

# Our Lady of Mercy Catholic Education Trust



## St Anthony's Girls' Catholic Academy

<b>Policy type:</b>	<b>M.A.T.</b>
<b>Policy:</b>	<b>Flexible Working Policy</b>
Ratified by MAT Directors:	December 2018
Head Teacher signature:	<i>M. Shepherd.</i>
Chair of Directors signature:	<i>Shepherd.</i>
Review Date:	December 2019
Ownership:	M. Shepherd (Head Teacher)

# Policy Outline

## Reviewing the Policy

The TfC HR Advice Team will keep the operation of this policy under review and will make such changes to the policy as deemed appropriate following consultation with the trade unions, where appropriate.

## Personalising the Policy

The TfC HR Advice Team has developed a number of model policies for schools and academies to consider and adopt as their own. There are no particular sections within this policy which require either amendment and/or deletion to ensure the policy is accurate in setting out your operational requirements. However, we advise that you consider the full contents of this document before a decision is made to formally adopt it.

Consultation with recognised trade unions has been undertaken prior to the issuing of this model policy. Should you wish to make amendments to the contents of this policy (save for those as set-out above in 'Personalising the Policy') then you may need to enter in further consultation with recognised trade unions. Please seek advice from your allocated HR Adviser.

In addition, the term 'school' is used throughout this policy and refers to a school or an academy. This reference could be amended throughout the policy where deemed appropriate.

## Summary of Changes

In May 2018 Flexible Working policy was reviewed and it was not deemed necessary to make any changes to this policy.

## Contacts for help and assistance

Please contact your allocated HR Adviser within the TfC HR Advice Team for help and assistance in applying the content of this policy. Alternatively you can email the TfC HR Advice Team at;

Email [HRAdvice@togetherforchildren.org.uk](mailto:HRAdvice@togetherforchildren.org.uk)

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# 1 Introduction

All employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made.

## 2 Data Protection

When managing a request for flexible working, the school processes personal data in accordance with its data protection policy. Data collected from the point at which the flexible working request is received is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

## 3 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. Employees can request to:

- change the hours they work;
- change the times when they are required to work;
- work from home (whether for all or part of the week).

Flexible working incorporates a wide variety of working practices. A flexible working arrangement can be any working pattern other than the normal working pattern in an organisation. Most people are familiar with working part-time for reduced pay or working different shift patterns, but other ways of working that employees may consider are as follows:

- **Annualised hours** is defined as working time organised on the basis of the number of hours to be worked over a year rather than a week; it is usually used to fit in with peaks and troughs of work. For example, someone may work more hours during term time, and less during school closure periods. Pay will be based on the total hours worked and averaged over the year.
- **Compressed hours** allow individuals to work their total number of agreed hours over a shorter period. For example, employees might work their full weekly hours over four rather than five days. They would be paid for a full-time job but would not receive overtime payments for the agreed extra hours they work in any one day.
- **Homeworking** doesn't have to be on a full-time basis and it may suit an employee to divide their time between home and office. What individuals are paid for depends on the hours they work. Employers

are required to carry out a risk assessment of the activities undertaken by home workers, identifying any hazards and deciding whether enough steps have been taken to prevent harm to them or anyone else who may be affected by their work.

- **Job-sharing** typically involves two people employed on a part-time basis, but working together to cover a full-time post. Both receive pay for the hours they work.
- **Shift working** gives employers the scope to have their business open for longer periods than an eight-hour day.
- **Staggered hours** allow employees to start and finish their day at different times. This is often useful where it is important to have a greater number of staff over the lunch period, but less at the start and end of each day.
- **Term time working** allows employees to work a fewer number of weeks per year to coincide with school term times so that they can be absent from work during the school holidays. Their pay and holiday entitlement will be adjusted, based on the number of weeks and hours they work and their pay will be averaged over the year.

## 4 The needs of the organisation

All eligible requests will be considered carefully. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

Where a flexible working arrangement is proposed the organisation will need to take into account a number of criteria including, but not limited to, the following:

- the effect of the proposed arrangement upon the students in the school;
- the effect of the proposed arrangement on other staff;
- the need for, and effect upon, supervision;
- the existing structure of the team/department;
- the availability of staff resources;
- the costs, and other commercial considerations, associated with the proposed arrangement;
- 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 and
- health and safety issues.

## 5 Eligibility

Any employee with at least 26 weeks of employment service has a statutory right to request flexible working.

## **6 Making a flexible working request**

An eligible employee is entitled to submit one flexible working request during 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 in writing to the Headteacher. In the case of the Headteacher, the request should be submitted to the Chair of the Governing Board. 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 the organisation;
- how, in their view, any such effect could be dealt with;
- whether a previous application for flexible working has been made; and
- the dates of any previous applications.

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.

## **7 Handling requests to work flexibly**

This process assumes that the handling of the initial request, linking with the employee etc. has been delegated to the Headteacher. The request will be considered at the next meeting of the personnel sub-committee of the governing board.

