



## Trinity Multi Academy Trust

<b>Policy:</b>	Flexible Working Policy
<b>Date of review:</b>	September 2018
<b>Date of next review:</b>	September 2021
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Non-Statutory

## **1. Purpose of policy and guiding principles**

- 1.1. The purpose of this document is to provide the trust with a policy and procedures that the Directors have approved to promote a clear and consistent approach for managing requests for alternative working patterns.
- 1.2. The purpose of this policy is:
  - 1.2.1. to comply with statutory entitlements
  - 1.2.2. to ensure that all employees are aware of their rights with regard to their pay and their employment
  - 1.2.3. to clarify the conditions under which requests can be made and agreed
  - 1.2.4. to make employees aware of their obligations to the trust
  - 1.2.5. to establish a system which is fair to all employees
- 1.3. There is no automatic, or legal, right to work flexibly. There is however a legal right to request to work flexibly.
- 1.4. The trust recognises that flexible working practices, job share and part-time working are beneficial in supporting employees with work-life balance and family commitments. All employees, with at least 26 weeks of service, have the right to request flexible working patterns.
- 1.5. The employee is entitled to be accompanied by a colleague or Trade Union representative at any stage in the request process.
- 1.6. There may be an occasion when a situation arises that is not identified in this policy. In these circumstances the decision to agree the request is within the discretion of the Principal.
- 1.7. This policy recognises the statutory entitlements to family leave and the entitlements outlined in terms and conditions of employment. The policy also recognises best practice in seeking to maintain good working relationships between staff and management and the operational needs of an academy.
- 1.8. Employees will appreciate that any abuse of these provisions may lead to disciplinary action being taken.

## **2. Links with other policies or legislation**

- 2.1. This policy links with terms and conditions of employment for all staff.
- 2.2. Trinity Multi-Academy Trust will treat all employees equally and consistently when dealing with requests for leave of absence, in accordance with the trust's Equality Policy.
- 2.3. Please refer to the trust's Leave of Absence policy for information on time off for urgent personal or family business or time off for dependants.
- 2.4. Please refer to the trust's Family Leave policy for information on Maternity/Paternity and Adoption Leave.

## **3. Consultation**

- 3.1. This policy has been developed in consultation with recognised Trade Unions.
- 3.2. The policy was approved by Directors after consultation and agreement with the recognised Trade Unions.
- 3.3. Trade Union representatives have confirmed their agreement of this policy.

## **4. Procedure for requesting flexible working hours**

- 4.1. All requests will be based on individual circumstances and the trust will be mindful of consistency, fairness and statutory provisions.
- 4.2. Employees are able to request:
  - a change in hours
  - a change in the times they are required to work
  - to work from homeFurther examples of flexible working patterns can be found in **Appendix 1**.

- 4.3 Employees who wish to request alternative working patterns should, ideally, discuss their request with their line manager. Any requests for alternative working patterns should be put in writing. Written requests should outline their preferred working pattern and hours and a proposed start date for new working patterns, if possible.
- 4.4 Requests should be sent to the HR contact at each academy.
- 4.5 Employees are encouraged to submit their requests as early as possible, this will enable the senior leader team to consider all options, particularly in the case of Teachers, as timetables for the next academic year are planned between Feb – May.
- 4.6 The academy will acknowledge an individual request within 14 calendar days. The employee will be given the opportunity to meet with their line manager to discuss the request. Equally the line manager may request a meeting with the employee for further clarity on the request. However, it should be noted that it may not always be necessary to meet, due to a previous discussion, or other communication about the request. A meeting is a good opportunity to explore any alternatives or compromise to the employee's request. Any meeting should be held within 21 calendar days of the request.
- 4.7 The academy has to legally complete the request process within three calendar months of the date of the request (this includes any appeals), unless an extension to this time has been mutually agreed. Therefore, wherever possible a response will be provided within 28 calendar days of the request. The academy will write to the employee to either agree to a new work pattern and a start date; or to provide a clear explanation of reasons why the application cannot be accepted.
- 4.8 The trust is mindful that all requests should be considered in a reasonable manner and can only refuse a request if there is a business reason for doing so. The list of reasons are:
- the burden of additional costs
  - an inability to reorganise work amongst existing staff
  - an inability to recruit additional staff
  - a detrimental impact on quality
  - a detrimental impact on performance
  - detrimental effect on ability to meet customer demand
  - insufficient work for the periods the employee proposes to work
  - a planned structural change to the business.
- 4.9 The employee has a right to appeal their employer's decision within 14 calendar days of it being notified to them.
- 4.9 The appeal will be considered by an appointed member of the Senior Leadership Group, or a member of the Governing Body, for requests made by the Principal. There is no further internal right of appeal.

