




## Flexible Working Policy

Date of Policy	March 2024	Review Period	1 Year
Date of Next Review	March 2025	AC or Board Approved	Board
Type of Policy	Trust	Signed (chair)	

## 1. Introduction

- 1.1. Victoria Academies Trust are committed to ensuring that each and every staff member has a statutory right to request flexible working and the Trust have a legal duty to consider each request.
- 1.2. The Trust recognises that a better work life balance can promote wellbeing, support recruitment and retention of staff, help reduce absence, improve productivity and to ensure employees feel valued and supported, enabling our staff to be the best they can be.
- 1.2. The Trust are dedicated in supporting staff wellbeing and for staff to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.
- 1.3 The aim of this policy is to encourage staff to consider flexible working and applies to all employees.

## 2. Types of Flexible Working

- 2.1 Flexible working is any type of working arrangement that provides some degree of flexibility on how long, where and when an employee works. Flexible working can incorporate a wide variety of different types of working patterns. A request can be a change of hours, change of start and end time, change of working days, to requesting working from home or from another location.
- 2.2 At Victoria Academies Trust we welcome open conversations about formal and informal working and we offer the following formal and informal flexible working arrangements.

### 2.3 Formal flexible working arrangements may be:

- **Part-time working-** covers any arrangement where an employee is contracted to work anything less than typical full-time hours.
- **Job Share-**is an arrangement where a full-time post is divided into two part time roles. The two job holders share the overall duties and responsibilities
- **Staggered hours-** an employee has different start, finish and break times. This can be accommodated with part-time hours or for full-time staff by for example allowing teachers to be off site in non-contact or PPA time.
- **Compressed days-** working full time hour over fewer days
- **Annualised hours-**working hours spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee. Potentially, this might suit arrangements where demand for teachers and staff is greater at certain times of the school year.
- **Phased Retirement-** gradually reducing working hours and/or responsibilities to transition from full-time work to full-time retirement.

### 2.4 In -year flexibility- also known as informal flexible working arrangements may be:

- **Personal and family days-** days of authorised leave during term time to which employees are entitled, these maybe paid or unpaid, in line with the leave of absence policy.
- **Time in Lieu-** paid time off work for having worked additional hours. For example, working late for events or working extra days

- **Home or remote working-** employee carries out work off site. For example, PPA time may not always have to be completed on site.
- **Hybrid working-** a combination of working remotely and working in the employee's usual workplace.
- **Flexi time-** the employee chooses when to start and end work (within agreed limits) and works certain 'core hours' for example 8.00am to 4:00pm.

### 3. Eligibility

- 3.1 All employees can make an application to request formal flexible working under the statutory right, provided they meet the criteria. An employee who does not meet the criteria will not be able to make a request under the statutory right.
- 3.2 To be eligible, a person must:
- Be an employee.
  - To have not made two applications to work under the right during the past twelve months.

### 4. Submitting a statutory flexible working request

- 4.1 An eligible employee is:
- Entitled to submit two flexible working requests within a twelve-month period.
  - Only one live request for flexible working can be made at any one time.
  - Required to complete the statutory request for flexible working (**SFW Form**)
- 4.3 It is mandatory for an employee to complete **Section 1 of the SFW form** and to include the following:
- The date of the request.
  - Specify the requested changes to the existing working pattern.
  - State the date on which it is proposed the change should become effective.
  - State whether a previous application for flexible working has been made and the date of any previous application.
  - Application must be dated and submitted to the Headteacher. For staff within the Central Trust Team application would need to be made to their Line Manager.

### 5. Considering a statutory flexible working request

- 5.1 Upon receipt of any statutory flexible working requests, the Headteacher (for school based staff)/Line Manager from ELT (for centrally employed employees) would need to consider all applications and establish whether the desired work pattern can be accommodated within the needs of the Academy/Trust.
- 5.2 The Headteacher/Line Manager must handle every request in a reasonable manner. Each request must be dealt with within the statutory two-month period from receiving and dealing with a request including any appeal process. Also, this should include carefully assessing the effect of the requested change for both the Academy/Trust including potential benefits and impacts of accepting or rejecting the request.

