

INVICTUS

Education Trust

**FLEXIBLE WORKING
POLICY**

Approved by Board of Directors
2 July 2018

To be reviewed by Board of Directors
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Contents

1.	Policy Statement	3
2.	Scope and Purpose of the Policy	3
3.	Responsibility for implementing the Policy.....	3
4.	Forms of Flexible Working.....	4
5.	Eligibility for the formal right to request procedure	4
6.	Making a formal flexible working request.....	4
7.	Formal procedure: meeting	5
8.	Formal procedure: decision.....	5
9.	Formal procedure: appeal.....	6
10.	Timescales.....	7
11.	Making an informal flexible working request.....	8
12.	Review of the Policy	8

1. Policy statement

- 1.1 We are 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 policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure.
- 1.3 Through this policy we will accommodate flexible working where possible but the priority will be the effective running of the Trust for the benefit of the pupils and where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner.
- 1.4 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation.

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 procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 5.
- 2.3 Any employee interested in flexible working can request an informal meeting with the Headteacher to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

3. Responsibility for Implementing the Policy

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Executive Headteacher/Headteachers.

4. Forms of Flexible Working

4.1 Flexible working can incorporate a number of possible changes to working arrangements:

- (a) reduction or variation of working hours;
- (b) reduction or variation of the days worked; and/or
- (c) working from a different location (for example, from home).

Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.

Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

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.

5.2 To be eligible to make a request under the formal procedure, you must:

- (a) be an employee;
- (b) have worked for us continuously for 26 weeks at the date your request is made;
- (c) not have made a formal request to work flexibly during the last 12 months.

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. Once we have received a request we will consider it.

6.2 Your written and dated application should be submitted to the Headteacher, in order to meet the requirements of the formal procedure and to help them to consider your request, should:

- (a) state that it is a statutory flexible working request;
- (b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
- (c) give the date from which you want your desired working pattern to start;
- (d) identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;

- (e) provide information to confirm that you meet the eligibility criteria set out in paragraph 5 of this policy;
- (f) state whether you have made a previous formal request for flexible working and, if so, when; and
- (g) be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.

6.3 If you are making a request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, you should also state this in your request.

6.4 We 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 Headteacher will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.

6.5 If your proposal cannot be accommodated, discussion between you and the Headteacher may result in an alternative working pattern that can assist you.

7. Formal Procedure: Meeting

7.1 Where necessary, the Headteacher will arrange to meet with you as soon as is practicably possible after receiving your written application. We will inform you if there is a delay in arranging this meeting. The Headteacher may discuss your request with your line manager and make any necessary enquiries regarding your proposals prior to the meeting.

7.2 You may bring a colleague or representative of your choice to the meeting. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

7.3 The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will benefit you as well as what impact your proposed working arrangements will have on your work and that of your colleagues and of your team/department. 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 Headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team/department. We will set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working.

8. Formal Procedure: Decision

8.1 Following the meeting, the Headteacher will consider your request carefully and notify you of the decision in writing as soon as possible.

- 8.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher 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, which your line manager will discuss with you.
- 8.3 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.
- 8.4 If the Headteacher needs more time to make a decision, they will discuss this with you. For example, they may need 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 business and operational requirements, we are unable to agree to a request. In these circumstances, the Headteacher will write to you:
- (a) giving the business reason(s) for turning down your application;
 - (b) explaining why the business reasons apply in your case; and
 - (c) setting out the appeal procedure.
- 8.6 If we reject a request it will be for one or more of the following eight business reasons:
- (a) the burden of additional costs;
 - (b) detrimental effect on ability to meet pupil and/or Trust 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 you propose to work; and
 - (h) planned changes.

9. Formal Procedure: Appeal

- 9.1 You may appeal against the decision if your request is rejected, or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if you feel your request was not handled reasonably in line with this policy.
- 9.2 Your appeal must:
- (a) be in writing and dated;

- (b) set out the grounds on which you are appealing; and
- (c) be sent to Chair of Governors within 10 of the date on which you received the written rejection of your request.

9.3 The Clerk to the Chair of Governors will arrange for a meeting to take place as soon as possible following 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 who may be your Trade Union representative or another co-worker.

9.4 An Appeal Panel will be selected, specifically for the appeal, from our Board of Directors/Governing Body.

9.5 You will be informed in writing of the Appeal Panel's decision as soon as possible following 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 your line manager will discuss with you.

9.7 You should be aware that changes to your terms of employment will be permanent and 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. Timescales

10.1 Requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal.

10.2 As a guide and to help ensure that requests are dealt with within this timescale:

- (a) a meeting will normally be held with you within 28 working days of your request being received;
- (b) you will normally be informed in writing of the decision within 10 days of the meeting; and
- (c) where an appeal is lodged, an appeal meeting will normally take place within 10 days of receipt of the appeal and the outcome will be notified in writing within 10 days of the meeting.

- 10.3 However, there will be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with you, the Headteacher will write to you confirming the extension and the date on which it will end.
- 10.4 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:
- (a) you fail to attend two meetings under the formal procedure without reasonable cause; or
 - (b) you unreasonably refuse to provide information we require to consider your request.

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

11. Making an Informal Flexible Working Request

- 11.1 Employees who are ineligible to make a formal request and who wish to make an informal request for flexible working may make a request to the Headteacher, who will consider it according to our business and operational requirements.
- 11.2 It will help your Headteacher to consider your request if you:
- (a) make your request in writing;
 - (b) 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;
 - (c) 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 service delivery and that of your team/department. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. Your Headteacher can consider whether they are workable.
- 11.3 Your Headteacher 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 and the impact on your contract of employment.

12. Retention and Data Protection

- 12.1 As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our Data Protection Policy. We will comply with the requirements of the **Data Protection Legislation**
- (i) unless and until the GDPR is no longer directly applicable in the UK, the General Data Protection Regulation ((EU) 2016/679) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then

- (ii) (ii) any successor legislation to the GDPR or the Data Protection Act 1998). Records will be kept in accordance with our Privacy Notice, our Retention and Erasure Policy and in line with the requirements of the **Data Protection Legislation**.

13. Review of the Policy

- 13.1 This policy is reviewed every 3 years by the Invictus Education Trust Board of Directors. We will monitor the application and outcomes of this policy to ensure it is working effectively.