



FLEXIBLE WORKING POLICY

and

APPLICATION PROCESS

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Owner of Policy: **Head of Human
Resources**

Authorised By: **Operations
Board**

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This is a Trust-Wide Policy applicable in all
Bright Futures Educational Trust's establishments and to all
BFET staff

FLEXIBLE WORKING POLICY AND APPLICATION PROCESS

The vision of Bright Futures Educational Trust is to create a world class education to enable every young person to reach their full potential, and in particular, their full academic potential. In order to achieve this, it is important that our staff are fully supportive of our vision and values and committed to us as an employer. Therefore, we recognise that some employees may wish to have a flexible working arrangement to enable them to balance their work and life outside of work. This policy gives eligible employees the opportunity to formally request a change to their working pattern and provides a transparent process for doing so.

What is the Policy for?

The flexible working policy provides the framework for eligible employees to formally request a change to their working arrangements. Examples of flexible working arrangements include:

- Part time working
- Term time working
- Changes in working patterns
- Job share
- Home working

In addition, it provides a process and application form for individuals and managers to use when considering a request for a changed working arrangement.

Who is the Policy for?

To be eligible to make a request for flexible working under this procedure, the following criteria must be met:

- You must be an employee;
- have at least 26 weeks' continuous service with the Trust at the date the request is made; and
- not have made a flexible working application in the last 12 months.

The policy does not apply to agency workers, supply staff, contractors and governors.

Policy standards

For each request and consideration of an application, the following standards should be applied in each case:

1. Requests can be made from all eligible employees irrespective of any protected characteristic and will receive equal consideration.

2. For the avoidance of doubt, the legislation surrounding flexible working provides the right to request an alternative working arrangement; it does not provide a right to have an arrangement.
3. A thorough consideration will be made for every request and wherever possible the request will be accommodated. However, the school's needs, and in particular the impact on pupils, will be the overriding consideration.
4. All applications will adhere to the following standards:
 - Eligible employees must make a request using the application form enclosed as this contains all the information needed to properly consider the request.
 - Eligible employees should request the change within good time i.e. at least two working months before they wish it to be implemented.
 - The application, its consideration and any appeal will be concluded within three months (unless an extension is agreed between the parties. Any agreed extension will be confirmed in writing).
 - After a flexible working application has been considered, a meeting will be arranged with the employee (where necessary) to discuss the request in further detail.
 - An employee can be accompanied by a companion to any meeting to discuss the application. The companion can be a work colleague or a Trade Union representative. The companion will be entitled to speak during the meeting and confer privately with the employee, but may not answer questions on the employee's behalf.
 - An employee will be notified of the outcome to their request in writing.
 - If a flexible working request is refused, the employee will be told of the business reasons for turning down the application. A request will only be refused for one of the statutory reasons for refusal, which are:
 - The burden of additional costs
 - Detrimental effect on ability to meet customer demand
 - Inability to reorganise work among existing staff
 - Inability to recruit additional staff
 - Detrimental impact on quality
 - Detrimental impact on performance
 - Insufficiency of work during the periods the employee proposes to work
 - Planned structural changes
 - An employee will always have the right to appeal against any decision.
5. On occasion, it may be necessary for any individual working to a flexible working arrangement (as is the case with full-time employees) to either change their working pattern and/or work additional hours or days to meet the operational demands of the business. A degree of flexibility will be expected, wherever possible. On these occasions, as much notice as possible will be given.
6. Where the hours in a worked day exceed six hours, an unpaid break of twenty minutes will be required, in order to comply with statutory requirements.
7. Should the needs of the academy change, a discussion will take place with the individual which may result in a change in the arrangement being required.

