

# **CHULMLEIGH ACADEMY TRUST**

## **FLEXIBLE WORKING POLICY**

**This policy was adopted by the Directors on: 5<sup>th</sup> February 2020**

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## **1 INTRODUCTION AND PURPOSE**

- 1.1 This policy is to set out how Chulmleigh Academy Trust ('the Trust') will determine requests for flexible working. This policy should be reviewed by employees making a request for flexible working and senior leaders when determining requests for flexible working.
- 1.2 The time limits included in this policy may be varied by mutual agreement or where necessary. If it is necessary then reasons will be given for any change.

## **2 GENERAL PRINCIPLES**

- 2.1 Employees who have been employed for 26 weeks continuously have a right in law to request changes to their contractual terms and conditions to work flexibly. Only one statutory request may be made every 12 months.
- 2.2 For employees who have not been employed for 26 weeks continuously or who are agency workers or have made a request within the last 12 months then they too may make a request but this is not a legal right.
- 2.3 There is no absolute right to work flexibly and the Trust must consider business and operational needs when considering a request. However, the Trust will carefully consider any request made and will seek to accommodate requests where possible.
- 2.4 Making a request for flexible working is a right and no one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result of making a request.
- 2.5 Also, anyone who makes a request may bring a trade union representative or a work colleague to any relevant meeting and no one who seeks to support a work colleague will be subject to any detriment or lose any career development opportunities as a result.
- 2.6 This policy does not form part of any employee's contract of employment and the Trust may amend it at any time, but any rights in law still remain.
- 2.7 At all times, individual needs should be carefully considered when applying this policy and no one should be subjected to discrimination under the Equality Act 2010. If there are any issues raised in relation to discrimination or other special circumstances then the Executive Headteacher should be contacted.

## **3 FORMS OF FLEXIBLE WORKING**

- 3.1 Flexible working can include a number of possible changes to working arrangements, such as:
  - 3.1.1 reduction or variation of working hours;
  - 3.1.2 reduction or variation of the days worked; and/or
  - 3.1.3 starting a job share;
  - 3.1.4 working a set number of hours a year, rather than a week (annualised hours); and/or
  - 3.1.5 working only during term-time (part-year working);

## 4 **JOB SHARING**

- 4.1 The principle behind Job Sharing is that, despite being a post shared between two or more employees, it remains essentially one job. There is a single job description and the post could revert to a full-time one if required.
- 4.2 Consideration will be given to requests from present employees and potential employees that a post be shared. In the case of existing employees they should submit their proposals in writing to the Executive Headteacher. (This may be on an individual or joint basis depending on whether they have identified a partner.)
- 4.3 Each partner to a job share will hold an individual contract of employment. The job title will be that of the established post with the endorsement - "job share". The job description will be that prepared for the full-time post with an addendum if necessary to reflect agreement where overlap/continuity and/or split tasks are required.
- 4.4 Subject to operational requirements, no stipulation is made about the minimum or maximum hours that should be worked by a job sharer, but all such employees should satisfy themselves that they understand the effects (if any) of reduced hours on statutory employment rights, pension benefits, etc.

## 5 **MAKING A FORMAL FLEXIBLE WORKING REQUEST**

- 5.1 Any employee interested in flexible working is encouraged 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 pupils, before submitting a formal or informal request.
- 5.2 The employee will need to submit a written application if s/he would like her/his flexible working request to be considered under the formal procedure. The employee should make the request in writing.
- 5.3 The employee's application should be submitted to the Executive Headteacher in good time and ideally at least three months before s/he would like the changes to take effect. It should:
  - 5.3.1 state that it is a flexible working request;
  - 5.3.2 explain the reasons for her/his request, especially if her/his request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
  - 5.3.3 provide as much information as the employee can about her/his current and desired working pattern, including working days, hours and start and finish times, and give the date from which s/he wants the changes to take effect;
  - 5.3.4 identify the effect the changes to the employee's working pattern will have on the work that s/he does, that of her/his colleagues and on the Trust's ability to meet the needs of pupils. If the employee has any suggestions about dealing with any potentially negative effects, these should be included in her/his written application; and

5.3.5 provide information to confirm that the employee meets the eligibility criteria set out above, including the dates of any previous formal requests for flexible working.

5.4 In most cases the Executive Headteacher will need to have a meeting with the employee before making a decision. In some cases s/he may be able to approve the employee's request without a formal meeting, although it will usually be helpful to the Executive Headteacher to discuss the request with the employee to ensure that it is the best solution.

