



**THIS POLICY COVERS ALL ACADEMIES/SCHOOLS WITHIN  
ARDEN MULTI-ACADEMY TRUST**

<b>Name of Policy</b>	<b>Flexible Working Policy</b>	
<b>Lead</b>	Martin Murphy, CEO	
<b>Governor Committee</b>	Business & Personnel Committee	
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## **Introduction**

Introducing flexible working can increase staff motivation and retention, reduce absenteeism, attract new talent, promote work-life balance, reduce employee stress and in doing so improve organisational performance.

From 6<sup>th</sup> April 2024 all employees have the right to request flexible working and to have their request considered seriously by their employer.

Whilst it is the Trust's policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are legally eligible for this right.

Attached are Guidance Documents which must be read in conjunction with the application of the policy and procedure. These notes provide further clarity on the context in which the policy and procedure has been developed and agreed. Employees can obtain further advice from teacher associations or trade union representatives.

## **Definition**

Flexible working involves employers making adjustments to their preferred working arrangements to accommodate their employees' preferences where possible and in line with the business needs of the School/Academy and wider Trust.

## **Scope of the policy and procedure**

The Flexible Working Policy and Procedure applies to all Trust employees. They refer to the right to request flexible working arrangements as a permanent contractual change, and do not apply to agency staff or contractors, or to temporary changes to working arrangements. However, guidance on informal requests for temporary arrangements is provided on page 7.

The Flexible Working Policy and Procedure has been developed in consultation with recognised teacher associations and trade unions.

## **Purpose**

The Trust recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and caring responsibilities, lifelong learning, volunteer work, leisure activities and other interests. In turn, it recognises that staffing levels must at all times remain in line with the demands of the Trust.

## Roles and responsibilities

The Trustees have delegated responsibility for managing Flexible Working Requests to the Associate Headteacher. The Associate Headteacher/Head of School may delegate responsibility for managing requests to senior managers. The Executive Headteacher/Director of Primary Education will consider any request that may be made by the Associate Headteacher/Head of School. A senior manager, the Associate Headteacher/Head of School and the Chair of Governors may consult with each other, and any other members of staff concerned when considering requests, to ensure that requests are carefully considered and consistently managed.

### **The Associate Headteacher/ Chair of Governors/ senior manager will:**

- Consider requests in accordance with the policy and procedure, adhering to the timescales therein;
- Consider each application on its own merits\* and in the context of the wider requirements and needs of the school/ Trust (business grounds);
- Provide ongoing support and information during the course of the application;
- Be prepared to be flexible and endeavour to reach a satisfactory agreement with the employee where the context of the wider requirements and needs of the school/ Trust (business grounds) allows;
- Decline a request only when there is a clear business reason and explain why, in writing, to the employee;
- Ensure that any variation in the policy or procedure is agreed in advance with the employee and recorded in writing;
- Ensure an employee does not suffer adverse treatment as a result of submitting an application;
- Ensure consistency and fairness when applying the policy and procedure;
- Ensure that the outcome of the application is recorded and given to the employee in writing;
- Seek professional HR advice as appropriate.

The Clerk of the Governing Body/Governance Professional is responsible for acknowledging any appeal against a decision made under this procedure in writing. They are also responsible for arranging an appeal panel whose members have had no prior involvement in managing the request. Please refer to page 5 for further guidance on appeals.

\*the applications or flexible working arrangements of other employees should not be considered by either party unless it has a direct involvement e.g. job share

**The employee must:**

- Provide a considered application;
- Ensure their application is valid by checking they meet all the eligibility criteria;
- Ensure they have provided all the necessary information;
- Ensure that the application is made at least 2 months before they wish it to take effect. Applications made within 2 months' may be accepted in exceptional circumstances;
- Participate fully in the process, attending meetings and discussing their application openly and constructively;
- Be prepared to be flexible and endeavour to reach a satisfactory agreement with their manager where the needs of the school/ Trust (business grounds) allow.

**Procedure****Eligibility**

The Children and Families Act 2014 extends the right to request flexible working to all employees. To be eligible:

- All staff, including part-time staff, have the right to make a statutory flexible working request from **day 1 of employment**. Employees will not have made more than two applications for the same reason under this policy during the past 12 months. This timeline may be waived in exceptional circumstances.

**The application**

In order for a flexible working application to be valid, it should be submitted using the Right to Request Flexible Working Application Form set out in Guidance Document 1.