8. Any change in working arrangements will be confirmed in writing and an explanation of the changes to an employee's terms and conditions will be provided. Any changes to terms and conditions will be permanent, unless otherwise stated.
9. Where an individual remains in the same role and reduces or increases their weekly hours, their pay will be adjusted accordingly whilst retaining the same hourly rate.
10. An employee who makes a flexible working request will be unable to make another flexible working application until 12 months after the date of any previous request. Similarly, if an employee withdraws a flexible working request, they will not be eligible to make another request for 12 months from the date of the original request.
11. For the avoidance of any doubt, in certain circumstances, an employee's flexible working request will be treated as withdrawn by the Trust. This will occur if an employee fails to attend both a meeting and a re-arranged meeting, or an appeal meeting and re-arranged appeal meeting, without good cause.

Examples of Flexible Working Arrangements

Part time working

This is a work pattern where the weekly hours are less than the usual full-time working pattern. For example, it might be a later start and earlier finish each day, working mornings or afternoons only, or working fewer days each week. Please note, for teaching staff any such arrangements will have to accommodate the teaching timetable.

Term time working

This is a pattern of work where the employee works and is paid on a pro rata basis according to the school holiday pattern, usually 38, 39 or 40 weeks of the academic year. Employees work as normal during term time and during school holidays they do not generally go into work, unless they are contracted to work additional days, but are still employed during those periods. The salary is paid on an annual basis and divided equally between the twelve months.

Changes to working patterns

This could be:

- A variation in the days of work and/or start/finish times during any day
- An increase or decrease in the number of hours worked during the week

Job share

Job sharing is a form of part-time working where usually two employees share the duties and responsibilities for one full-time job between them. The way in which the full-time hours are divided will be agreed between the job sharers and their manager to ensure that the school's requirements are met. A job share is not a division of a role into two part-time jobs where employees work independently of one another, but a role where responsibilities are shared by two individuals. It may be appropriate in some circumstances to overlap working hours to ensure a thorough handover.

In the event of one job-sharer leaving the academy, the leaving employee's hours will be offered to the other job-sharer in the first instance. If the remaining job-sharer still wishes to work part-time, then a replacement will be sought, internally and/or externally. If a suitable replacement cannot be recruited, then every effort will be made to re-deploy the remaining job-sharer into a suitable alternative part-time post.

Home working

Working from home occasionally, i.e. on an ad-hoc basis, may be appropriate for some roles. Consideration should be given to the type of work undertaken at home and the confidentiality of the materials as well as the employee having a working environment that complies with health and safety standards.

Application Process

All applications should be considered using the policy standards detailed above, which are statutory requirements.

Step 1: Employee Application (see Addendum 1)

1. Employees should fully consider the impact of their request on the school (see below) and then complete an application form, outlining the reasons for their request (especially if the employee considers that the Trust's Equal Opportunities Policy may be relevant, for example, if the request concerns childcare or other family commitments, religious or cultural requirements or adjustments because of a disability) and providing a sound business case that demonstrates the business impact has been fully considered.
2. The application should be given to their Manager when completed.

Step 2: Principal's Consideration

- Consider the application against the business activities/plans to see if it is feasible, this would include a discussion with the HR Advisor (see below).
- Consider a trial period if you are unsure on the impact on the school, this way you can be clearer on any impact.
- Arrange a meeting with the employee to discuss the application.
- Either at the meeting, or within 14 calendar days of the meeting, the Manager should confirm the decision to the employee or discuss alternative arrangements.
- If the application is from a Principal the consideration will be with the Director of Education and the Chair of Governors.

Considerations for Step 1 (Employee Application) and Step 2 (Principal's Consideration)

- How will the current workload be managed?
- Is it possible to redesign the job so that the request can be accommodated i.e. reduce the required outputs and/or transfer activities to other roles in the team?
- How will pupils continue to receive the same standard of teaching and learning?
- Will there be an impact on the rest of the team and can this be overcome?
- Is this a temporary or longer term arrangement?
- What flexibility will the individual have if the arrangement is agreed to?
- What will the impact on the individual be if the decision is no?
- If this specific request cannot be agreed to, is there an alternative that might work?
- Specifically, for **Job share requests** the following should also be considered:
 - Can the role responsibilities be easily divided and/or managed by two employees?
 - How will 'seamless' communication and handover in the job share be ensured?
 - What will happen if one of the job-sharers leaves the school?
 - How will the job-sharers ensure that there is regular and effective communication with the manager and team?
- Specifically, for **multiple requests and prioritising**
 - Where a number of requests are received at the same time, or where flexible arrangements are already in place for other employees, it may prove more difficult to agree to new requests.

