

# Flexible Working Policy

Audience:	All REAch2 Employees
Ratified:	REAch2 HR Committee 17 March 2021
Other related policies:	Maternity, Paternity and Adoption Leave
Policy owner:	Sue Northend, HR Director, REAch2 Academy Trust
Review frequency:	Every 2 years

# Flexible Working Policy



At REAch2, our actions and our intentions as school leaders are guided by our Touchstones.

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|-----------------------|---|
| <b>Integrity</b>      | We recognise that we lead by example and if we want children to grow up to behave appropriately and with integrity then we must model this behaviour            |
| <b>Responsibility</b> | We act judiciously with sensitivity and care. We don't make excuses, but mindfully answer for actions and continually seek to make improvements                 |
| <b>Inclusion</b>      | We acknowledge and celebrate that all people are different and can play a role in the REAch2 family whatever their background or learning style                 |
| <b>Enjoyment</b>      | Providing learning that is relevant, motivating and engaging releases a child's curiosity and fun, so that a task can be tackled and their goals achieved       |
| <b>Inspiration</b>    | Inspiration breathes life into our schools. Introducing children to influential experiences of people and place, motivates them to live their lives to the full |
| <b>Learning</b>       | Children and adults will flourish in their learning and through learning discover a future that is worth pursuing   |
| <b>Leadership</b>     | REAch2 aspires for high quality leadership by seeking out talent, developing potential and spotting the possible in people as well as the actual                |

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## Policy Overview

### 1. Overarching Principles

All employees have the legal right to request flexible working, provided they have worked for REAch2 for at least 26 weeks.

The flexible working legislation gives all employees the opportunity to apply for a temporary or permanent change of working pattern at any stage of their career and regardless of their personal reasons for making the request.

Whilst there is no automatic right to work flexibly, this policy undertakes to provide a fair and consistent basis for making applications.

### 2. Intended Impact

The aim of the policy is to help employees achieve a good balance between their work and their lives outside work, and to enable REAch2 to attract and retain skilled employees. Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

Open discussion is encouraged between employees who think they may benefit from requesting to work flexibly and should arrange to speak to their line manager/Headteacher in the first instance.

### 3. Roles and Responsibilities

#### *3.1 The role and responsibilities of an employee are to:*

- complete their application form as comprehensively and thoroughly as possible, anticipating any potential problems and suggesting solutions where possible
- be willing to explore reasonable and practical alternatives if the first preference working pattern is not feasible
- respond constructively to a manager's request to discuss changing a current flexible working pattern which is no longer working
- understand the impact of a flexible working request on their pay and pensions
- be aware that a flexible working request may only be made every 12 months.

#### *3.2 The role and responsibilities of a line manager are to:*

- create an environment where employees can access the Flexible Working Policy when they want to and are comfortable making requests
- receive an application for flexible working positively and to give it fair consideration in the context of their obligations not to discriminate
- consider each application individually and on its own merits keeping an open mind about work patterns that could operate in their team
- approach the discussions about applications in a creative and flexible way, seeking to achieve an outcome that is a positive for the employee and the school/REAch2

- review objectively all relevant information before making a decision, explore all options, and act in accordance with the timescales set out in the policy
- ensure that any declines are in line with the policy, explained to the employee and fully documented
- give full and fair consideration to any appeals
- adhere to the timescales set out in the policy
- review ongoing flexible working arrangements in place as an ongoing exercise to ensure still meeting the needs of the school and Reach2.

## Policy in Detail

### 4. Policy Principles In Detail

This policy applies to all employees, who have worked for REAch2 for at least 26 weeks. It does not apply to agency workers.

There are six main work patterns, but employees may also combine different options and suggest their own alternatives.

- Reduced hours – working less than currently contracted hours with corresponding adjustment to remuneration and superannuation
- Term-time working – working annual hours during school term times only
- Job sharing – two individuals sharing the duties of a full-time position with a corresponding adjustment to pay and superannuation
- Variable hours/flexitime – selecting different start and finish times
- Compressed hours – working a full-time week in fewer than five days. Before agreeing such an arrangement, managers will need to take into consideration any potential impact on the health and safety of employees
- Office-based homeworking – the employee may work a fixed part of the week from home.

### 5. Implementation

#### 5.1 The Contractual Obligations

There may be occasions where an employee needs flexibility for a defined period only, in which case a temporary fixed term arrangement may be put in place.

In some cases, the employee may want to test an arrangement for a trial period before making a long-term commitment, or a manager may suggest a trial period where the likely impact of a proposed working pattern is unclear.