**Receiving the application**

The manager must acknowledge receipt of the employee's Flexible Working Request. (Please refer to Guidance Document 2.)

If the application is incomplete, the employee should be asked to resubmit their application and advised that it will not be considered until it is resubmitted.

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.

We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Associate Headteacher/Head of School will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.

**Arranging a meeting to discuss the application**

Where necessary, a meeting will be arranged as soon as is practicably possible after receiving the written application. The meeting may also be attended by a member of the HR Department. We will inform you if

there is a delay in arranging this meeting. The Associate Headteacher/Head of School may discuss your request with your line manager/head of department/curriculum deputy and make any necessary enquiries regarding your proposals prior to the meeting.

### **The right to be accompanied**

The employee has the right to be accompanied by a work colleague, trade union representative or person nominated by the trade union. The companion will be entitled to speak during the meeting and confer privately but will not be able to answer questions on behalf of the employee.

If the representative is unable to attend the meeting, the employee must seek to rearrange the meeting and it should take place within 5 working days of the date of the original meeting.

The meeting will take place in private and can be held in person or remotely via online video conferencing or where neither are possible, via telephone call. The content of the meeting and the way it is conducted should allow a reasonable discussion and consideration of the request. An accurate record of the discussion will be kept in writing.

### **The meeting**

The meeting will be used to discuss the working arrangements being requested. During the meeting alternative flexible working options that may be available and suitable for both parties will be jointly considered and discussed if the original request cannot be met.

### **Reaching a decision**

The employee must be notified of the decision as soon as possible, in writing, after the meeting.

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.

If the request is accepted the Associate Headteacher/Head of School will discuss with you how and when the changes might be implemented and will confirm these in writing. Such confirmation will include 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.

The Associate Headteacher/Head of School may suggest starting your new working arrangements under an initial trial period to ensure that they meet the employees needs and those of the school. A date will be set to review this before the end of the trial period to discuss how the new arrangements are working.

Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. Employees will only be able to make one other formal request until 12 months after the date of the most recent request.

If the Associate Headteacher/Head of School needs more time to make a decision, they will discuss this with the employee. For example, they may need time to investigate how the request can be accommodated or to

consult with several members of staff.

Where an agreement cannot be reached on the working pattern requested all parties are encouraged to try to reach agreement on appropriate and alternative arrangements.

### **Notifying an employee that the request has been agreed**

If the flexible working request is agreed, this must be confirmed in writing by the Associate Headteacher/Head of School (please refer to Guidance Document 5). The Associate Headteacher/Head of School should also ensure that the Trust's HR and payroll provider are informed, as they will formally notify the employee of the variation to their terms and conditions of employment.

### **Notifying an employee that the request has NOT been agreed**

Where the flexible working request cannot be accommodated, the Associate Headteacher/Head of School should notify the employee using the template letter provided (please refer to Guidance Document 6).

### **The business grounds for rejecting a flexible working request**

There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the Associate Headteacher/Head of School will write to the employee:

- Giving the reason(s) for turning down the application;
- Explaining why the business reasons apply in your case; and
- Setting out the appeal procedure

A flexible working request can only legally be rejected on one of the following eight business reasons:

These are:

- 1) Planned changes
- 2) The burden of additional costs
- 3) A detrimental impact on quality
- 4) The inability to recruit additional staff
- 5) A detrimental impact on performance
- 6) The inability to reorganise work among existing staff
- 7) A detrimental effect on ability to meet pupil and/or school/ Academy/ Trust demand
- 8) Insufficiency of work during the periods the employee proposes to work

Where a request is declined, the reason for declining must be one of the above reasons; Associate Headteachers/Heads of School within the school/academy are not entitled to determine other reasons for declining an employee's request for flexible working however compelling they may think another reason might be.

There must always be robust evidence to support the reason for declining an employee's request.

## Right of appeal

If it is decided that it is necessary to decline the employee's request for flexible working, the employee must be advised of the right of appeal against that decision and that any such appeal must be lodged within 10 working days. For an appeal to be valid it must:

- be in writing;
- set out the grounds of the appeal; and
- Be dated

The notice of appeal must be sent to the Governance Professional (Victoria Large [vlarge@arden.solihull.sch.uk](mailto:vlarge@arden.solihull.sch.uk)) who shall acknowledge its receipt in writing (please refer to Guidance Document 7). An appeal panel will be selected specifically for the appeal comprising three senior Trust leaders (usually the Executive Headteacher, plus a Trust Headteacher and one other senior leader) plus a governor/ Trustee, who have not previously been involved in the case, and the employee must be granted the right to be accompanied at the appeal hearing by a work colleague or trade union representative or a person nominated by the trade union.

