

# Swift Academies

## Flexible Working Policy

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### CONTENTS

	Page No.
1. Introduction	3
2. Policy Statement	3
3. Arrangements	3
Time Limits	3
Meetings	3
The Right to be Accompanied	3
Confidentiality	4
Equality	4
Authority to Make Decisions	4
Involvement of HR	4
4. Eligibility	4
5. Application Process	5
6. Considering the Application	5
7. Refusal of a Request	6
8. Temporary Arrangements/Trial Periods	6
At the Request of the Employee	6
At the Request of the Head Teacher/Head of School	7
9. Appeals	7
10. Withdrawal of an Application	7

## **FLEXIBLE WORKING POLICY**

### **1. Introduction**

- 1.1 The right to request flexible working aims to provide employees with increased opportunities to balance work and family life, whilst being compatible with and beneficial to the efficiency and performance of The Trust .
- 1.2 All employees of the Trust have a right to request a change to their contractual terms and conditions of employment to work flexibly, provided they meet the qualifying criteria.
- 1.3 This policy reflects how flexible working requests will be dealt with by The Trust in line with the legislative provisions.
- 1.4 All sensitive and personal information will be retained and used in accordance with the General Data Protection Regulations (GDPR) 2018 and other legislative provisions.

### **2. Policy Statement**

- 2.1 The Trust recognises that its employees may wish to make requests for flexible working to allow them to pursue outside interests or achieve a better work- life balance. Flexible working requests may also be made on health grounds or as a result of outside commitments or responsibilities.
- 2.2 All flexible working requests received by the Trust will be given serious consideration and will only be refused for one of the business reasons set out in the legislation (see paragraph 7.1).

### **3. Arrangements**

#### **Time Limits**

- 3.1 The legislation requires that all flexible working requests must be finalised, including appeals if relevant, within three months. Every attempt will be made to comply with these timescales, however, when school closure periods intervene it will be necessary to ensure matters are dealt with promptly.
- 3.2 If it is believed that the process will take over three months there will be a discussion with the employee to explain the reasons for the delay and an extension may then be agreed. It may also be appropriate to agree an extension to the time-limits to accommodate a trial period or temporary arrangements. When an extension is agreed this will be confirmed to the employee in writing.

## **Meetings**

- 3.3 All meetings held under the policy should be arranged at a time and place suitable to both parties. Invitations to attend meetings should be made in writing which could include via e-mail. Meetings will be held in a location where confidentiality can be ensured.

## **The Right to be Accompanied**

- 3.4 The employee will have the right to be accompanied at any meetings and appeal by a trade union representative, work colleague who does not have a conflict of interest.
- 3.5 If the representative cannot attend a meeting on a proposed date, the employee can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

## **Confidentiality**

- 3.6 All requests to work flexibly will be treated in confidence and will only be discussed with other parties as is necessary for the Head Teacher/Head of School to make a decision. Once a final decision has been made all original paperwork and correspondence relating to the application will be stored on the employee's personal file.

## **Equality**

- 3.7 In applying this policy the Trust will ensure that those with characteristics protected under the Equality Act 2010 are not discriminated against.
- 3.8 Should an application for flexible working be made for a health reason linked to disability then this may be considered as a reasonable adjustment for a disabled employee. In such cases and, if necessary, advice may be sought from the Occupational Health Department prior to a decision being made.

## **Authority to make decision**

- 3.9 The decision whether to agree or refuse a flexible working request rests with the Head Teacher/Head of School of the employee making the request. Applications for flexible working received for Trust employees will be considered in line with the Trust's Scheme of Delegation.
- 3.10 The Head Teacher/Head of School may delegate activities under this policy to other senior leaders but the final decision whether to

approve or reject a request will remain with the Head Teacher/Head of School.

#### **Involvement of HR**

- 3.11 A representative of the HR Team may be invited to attend any meetings, including appeal hearings, held under the policy in an advisory role. The employee will be notified prior to the meeting if an HR representative will be present.

#### **4. Eligibility**

- 4.1 A flexible working request may be made for a range of different reasons and may take different forms. It could be for a change in hours worked, a variation in start and finish times or a change in the number of days worked. Generally, if such a change is agreed it will result in a variation to the employee's contract of employment.

- 4.2 In order to be eligible to make a request, employees must meet the following criteria:

- have 26 weeks' continuous service at the date of application. Only service with the Trust (as opposed to previous continuous service with other local government bodies) will apply;
- not be an agency worker;
- have not made an application to work flexibly during the past 12 months.

#### **5. Application Process**

- 5.1 As applications can take up to three months to agree employees are advised to submit their request well in advance of when they would wish the new working arrangements to begin.

- 5.2 To make an application for flexible working the employee must submit their request in writing to their Head Teacher/Head of School. The request must include all of the following information:

- the date of the application
- the change in working conditions being requested
- the date they would like the change to come into effect
- what effect they think the requested change will have on the School/Trust and how, in their opinion, any such effect might be dealt with
- that it is a statutory request and if they have made a previous application for flexible working and the date of that application

- 5.3 In addition, if the individual is making the request in relation to the

Equality Act 2010, for example, as a reasonable adjustment for a disability, they must also include this in their request (please also see paragraph 3.8 above).

- 5.4 Changes to working arrangements agreed under this policy will automatically be permanent unless there is a specific agreement that the arrangement is temporary. In the former case the employee will not have a right to revert to their previous working arrangements at a later date, though they may make a request to do this at a future point in time.
- 5.5 Therefore, if an employee only wishes to vary their working conditions for a short period, for example, to cope with a bereavement or pursue a short course of study, they should also include this in their letter of application.

