10 Formal Procedure: Decision

- 10.1 Following the meeting, the Head of Human Resources will notify the employee of the decision within 14 days.
- 10.2 If the employee's request is accepted, or where an alternative to the arrangements they have requested has been proposed, the Head of Human Resources will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to their contract of employment and the date on which they commence. The employee must sign and return a copy of the letter. This will be placed in their personnel file to confirm the variation to their terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that the Head of Human Resources will discuss with the employee.
- 10.3 Unless otherwise agreed, and subject to any agreed trial period, changes to the employee's terms of employment will be permanent. The employee will not be able to make another formal request for flexible working until 12 months after the date of the most recent request.
- 10.4 If the employee's line manager or the Head of Human Resources needs more time to make a decision, they will ask for the employee's agreement to delay



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the decision for up to a further 14 days. A request for an extension is likely to benefit the employee. An example of when this delay may occur is when the line manager or Head of Human Resources may need more time to investigate how the request can be accommodated or to consult several members of staff.

10.5 There will be circumstances where, due to business and operational requirements, a request cannot be granted. In these circumstances, the Head Human Resources will write to the employee:

- (a) giving the business reason(s) for turning down the request;
- (b) explaining why the business reason(s) apply in this case; and
- (c) setting out the appeal procedure.

10.6 The eight business reasons for which an employee's request may be rejected are:

- (a) the burden of additional costs;
- (b) detrimental effect on ability to meet customer demand;
- (c) inability to reorganise work among existing staff;
- (d) inability to recruit additional staff;
- (e) detrimental impact on quality;
- (f) detrimental impact on performance;
- (g) insufficiency of work during the periods in which the employee has proposed to work; and
- (h) planned changes.

## **11 Formal Procedure: Appeal**

11.1 If an employee's request for flexible working is rejected, they have the right to appeal.

11.2 The appeal must:



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- (a) be in writing and dated;
  - (b) set out the grounds on which the employee is appealing; and
  - (c) be sent to the Head of Human Resources within 14 days of the date on which the employee received the written rejection of their request.
- 11.3 The Head of Human Resources will arrange for a meeting to take place within 14 days of receipt of the appeal. The meeting will be held at a convenient time for all those attending and, as the meeting is considered the employee's request, the employee may be accompanied by a colleague. However, this colleague may not answer questions on the employee's behalf.
- 11.4 The person hearing the appeal will be selected from the Senior Management Team.
- 11.5 The employee will be informed in writing of the decision within 14 days of the date of the appeal meeting.
- 11.6 If the appeal is upheld, the employee will be advised of their new working arrangements, details of any trial period, an explanation of changes to their contract of employment, and the date on which they will commence. The employee must sign and return a copy of the letter. This will be placed in their personnel file to confirm the variation to their terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that the Head of Human Resources will discuss with the employee.
- 11.7 Changes to the employee's terms of employment will be permanent. The employee will not be able to make another formal request for flexible working until 12 months after the date of the original application.
- 11.8 If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in this case. The employee will not be able to make another formal request for flexible working until 12 months after the date of the original application.

## **12 Breaches of the Formal Procedure**

- 12.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with the employee, the Head Human Resources will write to the employee confirming the extension and the date on which it will end.
- 12.2 If an employee withdraws a formal request for flexible working, they will not be eligible to make another formal request for 12 months from the date of the





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original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if the employee:

- (a) fails to attend two meetings under the formal procedure without reasonable cause; or
- (b) unreasonably refuses to provide the necessary information required to evaluate the request.

12.3 In such circumstances, the Head of Human Resources will write to the employee confirming that the request has been treated as withdrawn.

### **13 Making an Informal Request**

13.1 Employees who wish to make an informal request for flexible working may make a request to the Head of Human Resources who will consider it according to The Trust's business and operational requirements.

13.2 The employee must submit the request in writing and include the following in their application:

- (a) confirmation of whether the change to the current working pattern will be temporary or permanent;
- (b) the details of the demands of their caring responsibility, if any;
- (c) as much information as they can about their current and desired working pattern, including working days, hours, and start and finish times, and give the date from which they want their desired working pattern to start; and
- (d) the effect the changes to their working pattern will have on the work that they do, that of their colleagues, on service delivery and if they have any suggestions about dealing with any potentially negative effects.

13.3 The Head of Human Resources will advise the employee of what steps will be taken to consider their request, which may include inviting them to attend a meeting, before advising the employee of the outcome of their request.



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**14 Policy Change**

This policy may only be amended or withdrawn by The Priory Federation of Academies Trust.



## **The Priory Federation of Academies Flexible Working Policy**

This Policy has been approved by the Pay, Performance and HR Committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.