NB: the role of an appeal panel is to consider whether the Flexible Working Hours policy has been appropriately adhered to.

If the appeal is upheld the notification should specify the changes to the employee's terms of employment and the date from which the changes are to take effect (please refer to Guidance Document 9). The employee will be asked to sign and return a copy of the letter confirming the variation to their terms and conditions which will be placed on the employee's personnel file.

If the appeal is not upheld the notification of the decision must explain the grounds on which the refusal is based and the reasons why these grounds apply to the particular case (please refer to Guidance Document 10). Employees should be aware that changes to their terms of employment will be permanent and only one other formal request will be able to be made until 12 months after the date of the original application.

## Timescales

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

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

- A meeting will normally be held with you within 14 days of your request being received.
- You will normally be informed in writing of the decision within 14 days of the meeting.
- 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 Associate Headteacher/Head of School 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 only be eligible to make one 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:

- I. You fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting with good cause; or
- II. You unreasonably refused to provide information required to consider the request without good cause.

In such circumstances, the Associate Headteacher/Head of School will write to you confirming that the request has been treated as withdrawn.

### **Trial period for flexible working arrangements**

A trial period, under certain circumstances, can be beneficial for both parties, especially where there is some doubt as to the viability of the working arrangements requested by the employee. It can provide both the manager and the employee with an opportunity to review how the arrangements work in practice and whether they are likely to create any practical difficulties for the school or the business as a whole.

At the end of any agreed trial period, the manager should hold another meeting with the employee to review how the revised working pattern has worked out and whether or not to make the arrangement permanent.

If the trial period is agreed, the manager should document that the new working pattern has been put in place as a temporary variation to the terms of the employee's contract.

The start and end date of the trial period should be stated, along with the changes that have been agreed. It should be clearly recorded that the employer reserves the right, at the end of the agreed trial period, to require the employee to revert to his/her previous working pattern if, in the managers view, the changes have not proved to be workable. In such cases the employee shall retain the right of appeal.

The document should be signed by both parties.

### **Informal flexible working requests**

Employees who are ineligible to make a formal request as they have already made two requests within the last 12 months, and who wish to make informal request for flexible working may make a request to the Associate Headteacher/Head of School, who will consider it according to our business and operational requirements.

It will help the Associate Headteacher/Head of School to consider the request if:

- It is made in writing confirming whether the request to change the current working pattern is temporary or permanent;
- As much information about the current and desired working pattern, including working days, hours and start and finish times, is provided, giving the start date for the desired pattern.

The Associate Headteacher/Head of School will advise on the next steps that will be taken to consider the request, which may include inviting the employee to attend a meeting, before advising on the outcome of the request and the impact on the contract of employment.

### **Retention and Data Protection**

As part of the application of this Policy, the Trust may collect, process and store personal data in accordance with our Data Protection Policy. We will comply with the requirements of the Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction policy and in line with the requirements of the Data Protection Legislation.

### **Review of the policy**

This policy is reviewed annually by the Trust board in consultation with recognised trade unions. We will monitor the application and outcomes of the policy to ensure it is working effectively.

### **Guidance documents**

The following documents are for guidance only and may be amended by the Trust from time to time. They are not, nor intended to be, incorporated into individual contracts of employment.

## **Guidance Document 1**

### **The Right to Request Flexible Working Application Form**

#### **Note to Employee**

This form should be used to make an application to work flexibly under the Trust's Flexible Working Policy and Procedure.

You should note that it may take a number of weeks for a request to be considered and implemented and possibly longer where difficulties arise. You are required to submit your application to the appropriate person at least two months in advance of the date you wish the request to take effect.

It will help your manager to consider your request if you provide as much information as you can about your desired working pattern. Once you have completed the form, you should immediately forward it to your Associate Headteacher/Head of School (you are also advised to keep a copy for your own records). Your manager will then have 14 working days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

#### **Note to manager**

This is a formal application made under the legal or locally agreed right to apply for flexible working, and the school/academy has a duty to consider applications seriously. Requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal.

You should confirm receipt of this application using the template letter provided in Guidance Document 2.