## **5. Points to note**

- 5.1. Employees can only submit one request within a 12 month period.
- 5.2. If the request is accepted this will mean a permanent change to the employee's contract of employment. The exception to this is where the academy and employee agree, for teaching and learning or other business reasons, to agree to the request for a temporary period of time.
- 5.3. Any change in working hours will result in a change to associated benefits (annual leave and salary) which will be calculated on a pro-rata basis from the date of the change in working hours.
- 5.4. Employees should be aware that their request is to change their contracted working hours. Specific working days, or pattern, are agreed and reviewed subject to academy needs, and in negotiation with the individual. Every effort will be made, however, to retain previous working patterns.
- 5.5. An employee is welcome to request specific working days or a preferable working pattern, in their request however, these are not a contractual right. The trust is committed to making every effort to meet requests for preferred working days/patterns.

## **6. Withdrawal of application**

- 6.1. If the employee verbally withdraws their application they must confirm this in writing. If a request is withdrawn a further request cannot be made for 12 months from the date their written withdrawal was made.
- 6.2. Where the employee fails to meet their responsibilities the trust may also treat an application as withdrawn. This will apply when an employee fails more than once to attend a meeting without reasonable cause or unreasonably refuses to provide the Principal or member of SLG with information required to assess whether the contract variation can be agreed to.
- 6.3. In both these circumstances, the HR team will issue written confirmation to the employee stating that the application has been withdrawn.

## **7. Roles and responsibilities**

### **7.1. The role of the Principal/CEO**

- 7.1.1. The role of the CEO is to ensure that this policy is applied fairly and consistently across the trust.
- 7.1.2. The role of Principal is to ensure that the policy is applied fairly and consistently across an academy.
- 7.1.3. The Principal will nominate an appropriate member of the Senior Leadership Group to consider any appeals.

### **7.2. The role of the Directors/Governors**

- 7.2.1. The Directors will approve this policy and both Directors and Governors are committed to ensuring that this policy is applied consistently and fairly.
- 7.2.2. Directors/Governors will inform all staff of the policy which has been adopted.

### **7.3. The role of the employee/other staff**

- 7.3.1. The employee has a responsibility to think carefully about their desired working pattern when making an application.
- 7.3.2. The Line Manager and HR are required to follow a specific procedure to ensure requests are considered seriously.
- 7.3.3. HR will acknowledge any requests, and confirm in writing details of dates and salary implications.
- 7.3.4. Members of the Senior Leadership Group will consider appeals objectively, and fairly, in line with this policy.
- 7.3.5. Employees are responsible for making requests in reasonable timeframes.

## **8. Monitoring and Evaluation**

- 8.1. Requests will be recorded and monitored to ensure compliance to the policy and to ensure that the policy is not abused.
- 8.2. HR will monitor requests.
- 8.3. Any concerns will be brought to the Principal in the first instance.
- 8.4. Any reviews to the policy will be consulted on, and brought to a Governors sub-committee.

## **Appendix 1**

Below are examples of different types of flexible working

### **Job sharing**

Two people do one job and split the hours

**Working from home**

It might be possible to do some or all of the work from home or anywhere else other than the normal place of work.

*The employer still has a duty of care towards your health and safety at work, even though you are working in your own home.*

**Part time**

Working less than full-time hours (usually by working fewer days).

**Compressed hours**

Working full-time hours but over fewer days.

**Flexi-time**

The employee chooses when to start and end work (within agreed limits) but works certain 'core hours' e.g. 10am to 4pm every day.

**Annualised hours**

The employee has to work a certain number of hours over the year but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.

**Staggered hours**

The employee has different start, finish and break times from other workers.

**Phased retirement**

Default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part time.