- In these circumstances the Principal may wish to contact existing staff with flexible arrangements and ask them if they would be prepared to change their working pattern to allow a new flexible working request to be accommodated.

Step 3 - Right of appeal

If a flexible working application is rejected the employee has a right to appeal. If an employee wants to appeal the outcome of a flexible working request, they should write to the Principal, within ten working days of the decision, clearly setting out the grounds on which they are appealing: i.e. that the case has not been properly considered and why, or that new information has come to light since the original application. The appeal must be in writing and dated.

Appeals will be heard in a meeting chaired by either a Principal from another Academy or a Director of Education and supported by a member of the Human Resources team. For appeals by Principals, these will be heard by the Chief Operating Officer or the Chief Executive Officer of Bright Futures Educational Trust, along with Human Resources support.

The employee will be informed in writing of the Trust's decision as soon as possible after the appeal meeting.

Further guidance

- Addendum 1 –Application form
- The ACAS Code of Practice: <http://www.acas.org.uk/media/pdf/f/e/Code-of-Practice-on-handling-in-a-reasonable-manner-requests-to-work-flexibly.pdf>
- The ACAS Guide: <http://www.acas.org.uk/media/pdf/s/7/The-right-to-request-flexible-working-the-Acas-guide.pdf>

ADDENDUM 1 – FLEXIBLE WORKING APPLICATION FORM

This application form should be completed when making a flexible working request. Once completed it should be returned to the Principal. Please consider the guidance in the policy when completing and considering this application.

Name		Academy	
Job Title		Date	
Start date (26 weeks service is required)		Please indicate if you have submitted a flexible working application in the last 12 months	

Please indicate which flexible working option you're requesting by ticking the applicable box below:

Alternative Working Pattern	Job Share	Part-time	Term Time	Home Working

Describe your current working arrangements (i.e. days/hours/times worked etc):
Describe your flexible working request in detail (i.e. hours/days/working pattern changes or details of job share or amount/ or home working requested)
State when you would like this change to commence from and whether your request is for a temporary or permanent change

Describe your current role/responsibilities:

Describe how you believe your request will impact on your current role/responsibilities, the pupils and your colleagues:

Describe how you think you and the school could limit and/or mitigate the impact on the above

The school may require flexibility in any new working arrangements if and when required. Please indicate below any restrictions on flexibility (i.e. need 24 hours notice etc).

Employee Signature

Date

PRINCIPAL'S DECISION - copy of this form to be held on the staff file

The decision and any rationale that has been communicated to the individual making the request is as follows. Please tick the appropriate box:

1. **Application accepted** – please pass to the school’s HR contact for any payroll/contract change or actions needed.
Date of change is:

2. **Alternative arrangement agreed to** - details of the arrangement are as follows:

Please pass to the school’s HR contact for any payroll/contract change or actions needed.

The agreed date of change is:

3. **Application declined** - please complete table below:

Tick if applies	Statutory reason for decline	Explanation
<input type="checkbox"/>	Cost of the proposed arrangements.	
<input type="checkbox"/>	The effect of the proposed arrangement on other colleagues and ability to meet client service (both internal and external).	
<input type="checkbox"/>	The level of supervision that the post-holder requires.	
<input type="checkbox"/>	The structure of the department and our ability to reorganise work amongst existing resources.	
<input type="checkbox"/>	Other issues specific to the individual's department such as a detrimental impact on quality of work and/or performance of the stream / business unit.	
<input type="checkbox"/>	An analysis of the tasks specific to the role, including their frequency and duration.	
<input type="checkbox"/>	An analysis of the workload of the role.	
<input type="checkbox"/>	Planned structural changes.	

Signed (Principal) **Date:**

Name of Principal (In Block Capitals)