## FORM FOR MAKING A REQUEST FOR FLEXIBLE WORKING

<b>Name of employee:</b>		
<b>Job title:</b>		
<b>School</b>		
<b>Previous applications for flexible working:</b>		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working?		
<b>I wish to submit a request for flexible working as detailed below.</b>		
<b>Please provide the reason for your request for flexible working.</b>		
<b>Please set out your current hours of work and working pattern.</b>		
<b>Please set out the pattern of working or working arrangement that you are seeking.</b>		
<b>I would like the above change(s) to my working arrangement/ pattern to take effect on:</b>		
<p>Once you have submitted an application for flexible working, your manager/Associate Headteacher/Head of School will contact you to arrange a meeting, which will take as soon as practicably possible and no later than 14 days after receiving the application. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.</p> <p>It will help us to deal with your application if you provide as much information as you can about your desired working pattern.</p>		

<b>Signed:</b>		<b>Date:</b>	
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## Guidance Document 2

### Template Letter – Acknowledging receipt of flexible working application and invitation to meeting

Dear [Employee]

I am writing to confirm receipt of your application for flexible working under the Trust’s policy and procedure (copy enclosed).

I would like to discuss your request with you to see how your proposed working pattern might be made to work in practice and also to ensure that you are fully aware of all of the implications of changing your working pattern.

I would like to meet with you on [date] at [time]. The venue for the meeting will be [venue].

You have the right to be accompanied at the meeting by a recognised trade union representative (or a person approved by the trade union) or a nominated work colleague.

[Name] will be present to take notes (*optional*).

Following the meeting, a decision will be made on the feasibility of your request and the decision will be communicated to you in writing as soon as possible after the meeting.

The [school/academy] will consider your request for flexible working arrangements on its own merits and in the context of the wider requirements and needs of the school/ Trust (business grounds) and will grant your request if it is possible to do so. It would be helpful therefore if you are willing at the meeting to discuss possible alternatives to the changes you have requested with a view to seeking a compromise arrangement that suits both parties if this is appropriate.

In the event that your request is refused, you will be provided with the reason why in writing.

Please could you confirm that you are able to attend this meeting or if not, to suggest an alternative time and date.

Yours sincerely

Associate Headteacher/Head of School

## Guidance Document 3

### Example Agenda for Flexible Working Meeting

- Prior to meeting the employee, the Associate Headteacher/Head of School should consider whether any other employees are looking for a change of hours which may help to accommodate the request for flexible work as appropriate. Such arrangements must not be detrimental to the wider business of the school/ Trust and must also consider the wider context of the school/ Trust as necessary.
- If the employee attends without representation, check that employee was aware of their right and agrees to proceed without a representative present.
- Confirm details of the request (proposed effective date, number of hours, working pattern etc.).
- Reassure employee that the school/academy is keen to consider flexible working and where possible will try to accommodate any requests for flexible working where the wider requirements and needs of the school/ Trust (business grounds) allow.
- Remind the employee that any change to hours would mean a permanent contractual change and that pay will be adjusted accordingly.
- Confirm that staff can make no more than **2** flexible working requests in a **12-month period**.
- Identify any ways in which the school/ academy would benefit from the proposed change.
- If the request may be difficult to accommodate (business grounds only) – discuss and explore options and/or alternatives where appropriate.
- Consider whether a trial period would be appropriate.
- Discuss whether the employee would consider any alternative working patterns.
- Confirm that the decision will receive written notification within 14 working days.

## Guidance Document 4

### Template Letter – Extending time limit

Dear [Employee]

**(a)** Further to my letter to you dated [date] which acknowledged receipt of your request for flexible working, unfortunately I am unable to meet with you within the statutory time limit of 14 working days.

**(OR)**

**(b)** Following our meeting on [date and time] regarding your request for flexible working, unfortunately I am unable to make a decision within the statutory time limit of 14 working days.

This is because [outline reason for delay].

I would therefore like to extend the time limit by 10 working days to [date].

If you are in agreement with the above, please confirm this to me in writing, within 5 working days.

Yours sincerely

Associate Headteacher/Head of School

## Guidance Document 5

### Template Letter – Agreeing to an employee’s request for flexible working

Dear [Employee]

Following the meeting held on [time and date] during which we discussed your request for a change to your working pattern, I am pleased to confirm that your request has been approved.

I can confirm that, with effect from [date] the terms of your employment contract will change. Your working pattern will be [details].

