

POLICY ON FLEXIBLE WORKING

Trust Lead:	Director/HR
Nominated Lead Member of Staff:	Headteacher/CFFO
Status:	Statutory
Last Review Date:	Spring 2023
Next Review Date:	Spring 2025 (or new legislation)

Introduction

The Hamblin Education Trust is an equal opportunities employer and recognises the contribution flexible working can make to its schools. The needs of the pupils and students within the Trust are paramount and their interests will always be considered in relation to requests for flexible working.

1. ENTITLEMENT

Any member of staff who fulfils the criteria below shall be entitled to consideration under the terms of this policy.

2. EMPLOYEE RIGHTS

Any member of staff who has at least 26 weeks of continuous service within the Trust has the right to make a request to work flexibly. The Trust will consider this request in a reasonable manner.

Those employees fitting the above criteria can request:

- (a) A change to the hours they work.
- (b) A change to the times when they are required to work.
- (c) The employee's place of work within the organisation

The Trust recognises that these provisions are in the statutes and clearly some are inappropriate to some staff employed in schools.

A request for flexible working may only be made once in any 12-month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).

3. PROCEDURE

The procedure set out below will be followed in all cases.

- a) Any employee exercising their statutory right as detailed above shall make application in writing having first considered:
 - In their specific circumstances, which working pattern would help them best.
 - Any potential financial implications on themselves.
 - Any potential effects on the functioning of the school/Trust and how these might be met.
 - 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
- b) The employee shall recognise that any changes are permanent unless otherwise agreed between the employee, the local Governing Body and the Trust.

- c) The Headteacher/Chief Finance Operating Officer or appropriate line manager on behalf of the local Governing Body and Trust shall arrange to meet with the employee (within 28 days of receiving the request) to explore the proposed work pattern in depth and to discuss the possibilities of accommodating it.
- d) The Headteacher/CFOO or appropriate line manager and employee shall discuss other alternative work patterns if appropriate.
- e) The employee may be accompanied by a union representative or by another employee from within the school.
- f) 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.
- g) 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.
- h) The Headteacher/CFOO shall respond in writing to the employee on behalf of the local Governing Body/Trust **within 14 days of the meeting**, either agreeing the changes and setting out a start date, or setting out a modification of the request, or the employee may be asked to try flexible working arrangements for a trial period, or the request may be refused, stating the reasons why the changes cannot be agreed.
- i) Any refusal notice shall be in writing and shall be dated. It shall state the 'business reasons' as defined below and set out the appeals procedure. The grounds for refusal are as follows:
- Burden of additional costs;
 - Detrimental effect on ability to meet the needs of the school/Trust;
 - Inability to reorganise work among existing staff;
 - Inability to recruit additional staff
 - Detrimental impact on quality;
 - Detrimental impact on performance;
 - Detrimental impact on management responsibilities;
 - Insufficiency of work during the period the employee proposes to work;
 - Planned structural changes.
- j) The employee has a right of appeal and shall give notice to the Headteacher/CFOO dated and in writing within 14 days of receiving the refusal notice. The notice of appeal shall set out the grounds for appeal.
- k) The appeal shall be referred to the Appeals Panel of the local Governing Body or Trust and a meeting shall be held within 14 days of receipt of the appeal notice. The employee may be represented at the appeal by a union representative or other person of their choosing.
- l) Where a meeting is held the employee shall be notified in writing of the decision. This notice shall be dated and where the appeal is upheld shall specify the contract variation agreed to and its commencement date. If the appeal is dismissed the notice

shall detail grounds for the dismissal and contain sufficient explanation as to why those grounds apply.

- m) If the companion of the employee is not available on the arranged date for the discussion or appeal, the employee shall propose an alternative date within 7 days of that originally proposed.
- n) All time limits in this procedure may be extended by agreement between the two parties.
- o) The Governing Body/Trust will consider any application for flexible working to be withdrawn if:
 - The employee has informed them that the application is being withdrawn;
 - The employee has without reasonable cause not attended a meeting;
 - The employee has without reasonable cause refused to provide them with information needed in order to assess whether the contract variation should be agreed to.
- p) The Headteacher/CFOO will confirm in writing any withdrawal of an application for flexible working.
- q) There is a statutory right from the employee to appeal to the Employment Tribunal should she/he feel procedures have not been correctly or fairly followed.
- r) Either party can ask for a trial period which can form the basis when deciding whether or not a new arrangement can work successfully. The School/Trust will determine the length of the trial period.

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 new contract of employment 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 new contract of employment, they should contact the Administration and Support manager to discuss the matter further.

Where a trial period has been arranged, the organisation 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 organisation may reduce or lengthen the trial period where necessary with the agreement of the employee). The school/Trust will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

Pension Arrangements

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the Teachers' Pensions Agency or Local Authority Pensions unit for further advice.