

## Flexible Working Policy

Policy Code:	HR25
Policy Start Date:	September 2022
Policy Review Date:	September 2025

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

- HR8 Equal Opportunities and Diversity Policy-Staff
- HR11 Teachers Pay Policy
- HR15 Time Off for Dependants Policy
- HR19 Maternity Leave Policy
- HR14 Paternity Leave Policy
- HR21 Adoption Leave Policy
- HR20 Parental Leave Policy
- HR31 Shared parental Leave Policy

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## **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 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Apprenticeships and Lincolnshire SCITT.
- 1.5 This policy does not form part of any member of staff's contract of employment and it may be amended at any time.
- 1.6 This policy does not apply to agency workers, consultants or self-employed contractors.

## **2 Roles, Responsibilities and Implementation**

- 2.1 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 Trusts Human Resources Lead.
- 2.2 Those responsible for implementation of this policy must ensure its fair application. 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 Trusts Human Resources Lead.

## **3 Aims**

- 3.1 This policy aims to ensure that flexible working arrangements are promoted for all employees, and that requests are considered in line with statutory obligations and implemented, where operational and service conditions allow.

## **4 Eligibility**

- 4.1 To be eligible to make a request under the formal procedure set out in section 6 to 10 individuals must:
- a) be an employee;
  - b) have worked for the Trust continuously for at least 26 weeks at the date the request is made;
  - c) not have made a formal request to work flexibly during the last 12 months. (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 rights for disabled employees to request reasonable adjustments).
- 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 11 to the Trust's Human Resources Lead. The request will be considered according to the Trust's business and operational requirements.

## **5 Forms of Flexible Working**

- 5.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works and can incorporate a number of possible changes to working arrangements, such as:
- 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; and / or working flexi-time.

## **6 Making a Formal Flexible Working Request**

- 6.1 Any employee interested in flexible working is advised to speak informally with their Line Manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery, before submitting a formal or informal request.
- 6.2 In order to be considered under the formal procedure, the employee must complete the Trust flexible working request form which is available from their Academy PA or the HR Department.

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- 6.3 The form should be signed and dated and be submitted to the Trusts Human Resources Lead. In order to meet the requirements of the formal procedure, the employee must include the following in their form:
- a) the date of the application;
  - b) the changes that the employee is seeking to their terms and conditions;
  - c) the date from when the employee would like the proposed change to come into effect;
  - d) the reason for the request, especially if the request concerns care for a child or an adult, or adjustments because of a disability;
  - e) 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;
  - f) 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;
  - g) information to confirm that they meet the eligibility criteria set out in paragraph 4 of this policy; and
  - h) whether they have made a previous formal request for flexible working, and if so, when.
- 6.4 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.
- 6.5 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.
- 6.6 If an application does not contain all of the required information the Academy P or HR department will explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.
- 6.7 In most cases the Trust will need to have a meeting with the employee before making a decision. In some cases 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 Trusts Human Resources Lead will write to the employee confirming the decision and explaining the changes that will be made to their contract of employment.
- 6.8 If the employee's proposal cannot be accommodated, discussion between them and their Line Manager and/or the Trusts Human Resources Lead (or delegated HR Business Partner) may result in an alternative working pattern which can assist the employee.

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## **7 Formal Procedure: Meeting**

- 7.1 Where necessary, the employee's Line Manager and/or the Trusts Human Resources Lead (or delegated HR Business Partner) will arrange to meet with the employee within 28 days after the application has been submitted. This meeting may be delayed by agreement with the employee and the line manager and/or the Trusts Human Resources Lead (or delegated HR Business Partner).
- 7.2 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.
- 7.3 In most cases, the meeting will be held at the employee's usual place of work and 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 their Line Manager and/or the Trusts Human Resources Lead the meeting may be held over the telephone or by a video format.
- 7.3 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 needs. 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.
- 7.4 The employee's Line Manager and/or the Trusts Human Resources Lead (or delegated HR Business Partner) may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of the Academy.

## **8 Formal Procedure: Decision**

- 8.1 Following the meeting, the Trusts Human Resources Lead will notify the employee of the decision in writing as soon as possible.
- 8.2 If the employee's request is accepted, or where an alternative to the arrangements they have requested has been proposed, the Trusts Human Resources Lead 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 employees Line Manager and/or the Trusts Human Resources Lead (or delegated HR Business Partner) will discuss with the employee.

- 8.3 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.
- 8.4 If the employee's Line Manager or the Trusts Human Resources Lead needs more time to make a decision, for example where they need more time to investigate how the request can be accommodated or to consult several members of staff, they will discuss this with the employee.
- 8.5 There will be circumstances where, due to business and operational requirements, a request cannot be granted. In these circumstances, the Trusts Human Resources Lead 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.
- 8.6 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.

## **9 Formal Procedure: Appeal**

- 9.1 If an employee's request for flexible working is rejected, the employee may lodge an appeal within 14 days of being notified of the decision on their application.
- 9.2 The appeal must:
- a) be in writing and dated;
  - b) set out the grounds on which the employee is appealing; and
  - c) be sent to the Clerk to the Trust within 14 days of the date on which the employee received the written rejection of their request.

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- 9.3 The Clerk to the Trust will arrange for a meeting to take place following 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, a colleague may accompany the employee. However, this colleague may not answer questions on the employee's behalf.
- 9.4 The person hearing the appeal will be selected from the Executive Management Team, who has not been previously involved in considering the request.
- 9.5 The employee will be informed in writing of the decision as soon as possible after the appeal meeting.
- 9.6 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 Line Manager will discuss with the employee.
- 9.7 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.
- 9.8 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.

## **10 Extending Time Under the Formal Procedure**

- 10.1 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 Trusts Human Resources Lead will write to the employee confirming the extension and the date on which it will end.
- 10.2 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 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.

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10.3 In such circumstances, the Trusts Human Resources Lead will write to the employee confirming that the request has been treated as withdrawn.

## **11 Making an Informal Request**

11.1 Employees who wish to make an informal request for flexible working may make a request to the Trusts Human Resources Lead who will consider it according to the Trusts business and operational requirements.

11.2 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) 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
- c) 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.

11.3 The Trusts Human Resources Lead 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.

## **12 Policy Change**

12.1 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:

Trust Member of Staff

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