These new agreed terms represent a permanent variation to your contract of employment. Formal requests for flexible working cannot be made more frequently than twice in every 12 months

Please sign the attached copy of this letter and return it to [name] to indicate your agreement to the changes detailed above within 10 working days.

Yours sincerely

Associate Headteacher/Head of School

## Guidance Document 6

### Template Letter - Declining a request for flexible working

Dear [Employee]

I refer to our meeting held on [date] at which we discussed your request for a change to your pattern of working.

Having given the matter thorough consideration I regret that I am unable to agree to your request. The reason(s) for this is/are that this change would:

***(Note to manager - there may be one or more reasons for refusing the request)***

- Impose an unreasonable burden of additional costs on the school/academy
- Have a detrimental effect on the school/academy's ability to meet pupil and or/school demands
- Have a detrimental impact on quality
- Have a detrimental impact on performance
- Create unacceptable difficulties for the school/academy as we have been unable to make arrangements to reorganise the work amongst other staff
- Inability to recruit additional staff
- Create unacceptable difficulties for the school/academy due to an insufficiency of work during the periods you proposed to work
- Be inappropriate due to planned changes

You requested [outline proposal]. Unfortunately, agreeing to this/these change/s would [list the appropriate points and expand on them as necessary].

The reason why this is relevant to your application for flexible working is [explain further why the employee's request is not workable].

You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you must do so in writing within 10 working days of receipt of this letter to Governance Professional, Victoria Large by email [vlarge@arden.solihull.sch.uk](mailto:vlarge@arden.solihull.sch.uk). Your letter requesting an appeal hearing must set out the grounds on which you wish to appeal against the decision as outlined above.

Yours sincerely

Associate Headteacher/Head of School

## Guidance Document 7

### Template letter – Responding to an employee who has appealed against a refusal to grant a request for flexible working

Dear [Employee]

I confirm receipt of your letter dated [date] appealing against the school/academy's decision to refuse your request for flexible working.

In accordance with the Trust's Flexible Working Policy and Procedure, we have set up an appeal panel comprising three senior Trust leaders (usually the Executive Headteacher, plus a Trust Headteacher and one other senior leader) plus a governor/ Trustee, who have not previously been involved in managing your request, to hear your appeal.

I would therefore like to invite you to attend a meeting with:

[Names of panel members]

To take place on [date and time] at [venue].

The panel will be advised by [HR adviser]. (*optional*)

You have the right to be accompanied at the meeting either by a recognised trade union representative (or a person nominated by the trade union) or a work colleague.

[Name] will be present to take notes.

Following the meeting a decision will be made on your appeal and this will be communicated to you in writing as soon as possible after the appeal hearing.

Please could you contact me to confirm whether you are able to attend the meeting or, if you are not available, to suggest an alternative time and date.

Yours sincerely

Governance Professional

## Guidance Document 8

### Example Agenda for Appeal Hearing

- The employee (appellant) and their representative will be invited to present their grounds for appeal.
- The Associate Headteacher/Head of School who made the decision to decline the flexible working request will be invited to present the reasons why.
- The panel, and if present their HR Adviser, will then take the opportunity to ask questions of the manager and the employee.
- The employee will then be invited to make a brief concluding statement.
- The manager will be invited to make a brief concluding statement.
- The hearing will then adjourn and all parties will withdraw, at which point the panel will consider all of the evidence presented, and make a decision as to whether the appeal will be upheld or declined.

## **Guidance Document 9**

### **Template letter – Appeal upheld**

Dear [Employee]

Following the appeal meeting held on (time and date), I am writing to advise you that your appeal has been upheld.

[Briefly outline what was considered, the reason for the decision and the working pattern that was agreed.]

You will shortly receive confirmation of your new working pattern as detailed at the appeal hearing.

Yours sincerely

[Chair of appeal panel]

## Guidance Document 10

### Template letter – Declining employee’s appeal

Dear [Employee]

I refer to the appeal hearing held on [time and date] when we discussed your appeal against the school/academy’s decision to decline your flexible working request.