## **8 Meetings regarding flexible working**

Upon receiving a written request for flexible working the Headteacher will usually seek information/arrange a meeting with the employee to:

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

This information should also be used to discuss how the proposed working arrangements would impact on the employee's attendance at curriculum events, pastoral events, CPD days/twilight, staff meetings, parents' evenings, and educational visits etc. Reaching an agreement on such matters at this stage is vital in maintaining good relationships between both parties.

If a meeting is arranged, it should be held as soon as reasonably possible from the date the Headteacher received the request. This time limit may be extended with the agreement of both the employee and the Headteacher. All requests will be completed within three months of first receiving the request (including any appeal).

The employee will be given advance notice of the time, date and place of the meeting. If the employee is unable to attend the initial meeting date then one further date will be proposed. If a face to face meeting is difficult to arrange then, if agreed by the employee and the Headteacher, the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a work 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.

## **9 Responding to a flexible working request**

The Headteacher will consider the proposed flexible working arrangements, looking at the potential benefits, and adverse effects, to the employee and to the organisation 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 personnel sub-committee, when considering the request must decide to either:

- accept the request and establish a start date and any other action;
- confirm a compromise agreed at the discussion, such as a temporary or trial period rather than reject the request;
- reject the request, setting out clear business reasons, how these apply to the application and the appeal process.

The employee will be informed in writing of the committee's decision as soon as is reasonably practicable.

## **10 Business reasons to consider when rejecting a request**

A request will only be rejected where there is a business reason for doing so.

The business grounds will include a number of criteria including, but not limited to, the following:

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- the burden of any additional costs is unacceptable to the school;

- an inability to reorganise work amongst existing staff;
- an inability to recruit additional staff;
- a detrimental impact upon quality;
- a detrimental impact upon performance;
- detrimental effect on the ability to meet customer demand;
- insufficient work for the periods the employee proposes to work;
- planned structural changes to the business.

The employee should be informed in writing why the requested working pattern cannot be accepted as a result of at least one of the above business grounds, stating why the business reasons apply in the circumstances.

## **11 Right to appeal decision**

It will not always be possible to agree to a new working pattern in every circumstance due to the business needs of the school. The employee has the right to appeal the decision, if their request is refused or is only agreed in part. Appeals should be made in writing (clearly stating the grounds of appeal) to the Clerk to the Governing Board within ten working days of receipt of the written notification of the original decision.

The Governing Body must arrange an appeal meeting as soon as reasonably possible; however, the appeal meeting must take place no later than three months after the date of receiving the original request.

The employee can be accompanied to the appeal meeting by either a trade union representative or a work colleague.

## **12 Will the change of working pattern be permanent?**

Any request that is made and accepted will be a permanent change to the employee's contractual terms and conditions (unless otherwise agreed). The employee has no right to revert back to the previous working pattern.

## **13 Trialling 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 (usually no longer than a term) for an employee and the Headteacher/line manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement.

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.

## **14 Curriculum events, pastoral events, CPD days/twilight, staff meetings, parents' evenings, educational visits etc.**

Those employees paid for CPD days, will be expected to attend a pro rata number of days; for example, an employee working 0.5 of a week would be expected to attend half of the CPD days. It may be beneficial, however, for the employee to attend all CPD days and in these circumstances agreement should be reached with the individual as to how they will be compensated.

Part time teachers may be required to carry out duties, other than teaching pupils, outside school sessions on any day on which the teacher is normally required to be available for work (whether the teacher is normally required to be available for work for the whole of that day or for only part of that day).

Consideration should also be given to how this will be managed if an CPD day/twilight, staff meeting, parents' evening etc. falls on the individual's non-working day. No teacher employed part-time will be required to be available for work on any day of the week or part of any day of the week on which the teacher is not normally required to be available for work under their contract of employment

## Flexible Working Application Form

The school treats personal data collected as part of processing an employee's request for flexible working in accordance with our data protection policy. Information about how your data is used and the basis for processing your data is provided within the school's employee privacy notice.

Your name:

Your Personnel number

Your job title:

Have you discussed this request with your Headteacher/line manager?

Yes / No

Have you made a previous application for flexible working?

Yes / No

If yes, please provide the dates of any previous applications:

### Details of your flexible working request:

Please include details of the proposed changes to your working pattern. Include details of your current working pattern and describe the working pattern you would like to work in future (hours / times / days /weeks worked)

Please confirm your preferred start date. Please note that it may take a few weeks for

your request to be considered and, subject to approval, be implemented. You should therefore submit your application well in advance of the date you wish your request to start.

**Preferred start date:**

**I think this requested change will affect the organisation as follows:** Please also state how, in your view, how any such effect could be dealt with. You should also consider how your request will impact on your attendance at CPD days/twilights, staff meetings, parents' evenings, educational visits etc.

**Signed:**

**Date:**