

POLICY FOR FLEXIBLE WORKING

Presented to

Trustees

30 November 2023

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Linked to other policies:	Discretionary Leave of Absence Policy Equality and Diversity Policy Public Sector Equality Duty Statement

Footnote:

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- School also means College, Academy or Academies
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FLEXIBLE WORKING POLICY

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1.0 **POLICY STATEMENT**

- 1.1 The Four Cs Multi Academy Trust (MAT) 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 to balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern, and all employees an opportunity to do so informally.
- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2.0 **ELIGIBILITY FOR THE FORMAL RIGHT TO REQUEST PROCEDURE**

- 2.1 To be eligible to make a request under the formal procedure set out in paragraph 6 and 8, you must:
- a) Be an employee
 - b) Have at least 26 weeks continuous service at the date your request is made
 - c) Not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).
- 2.2 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 10 to the Headteacher or his/her representative, who will consider the request according to the school's educational, business and operational needs.
- 2.3 Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contract of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.
- 2.4 Any employee interested in flexible working may request an informal meeting with the Headteacher or his/her representative to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/students and curriculum/service delivery before submitting a formal or informal request.

3.0 **PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE POLICY**

- 3.1 The Trust Board has overall responsibility for the effective operation of the policy and for ensuring compliance with the relevant statutory framework. The Trust Board has delegated day-to-day responsibility for operating the policy to the Headteacher/CEO.
- 3.2 All members of staff 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 Headteacher.

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4.0 FORMS OF FLEXIBLE WORKING

4.1 Flexible working can incorporate a number of changes to working arrangements:

- a) Reduction or variation of working hours.
- b) Reduction of the number of days worked each week, and/or
- c) Working from a different location (for example, from home).

5.0 MAKING A FORMAL FLEXIBLE WORKING REQUEST

5.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure (See Appendix 1).

5.2 Your written and dated application should be submitted to the Headteacher and, in order to meet the requirements of the formal procedure and to help the Headteacher or his/her representative consider your request, should:

- a) State the reason for your request.
- b) Provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start.
- c) Address the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on subject/service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application.
- d) Provide information to confirm that you meet the eligibility criteria set out in paragraph 2 of this policy.
- e) State whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when, and
- f) State if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.
- g) Ideally be submitted at least 2 months before you wish the changes you are requesting to take effect.

5.3 The Headteacher or his/her representative might be able to agree your proposal without the need for a meeting, which is the next stage of the formal procedure. If that is the case, the Headteacher or his/her representative will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

5.4 If your proposal cannot be accommodated, discussion between you and the Headteacher or his/her representative may result in an alternative working pattern that can assist you.

6.0 FORMAL PROCEDURE: MEETING

6.1 Where necessary, the Headteacher or his/her representative will arrange to meet with you within 28 days of your application being submitted. The meeting will also be attended by the school's HR advisors. You may bring a work colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak at the meeting and confer privately with you, but may not answer questions on your behalf.

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- 6.2 In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.
- 6.3 The meeting will be used to consider the working arrangements you have requested. You will be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 6.4 The Headteacher or his/her representative may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your Department.
- 7.0 **FORMAL PROCEDURE: DECISION**
- 7.1 Following the meeting, the Headteacher or his/her representative will notify you of the decision in writing within 14 days.
- 7.2 If your request is accepted, or where we propose an alternative to the arrangement you requested, the Headteacher or his/her representative will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed in your personnel file to confirm the variations to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher or his/her representative will discuss with you.
- 7.3 You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your original application.
- 7.4 If the Headteacher or his/her representative needs more time to make a decision, they will ask you for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, the Headteacher or his/her representative may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 7.5 There will be circumstances where, due to educational, business and operational requirements, we are unable to agree a request. In these circumstances, the Headteacher or his/her representative will write to you:
- a) Giving the business reason(s) for turning down your application.
 - b) Explaining why the business reasons apply in your case.
 - c) Setting out the appeal procedure.
- 7.6 The 8 business reasons for which we may reject your request are (See Appendix 2):
- 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 that you propose to work.
 - h) Planned changes.

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8.0 **FORMAL PROCEDURE: APPEAL**

8.1 If your request is rejected, you have the right to appeal.

8.2 Your appeal must:

- a) Be in writing and dated.
- b) Set out the grounds on which you are appealing.
- c) Be sent to the Clerk of the Trust Board within 14 days of the date on which you receive the written rejection of your request.

8.3 The Clerk to the Trust Board will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and you may be accompanied by a work colleague or trade union representative.

8.4 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.

8.5 If your appeal is upheld, you will be advised on your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher or his/her representative will discuss with you.

8.6 You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until at least 12 months after the date of your original application.