In most cases flexible working arrangements are agreed at the outset as permanent changes. There are three contractual options:

- Permanent change to terms and conditions of employment.
- Fixed period change in working pattern of between one and six months, after which the employee can either return to their previous hours/working pattern or, with agreement, extend the pattern for a further period. At any point during this time, the 'new' working arrangements may continue as a permanent contractual change, subject to both parties' agreement.
- Trial of a new working pattern of between one academic term (school based employees), or three months (Central Team employees), after which the working pattern will either end or, the 'new' working arrangements may continue as a permanent contractual change, subject to both parties' agreement

## 6. Making An Application

Employees are encouraged to approach their line manager informally to suggest a change in their working pattern before making a formal application. The line manager must consider any informal requests fairly and constructively. If an informal agreement is not possible, the procedure for making a formal application is that the employee must make a dated request in writing to their line manager using the Flexible Working Application Form.

The application must state:

- The date of their application
- The proposed working pattern and change to terms and conditions
- The date from which they want the change to take place
- What impact they think making the change will have for the fulfilment of their role and how this might be managed;
- What effect the proposed change would have on the organisation and how this might be managed
- Whether a previous application for flexible working has been made, and the dates of any previous applications.

If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

Once the employee's completed application form is received, the line manager will ensure that the employee receives an acknowledgement in writing and will then have up to three months to consider and confirm the outcome of the employee's request. If there is any reasonable delay this will be communicated to the employee and agree an extended timescale for consideration.

All decisions made by the employer will have due regard for the Equality Act (2010). The employer will consider any decision arising from flexible working requests in order to ensure that employees are not subject to discrimination.

In considering the request, the line manager may meet with the employee, giving not fewer than five days' notice, to discuss the application in more detail. The employee may be accompanied at the meeting by a trade union representative or workplace colleague. During the meeting the employee will be given the opportunity to state their reasons for making the application, make proposals to the employer about how it might be managed, and ask questions of the employer.

If the employee cannot attend the meeting, they should contact their line manager immediately and give reasons. The meeting will be rearranged. If the employee fails to attend a rearranged meeting without good cause the manager may treat the employee's application as having been withdrawn. The line manager must discuss the application with the budget holder before approving any request to ascertain any financial implications of agreeing to a change.

The line manager should contact HR for advice prior to responding to a flexible working request.

The line manager will ensure that the employee is written to and either:

- a) inform the employee that their request has been approved and confirm the contract variation and the date from which it will take effect.

At this point the process is complete;

Or

- b) arrange a meeting with the employee to say why their request has been turned down or to make alternative suggestions.

Where an employee wishes to withdraw a request after it has been submitted, they may do so, in writing at any time.

## **7. The Decision**

The employee must be informed of the decision in writing within three months of the application being received.

If a request is accepted on a permanent basis the line manager should inform HR to ensure any necessary changes are made to the employee's payroll record and to provide written confirmation of the new working arrangements.

If a trial period is necessary to assess whether the proposed new arrangements will work or not, the employee should be informed of this decision, outlining the period of the trial and why the request has not been accepted at this stage. If the employee refuses to accept a trial period they still have the right of appeal. If, at the end of a trial period the employer decides that the pattern is to be discontinued, the employee has the right of appeal.

Whatever the reason for refusing a request, the line manager should keep a record of the date, reason and circumstances of the refusal on file so that it can be reviewed at a later date.

If the employee's request is declined, the letter must give reasons for the refusal, set out the appeal process.

A request to work flexibly should not be declined unless there is a demonstrable detrimental impact on the school/REAch2 and only after all options for a mutually agreed solution have been explored. This includes investigating all feasible options other than the working pattern originally proposed.

However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles. An application to work flexibly can only be declined if one or more of the following are identified:

- Additional costs
- Detrimental effect on ability to meet the needs of the school in terms of its obligations to pupils
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality or impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes that have already been announced
- request for homeworking that will result in excessive additional cost or which infringes on other regulatory obligations, e.g. data protection.



## **Extension of Time**

There may be occasions when it is necessary to seek to extend the time limit for any part of the process. The line manager must obtain the agreement of the employee to an extension.

## **8. Appeals**

If an employee disagrees with their flexible working application being declined, they should first discuss their concerns with their line manager. There may be other options that can be considered that would meet the employee's and the school's/REAch2's needs.

If the employee feels they have not been treated fairly or that there have been procedural shortcomings, they can appeal by completing a Flexible Working Appeal Form within 7 calendar days from the date they received notification that their request had been declined. The employee should send the form to their line manager, who will then forward it to the Headteacher or Director / Head of Service to hear the appeal.

A meeting will be held as soon as possible after the form has been received.

Individuals may arrange to be accompanied to the appeal meeting by a companion or trade union representative. The individual's chosen companion may confer and contribute to the meeting, but may not answer questions on the individual's behalf.

The outcome of the appeal must be notified to the individual in writing within 14 calendar days of the meeting taking place. This decision is final.

## **Policy Review**

This policy will be reviewed by the REAch2 HR Committee Trustees every 2 years as per the REAch2 policy cycle or sooner if required.