

## **Looe Community Academy**

### **Flexible Working Policy**

#### **1. The Right to Request a Permanent Variation in Terms of Employment in order to Work Flexibly**

The Employment Act 2002 introduced the right for working parents to apply to vary their terms of employment in order to work flexibly and thereby balance their childcare responsibilities with their work commitments. This was updated in June 2014 and was extended to any employee with 26 weeks continuous service.

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the Headteacher / Manager is required to follow a specific procedure to ensure requests are considered objectively.

The procedure note below provides more details about the rights for employees and the procedure for making and dealing with requests for flexible working arising from both pieces of legislation.

#### **2. Eligibility**

To be eligible to make a request under the legislation, a person must:

- be an employee
- have worked with the Academy continuously for 26 weeks at the date the application is made (only service with the current employer will count for continuous service purposes and not previous service with other local government bodies)
- not be an agency worker
- not have made another application to work flexibly under the right during the past 12 months.

Eligible employees will be able to request:

- a change to the hours they work;
- a change to the times when they are required to work; or
- a change to the place where they work

#### **3. The Procedure**

Written application:

An employee may make one application in writing a year to the Headteacher. An accepted application will mean a permanent change to the employee's terms and conditions of employment, unless otherwise agreed. The employee will have no right to revert back to a previous working pattern (unless otherwise agreed). The Academy may wish to consider a specified trial period first.

The written application must include the following information:

- state that it is a statutory flexible working request;
- provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
- give the date from which you want your desired working pattern to start;

- 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;
- provide information to confirm that you meet the eligibility criteria;
- state whether you have made a previous formal request for flexible working and, if so, when; and
- be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.

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.

#### Meeting with employee:

It may be possible for a Headteacher to agree to a request simply on the basis of the application itself. If so, the Headteacher should write to the employee specifying the contract variation agreed to and the start date. Where this is not possible, there is a set procedure to be followed:

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. The employee has the right to be accompanied at this meeting by a work colleague or trade union representative.

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 department. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

#### Decision:

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

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, that your line manager will discuss with you.

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.

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.

If your request is unsuccessful the Headteacher will write to you with details of the operational reasons for refusal, provide sufficient explanation as to why they apply in these circumstances and provide information about the employee's right to appeal.

#### **4. Grounds for refusal**

In accordance with the legislation, the grounds for turning down an application are that the proposed changes will have 1 or more of the following consequences:

- the burden of additional costs;
- detrimental effect on ability to meet pupil and / or Academy demand;/ the needs of the school;
- inability to re-organise work among existing staff or recruit additional staff;
- detrimental impact on quality or performance;
- insufficient work during the periods the employee proposes to work;
- planned structural changes.

#### **5. Appeals**

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.

Your appeal must:

- be in writing to the Headteacher and dated;
- set out the grounds on which you are appealing; and
- be sent to the Headteacher within 14 days of the date on which you received the written rejection of your request.

The Headteacher 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.

An Appeal Panel will be selected, specifically for the appeal, from our governing body.

You will be informed in writing of the Appeal Panel's decision as soon as possible following the appeal meeting.

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.

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.

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.

## **6. Time Limits**

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

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

- a meeting will normally be held with you within 28 days of your request being received;
- you will normally be informed in writing of the decision within 14 days of the meeting; and
- where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 14 days of the meeting.

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.

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:

- you fail to attend two meetings under the formal procedure without reasonable cause; or
- 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.

## **7. Right to be accompanied**

The employee has the right to be accompanied at the initial meeting and the appeal by a work colleague or trade union representative. The companion has the right to address the meeting and to confer with the employee during the hearing but not to answer questions on behalf of the employee.

If the employee's chosen companion is not available at the time proposed for the meeting, then the meeting must be postponed and re-arranged at a time convenient to both parties and within 5 schools days of the initially proposed meeting; or consider an alternative companion.

The companion is entitled to time off during working hours for the purpose of accompanying the member of staff and a union official is entitled to reasonable paid time off.

## **8. Further information:**

Further information on flexible working can be found at: <https://www.gov.uk/flexible-working/overview>

*This policy was adopted by the Governing Body of Looe Community Academy in March 2015*