- 5.3 The Headteacher/Line Manager would need to consider each application on a case by case basis, objectively and not to discriminate on any protected characteristic under the Equality Act 2010.
- 5.3 It may be possible for the Headteacher/Line Manager to agree a request to work flexibly simply on the basis of the application itself. In these circumstances the Headteacher/Line Manager should write to the employee within 21 days, specifying the contract variation agreed and the start date for the new working pattern to commence.
- 5.4 If it has not been possible for the Headteacher/Line Manager to agree a request based on the application, they must:
- Hold a meeting with the employee within 10 calendar days after the date an application is received to discuss the request and find out more information regarding the proposed working arrangements.
  - Write to the employee within 5 calendar days outlining the date and venue of the meeting.
  - Allow an employee to be accompanied to the meeting by a Trade Union Representative or work colleague. The responsibility is on the employee to advise their representative or colleague of the meeting.
  - A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place.

## **6. Meeting with the employee**

- 6.1 The Headteacher/Line Manager should meet with the employee and chosen representative within 10 calendar days after the application has been made.
- 6.2 The purpose of the meeting is to discuss the request and provide the employee opportunity to discuss the desired working pattern in depth and consider how it might be accommodated. Also, the potential benefits or other impacts and practical considerations involving in implementing the request should be discussed.
- 6.3 The meeting maybe used as an opportunity to discuss alternative flexible working options, if the original request cannot be accommodated in full.

## **7. Communicating a decision about a request**

- 7.1 Once the Headteacher/Line Manager has met with the employee and representative they must inform the employee of their decision in writing within 10 calendar days from the date of the meeting.

### **If the Headteacher/Line Manager agrees to the request**

- 7.2 If the Headteacher/Line Manager agrees to the employee's request, the written decision should confirm the details of the agreed arrangement.
- 7.3 The written decision should offer the employee an opportunity for a discussion to clarify any further information that maybe helpful in implementing the agreed arrangement. The Headteacher and employee may mutually agree that such a discussion is not necessary.
- 7.4 Where a statutory flexible working request is agreed, this will normally be a permanent change to the employees' contractual terms and conditions. The employee has no right to revert back to the previous working pattern, unless otherwise agreed. A variation of contract will be sent to the employee within 21 days.

## **8. If the Headteacher/ Line Manager rejects the request**

- 8.1 If the Headteacher/Line Manager rejects the request, they must inform the employee in writing within 10 calendar days from the date of the meeting, explaining the business reason(s) for rejecting the application.
- 8.2 The Headteacher/Line Manager can reject an application for any of the following reasons:
- There will be a detrimental effect on our ability to meet the school pupil needs
  - There will be a detrimental impact on the quality of services
  - There will be a detrimental impact on performance
  - The extra costs which will damage the school
  - The school would be unable to recruit additional staff to cover
  - The work cannot be reorganised among other staff
  - There is a lack of work to do during the proposed working time
  - The business is planning changes to the workforce
- 8.3 The Headteacher/Line Manager must outline in the refusal letter that an employee has an option to appeal the decision and set out how an employee can appeal and the timeframe for submitting an appeal.

## **9 Appeal process**

- 9.1 An employee has the right to appeal the decision if their request is refused or is only agreed in part.
- 9.2 An employee has 10 calendar days to appeal in writing following the date they receive written notification that their request has been rejected.
- 9.3 An employee must appeal to the Chair of the Academy Council in writing and set out the grounds for appeal and ensure it is dated.
- 9.4 The Chair of the Academy Council must acknowledge the appeal in writing.
- 9.5 An appeal must be arranged with an Appeals Committee within 14 calendar days, following notification of the appeal. The appeal will consider the grounds the employee has appealed. The appeal will be dealt with impartially and the applicant may be accompanied by a Trade Union Representative or colleague.
- 9.6 The appeals committee must inform the employee of the decision following the appeal and also in writing within 5 calendar days of the decision.
- 9.7 If the appeal is upheld the written decision must:
- Include a description of the new working pattern.
  - State the date from which the new working pattern is to take effect.
  - Be dated.
  - Ensure employee has a contract variation to their employment contract reflecting the changes to their working pattern.
- 9.8 If the appeal is dismissed the written decision must:
- State the grounds for the decision.
  - Provide an explanation as to why the grounds for refusal apply in the circumstances.
  - Be dated.

9.9 A written notice of the appeal outcome constitutes the Appeal Committees' final decision and is effectively the end of the formal procedure within the workplace.

## **10. Having one live statutory request for flexible working at any given time**

10.1 Employees have a statutory right to submit two flexible working applications within any twelve-month period. However, an employee will have only one live request at any one time.

10.2 Once a request has been made, it remains live until any of the following occur:

- a decision about the request is made by the Headteacher/Line Manager.
- the request is withdrawn.
- an outcome is mutually agreed between the employee and Headteacher/Line Manager.
- the statutory two-month period for deciding requests ends.
- a request continues to be live during an appeal or any extension to the statutory two-month decision timeframe that an Headteacher/Line Manager may have agreed.

