



Tudhoe Learning Trust

Flexible Working

Policy and Procedure

Approved by: Trust Chief Executive Officer **Date:** November 2019

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Flexible Working Policy

Introduction

The Trust recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the Trust wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The Trust is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the school and the employee can be met.

Employees who have at least 26 weeks continuous service with the Trust have a legal entitlement to request, for any reason, a variation to their working hours, the times they are required to work or the location of work. This is irrespective of whether they are employed on temporary or part-time contracts.

The legislation does not provide an automatic right to work flexibly, as there will always be circumstances when the School is unable to accommodate the employee's desired work pattern. However, Trust schools have a duty to consider requests seriously via the procedure set out in this Policy and will only refuse a request where there is a clear business reason for doing so.

The policy does not cover requests for personal or family related leave of absence. The Trust has a separate Leave of Absence Policy and Maternity, Adoption, Paternity, Parental and Shared Parental Leave Policy which can be found on the Trust Website at www.tudhoelearningtrust.co.uk

The Head Teacher is responsible for the operational management and monitoring of requests in accordance with the policy.

In applying this policy, the Trust schools will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act and specified below:

- Age
- Disability
- Gender reassignment
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation
- Marriage and civil partnership

The operation of this Policy will be kept under review and such changes will be made as deemed appropriate.

Background

The right to request to work flexibly is available to any employee who meets the eligibility criteria:

- They have 26 weeks of continuous service with the Trust at the date of application;
- No request has been made in the previous 12 months to work flexibly under this right.

A qualifying employee can request a change to the terms and conditions of their employment relating to, for example:

- changes to their hours and times of work;
- changes to places of work;
- part-time working;
- job sharing;
- working from home;
- working term-time only;
- working shifts.

Making an application

Any eligible employee who wishes to apply to work flexibly must make a considered application in writing (using the Flexible Working Request Form - available via this policy at Appendix 1) and must include the following information:

- The date of the application, the change to working conditions they are seeking and when they would like the change to come into effect;
- What effect, if any, they think the requested change would have on the school and how, in their opinion, any such effect might be dealt with;

The Head Teacher will arrange to meet with the employee to discuss the request in more detail and to ascertain the reason why the request is being made.

The Head Teacher will give serious consideration to any request for a change, even if a number of such requests have previously been granted within the school/team, to other employees.

Efforts will be made to see if any suitable arrangements can be made to ensure that service effectiveness remains unaffected while assisting an employee's work-life balance considerations.

Extension to timescales

To allow the proper consideration of a request for flexible working, the Head Teacher may agree with the employee to extend the time limits stated in this policy for any part of the process.

If it is not possible to accommodate the change, the Head Teacher will provide clear business reasons when refusing the request.

Response to an application

If the request is agreed:

If the Head Teacher agrees with the proposed changes or agrees with modifications, then they will advise the employee of the agreed change and the agreed date of the change within 10 school working days of receiving the initial proposal. Consideration will be given to the impact on working conditions as a result of the change, for example, will it lead to a variation in the way annual leave is calculated, will it affect the employee's pay or pension are there any health and safety requirements etc.

If a contract variation is agreed, it will normally be permanent and there will be no right to revert back to the former arrangement unless otherwise agreed. If a request is rejected, a further request cannot be made for 12 months.

Trial Periods

There may be circumstances where a permanent change is not feasible for the school and a trial period would be helpful to provide an opportunity without commitment, to test a particular working pattern to see if it works to the satisfaction of both parties.

Alternatively, the Head Teacher and employee might agree to a time-limited change after which time the employee would revert back to the original pattern.

Trial periods can potentially happen at two stages before a formal agreement is reached:

- the Head Teacher could give informal agreement to a trial before a formal flexible working request has been made by the employee; if this happens, the formal procedure would still be available to the employee if they wished to use it at some stage in the future;
- if a formal application has been made, an extension of time for the Head Teacher to make a decision could be agreed and the trial period could happen before a final agreement takes place; in this case, the rest of the formal procedure would still be available to the employee.

If the request is rejected:

If it is not possible to agree to the suggested variation, the Head Teacher will arrange a meeting with the employee to discuss the request within 10 school working days of the initial proposal.

The meeting provides an opportunity to discuss the request openly and consider other options.

The employee making the request can be accompanied to the meeting by a work colleague or trade union representative if they wish.

Following the meeting, the Head Teacher will inform the employee of the decision within 10 school working days of the meeting. If there is agreement, similar guidance as above applies. If the request is refused, the Head Teacher will provide details, explaining why the reason(s) apply in these circumstances and advise the employee of the appeals procedure.

The above timescales can be extended by prior agreement between the parties if it is not possible to complete consideration of the request within expected timescales.

Valid reasons for refusing a request

Trust schools will make a positive effort to come to a workable solution when any request for a flexible change to the contract is made. However, if the request is rejected, it will be linked to one or more of the following reasons:

- The burden of the additional costs;
- Detrimental effect on ability to meet customer demand;
- Inability to reorganise the work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

Appeals

Where a request to work flexibly cannot be supported by the Head Teacher, as explained the employee will receive notification of this with a full explanation around the reasons that their request has been declined and they will be notified of their right to appeal against this decision.

The employee has 10 school working days from receiving notification that their request has not been supported to set out their grounds for an appeal. There are no specific constraints on the grounds for the appeal - it can be to advise management of some new information that has come to light since the original meeting or it may be to challenge the facts surrounding the rejection.

The Head Teacher will set up an appeal hearing ideally within 10 school working days of receiving the employee's form. The meeting should be at a time and place convenient to all those involved. The Trust Chief Executive Officer will hear the appeal with advice and support from the Trust HR Manager.

The employee making the request can be accompanied to the appeal meeting by a work colleague or trade union representative if they wish.

The employee will be advised within 10 school working days of the decision from the appeal.

If the request for change is accepted, the change will be implemented as appropriate. If it is refused, details of the grounds for rejection will be set out, including an explanation of why the grounds apply.

There is no further right of appeal, this concludes the formal procedure.

Further information

If you would like any further advice regarding this policy and procedure please contact Trust HR at office@tudhoelearningtrust.co.uk or Tel: 01388 811 765



**TUDHOE LEARNING TRUST
Flexible Working Request Form**

Appendix 1

Employee Details			
Name:		Job Title:	
School:		Effective Date:	
Details of Request			
Have you made an application for flexible working before? Yes/No If so state date:			
Reason for Request:			
Proposed Change:			
What effect, if any, will the changes have on your job and the school?			
How may the effects be dealt with?			
Signed:		Date:	