



# Flexible Working Policy



<b>Status</b>	<b>Statutory</b>
<b>Responsible Directors</b>	<b>Board of Directors</b>
<b>LGB</b>	<b>Full Governing Board</b>
<b>Responsible Persons</b>	<b>Mrs. B Nixon</b>
<b>Date of last review</b>	<b>March 2021</b>
<b>Date of next review</b>	<b>March 2022</b>



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**Version Control**

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V1	April 2018	B Nixon	No revisions made
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V3	March 2021	A Hibbitt	No Revisions made



## 1. Policy Statement

- 1.1 Exceed Learning Partnership 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 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. Senior leaders are encouraged to facilitate requests unless they cannot be accommodated for trust/academy business or operational reasons.
- 1.3 Employees will not be subjected to any detriment or lose any career development opportunities as a result of making a flexible working request.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## 2. Scope and Purpose of the Policy

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees with at least 26 weeks' continuous service have a statutory right to request flexible working. That right is recognised by the formal right to request procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 5
- 2.3 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request under the procedure set out between paragraph 11.1 and paragraph 11.2 to CEO/Principal, who will consider the request according to the Trust/Academy's business and operational needs.
- 2.4 The Trust/academy will consider flexible working patterns requested by staff for a temporary period [e.g. one academic year, or an initial duration of two years]; however flexible working pattern requests will be considered on an individual basis and can only be agreed if the current needs of the academy can be accommodated.
- 2.5 Any employee interested in flexible working is advised to request an informal meeting with the CEO/Principal to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and subject/service delivery before submitting a formal or informal request.



### 3. Personnel Responsible for Implementing the Policy

- 3.1 For the purpose of trust central team staff implementation of this policy will remain with the Directors who have the responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The day to day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the CEO.
- 3.2 The Directors have delegated implementation of this policy to the Local Governing Board. The Governing Board has responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Directors/Governing Board have delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the CEO/Principal.
- 3.3 Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote our aims and objectives with regard to flexible working. 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 Principal.

### 4. Forms of Flexible Working

- 4.1 Flexible working can incorporate the following changes to working arrangements:
- reduction or variation of working hours; and/or
  - reduction of the number of days worked each week

### 5. Eligibility for the Formal Right to Request Procedure

- 5.1 Requests under the formal procedure set out in paragraph 6 to paragraph 9 of this policy can only be made by employees who meet the criteria set out below in paragraph 5 of this policy.
- 5.2 To be eligible to make a request under the formal procedure, you must:
- be an employee
  - have worked for the Trust continuously for 26 weeks at the date your request is made; and
  - 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)

### 6. Making a Formal Flexible Working Request

- 6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure and state it is being made under the statutory procedure.



- 6.2 Your written and dated application should be submitted to the CEO/Principal. In order to meet the requirements of the formal procedure and to help the CEO/Principal consider your request, you should:
- state the reason for your request
  - 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
  - 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
  - provide information to confirm that you meet the eligibility criteria set out in paragraph **Error! Reference source not found.** of this policy
  - state whether you have made a previous formal request for flexible working and, if so, when; and
  - ideally be submitted at least three months before you wish the changes you are requesting to take effect
- 6.3 The CEO/Principal 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 CEO/Principal will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.
- 6.4 If your proposal cannot be accommodated, discussion between you and the CEO/Principal may result in an alternative working pattern that can assist you.

## 7. Formal Procedure: Meeting

- 7.1 Where necessary, the CEO/Principal will arrange to meet with you within 28 days of your application being submitted. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 7.2 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.
- 7.3 The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your work-life balance. You will also 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.
- 7.4 The CEO/Principal may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your year group/area of responsibility.



## 8. Formal Procedure: Decision

- 8.1 Following the meeting, the CEO/ Principal will notify you of the decision in writing within 14 days.
- 8.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, the CEO/Principal 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 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 CEO/ Principal will discuss with you.
- 8.3 You should be aware that once the changes to your terms of employment are in place you will not be able to make another formal request until 12 months after the date of your original application.
- 8.4 If the CEO/Principal needs more time to make a decision, they will ask 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 CEO/Principal may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, due to academy business and operational requirements, we are unable to agree to a request. In these circumstances, the CEO/Principal will write to you:
- giving the business reason(s) for turning down your application;
  - explaining why the business reasons apply in your case; and
  - setting out the appeal procedure
- 8.6 The eight business reasons for which we may reject your request are:
- the burden of additional costs
  - detrimental effect on ability to meet customer demand
  - inability to reorganise work among existing staff
  - inability to recruit additional staff
  - detrimental impact on quality
  - detrimental impact on performance
  - insufficiency of work during the periods that you propose to work; and
  - planned changes

Appendix A gives a brief overview of the way in which the academy will interpret and apply these business reasons.