## **6 FORMAL REQUEST: MEETING**

6.1 Where necessary, the Executive Headteacher will arrange a meeting with the employee after her/his application has been submitted. The meeting arrangements will be confirmed in writing. The meeting will normally take place within 20 working days of the date that the application is received. The employee may bring a trade union representative or work colleague to the meeting as a companion if s/he wishes. The employee's companion will be entitled to speak during the meeting and confer privately with the employee, but may not answer questions on the employee's behalf. If the employee wishes to bring a companion to the meeting, the employee must inform the Trust in advance to allow appropriate arrangements to be made.

6.2 In most cases, the meeting will be held at the Trust. The Trust will try to ensure that the meeting is held at a time and place that is convenient to everyone.

6.3 If the employee's companion is unavailable, the meeting can be postponed for up to 5 working days from the date of the original meeting to allow them to attend.

6.4 The meeting will be used to discuss the working arrangements the employee has requested. The employee will be able to explain how the arrangements will accommodate her/his needs. In addition, the employee will be able to discuss what impact her/his proposed working arrangements will have on her/his work and that of her/his colleagues. If the Trust cannot accommodate the arrangements the employee has requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

6.5 The Executive Headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of the Trust. A trial period will be time-limited, and review points will be set so that the employee and the Executive Headteacher can jointly discuss how the arrangements are working and make any necessary adjustments.

## **7 FORMAL REQUEST: DECISION**

7.1 The Trust will notify the employee of the decision in writing as soon as possible, normally within 10 working days of the meeting.

7.2 If the employee's request is accepted, or where the Trust proposes an alternative to the arrangements the employee requested, the Executive Headteacher will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to the employee's 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 her/his terms of employment.

- 7.3 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 until 12 months after the date of her/his most recent request.
- 7.4 If the Executive Headteacher needs more time to make a decision, for example, where they need more time to investigate how the employee's request can be accommodated or to consult several members of staff, they will discuss this with the employee.
- 7.5 There will be circumstances where, due to business and operational requirements, the Trust is unable to agree to a request. In these circumstances, the Executive Headteacher will write to the employee:
- 7.5.1 explaining the business reason(s) for turning down the employee's application; and
  - 7.5.2 setting out the appeal procedure.
- 7.6 The eight business reasons for which the Trust may reject the employee's request are:
- 7.6.1 the burden of additional costs;
  - 7.6.2 detrimental effect on ability to meet customer demand;
  - 7.6.3 inability to reorganise work among existing staff;
  - 7.6.4 inability to recruit additional staff;
  - 7.6.5 detrimental impact on quality;
  - 7.6.6 detrimental impact on performance;
  - 7.6.7 insufficiency of work during the periods that you propose to work; and
  - 7.6.8 planned changes.

## 8 **FORMAL REQUEST: APPEAL**

- 8.1 If the employee's request is rejected, the employee's right to appeal.
- 8.2 The employee's appeal must:
- 8.2.1 be in writing and dated;
  - 8.2.2 set out the grounds on which the employee is appealing; and
  - 8.2.3 be sent to the Company Secretary within 10 working days of the date on which the employee received the written rejection of her/his request.
- 8.3 The Company Secretary will refer the appeal to the First Committee of Directors, who will arrange for a meeting to take place following receipt of the employee's appeal. The First Committee of Directors will try to hold the meeting at a convenient time for all those attending. The employee may be accompanied by a trade union representative or work colleague of her/his choice.

- 8.4 The First Committee of Directors will conduct the appeal meeting within 10 working days of receiving the appeal.
- 8.5 The employee will be informed in writing of the decision as soon as possible after the appeal meeting. The decision letter will normally be sent within 10 working days of the date of the appeal meeting.
- 8.6 If the employee's appeal is upheld, the employee will be advised of her/his new working arrangements, details of any trial period, an explanation of changes to her/his 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 her/his terms of employment.
- 8.7 The employee should be aware that changes to her/his terms of employment will be permanent and s/he will not be able to make another formal request until 12 months after the date of her/his original application.
- 8.8 If the employee's appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in the employee's case. The employee will not be able to make another formal request until 12 months after the date of her/his original application.
- 8.9 The law requires that all requests, including any appeal, must be considered and decided on within a period of 3 months from the date that the application was received.

