

EQUITAS ACADEMIES TRUST



EQUITAS
— ACADEMIES TRUST —

FLEXIBLE WORKING POLICY

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Agreed: Equitas Leadership Team

Policy Lead: HR Manager

FLEXIBLE WORKING POLICY

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FLEXIBLE WORKING POLICY

1. INTRODUCTION

- 1.1 Equitas Academies Trust is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our use and retention of staff.
- 1.2 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.
- 1.3 Through this policy the Trust will accommodate flexible working where possible, but the priority will be the effective running of the Trust for the benefit of the pupils and, where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner.
- 1.4 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. SCOPE AND PURPOSE OF THE POLICY

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees with at least 26 weeks' continuous service have a statutory right to request flexible working. That right is recognised by the formal procedure in this policy and the criteria for deciding who is eligible to follow the formal procedure are set out in this policy.
- 2.3 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 HR department, who will consider the request according to the Trust's business and operational requirements.
- 2.4 Any employee interested in flexible working can request an informal meeting with the HR 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.

3. RESPONSIBILITY FOR IMPLEMENTING THE POLICY

3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the HR Manager.

4. FORMS OF FLEXIBLE WORKING

4.1 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 when necessary (for example, from home)

4.2 Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working only during term-time (part-year working); working compressed hours. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.

4.3 Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

5. ELIGIBILITY FOR THE FORMAL RIGHT TO REQUEST PROCEDURE

5.1 Formal requests for flexible working as set out below in paragraph 6 to paragraph 9, can only be made by employees who meet the criteria set out below.

5.2 To be eligible to make a request under the formal procedure, you must:

- a) Be an employee;
- b) Have worked for the Trust continuously for 26 weeks' at the date your request is made;
- c) Not have made a formal request to work flexibly during the last 12 months.

6. MAKING A FORMAL FLEXIBLE WORKING REQUEST

- 6.1 Employees will need to complete and submit a Flexible Working Request Form (FWR form) (see appendix 1) if they would like to be considered under the formal procedure. Once a request is received it will be considered.
- 6.2 The completed FWR form should be submitted to the Headteacher or Chief Operations Officer and, in order to meet the requirements of the formal procedure and to help them to consider the request, should:
- a) State that it is a statutory flexible working request;
 - b) Provide as much information as it can about the current and desired working pattern, including working days, hours and start and finish times;
 - c) Give the date from which the desired working pattern is to start;
 - d) Identify the effect the changes to the working pattern will have on the work that the employee does, that of their colleagues and on service delivery. If the employee has any suggestions about dealing with any potentially negative effects, then these need to be included in the written application;
 - e) Provide information to confirm that the employee meets the eligibility criteria set out in paragraph 5 of this policy;
 - f) State whether a previous formal request for flexible working has been made and, if so, when, and
 - g) Be submitted in good time and ideally at least two months before the changes are proposed to take effect and no later than mid-May each year to ensure that planning for the forthcoming academic year can take place.
- 6.3 If the employee is making a request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, this should also be stated in the request.
- 6.4 The Headteacher or Chief Operations Officer may be able to agree a proposal without the need for a meeting which is the next stage of the formal procedure. If that is the case, the Headteacher or Chief Operations Officer will write to the employee, confirming the decision and explaining the changes that will be made to their contract of employment within 10 working days.
- 6.5 If the proposal cannot be accommodated, discussion between the employee and the Headteacher or Chief Operations Officer and may result in an alternative working pattern that can assist.

7. FORMAL PROCEDURE: MEETING

- 7.1 Where necessary, the Headteacher or Chief Operations Officer will arrange to meet with the employee within 10 working days or as soon as is practicably possible after receiving the written application. The employee will be informed if there is likely to be a delay in arranging this meeting. The Headteacher or Chief Operations Officer may discuss the request with the employee's line manager or head of department (if applicable) and make any necessary enquiries regarding the proposals prior to the meeting.
- 7.2 The employee may bring a colleague to the meeting as a companion if they wish who may be their trade union representative or another co-worker. Their companion will be entitled to speak during the meeting and confer privately with the employee, but may not answer questions on their behalf.
- 7.3 The meeting will be used to discuss the working arrangements that have been requested. The employee will be able to explain how the arrangements will benefit them as well as what impact their proposed working arrangements will have on their work and that of their colleagues and of their team **OR** 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 Headteacher or Chief Operations Officer may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of his/her team **OR** department. A review date will be set to meet with the employee again shortly before the end of the trial period to discuss how the new arrangements are working.

8. FORMAL PROCEDURE: DECISION

- 8.1 Following the meeting, the Headteacher or Chief Operations Officer will consider the request carefully and notify the employee of the decision in writing as soon as possible.
- 8.2 If the request is accepted, or where an alternative has been proposed to the arrangements the employee requested, the Headteacher or Chief Operations Officer 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 will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to the employee's terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, which the employee's line manager will discuss with them.

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- 8.3 Unless otherwise agreed (and subject to any agreed trial period) changes to terms of employment will be permanent. The employee will not be able to make another formal request until 12 months after the date of the most recent request.
- 8.4 If the Headteacher or Chief Operations Officer needs more time to make a decision, they will discuss this with the employee. For example, they may need time to investigate how the request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, due to business and operational requirements, the Headteacher or Chief Operations Officer will be unable to agree to a request. In these circumstances, the Headteacher or Chief Operations Officer will write to the employee:
- a) Giving the business reason(s) for turning down the application;
 - b) Explaining why the business reasons apply in their case; and
 - c) Setting out the appeal procedure.
- 8.6 If a request is rejected it will be for one or more of the following eight business reasons:
- a) The burden of additional costs;
 - b) Detrimental effect on ability to meet pupil and/or Trust demands;
 - c) Inability to reorganise work among existing staff;
 - d) Inability to recruit additional staff;
 - e) Detrimental impact on quality of provision;
 - f) Detrimental impact on performance;
 - g) Insufficiency of work during the periods that are proposed to work, and/or
 - h) Planned changes.

9. FORMAL PROCEDURE: APPEAL

- 9.1 The employee may appeal against the decision if their request is rejected, or an alternative arrangement from the one requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if the employee feels their request was not handled reasonably in line with this policy.

An appeal must:

- a) Be in writing and dated;

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- b) Set out the grounds on which the employee is appealing, and
 - c) Be sent to the HR department within 14 days after the date on which the employee received the written rejection of their request.
- 9.2 The HR Manager will arrange for a meeting to take place within 10 working days or as soon as possible following receipt of the employee's appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered the request, the employee may be accompanied by a colleague who may be a trade union representative or another co-worker.
- 9.3 An Appeal Panel will be selected, specifically for the appeal, from the senior leadership team who were not previously involved in considering the request.
- 9.4 The employee will be informed in writing of the Appeal Panel's decision as soon as possible following the appeal meeting.
- 9.5 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 will be asked to sign and return a copy of the letter. This will be placed on the employee's 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, which the employee's line manager will discuss with them.
- 9.6 The employee should be aware that changes to terms of employment will be permanent and they will not be able to make another formal request until 12 months after the date of your original application.
- 9.7 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 that case. The employee will not be able to make another formal request until 12 months after the date of the original application.

10. TIMESCALES

- 10.1 Requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal.
- 10.2 As a guide and to help ensure that requests are dealt with within this timescale:
- a) A meeting will normally be held with the employee within 28 days of the request being received;

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- b) The employee will normally be informed in writing of the decision within 14 days of the meeting, and
 - c) Where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 14 days of the meeting.
- 10.3 However, there will be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed, the Headteacher or Chief Operations Officer will write to the employee confirming the extension and the date on which it will end.
- 10.4 If the 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:
- a) The employee fails to attend two meetings under the formal procedure without reasonable cause, or
 - b) The employee unreasonably refuses to provide information required to consider the request.
- 10.5 In such circumstances, the Headteacher or Chief Operations Officer will write to the employee confirming that the request has been treated as withdrawn.

11. MAKING AN INFORMAL FLEXIBLE WORKING REQUEST

- 11.1 Employees who are ineligible to make a formal request and who wish to make an informal request for flexible working may make a request by completing the FWR form (Appendix 1) and submitting to the Headteacher or Chief Operations Officer, who will consider it according to the business and operational requirements.
- 11.2 It will help the Headteacher or Chief Operations Officer to consider the request if the employee:
- a) Makes the request in writing;
 - b) provides as much information as possible about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which the desired working pattern is to start;
 - c) think about what effect the changes to the employee's working pattern will have on the work that is done and on their colleagues, as well as on the service delivery and that of the team OR department. The employee should include in his/her written application any suggestions about dealing with any potentially negative

effects. The employee's line manager or HR Manager can consider whether the proposals are workable.

11.3 The employee's Headteacher or Chief Operations Officer will advise on what steps will be taken to consider the request, which may include inviting the employee to attend a meeting, before advising them of the outcome of their request and the impact on their contract of employment.

12. RETENTION AND DATA PROTECTION

12.1 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018). Records will be kept in line with the requirements of the Data Protection Legislation.

13 REVIEW OF THE POLICY

13.1 This policy is reviewed annually by Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Approved by:	Date approved:	Next review date:
Equitas Leadership Team	30/06/2021	June 2022
Wadim Wesolek, Chair F&GP Committee	15/06/2020	June 2021

Appendix 1

**EQUITAS ACADEMIES TRUST
FLEXIBLE WORKING REQUEST FORM**

Employee name:	
Job Title:	
Department:	
Line manager name:	

1. Have you been employed by the Trust for minimum of 26 weeks or more? Yes / No. *(If no, you are not eligible to apply formally). Ineligible staff can submit an informal request.*
Please indicate, is this an informal flexible working request? Yes / No
If yes, complete and submit the form as soon as possible.

2. Set out below the changes you would like and when you would like them to begin.

3. State clearly the effect this proposed change would have on your team, department and the Trust.

4. How do you propose we manage the effects of the proposed change?

5. Is there are reason you are making the request that we should know about? *(i.e disability – the Trust will consider reasonable adjustments)*

6. Explain why you are making this request. (Optional)
7. Is this your first flexible working request? Yes / No
8. If no, please provide the date of your last request:

Employee signature..... Date of request.....

Please note, all approved requests are permanent for a maximum of 12 months may be reviewed annually. Except for those returning from maternity leave, you are eligible to submit one request annually no later than mid May each year.

Please follow the appeals process, if for any reason you are dissatisfied with the outcome of your application.

For Office use only

Date request received..... Date of last request, if applicable.....

Date of meeting with employee..... This request was: Approved / Declined

Please select reason(s) for decision: **If declined** circle number:

1. The burden of additional costs;
2. Detrimental effect on ability to meet pupil and/or Trust demands;
3. Inability to reorganise work among existing staff;
4. Inability to recruit additional staff;
5. Detrimental impact on quality of provision;
6. Detrimental impact on performance;
7. Insufficiency of work during the periods that are proposed to work, and/or
8. Planned changes.

If approved confirm details of the agreed changes below: (where applicable)

- the agreed change
- when the change will start
- how long the change will last, if for a fixed period of time
- a review date, if the change will be looked at to see how it's going
- working hours
- pay
- job location
- holiday entitlement

Line Manager name..... Signature.....

Job Title..... Date response issued.....