Having [given the matter thorough consideration/conducted a trial period on the flexible working pattern that you requested] I regret we are unable to uphold your appeal. The grounds for declining the appeal are that it would:

*(Please indicate one or more of the following reasons as applicable.)*

- Impose an unreasonable burden of additional costs on the school/academy
- Have a detrimental effect on the school/academy’s ability to meet customer demands
- Have a detrimental impact on quality
- Have a detrimental impact on performance
- Create unacceptable difficulties for the school/academy as we have been unable to make arrangements to re-organise the work amongst other staff
- Create unacceptable difficulties for the school/academy due to an insufficiency of work during the periods you proposed to work.
- Be inappropriate due to planned structural changes
- The reason/s why the above grounds are relevant to your application for flexible working is/are [explain further why the employee’s appeal cannot be granted].

Yours sincerely

[Chair of appeal panel]

## Guidance Document 11

### Frequently Asked Questions

#### **Q1) What is flexible working?**

A1) Flexible working includes part-time working, staggered hours, compressed working hours, job sharing, shift working, shift swapping, self-rostering, term time working, annualised hours.

#### **Q2) To what extent should an employer consider a request to work on a job share basis?**

A2) Employers should not dismiss any flexible working requests without due consideration. It is important that an employee may be able to claim discrimination, as well as a breach of the flexible working provisions, if his or her request is rejected without due consideration. The employer should take reasonable steps to find a job share partner.

#### **Q3) Can an employer turn down an application for flexible working if the employee's role involves managing staff?**

A3) Employers should explore the possibility of flexible working whatever the job role.

#### **Q4) Can I apply for flexible working to care for a relative who lives overseas?**

A4) It is unlikely that this would be the best option to care for relatives living overseas. It would be more likely that an employee would request a block of paid/unpaid leave which would depend on the school/academy's needs.

#### **Q5) If a flexible working arrangement has a trial period how long should it last?**

A5) It should be long enough for the employer to have a good idea as to whether the working pattern would be practicable and viable on a long-term basis

#### **Q6) If a job share arrangement is agreed, subject to recruitment to the job share partner post, can the decision be reversed, if recruitment isn't possible?**

A6) If recruitment is not possible to the job share partner role, the flexible working application will be reviewed.

## Guidance Document 12

### **Types and Benefits of Flexible Working Arrangements**

Flexible working covers a wide range of options offering the employee flexibility in arranging work/life balance. The following list is not exhaustive and flexible working may involve one or more of the following working patterns.

#### **Job sharing**

Job sharing is an arrangement whereby two part time employees share the responsibilities of one position.

Benefits:

- It allows employees more time for caring responsibilities or other commitments.
- Working regular and defined times allows employees to make arrangements in his/her free time in advance.
- It can allow an employee to ease into retirement. Please note, however, there may be pension implications which would need to be considered.
- It can allow the retention of trained and experienced employees.
- It can allow recruitment of skilled people who are able to work reduced hours.
- Two individuals may bring increased skills and expertise to the position.
- Peak periods of demand can be covered by flexible hours when the two individuals work simultaneously.
- Periods of absence such as sickness and annual leave can be covered.

#### **Part-time working**

Part-time working is when an employee is contracted to work fewer than the standard number of contractual hours.

There can be a wide variety of part time working patterns, e.g. later start/finish times, working mornings or afternoons only or working fewer days in the week.

Benefits:

- An employee can fit paid work around childcare and other commitments.
- It can allow employees to become more accustomed to increased leisure time in the run up to retirement or to supplement a pension from another employer.
- Periods of peak demand upon a service can be targeted.
- It can be used to retain the skills of employees returning to work following a period of maternity or paternity leave.

## **Annualised hours**

Annualised hours is when an employee's contractual working hours are expressed as the total number of hours to be worked over the year, allowing flexible working patterns to be worked throughout this period.

Usually the hours are divided into rostered hours, which are set, and reserve hours, when the employee can be called into work as demand dictates (and to cover unplanned work and employee absence). Payment is usually in 12 equal instalments.

### **Benefits:**

- The set hours that an employee is rostered to work will usually be known well in advance offering the employee flexibility in arranging work/life balance.
- It offers a regular salary level throughout the year even though hours of work vary.
- It is particularly suitable where there are predictable fluctuations in activity level for different teams over different periods, or where the situation is less predictable but workload is likely to be heavy at points throughout the year and light at others.
- It offers greater flexibility to match staffing to the demands of the service.
- The working hours necessary to produce an effective customer relationship can be guaranteed.
- It can improve productivity.
- It can produce a reduction in the cost of employing temporary and/or agency workers.

## **Compressed hours**

Compressed hours is a working pattern that allows employees to work their contractual hours over fewer working days. Usually a five day week is compressed into four and a half days or a 10 day fortnight into nine days.