## **9 EXTENDING TIME UNDER THE FORMAL PROCEDURE**

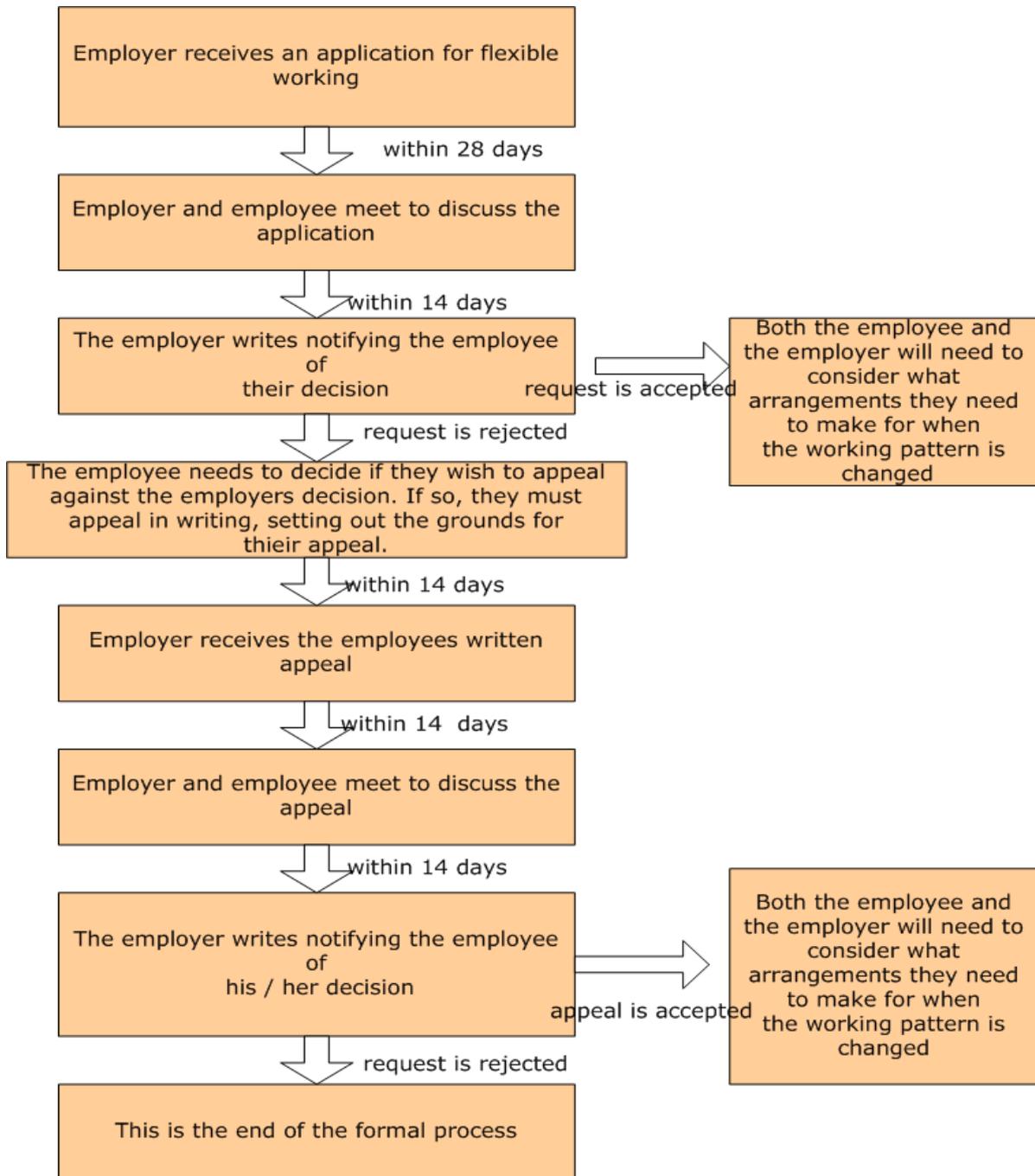
- 9.1 There may be exceptional occasions when it is not possible to complete consideration of the employee's request within the expected time limits. Where an extension of time is agreed with the employee, the Executive Headteacher will write to the employee, confirming the extension and the date on which it will end.
- 9.2 If the employee withdraws a formal request for flexible working, s/he will not be eligible to make another formal request for 12 months from the date of her/his original request. In certain circumstances, a formal request will be treated as withdrawn. This will occur if the employee:
  - 9.2.1 advises verbally, or in writing, that s/he is withdrawing her/his application; and/or
  - 9.2.2 fails to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause.

In such circumstances, the Executive Headteacher will write to the employee, confirming that the request has been treated as withdrawn.

## **10 BENEFITS AND ENTITLEMENTS**

- 10.1 Employees are reminded that benefits and entitlements (e.g. pension contributions, annual leave where applicable) are likely to be affected by new working arrangements. The effects of such a change should be considered by the employee prior to submitting a request for flexible working, including seeking advice from pensions provides or other experts as appropriate.

## SCHEDULE 1 FLEXIBLE WORKING



# END OF POLICY