## **11. Exceptions and withdrawals**

11.1 There may be occasions whereby there will be exceptions to the procedure and when an application may be taken as withdrawn. In all circumstances, a written record should be made.

### **Extension of time limits**

11.2 An extension of the process may be mutually agreed by the Headteacher/Line Manager and the employee where appropriate. For instance, there will be exceptional circumstances whereby it is not possible to complete a particular part of the procedure within the specified time limit. The Headteacher/Line Manager must make a written record of the agreement.

11.3 The written record of the agreement must be sent to the employee and must:

- Specify what period the extension relates to
- Specify the date on which the extension is to end
- Be dated

### **Withdrawing an application**

11.4 There will be occasions when an application is treated as withdrawn. A written record must be made detailing the reasons for the withdrawal. There are two reasons as to why an application may be treated as withdrawn.

#### **The employee decides to withdraw the application**

11.5 An employee may decide to withdraw their application. An employee should inform the Headteacher/Line Manager in writing confirming they are withdrawing their application. There may be instances when a Headteacher is verbally informed that an employee has withdrawn an application the Headteacher/Line Manager should contact the employee to confirm their intentions. Where the Headteacher/Line Manager does not receive confirmation from the employee, the Headteacher/Line Manager should confirm the withdrawal in writing.

#### **The employee fails to attend two meetings**

11.6 Where an employee fails to attend two meetings to discuss their application for statutory working without reasonable cause, the Headteacher/Line Manager may treat the application as withdrawn. It is advisable for an employee to inform the Headteacher/Line Manager at the earliest opportunity if they are unable to attend a meeting. If an employee misses one of the meetings, the Headteacher/Line Manager when rearranging the second meeting should forewarn the employee that they risk their application being treated as withdrawn if they miss another meeting without reasonable cause.

## 12. Informal non statutory flexible working requests

12.1 The Trust recognises that from time-to-time staff personal circumstances may change or working arrangements may be need to vary. The Trust offers a range of in year flexibility such as personal and family days, Lieu time, home or remote working for specific tasks such as PPA time conducted off site.

12.2 The Headteacher/Line Manager will consider requests regardless of the type of flexible working requested, although some forms of flexible working may be more suitable for particular roles than others.

12.3 Employees making a request should consider which forms of flexible working are best suited to their personal circumstances and their role as individual circumstances vary.

12.4 Employees can also make non statutory or informal requests. These can be approved and the arrangements implemented without the need for a statutory application. Some types of flexible working can be implemented without a request process such as one off arrangement to work from home. It is possible for an employee to have several flexible working arrangements in place simultaneously.

