

# **FLEXIBLE WORKING POLICY**

**Issued: July 2016**  
**Reviewed: August 2019**  
**Next Review Due: August 2021**

## CONTENTS

|   | <b>Page</b> |
|---|-------------|
| <b>1. Introduction</b>                                  | 3           |
| <b>2. Requests for Flexible Working</b>                 | 3           |
| 2.1 Meeting to discuss flexible working                 | 4           |
| 2.2 Outcome of a flexible working request               | 4           |
| 2.3 Reasons for turning down a flexible working request | 4           |
| 2.4 Flexible working requests that are granted          | 5           |
| 2.5 Timescales  | 5           |
| 2.6 Appeals   | 5           |
| 2.7 Problems with a flexible working request            | 6           |
| <br><b>Appendix 1</b>                                   |             |
| Employee Application Proforma                           | 7           |

## 1. Introduction

The Bradford Diocesan Academies Trust (BDAT) believes that flexible working can increase staff motivation, promote work-life balance, and improve performance and productivity. Requests based on health reasons would usually be dealt with under a reasonable adjustment request.

From 30 June 2014, all employees who have a minimum of 26 weeks' continuous service have the right to request flexible working and to have their request considered seriously by Trust. Employees cannot make a flexible working request if they have made one in the previous 12 months (even if they withdrew that request).

We will deal with flexible working requests in accordance with the timescales set out below.

This model policy has been provided as a Trust level resource for BDAT and does not form part of an employee's terms and conditions of employment.

## 2. Requests for flexible working

A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some, or all, of the work from the employee's home.

All requests must be made in writing by filling in the requisite application form, which is attached to this policy and should be submitted to the Head teacher/Principal. Any request made under this policy must include:

- the date of the application;
- the changes that the employee is seeking to his/her terms and conditions;
- the date on which the employee would like the terms and conditions to come into effect;
- what effect the employee thinks the requested change would have on the organisation;
- how, in his/her opinion, any such effect might be dealt with;
- a statement that this is a statutory request;
- whether or not the employee has made a previous application for flexible working; and
- if the employee has made a previous request, when the employee made that application.

Where the request is being made for health reasons or by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.



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The academy should not reject out of hand a request that does not contain the required information. The employee's Head teacher/Principal should explain to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.

### **2.1 Meeting to discuss a flexible working request**

Once the Head teacher/Principal receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The Head teacher/Principal will usually arrange a meeting at a convenient time and place to deal with the request. Where a request can be approved without further discussion in line with the terms stated in the employee's written application, a meeting will not be necessary and the employee will be informed in writing of the decision.

An employee should be given the right to be accompanied by a work colleague or a trade union representative at any flexible working meeting. They will be entitled to speak and confer privately with the employee but may not answer questions on their behalf. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and Trust/academy.

### **2.2 Outcome of a flexible working request**

After the meeting, the Head teacher/Principal will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Trust/academy against any adverse impact of implementing the 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 his/her working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the organisation 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. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.

Unless otherwise agreed, the changes to the employee's terms and conditions will be permanent.

### **2.3 Reasons for turning down a flexible working request**

The Head teacher/ Principal will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;



- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

If a request has been rejected, the employee will be informed which of those reasons applies in writing, and of the appeal procedure.

#### **2.4 Flexible working requests that are granted**

If the request is upheld in full or in part, the employee and the Head teacher/Principal will discuss how and when the changes will take effect. Any changes to terms and conditions, and the date on which they will commence, will be put in writing and sent to the employee as an amendment to his/her contract of employment/written statement of terms and conditions of employment as soon as is reasonably practicable.

#### **2.5 Timescales**

All requests will be dealt with within a period of three months from first receipt to notification of the decision on any appeal. The standard process is expected to take no longer than four weeks, this enables the Head teacher/Principal a two week discussion period and two weeks to confirm the decision with the member of staff.

Time limits detailed in this policy may be extended where both the employee and Trust/academy are in agreement. For example, the Head teacher/Principal and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

#### **2.6 Appeal**

Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal in writing usually within 10 working days of the notification, with the appeal to be heard usually within 15 working days of notification. Any appeal must be dated and must set out the grounds on which the appeal is being made.

A meeting will be held to discuss the appeal. As explained above, an employee should be given the right to be accompanied.

The employee will be informed in writing of the outcome of his/her appeal, and the reasons for the decision, usually within 10 working days of the appeal meeting. There is no further right of appeal.

The appeal may be heard by a Governor, Trustee or member of the Head Office Executive Team alone.

## **2.7 Problems with a flexible working request**

If an employee is dissatisfied or unclear at any stage throughout the process, he/she should seek clarification from the Head teacher/Principal. If an employee is dissatisfied with the way in which his/her request has been handled, he/she can raise a grievance under the Trust/academy grievance procedure.

Head teachers/Principals who receive a request will have regard to the Trust's equal opportunities policy when considering the request.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

**FLEXIBLE WORKING REQUEST – EMPLOYEE PROFORMA**

**1. Personal Details**

**Name:**

**Staff or payroll number:**

**Manager:**

**National Insurance No:**

**To the employer**

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the Trust/academy for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

**Date of any previous request to work flexibly under this right:**

**Date/Month/Year** \_\_\_\_\_

**2a. Describe your current working pattern (days/hours/times worked):**

**2b. Describe the working pattern you would like to work in future (days/hours/times worked):**

**2c. I would like this working pattern to commence from:**

**3. Impact of the new working pattern**

I think this change in my working pattern will affect my employer and colleagues as follows:

**4. Accommodating the new working pattern**

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

**Employee Name:**

**Date:**