



# **FLEXIBLE WORKING GUIDANCE**

## **(For Trust-Based Employees)**

To be reviewed: **Every 3 Years**

Next review: **Spring 2024**

Date Approved by the Genesis Education Trust Board: **Spring 2021**

# CONTENTS

<b>SECTION 1:</b>	<b>OUTLINE OF PROCEDURES</b>	<b>PAGE</b>
1.0	Introduction	3
2.0	Key Principals	3
3.0	Legal Framework	3
4.0	Flexible Working Arrangements	3
5.0	Qualifying Conditions	4
6.0	What are the Benefits of Implementing Flexible Working	5
7.0	Roles and Responsibilities	5
8.0	Applying for Flexible Working Arrangements	6
9.0	Chief Executive Officer's Response	7
10.0	Business Considerations	7
11.0	Where the Request is Agreed	7
12.0	If a Request is Declined	8
13.0	Appeal Procedure	8
14.0	Extension of timescales	8

## Appendix 1

## SECTION 1 OUTLINE OF PROCEDURE

### 1. Introduction

1.1 This policy has been developed to help Senior Leaders and employees understand the key principles of flexible working and whether a request can be granted in line with the needs of our Trust.

### 2. Key Principles

2.1 The key principles are:

- a) The Trust's requirements and needs will be paramount in implementing flexible working requests; therefore all requests to work flexibly will be dealt with on this basis.
- b) The Trust accepts that there is not a 'one-size fits all' approach to implementing flexible ways or working.
- c) The Trust will consider any requests for flexible working made by employees on the basis of the needs of both the pupils and the Trust.

### 3. Legal Framework

3.1 In 2002 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly.

3.2 From April 2007 this right was extended to cover carers of qualifying adults and in April 2009 to cover children under the age of seventeen (or 18 if the child is disabled) and certain carers.

3.3 From 30<sup>th</sup> June 2014 the right was extended to all employees.

### 4. Flexible Working Arrangements

4.1 Under this policy, an application to work flexibly can cover:

- Annualised hours
- Compressed hours
- Job-sharing
- Part-time working
- Term-time working

4.2 **Annualised hours** where an employee's contractual working hours are flexible working patterns to be worked throughout the year.

4.3 **Compressed hours** is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a five-day week is compressed into four days, or a 10-day fortnight into nine days.

4.4 **Job-sharing** is an arrangement where a full-time post is divided into two part-time roles. The two job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the organisation. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements

4.5 **Part-time working** covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The organisation believes that all posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part-time working will be stated in any internal or external advertisements.

4.6 **Term-time working** is where an employee reduces their hours or takes time off during any Trust holidays. Any weeks above their annual leave entitlement will be unpaid. Salary can be paid in 12 equal monthly instalments (although arrangements may be permitted where an employee is only paid for the time worked and receive no pay during the holidays apart from their entitlement to annual leave)

## 5. Qualifying Conditions

5.1 To qualify for the right to request flexible working arrangements, employees must:

- have worked for the employer for 26 weeks continuously at the date the application is made.
- not have made another application to work flexibly under this right during the past 12 months.

## 6. What are the Benefits of Implementing Flexible Working

6.1 For the employer:

- a) The Trust recognises that a better work-life balance can improve the employee's motivation, performance and productivity and reduce stress.
- b) The Trust wants to support employees where possible to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.
- c) Flexible working can raise morale, commitment and engagement, reduce absenteeism and improve retention.
- d) The Trust is committed to agreeing flexible working arrangements, where possible providing that the needs and objectives of both the Trust and the employee can be met,

6.2 For the employee:

- a) To improve their work-life balance to encompass other responsibilities that they have.
- b) Increased motivation, performance and productivity and reduce stress.

## **7.0 Roles and Responsibilities**

7.1 Manager's responsibilities:

- a) In line with service requirements implement flexible ways of working ensuring the efficient working and performance of both individuals and the team.
- b) Identify opportunities to implement flexible working where this meets the needs of both the pupils and the Trust.
- c) Play a key role in ensuring that any health and safety requirements are adhered to.
- d) When implementing flexible working continue to manage staff effectively in line with the Trust's performance management systems.
- e) Ensure that employees and, where appropriate recognised trade unions are consulted on changes to working arrangements.
- f) Ensure that all requests for flexible working are dealt with consistently, fairly and promptly.
- g) Take in to account any equality and diversity issues when implementing flexible working and give consideration to any disability requirements.
- h) Promote successful and positive working arrangements.

7.2 Employee's responsibilities:

a) Engage in the consultation process for flexible working and use it as an opportunity to put forward any issues or concerns.

## 8 Applying for Flexible Working Arrangements

8.1 Employees wishing to request flexible working must put their request in writing to the Chief Executive Officer, by completing the 'Flexible Working Request Form', which can be found at Appendix 1. In order for an application to be considered, it is the employee's responsibility to provide sufficient information on the application form. The employee must specify a start date for the proposed change giving her/his Chief Executive Officer reasonable time to consider the proposal and implement it (if authorised).

