



Flexible Working Policy

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Appendices

Appendix 1 - Business Reasons

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1. Introduction

- 1.1 This policy sets out the requirements and considerations when ONE Academy Trust employees request changes to their working pattern/hours. This policy follows the statutory (legal) minimum procedure for flexible working requests as outlined in the ACAS Code of Practice on Flexible Working Requests.
- 1.2 The Trust 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.
- 1.3 This Flexible Working Policy gives employees an opportunity to formally request a change to their working pattern/hours.
- 1.4 Any employee who makes a request for flexible working will not be subjected to any detriment or lose any career development opportunities as a result.
- 1.5 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

- 1.6 This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.7 This policy has been produced in line with the Employment Relations (Flexible Working) Act 2023, the Flexible Working (Amendment) Regulations 2023 and the ACAS Code of Practice on Flexible Working Requests.
- 1.8 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.
- 1.9 This policy complies with our funding agreement and articles of association.

Equality and Diversity

- 1.10 The procedure will be operated in accordance with the Trust Equality and Diversity Policy. The Trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure will be monitored in accordance with the Equality Act 2010
- 1.11 The board of trustees is aware of the guidance and provisions of the Equality Act 2010 and is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including the duty to make reasonable adjustments where these are deemed either necessary or appropriate. If employees need assistance or adjustments to understand and comply with this procedure and/or attend meetings, they should contact their line manager at the earliest opportunity.

2. Eligibility for the formal right to request procedure

- 2.1 All employees have a statutory right to request flexible working from the first day of employment.
- 2.2 Employees are entitled to submit 2 statutory flexible working requests in a 12-month period. An employee can only have 1 live request at a time. A request will stay live until any of the following happens:
 - The organisation makes a decision
 - The employee withdraws the request
 - The employee or decision maker agrees an outcome
 - It has been 2 months since the date of the initial request.
- 2.3 A request continues to be live during any appeal or any extension to the statutory 2 month decision period that an employer and employee may have agreed.
- 2.4 Employees whose requests for flexible working are accepted will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead (see section 13 of this policy).
- 2.5 Any employee interested in flexible working may request an informal meeting with the Trust's HR Manager to discuss the different flexible working options before submitting a formal request.

3. Personnel responsible for implementing the policy

- 3.1 The Board of Trustees has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board of Trustees has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the CEO.
- 3.2 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. Anyone making decisions on flexible working requests have a specific responsibility to ensure the fair application of this policy.

4. Forms of flexible working

- 4.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works such as:
 - (a) a reduction or variation of working hours;
 - (b) a reduction of the number of days worked each week; and/or
 - (c) working from a different location.
- 4.2 Examples of this are:
 - (a) job sharing
 - (b) compressed hours
 - (c) part time working
 - (d) term time working
 - (e) hybrid working
- 4.3 These examples are considered to be the typical arrangements that employees will request. However, the Trust recognises that there may be alternatives or a combination of options which are suitable to both the Trust/school and the employee.

5. Our approach to flexible working

- 5.1 There are many different types of flexible working. While some might not be practical for every job, it may be possible for other types of roles.
- 5.2 The headteacher/CEO will consider the proposed flexible working arrangements. They will look at the potential benefits and adverse effects to the employee and to the Trust/school in implementing the proposed changes.
- 5.3 The person making the decision will take into account a number of criteria. These include:
 - the costs associated with the proposed arrangement
 - the effect of the proposed arrangement on other staff
 - the need for, and effect on, supervision
 - the existing structure of the team

- the availability of staff resources
- details of the tasks specific to the role
- the workload of the role
- whether it is a request for a reasonable adjustment related to a disability
- health and safety issues

5.4 The Trust is committed to agreeing flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

6. Making a formal flexible working request

- 6.1 Employees should submit a written application, using the Flexible Working Request Form in Appendix 2, if they would like their flexible working request to be considered under the formal procedure.
- 6.2 The application should be dated and submitted to the headteacher or CEO (for executive team staff and headteachers), in order to meet the requirements of the formal procedure. The employee's request, should:
- (a) provide as much information as possible about their current and desired working pattern, including working days, hours and start and finish times;
 - (b) give the date from which the employee wants the desired working pattern to start;
 - (c) state whether they have made a previous formal or informal request for flexible working and, if so, when;
 - (d) if the request relates to a reasonable adjustment for a disability under the Equality Act 2010, the employee should make this clear in their request; and
 - (e) be submitted at least two months before they wish the changes they are requesting to take effect.
- 6.3 If a request does not contain all of the required information, the headteacher/CEO will advise the employee what else they need to provide and ask them to resubmit the request.
- 6.4 The employee's immediate line manager must be informed of any requests for flexible working where they are not the headteacher/CEO.
- 6.5 The headteacher/CEO, in certain circumstances, may be able to agree the employee's request without the need for a meeting (which is the next stage of the formal procedure). If that is the case, written confirmation of the decision will be issued to the employee explaining the permanent changes that will be made to their contract of employment.
- 6.6 If the request cannot be accommodated, discussion between the employee and the headteacher/CEO may result in an alternative working pattern that can assist the employee.
- 6.7 There is a time limit of a maximum of two months from the date the initial flexible working request is received for the decision on the outcome of the request to be made, including any appeal. If more time is needed, this can only be extended if the employee making the request agrees.