## 9. Formal Procedure: Appeal

- 9.1 If your request is rejected, you have the right to appeal.
- 9.2 Your appeal must:



- be in writing and dated
  - set out the grounds on which you are appealing; and
  - be sent to the Governing Board within 14 days of the date on which you received the written rejection of your request.
- 9.3 Arrangement will be made for a meeting to take place with the Trustees/Governing Board within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague or trade union representative.
- 9.4 An appeal panel will be selected from the Trustees/Local Governing Board members who have not been involved in any previous decision-making. If there are not enough Local Governing Board members, the Directors of the Trust will be requested to take part in the appeal meeting.
- 9.5 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 9.6 If your appeal is upheld, you will be advised of 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 CEO/Principal will discuss with you.
- 9.7 You should be aware that once the changes to your terms of employment are in place you will not be able to make another formal request until 12 months after the date of your original application.
- 9.8 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.

## **10. Breaches of the Formal Procedure**

- 10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, the CEO/Principal will write to you confirming the extension and the date on which it will end.
- 10.2 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:

- you fail to attend two meetings under the formal procedure without reasonable cause; or



- you unreasonably refuse to provide information we require to consider your request

In such circumstances, the CEO/Principal will write to you confirming that the request has been treated as withdrawn.

## 11. Making an Informal Flexible Working Request

11.1 Employees who do not meet the criteria set out in 5.2 may wish to make an informal request for flexible working. The CEO/Principal will consider it according to trust/academy business and operational requirements.

11.2 It will help the CEO/Principal to consider your request if you:

- make your request in writing; and
- 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
- 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 educational delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The CEO/Principal can consider whether they are workable

The CEO/Principal 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.

## 12. Monitoring and Review of the Policy

12.1 This policy is reviewed annually by the Board of Directors.

Policy Agreed: 16<sup>th</sup> September 2020 and Reviewed March 2021

Signed CEO: 

Signed Chair of Directors: 

Policy to be reviewed: March 2022



## Appendix A

## Definitions of Business Reasons

If a request to work flexibly is rejected then the academy will provide a specific “business reason”, which must be one of the nine 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
9. Such other ground as the Secretary of State may specify by the regulations

The academy’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the matters that will be taken into account in reaching a decision about part time working.

- 1 Burden of additional costs

It is a little more expensive to employ part time staff rather than full timers but this would not normally be a key reason for rejecting an application.

- 2 Detrimental effect on the ability to meet customer demand

The academy’s customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Principal 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 re-organise 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 academy 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 academy may wish to set a minimum contract for a Head of Department, or senior leader, for example. The academy 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. 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 academy standards. It is not always possible to recruit excellent teaching staff but the academy will make attempts to do so

as appropriate. In relation to 3 above, where a job share is required to fulfil the accountabilities of 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. The academy will do what is reasonable to recruit additional staff and will be mindful of the costs of advertising in accordance with normal recruitment practices.

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 pupil work is essential for their progress. Pupils' work should be marked on a regular basis in accordance with the academy marking policy. It is potentially difficult for part time staff to manage the weekly workload of planning and assessment in the classroom resulting in a possible negative impact on the performance of individual members of staff because they have not been able to complete the marking and other daily assessments to hand over to the next member of staff. It is the responsibility of part time staff to manage weekly workloads in the same way as full time staff. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the job should the request be agreed, and this will be considered before a decision is reached.

The Academy Teachers' Pay and Conditions Document sets out the legal requirements for the employment of part time teachers including that any meetings such as parent's evenings must be scheduled on a day that the teacher works. If parents evening have to be organised for more than one evening this means that parents are inconvenienced.

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 part time staff. Whilst individual preferences for working days and times can be considered, the needs of pupils must always come first. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time member of staff being absent from academy for one day per week may be to pressurise the time tabler to allocate a predominance of non-teaching periods for others in the team on that day. The academy will need to consider the extent to which this is detrimental on the work-patterns of the team.

8 Planned structural changes

The academy will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil 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.



## Appendix B 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 A carefully and check that you are eligible to make a request.

You should note that under the right it may take up to 3 months to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the Principal well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to [position] (you might want to keep a copy for your own records). We will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. See 2.4 regarding the conditions attached to a flexible working request.

#### 1. Personal Details

Name:

Job Title

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided within the Employment Rights Act 1996 and the regulations made under it. I confirm I meet each of the eligibility criteria as follows:

*Please tick those which apply. If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under paragraph 11 of the policy.*

1a.

I have worked continuously as an employee of the academy for the last 26 weeks.

I have not made a request to work flexibly under this right during the past 12 months.

or

Date of any previous request to work flexibly under this right:

2a. Describe your current working pattern (days/hours/times worked):



2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from [date]:

3. Impact of the new working pattern

[ ] I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

4. Accommodating the new working pattern

[ ] I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

Signed:

Date:

✂-----  
Return slip

Confirmation of Receipt (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

*date received*

I shall be arranging a meeting to discuss your application 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: