

# Flexible Working Policy



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Recognised unions have been consulted on this document via the Unity Schools Partnership Joint Consultation and Negotiation Committee. It was accepted by Unity Schools Partnership on: **Date:** September 2020

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## 1. INTRODUCTION

The purpose of this policy is to encourage employees to consider flexible working arrangements. Unity Schools Partnership ('the Trust') recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the Trust would like to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. Schools are committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the school and the employee can be met.

It is Trust policy to encourage open discussion with employees across all schools. An employee that thinks they may benefit from flexible working is encouraged to contact their Headteacher or Line Manager to arrange an informal discussion to talk about the options.

## 2. WHAT IS FLEXIBLE WORKING

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

The following flexible working options are considered to be the typical arrangements that employees will request but the Trust recognises that there may be alternatives or a combination of options which are suitable to both the school and the employee:

- Compressed hours
- Job-sharing
- Part-time working
- Staggered hours
- Scope to work from home, occasionally or regularly

## 3. TYPES OF FLEXIBLE WORKING

- **Compressed hours** are 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.
- **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 school. 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
- **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 Trust 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.

- **Staggered hours** are an arrangement whereby the employee has different start, finish and break times from other workers (this would be dependent on each individual application and situation).

#### **4. THE NEEDS OF THE ORGANISATION**

The Trust is committed to providing a range of appropriate working patterns. However, employees and senior leadership need to be realistic and to recognise that not all flexible working options will be appropriate for all roles across the Trust.

Where a flexible working arrangement is proposed the Headteacher / Line Manager will need to consider a number of criteria including (but not limited to) the following:

- the costs associated with the proposed arrangement
- the effect of the proposed arrangement on other employees / students
- the need for, and effect on, supervision
- the existing structure of the department
- the availability of employee 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. ELIGIBILITY**

From 30 June 2014, the statutory right to request flexible working applies to all employees that meet the following criteria:

- Have 26 weeks' continuous service at the date of application, and:
- Are an employee, not a worker, and;
- Have not made another application to work flexibly in the previous 12 months.

Although the criteria above sets out who has a statutory entitlement to request flexible working, schools are encouraged to give reasonable consideration to all requests regardless of whether they meet the criteria.

#### **6. SUBMITTING A FLEXIBLE WORKING REQUEST**

An eligible employee is entitled to submit one flexible working request in a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments).

All requests must be made by filling in an application form that is available from your school or the HR department. Any request made must include:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date from when the employee would like the proposed change to come into effect
- what effect the employee thinks the requested change would have on their workplace
- how, in their view, any such effect could be dealt with
- whether this is a statutory or non-statutory request
- whether a previous application for flexible working has been made

If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

If an application does not contain all of the required information the employee's Line Manager will explain what additional or amended information they need to provide and ask the employee to resubmit the request.

## **7. MEETINGS REGARDING FLEXIBLE WORKING**

Upon receiving a written request for flexible working the Headteacher / Line Manager may wish to contact their HR Business Partner to discuss the request. The Headteacher / Line Manager will then usually seek to arrange a meeting with the employee to:

- discuss the request
- find out more about the proposed working arrangements
- how it could be of benefit to both the employee and school

If a meeting is arranged it will be held within two months of the request being received. This time limit may be extended with the agreement of both the employee and the Headteacher / Line Manager. If this falls within the summer holiday period, it can be agreed between the employee and the Headteacher / Line Manager to extend this period.

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Where a request can, without further discussion, be approved as stated in the employee's written application a meeting to discuss the request may not be necessary. The employee will be informed of the Headteacher / Line Manager's agreement to the request by a confirmation letter as outlined in the section 'Responding to a flexible working request' as soon as possible and up to 3 months from when the request being received. This time limit may be extended with the agreement of both the employee and the Headteacher / Line Manager.

## **8. RESPONDING TO A FLEXIBLE WORKING REQUEST**

The Headteacher / Line Manager will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse effects, to the employee and to the school in implementing the proposed changes.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the Headteacher's decision as soon as is reasonably practicable, but no later than 30 days after the meeting. This time period will act as the final month within the decision making period, therefore meaning that the process must be finalised within three months.

The request may be granted in full, in part or refused. The school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. If the request is agreed then the employee will be sent a confirmation letter which will include details of the new arrangements. The employee should contact their line manager or the HR Helpdesk as soon as possible if they wish to discuss the new arrangements further, or have any concerns.

## **9. RIGHT TO APPEAL DECISION**

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

If the employee wishes to appeal against the decision made then they must lodge an appeal within 14 days of being notified of a decision on their application. This should be done in writing to the relevant Director of Education and clearly state the grounds on which they are appealing. A date for an appeal hearing will normally be arranged and notified to the parties within 14 days of an appeal being registered. All parties will normally be given at least 10 days' notice of the date of the appeal. Any further submissions from those responding to the appeal should normally be provided to the school (or the manager hearing the appeal) at least three working days before the appeal hearing, to enable them to be circulated to the parties in good time before the hearing.

## **10. TRIALLING OF NEW WORKING ARRANGEMENTS**

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the school a trial period may be agreed. If a trial period is arranged the school will allow sufficient time for an employee and their Headteacher / Line Manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

## **11. VARYING AN EMPLOYEES CONTRACT**

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment will be sent to the employee within 28 days of the change to the employee's working pattern being agreed.

If the employee has any questions or concerns about the new contract of employment they should contact their Headteacher / Line Manager or the HR Helpdesk to discuss the matter further.

Where a trial period has been arranged the school will provide the employee with a document that details their new working pattern and makes clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the school may reduce or lengthen the trial period where necessary with the agreement of the employee). The school will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

## **12. COMPLAINTS AND FURTHER INFORMATION**

The Trust is strongly opposed to any form of victimisation of individuals who work, or request to work under flexible working arrangements.

If an employee feels that they have been treated unfairly or are dissatisfied with any stage of the flexible process, they should raise their concerns informally with their Headteacher / Line Manager in the first instance.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the Trust's grievance procedure. More information around this may be sought from the HR Team via the HR Helpdesk [hrhelpdesk@unitysp.co.uk](mailto:hrhelpdesk@unitysp.co.uk) or telephone 01440 333401.