7. Formal procedure: Consultation Meeting

- 7.1 Where an employee's request needs further discussion, the headteacher/CEO will invite the employee to a consultation meeting. If a meeting is arranged it will be held within 15 working days of the organisation receiving the request. This time limit may be extended with the agreement of both the employee and headteacher/CEO.
- 7.2 Where an employee's request can be approved in full without a consultation meeting, the organisation will confirm this in writing within 10 working days of receiving the request. This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both the employee and headteacher/CEO.
- 7.3 A decision on all requests, including any appeal must be made within a maximum of 2 months from the date of the receipt of the initial flexible working request. This time limit may be extended with the agreement of both the employee and headteacher/CEO.
- 7.4 If the employee is invited to a consultation meeting, the headteacher/CEO will discuss:
 - (a) the request
 - (b) how the proposed working arrangement might work
 - (c) how it could be of benefit to both the employee and the Trust/school
- 7.5 Advance notice of the time, date and location of the meeting will be given. At least 5 days notice will be given. If the initial date of the meeting is problematic then one further date will be proposed.
- 7.6 The employee may bring a colleague or trade union representative to the meeting as a companion if they wish. Their companion will be entitled to speak during the meeting and confer privately with them, but may not answer questions on their behalf.
- 7.7 The employee's line manager may also attend the meeting.
- 7.8 In most cases, the meeting will be held at the employee's usual place of work. If the employee fails to attend a scheduled meeting and then fails to attend a rearranged meeting (which should be rearranged within 5 working days of the date initially proposed) without good reason, their flexible working application will be deemed to have been withdrawn.
- 7.9 The meeting will be held to consider the working arrangements the employee has requested.
- 7.10 A written record of the meeting will be made which provides an accurate reflection of the discussion that has taken place.
- 7.11 The request may be granted in full, in part or refused. If the arrangements the employee has requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 7.12 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

8. Trialling new working arrangements

- 8.1 Where there is some uncertainty about whether the flexible working arrangement is practical for an employee or the Trust/school, a trial period may be agreed.
- 8.2 A trial period will allow enough time to implement and get used to the new arrangement before making any decisions on its viability. The trial period should no more than a maximum of 3 months and will be subject to regular review by both parties. HR advice should be sought before agreeing the length of a trial period.
- 8.3 Any trial arrangements will be put in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.
- 8.4 The employee will be informed in writing of the start and end dates of the trial period. The Trust/school may reduce or lengthen the trial period where necessary, with the agreement of the employee.
- 8.5 The Trust/school reserves the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, the Trust/school will give the employee 2 working weeks' notice.

9. Formal procedure: Decision

- 9.1 After a consultation meeting, the request may be granted in full, part or refused.
- 9.2 The Trust/school may:
 - (a) accept the request in full
 - (b) propose an alternative option
 - (c) refuse the request
 - (d) grant the request on a temporary basis with a specified time period. (NB: Unless formally reviewed and extended by both parties, the arrangement will cease at the end of the specified period).
 - (e) ask the employee to try the flexible working arrangement for a trial period. Where a trial period is arranged the headteacher/CEO will arrange a meeting with the employee at the end of the agreed review period to determine whether the request is then granted or refused.
- 9.3 Once a decision has been made, the headteacher/CEO will notify the employee of the decision in writing within 10 working days of the consultation meeting.
- 9.4 Where the request is approved, the letter will include details of the new working arrangements, details of any trial period, an explanation of the changes to the employee's contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on the employee's personnel file to confirm the variation to their terms of employment. There may also be some additional practical matters, such as arrangements for handing over work that the Head Teacher/line manager will discuss with the employee.

- 9.5 Employees should be made aware that changes to their terms of employment will be permanent (unless agreed otherwise).
- 9.6 If the headteacher/CEO needs more time to make a decision, they will ask for the employee's agreement to delay the decision. A request for an extension is likely to benefit the employee, for example, the headteacher/CEO may need more time to investigate how their request can be accommodated or to consult several members of staff.
- 9.7 There will be circumstances where, due to educational, business and operational requirements, requests cannot be granted. In these circumstances, the headteacher/CEO will write to the employee within 10 working days of the consultation meeting:
- (a) giving the business reason(s) for turning down their application;
 - (b) explaining why the business reasons apply in their case; and
 - (c) setting out the appeal procedure.
- 9.8 The eight business reasons for which flexible working requests may be rejected are:
- (a) the burden of additional costs;
 - (b) detrimental effect on ability to meet customer demand;
 - (c) inability to reorganise work among existing staff;
 - (d) inability to recruit additional staff;
 - (e) detrimental impact on quality;
 - (f) detrimental impact on performance;
 - (g) insufficiency of work during the periods that the employee proposes to work; and
 - (h) planned structural changes to the employer's business.
- 9.9 Appendix 1 gives a brief overview of the way in which the Trust/school will interpret and apply these business reasons.