## **6. Considering the Application**

- 6.1 Once a valid flexible working request has been received this will be considered by the Head Teacher/Head of School.
- 6.2 If the Head Teacher/Head of School is able to agree the request without further discussion with the employee then he/she may write to the employee to inform them that the request has been approved and notify them of the contractual implications if relevant.
- 6.3 However, in most cases it will be necessary for the Head Teacher/Head of School to meet with the employee to discuss the request. This meeting provides an opportunity to explore the desired work pattern in depth and how best it might be accommodated. It also provides an opportunity to consider alternative working patterns, should there be problems in accommodating the desired work pattern outlined in the employee's application, discuss any problems and consider alternatives.
- 6.4 The employee must be notified of this meeting in writing and be informed of their right to be accompanied by a work colleague, friend or representative should they wish. Employees will be given good notice of the meeting to enable them to make the appropriate arrangements.
- 6.5 Following the meeting the Head Teacher/Head of School will write to the employee to either:
  - accept the request and confirm when the working arrangements will begin and the contractual variations if relevant; or
  - confirm a compromise agreed at the discussion, such as a temporary agreement to work flexibly (see paragraph 8.1

below); or

- reject the request, and set out the clear business reasons for this and how these apply in the circumstances and the employee's right of appeal.

6.6 It may be that the Head Teacher/Head of School is able to verbally inform the employee of their decision during the meeting, however, in all cases this decision must be confirmed in writing.

6.7 Employees may only exercise their statutory right to work flexibly once every 12 months. Therefore, if their request is refused, or indeed agreed, they cannot make a further statutory request for 12 months. This does not prevent employees making a request but this will not be dealt with under the statutory provisions and may be refused for reasons in addition to the statutory ones detailed in paragraph 7.1.

## **7. Refusal of a Request**

7.1 The Trust will give serious consideration to all applications to work flexibly and only refuse a request on one or more of the following statutory grounds:

- burden of additional costs to the Trust or School;
- inability to re-organise work amongst existing employees;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental effect on the Trust's ability to meet customer demand;
- detrimental impact on performance of the individual, team, school or Trust;
- insufficiency of work during the periods the employee proposes to work;
- planned structural change.

7.2 Employees who have had their request to work flexibly refused may appeal against this decision. The appeals process is detailed in paragraphs 9.1 – 9.5 below.

## **8. Temporary Arrangements/ Trial Periods**

8.1 Generally all agreed requests will be on a permanent basis and the employee will not have a right to revert to their original working arrangements at a later date. However, there are a number of situations where a temporary arrangement or trial period may be considered.

### **At the request of the Employee**

8.2 An employee may request flexible working for a shorter period, for example, to complete a course, undertake some temporary caring responsibilities or see if the revised working arrangements are

suitable. The Head Teacher/Head of School may agree to a flexible working request being approved on a temporary basis but there is no obligation on them to do this. However, such requests can only be refused for the business reasons stated in paragraph 7.1 above and may be offered on a permanent basis if the temporary arrangement is not agreed. However, it will then be the employee's decision if they wish to accept the permanent variation.

### **At the request of the Head Teacher/Head of School**

- 8.3 There may be instances when the Head Teacher/Head of School is unsure whether the arrangements requested are sustainable or what the full impact of agreeing the request will be and wants to agree flexible working arrangements for a temporary or trial period rather than rejecting the request. In such circumstance these arrangements will be clearly notified to the employee in writing including any timescales and review mechanisms.
- 8.4 If, at the end of the trial period, the Head Teacher/Head of School believes that the revised arrangements are sustainable then they may formally agree the flexible working request. This decision must then be confirmed to the employee in writing.
- 8.5 In the event that the Head Teacher/Head of School subsequently decides that the arrangements are not sustainable the request will then be formally rejected. In these circumstances the employee will still retain their right to appeal against this decision, though the timescales may need to be extended depending on the duration of the trial period.

## **9. Appeals**

- 9.1 The employee may appeal against the Head Teacher/Head of School's decision to reject their application. The appeal should be made in writing to the Head Teacher/Head of School within 10 working days of receipt of the letter informing them of the decision and should detail the reasons for the appeal.
- 9.2 The grounds on which an appeal may be submitted are as follows:
- there is new information that was not available to the Head Teacher/Head of School at the time they made their original decision
  - if the employee thinks the application was not handled reasonably in line with this policy or the relevant legislation
- 9.3 At this point, the Head Teacher/Head of School may reconsider their decision, in which case they must notify the employee of this in writing including the date the revised arrangements are to commence and the relevant contractual arrangements. However,

if the Head Teacher/Head of School decides to continue to reject the application, arrangements will be made for the appeal to be heard as soon as possible and no later than 3 months from the date the original application was received.

- 9.4 Appeals will be heard in line with the Trust's scheme of delegation by a panel of three individuals who have not been previously involved in the case.
- 9.5 At the appeal hearing the Panel will consider the flexible working application in its entirety and both the employee and the Head Teacher/Head of School will be invited to present information and answer questions if required. The employee's chosen representative will have the opportunity to attend the appeal meeting and make representations on the employee's behalf.

## **10. Withdrawal of an Application**

- 10.1 An employee can make the decision to withdraw their application at any time. To do this they must notify the Head Teacher/Head of School of this decision in writing and the application process will cease on receipt of this letter.
- 10.2 Meetings held under the policy should ideally take place at a time and location which is convenient to both the employer and the employee. If the employee cannot make the initial date then another date and time will be arranged. However, if the employee doesn't attend a meeting and any subsequent one with good reason the Head Teacher/Head of School may consider the application as being withdrawn. Prior to making a decision to close the application the Head Teacher/Head of School should find out and consider the reasons for non-attendance at the meetings. Should the Head Teacher/Head of School decide to close the application they will notify the employee of this in writing.