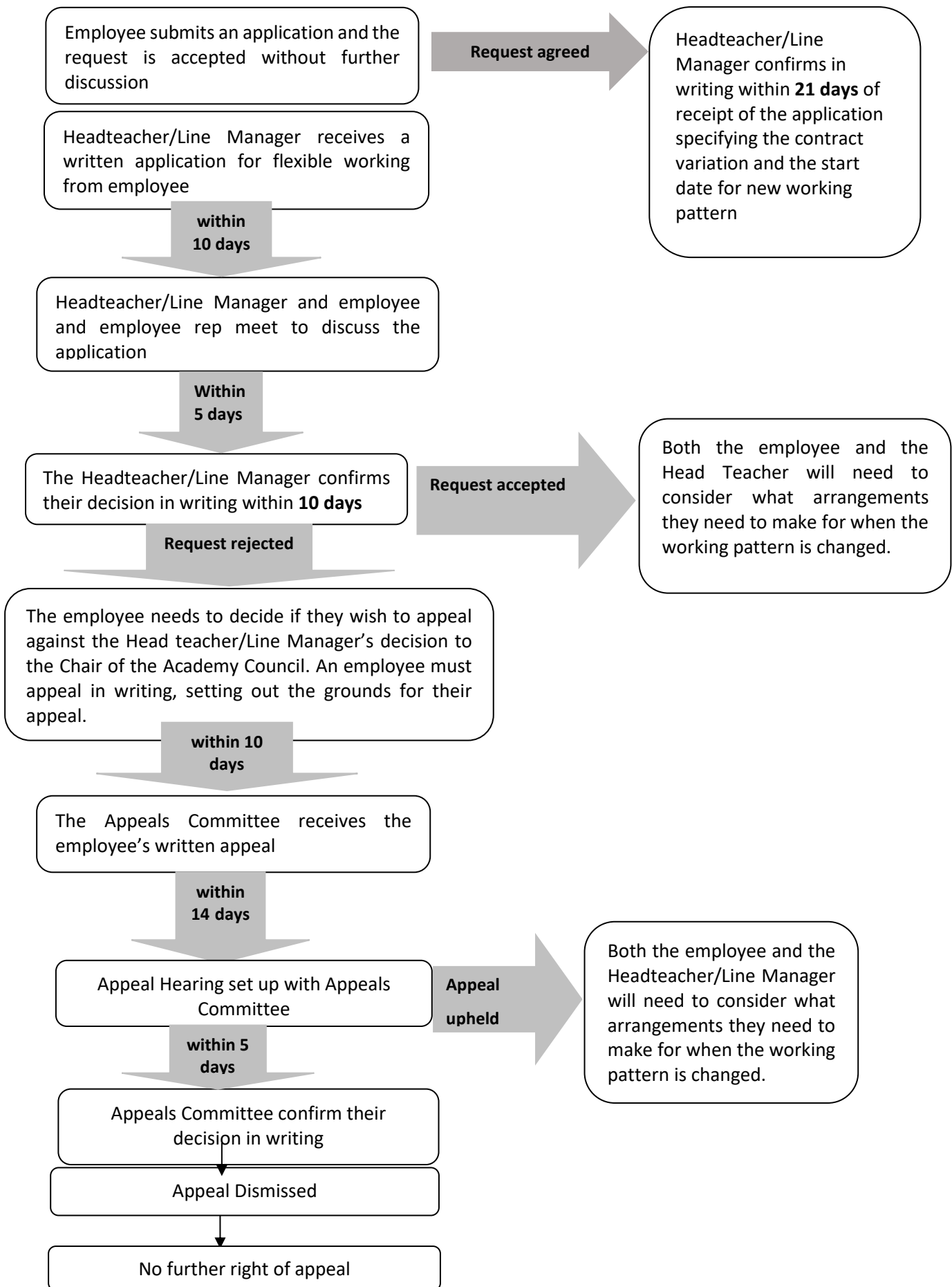
## 13. Requesting informal flexible working arrangements

13.1 Employees requesting informal flexible must:

- For requesting personal or family days, employees must continue to submit a Leave of Absence form.
- For any other informal requests greater than a one off occurrence and for a length of time the employee must complete **Section 1** of the informal flexible working request form (**IFW Form**) and submit the form to the Headteacher/Line Manager.
- The Headteacher/Line Manager will informally meet and discuss the request within the employee within 7 calendar days of the date of the request and advise the employee if the informal request can or cannot be accommodated and reasons for their decision.
- The Headteacher/Line Manager would also need to complete **Section 2** of the **IFW form** outlining their decision and dates of informal flexible working arrangements.

14. This policy has been approved by the Board of Trustees and will be reviewed at least annually.

### 15. Flexible Working Flow Chart





## **16. Appeal process**

- 16.1 The employee must submit in writing grounds for appeal detailing the reasons for being dissatisfied with the decision taken by the Headteacher/Line Manager to the Chair of the Academy Council within 10 calendar days following receiving notification of the decision of the request.
- 16.2 The Chair of the Academy Council must acknowledge the appeal in writing.
- 16.3 The Clerk to Academy Council will arrange an Appeals Committee and arrange for an appeal hearing to be held within 14 calendar days of receipt of the request and write to the employee with details of the appeal hearing including the date, time and venue.
- 16.4 At the appeal the employee and/or their representative will make representations detailing their appeal to the Appeal Committee.
- 16.5 The Headteacher/Line Manager will also make representations detailing their decision and rationale for rejecting the employee's application.
- 16.6 The employee and or representative and the Headteacher/Line Manager will withdraw to allow the Appeals Committee to adjourn and deliberate.
- 16.7 The Appeals Committee should consider representations made by the employee and the Head Teacher/Line Manager's along with any written response, any written statements and any verbal representations made to them before coming to a decision.
- 16.8 The Appeals Committee should consider the appeal and inform both parties verbally if possible, on the day of the meeting and followed in writing of the outcome and of any recommendations made within 5 calendar days.
- 16.9 The decision of the Appeals Committee is final and exhausts the process.

## **17. Appeal process – Trust Central Staff**

- 17.1 For employees who work for the Trust Central Team (School improvement, finance, HR etc.) appeals will follow the above process. The Performance Management and Pay (PMAP) committee will hear any appeals for members of ELT including the CEO. For other members of the central team the committee will be made up of the Head of HR and two members of ELT not involved in the original decision making process.