8.7 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

9.0 **BREACHES OF THE FORMAL PROCEDURE**

9.1 There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 3 months of first receiving the request. Where an extension of time is agreed with you, the Headteacher or his/her representative will write to you confirming the extension and the date on which it will end.

9.2 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn.

This will occur if:

- a) You fail to attend 2 meetings under the formal procedure without reasonable cause,
or
- b) You unreasonably refuse to provide information we require to consider your request.

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9.3 In such circumstance, the Headteacher or his/her representative will write to you confirming that the request has been treated as withdrawn.

10.0 MAKING AN INFORMAL FLEXIBLE WORKING REQUEST

10.1 All employees who wish to make an informal request for flexible working may make a request to the Headteacher who will consider it according to the school's educational, business and operational requirements.

10.2 It will help the Headteacher or his/her representative to consider your request if you:

- a) Make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent.
- b) Provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start.
- c) Think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on our subject/service delivery and that of your Department. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The Headteacher or his/her representative will consider whether they are workable.

10.3 The Headteacher or his/her representative will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

11.0 MONITORING AND REVIEW OF THE POLICY

11.1 The Trust Board (or responsible committee) will review this policy in line with the procedure for policy review.

11.2 Date for Review
If no other reason for review (see policy review procedure) this policy will be reviewed in 3 years.

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Appendix 1 – Form to Request Flexible Working

Note to the Employee

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy and Appendix 1 carefully and check that you are eligible to make a request.

FOUR Cs MULTI ACADEMY TRUST FLEXIBLE WORKING APPLICATION FORM	
Employee's Name:	
Date:	
<p>I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under the school's Flexible Working Policy. I confirm I meet each of the eligibility criteria as follows:</p> <p>Please note that to make an application you have to tick those that apply. If you are unable to tick both boxes then you do not qualify to make a request to work flexibly under the statutory procedure.</p>	
1. I have worked continuously as an employee of the school for the last 26 weeks.	<input type="checkbox"/>
2. I have not made a request to work flexibly under this right during the past 12 months.	<input type="checkbox"/>
Date of any previous request to work flexibly under this right:	
My current hours of work are:	
My current work pattern is:	
The hours of work I am requesting are:	
The work pattern I am requesting is:	
I request that this work pattern starts on:	
<p><u>Impact of the new working pattern</u></p> <p>I have attached a statement explaining how I think this change in my working pattern will affect the school; the students, my work and colleagues.</p>	
<p><u>Accommodating the new working pattern</u></p> <p>I have attached a statement explaining how I think this change in my working pattern could be accommodated.</p>	
Signed:	Date:

.....

Employer's Confirmation of receipt (to be completed and returned to employee)

Employee's Name:	
I confirm that I received your request to change your work pattern on:	
I shall be arranging a meeting to discuss this with you within 28 days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.	
Signed:	Date:

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Appendix 2 – Interpretation of “Business Reasons”

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the school.

If a request to work flexibly is rejected then the school will provide a specific “business reason”, which must be one of the eight stated in the legislation:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes

The school’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the specific circumstances in school.

1. **Burden of additional costs**

It may, in some circumstances, be more costly to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application.

2. **Detrimental effect on the ability to meet customer demand**

The school’s customers are their students and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Headteacher or his/her representative will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the member of staff is the sole specialist in a subject. In the case of Support Staff there is a need to ensure that service provision is maintained at a satisfactory level.

3. **Inability to reorganise work among existing staff**

In addition to 2 above where the member of staff has leadership or management responsibilities it is necessary to take into account the ability of the school to distribute these to other members of staff at times when the part time member of staff is not working. This may require a job share or a reduction in the allocated responsibilities. The school may wish to set a minimum contract for a Head of Department, or senior leader, for example. The school will also need to consider whether it is appropriate for a leader or manager to be absent for whole days in the week as a result of flexible working. Unless outstanding circumstances apply, it is expected that staff with leadership or management positions will have a minimum contract of 80%. In the case of major whole school responsibility the school may require 100%. In the case of support staff this relates to the percentage of the working week and is applied to the number of weeks contracted to work.

4. **Inability to recruit additional staff**

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the school will seek to recruit additional staff.

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5. Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of learning and teaching.

6. Detrimental impact on performance

Timely marking of students' work is essential for their progress. Students' work must be marked on a regular basis in accordance with the school marking policy. The school recognises that it is potentially difficult for part time teachers to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part time job should the request be agreed, and this/her will be considered before a decision is reached.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of students and effective service delivery are paramount. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of students. The impact of a part time teacher being absent from school for one day per week may be to pressurise the timetabler to allocate a predominance of non-teaching periods for others in the team on that day. The extent to which the proposed flexible/part time work pattern affects the work-patterns of the team will be considered before a flexible working application is agreed.

8. Planned structural changes

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced student numbers or changes to the staffing structure.

9. Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.

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