### **Benefits:**

- Extra time is freed up for the employee to spend time with dependents or pursue a hobby or further education.
- Quieter periods of working can be used more effectively if the employee's time off is arranged to coincide with them.
- Cover can be extended beyond the normal hours of work.

## **Term time working**

Term time working is a working pattern whereby an employee has a permanent contract but takes an unpaid leave of absence during the school holidays.

Salary is paid in 12 equal monthly instalments.

**Benefits:**

- The problem of finding childcare during school holidays is removed and the employee can spend more time with their children during this time.
- It offers a regular salary level throughout the year.
- Recruitment and retention of individuals whose childcare responsibilities might otherwise keep them out of the employment market is possible

**Voluntary reduced working time**

This is a working pattern where it is agreed that an employee will work reduced hours for a certain period of time, with a return to full time hours at the end of this period.

Salary, pension and holiday will be pro-rated during this time.

**Benefits:**

- A temporary reduction in hours allows an employee to accommodate a specific event in his/her life (e.g. a course of study or a relative's illness) but allows the security of returning to a full-time position.
- An employee's skills are retained on a reduced basis at a point where they may otherwise have been lost completely.

**Home working**

Home working is where an employee carries out all or a proportion of their duties from home.

It may consist of the occasional, regular, individual or several days working at home.

## **Business reasons to consider following a request to work flexibly**

Any request to work flexibly must be considered objectively and the Trust/school/academy can only refuse them if there are business reasons for doing so. These business reasons are set out in legislation and are:

### **The burden of any additional costs, i.e. unacceptable to the organisation**

- In considering this, managers should reflect on the proposal's less obvious savings such as a reduction in overheads from homeworking arrangements or better coverage of service.
- The Trust is a large employer and therefore it may be difficult to defend on the basis of cost, for example increased payroll costs.

### **An inability to reorganise work amongst existing staff**

- The Trust should consider the cost of recruiting additional staff against the potential cost of losing the existing member of staff making the request. Also consider talking to the team about any reorganisation of work where appropriate.
- The employee may have particular skills or technical knowledge that other team members may not have and therefore may place unreasonable pressures on other staff if the request was granted. However, the manager/Associate Headteacher must consider what the implications would be if the employee chose to leave. This may create training and development opportunities for existing staff.

### **Inability to recruit additional staff**

- The Trust should explore whether other colleagues would be happy to rearrange their working patterns to accommodate the request, or they may wish to try to recruit internally or externally to accommodate the proposed new working arrangements.

### **The change will have a detrimental impact on quality**

- Managers should look carefully at the skills and potential of other employees when considering this reason. With training and development opportunities, many staff can acquire the new skills required.

### **The change would have a detrimental effect on the business's ability to meet customer demand.**

- When considering the impact on the business of a flexible working arrangement, the manager/Associate Headteacher could consider a trial arrangement for a fixed period to see if it is sustainable over the longer term. Alternative working practices may also be considered.

### **Detrimental impact on performance**

- Performance can mean of the individual, the team or the whole organisation. For example a request for homeworking may not be appropriate where team working is key to the delivery of a service or where a manager may need to ensure appropriate behaviours or working practices are observed amongst his/her staff.

### **There is insufficient work during periods the employee proposes to work**

- The manager would need to consider the likely impact on service delivery where the proposed working pattern sits outside of "normal working hours" e.g. the school day/hours of a front line service, or where there is inadequate demand.

### **Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit in with these plans.**

- If the manager has plans to make changes to the service then it would be good practice to share these with employees as it could help them to see opportunities through flexible working to make the business more effective.

## **Avoiding unlawful discrimination**

In considering these business reasons the manager/Associate Headteacher/Head of School must be careful not to inadvertently discriminate against particular employees because of their protected characteristics' such as where flexible working arrangements would be a reasonable adjustment for a disabled employee.

A manager/Associate Headteacher/Head of School should also be careful not to directly or indirectly discriminate against employees, for instance, when dealing with requests from employees with childcare responsibilities.

The Equality Act 2010 prohibits discrimination because of protected characteristics. These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

A manager/employer must ensure that part-time workers are treated consistently with other workers. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 make it unlawful to treat part-time workers worse in their contractual terms and conditions than comparable full time workers, unless treatment can be justified on objective grounds.

Source: Handling requests in a reasonable manner to work flexibly; An ACAS guide.