



Learn-AT

Learning ~ Fellowship

Flexible Working Policy

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Table of Contents

1.	About this policy	3
2.	Personnel responsible for implementing the policy	3
3.	Forms of flexible working	3
4.	Eligibility for the formal right to request	4
5.	Making a formal flexible working request	4
6.	Formal request: meeting.....	5
7.	Formal request: decision	5
8.	Formal request: appeal	6
9.	Extending time under the formal procedure	7
10.	Making an informal flexible working request	7

1. About this policy

- 1.1. Learn Academies Trust are committed to providing equality of opportunity in employment and to developing working practices and policies that support work-life balance. This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests.
- 1.2. No one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.3. This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.4. [This policy has been [agreed OR implemented following consultation] with the [[TRADE UNION].]
- 1.5. This policy does not form part of any employee's contract of employment and we may amend it at any time.

2. Personnel responsible for implementing the policy

- 2.1. Learn Academies Trustees [Our board of directors (the board) OR [COMMITTEE] OR [POSITION]] have overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to Headteachers.
- 2.2. Headteachers/ Line Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

3. Forms of flexible working

- 3.1. Flexible working can incorporate a number of possible changes to working arrangements, such as:
 - 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).
- 3.2. The possible changes to working arrangements mentioned in paragraph 3.1 may also involve:
 - a. starting a job share;
 - b. working a set number of hours a year, rather than a week (annualised hours);
 - c. working from home (whether for all or part of the week if the job permits this sort of working);
 - d. working only during term-time (part-year working);
 - e. working compressed hours; and/or

- f. working flexi-time.

4. Eligibility for the formal right to request

- 4.1. To be eligible to make a request under the formal procedure set out in paragraph 5 to paragraph 8 you must:
 - a. be an employee;
 - b. have worked for us continuously for at least 26 weeks at the date your request is made;
 - c. not have made a formal request to work flexibly during the last 12 months.
- 4.2. If you are not eligible to make a formal request, you may make an informal request under paragraph 10.

5. Making a formal flexible working request

- 5.1. Any employee interested in flexible working is advised to speak informally with Headteacher/Line Manager 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.
- 5.2. You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.
- 5.3. Your application should be submitted to the Headteacher/Line Manager in good time and ideally at least two months before you would like the changes to take effect. It should:
 - a. state that it is a flexible working request;
 - b. explain the reasons for your request, especially if you think The Equality Act 2010 may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
 - c. 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 the changes to take effect;
 - 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; and
 - e. provide information to confirm that you meet the eligibility criteria set out in paragraph 4 of this policy including the dates of any previous formal requests for flexible working.
- 5.4. In most cases we will need to have a meeting with you before making a decision. In some cases we may be able to approve your request without a formal meeting, although it will usually be helpful to your manager to discuss the request with you to ensure it is the best solution.

6. Formal request: meeting

- 6.1. Where necessary, Headteacher / Line Manager will arrange a meeting with you after your application has been submitted. The meeting may also be attended by someone from HR. You may bring a union representative or work colleague to the meeting if you wish. Your representative will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 6.2. In most cases, the meeting will be held at your usual place of work. We will try to ensure that the meeting is held at a time and place that is convenient to everyone.
- 6.3. The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your needs. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If we cannot accommodate the arrangements you have requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 6.4. The Headteacher /Line Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team/department.

7. Formal request: decision

- 7.1. We will notify you of the decision in writing as soon as possible.
- 7.2. If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher / Line Manager 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.
- 7.3. 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.
- 7.4. If the Headteacher / Line Manager needs more time to make a decision, for example, where they need more time to investigate how your request can be accommodated or to consult several members of staff, they will discuss this with you.
- 7.5. There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the Headteacher / Line Manager will write to you:
 - a. explaining the business reason(s) for turning down your application; and
 - b. setting out the appeal procedure.

- 7.6. The eight business reasons for which we may reject your request 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 you propose to work; and
 - h. planned changes.

8. Formal request: appeal

- 8.1. If your request is rejected, you have the right to appeal.
- 8.2. Your appeal must:
- a. be in writing and dated;
 - b. set out the grounds on which you are appealing; and
 - c. be submitted within 5 working days of the date on which you received the written rejection of your request.
- 8.3. The Headteacher / Line Manager will arrange for an appeal meeting to take place following receipt of your appeal. We will try to hold the meeting at a convenient time for all those attending. You may be accompanied by a trade union representative or work colleague.
- 8.4. Where possible, the appeal meeting will be conducted by a more senior manager who has not been previously involved in considering your request, in line with Learn Academies Trust Appeal Procedure.
- 8.5. You will be informed in writing of the decision as soon as possible after the appeal meeting.
- 8.6. 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.
- 8.7. 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.
- 8.8. 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.

9. Extending time under the formal procedure

- 9.1. The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless you agree to extend this period with the employee.
- 9.2. There may be exceptional occasions when it is not possible to complete consideration of your request within the expected time limits. Where an extension of time is agreed with you, the Headteacher / Line Manager will write to you confirming the extension and the date on which it will end.
- 9.3. 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 formal request will be treated as withdrawn. This will occur if you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause.
- 9.4. In such circumstances, the Headteacher / Line Manager will write to you confirming that the request has been treated as withdrawn.

10. Making an informal flexible working request

- 10.1. Employees who are ineligible to make a formal request for flexible working may make an informal request to the Headteacher / Line Manager, who will consider it according to our business and operational requirements.
- 10.2. It will help the Headteacher / Line Manager to consider your request if you:
 - a. make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
 - 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; and
 - 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 OR department]]. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The Headteacher /Line Manager can consider whether they are workable.
- 10.3. The Headteacher / Line Manager 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.