10. Formal procedure: appeal

- 10.1 If the request is rejected or only agreed in part, the employee is able to submit an appeal in accordance with this policy.
- 10.2 The employee's appeal must:
- (a) be in writing and dated;
 - (b) set out the grounds on which they are appealing; and
 - (c) be sent to the HR Manager within 10 working days of the date on which they received the written rejection of their request.
- 10.3 HR will arrange for a meeting to take place within 10 working days of receipt of the employee's appeal. The meeting will be held at a convenient time for all those attending and the employee may be accompanied by a colleague or trade union representative.
- 10.4 The appeal will be heard by a senior manager who has not previously been involved in considering the request.

- 10.5 A written record of the meeting will be made which provides an accurate reflection of the discussion that has taken place.
- 10.6 The employee will be informed in writing of the decision within 10 working days of the date of the appeal meeting.
- 10.7 If the appeal is upheld, the employee will be advised of their new working arrangements, details of any trial period, an explanation of changes to their contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on the employee's personnel file to confirm the variation to their terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that their line manager or headteacher/CEO will discuss with them.
- 10.8 The employee should be made aware that changes to their terms of employment will be permanent.
- 10.9 If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in their case.

11. Breaches of the Formal Procedure

- 11.1 There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 2 months of first receiving the request. Where an extension of time is agreed with the employee, the line manager will write to the employee confirming the extension and the date on which it will end.
- 11.2 In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
- (a) the employee fails to attend two meetings under the formal procedure without reasonable cause; or
 - (b) the employee unreasonably refuses to provide information the headteacher/CEO requires to consider their request.
- 11.3 In such circumstances, HR will write to the employee confirming that the request has been treated as withdrawn.

12. Making an informal flexible working request

- 12.1 Employees who wish to make an informal request for flexible working may make a request to the headteacher/CEO who will consider it according to the school/trust's educational, business and operational requirements.
- 12.2 The employee's immediate line manager must be informed of any requests for flexible working where they are not the headteacher/CEO.
- 12.3 The employee should:
- (a) make their request in writing and confirm whether they wish any change to their current working pattern to be temporary or permanent;

(b) provide as much information as they can about their current and desired working pattern, including working days, hours and start and finish times, and give the date from which they want their desired working pattern to start;

12.4 The headteacher/CEO will advise the employee what steps will be taken to consider their request, which may include inviting them to attend a meeting, before advising them of the outcome of their request. The headteacher/CEO is not required to follow the formal procedure outlined in this policy for any informal requests.

13. Monitoring and review of the policy

13.1 The HR Manager is responsible for monitoring the implementation, use and effectiveness of this policy/procedure and will report on these matters annually or more frequently if necessary.

13.2 This policy/procedure will be reviewed by the Trust Board as necessary and every three years as a minimum.

Business reasons for rejecting a request for flexible working

All decisions will be made on a case-by-case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the Trust/school.

If a request to work flexibly is rejected then the headteacher/CEO will provide a specific “business reason”, which must be one of the eight stated in the legislation which are:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the period the employee proposes to work
- Planned structural changes

If more than one member of part-time staff requires the same working period, it may be difficult to accommodate all part-time staff requests. Whilst individual preferences for working days and times can be considered, the needs of pupils and effective service delivery must be taken into account. The extent to which the proposed flexible/part-time work pattern affects the work patterns of the team will be considered before a flexible working application is approved.



FLEXIBLE WORKING APPLICATION FORM

Employee name:

Role:

To the Headteacher/CEO (*copied to line manager*):

STATUTORY REQUEST

I would like to apply to work a flexible working pattern that is different to my current working hours/pattern. I confirm I meet the eligibility criteria as follows:

- I have not made two requests to work flexibly under this right during the past 12 months.

Date of any previous requests to work flexibly under this right: _____

NON-STATUTORY REQUEST

I do not qualify to make a request to work flexibly under the statutory procedure but would like to make an informal request for a flexible working pattern that is different to my current working pattern.

REQUEST DETAILS:

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

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

I would like this working pattern to commence from: *(insert date)*

Is this flexible working request being made in relation to the Equality Act 2010 (e.g. as a reasonable adjustment relating to a disability)?

Please tick: Yes No

Employee signature:

Date:

Once complete, please submit this request to the headteacher (school staff) or CEO (for the executive team and headteachers)

ACKNOWLEDGEMENT OF RECEIPT

One copy to be completed and returned to employee

One copy to be retained by the Head Teacher/CEO

Dear

I confirm that I received your request to change your work pattern dated _____ on:
(insert dates)

I shall contact you in due course to discuss this request with you further.

Signature of headteacher/CEO:

Date:

Notes to applicants:

This form should be used to make an application to work flexibly under the rights provided in law. Before completing this form, you should first read the ONE Academy Trust Flexible Working Policy carefully.

You should note that it may take several weeks to consider your request and allow for discussion and meetings and further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to the headteacher/CEO well in advance of the date you wish the request to take effect.

Please provide as much information as you can about your desired working pattern. Once you have completed the form, you should immediately forward it to the headteacher/CEO. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.