8.2 The application should include:

a) The date of their application, the change to working hours/patterns they are seeking and when they would like the change to come into effect.

b) What effect, if any, they think the requested change would have on the department and team and, how, in their opinion, any such effect might be dealt with.

c) A statement that this is a statutory request and a statement which maintains if and when they have made a previous application for flexible working.

d) Whether they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disabled employee.

8.3 Within 28 days of receiving the request, the Chief Executive Officer must arrange a meeting with the employee to discuss the request. The purpose of the initial meeting is to explore the desired working hours/pattern of work and discuss how it might be accommodated. It will also be an opportunity to consider suitable alternative working arrangements.

8.4 All employees have the right to be accompanied by a work colleague or trade union representative at this meeting.

8.5 If, however, the Chief Executive Officer agrees to the employee's request to change her/his working hours/pattern of work this meeting is not required, as long as the Chief Executive Officer notifies the employee accordingly, within 28 days of receiving the application.

**Note:** for the purposes of this policy, the Chief Executive Officer will consider the request; however, where the Chief Executive Officer is the applicant, the request must be made and considered by the Chair of Governors.

## **9.0 Chief Executive Officer's Response**

9.1 Following on from the above meeting (if required), the Chief Executive Officer has 14 days to respond to the individual in writing. The Chief Executive Officer must either:

- a) accept the request and establish a start date; or
- b) confirm a compromise agreed at the meeting; or
- c) reject the request and set out clear business reasons for the rejection (see below), together with notification of the appeal process.

## **10.0 Business Considerations**

10.1 Applications for flexible working arrangements can only be refused on the following grounds:

- a) the burden of additional costs;
- b) detrimental effect to meet the Trust's customer demand;
- c) inability to reorganise work among existing staff;
- d) inability to recruit additional staff;
- e) detrimental impact on quality of teaching and support to Trust;
- f) detrimental impact on performance;
- g) insufficiency of work during the periods the employee proposes to work;
- h) planned structural changes.

## **11.0 Where the Request is Agreed**

11.1 If the employee's request is agreed, this will be for a trial period of three months in the first instance. At the end of the three month period, the Chief Executive Officer will meet with the individual to discuss the success, or not, of the new working arrangements. If either party is finding the new working arrangements unworkable, a new agreement will be reached. If both the employee and the Chief Executive Officer consider the new arrangements to be successful, the change will become permanent from this point.

11.2 An employee has no automatic right to change back to her/his previous pattern of work, unless the application seeks the variation for a specified time period only and the temporary change of hours was agreed by the Chief Executive Officer. If an employee chooses to revert back to her/his previous hours or further change her/his flexible working arrangements, s/he will need to complete another 'Flexible Working Request Form'.

## **12.0 If a Request is Declined**

12.1 If a request is declined an employee can make a further request at a later date, but s/he must wait 12 months from the date on which her/his last request was made before making any further requests.

### **13.0 Appeal Procedure**

13.1 If an employee wishes to appeal against a decision, s/he must write to the Chief Executive Officer within 10 days of the formal response being received in writing. The appeal must set out the grounds of the appeal and it must be dated.

13.2 A meeting of the governing body's Appeal Committee must be convened to hear the employee's appeal within 14 days of being informed of the employee's decision to appeal.

13.3 All employees have the right to be accompanied by a work colleague or trade union representative at this meeting

13.4 The employee must be notified of the outcome of the appeal in writing within 14 days of the meeting. The notification will either:

- a) uphold the appeal, specify the agreed variation and start date; or
- b) dismiss the appeal, state the grounds for the decision and a sufficient explanation of the refusal.

### **14.0 Extension of timescales**

14.1 If a Chief Executive Officer (or Appeal Committee in the case of an appeal), requires more time to consider an employee's request, the Chief Executive Officer and employee can agree to extend the aforementioned time limits. The Chief Executive Officer/Appeal Committee must record this agreement in writing, specifying the period to which the extension relates and the date on which the extension is due to end. A copy of this record must be sent to the employee.

## Appendix 1 - Flexible Working Request Form

1. Personal Details:	
Employee Name:	
School:	
Job Title:	

2. Have you previously made an application under this right?
No    Yes*    * Please state when your last application was made:

3. Is the reason for this application related to the Equality Act 2010 (i.e. a reasonable adjustment as a result of a disability)?
No    Yes*    * If so please explain in more detail the nature of your request:

**6. I would like these working arrangement to commence with effect from:**

\_\_\_\_\_ / \_\_\_\_\_ /20\_\_\_\_\_

**7. Impact of the new working arrangements:**

I think this change in my working hours/pattern of work will affect the school and my colleagues as follows:

**8. Accommodating the new working arrangements:**

I think the effect on the school and my colleagues can be dealt with as follows:

**9. Employee Declaration:**

I can confirm that:

- I am making this application under the statutory right to apply for flexible working
- I have worked continuously for the School for the last 26 weeks.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**PASS THIS REQUEST TO CHIEF EXECUTIVE OFFICER**