



# Flexible Working Policy

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**Author/owner: Board of Trustees**

**Review: Triennial**

**NB.** 'Trustees' means the Directors referred to in the Trust's Articles of Association

## History of most recent policy changes

Version	Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
V1.0	February 2021		New policy introduced for the Tarka Learning Partnership Central Trust Team and Schools within the Trust	Requirement for central policy to explain the approach to making and managing Flexible Working Requests for staff in the Trust and Schools within the Trust.
V2.0			Review in line with the policy schedule. Amended in line with the Scheme of Delegation and change to Governance. Also included on Appendix 2 is the request to move to a different work location within the Tarka Learning Partnership.	

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## 1.0 Introduction

The Tarka Learning Partnership recognises that attracting, recruiting, developing and retaining skilled and experienced employees is central to the achievement of its goals and objectives, and the provision of a high quality service. The Trust is committed to considering flexible and supportive family friendly practices and arrangements which enable staff to balance their work and careers with the demands of a family or other commitments and responsibilities more effectively, leading to greater individual and professional performance, increased levels of engagement and commitment from workers at all levels.

Flexible working is designed to address the changing profile of the workforce. It enables the use of advances in technology, provides a valuable recruitment and retention tool and aims to meet the increased demand for an effective work-life balance.

In addition to policy objectives, the Trust has a legal duty to consider applications for flexible working from all staff and as part of their duty in making reasonable adjustments for staff and job applicants with a disability or long-term health condition in accordance with the Equality Act 2010.

## 2.0 Purpose of the policy

The purpose of this policy is to explain flexible working, what it means for employees and the Tarka Learning Partnership, and its impact on pay and benefits. It outlines the alternative options available thus providing a framework for flexing individual working time arrangements. It also explains the process for requesting flexible working.

This policy applies to all employees who meet the statutory eligibility to request flexible working. It does not apply to casual workers, agency workers, external consultants or self-employed contractors.

All posts will be considered eligible for flexible working. The suitability of a post for flexible working will be determined by management following a review of the request and taking into account the statutory grounds for refusal. Given the nature of the education services provided by the Trust, quality of teaching and learning is paramount and should always be considered as a priority.

This policy does not form part of any employee's contract of employment and maybe amended from time to time.

## 3.0 Definitions

The term 'flexible working' relates to an organisation's working arrangements in terms of working time, working location and the pattern of working.

Flexible working options may include:

- Flexi-time – working time is split between core hours and time when employees can choose when to work.
- Part-time working – allows employees to work a proportion of the hours which would normally be regarded as full-time for that employment.
- Temporary reduction in working hours.
- Job share – normally involves two or more people sharing a full-time post.
- Annualised hours – where working time is organised over the number of hours to be worked in a year

rather than a week.

- Term-time working – employees are only required to work during the school term time.
- Home working or a different location - individuals have the opportunity to work from home on either a full or part time basis.
- Staggered hours – allows employees to start and finish their day at different times.

#### 4.0 Personnel responsible for implementing the policy

The Board of Trustees has overall responsibility for the effective operation of this policy, but has delegated day-to-day responsibility for its operation to the Chief Executive Officer (CEO) and the HR Leader.

Responsibility for monitoring and reviewing the operation of this policy and making recommendations for change to minimise risks also lies with the CEO and the HR Leader.

All line managers, in consultation with a member of the school's Senior Leadership Team, are responsible for being open in response to flexible working requests and to accommodate requests where possible, but must give serious consideration to the impact of a request on both colleagues and the school's performance. They have a primary responsibility for maintaining effectiveness and quality of teaching and learning.

#### 5.0 Eligibility and entitlement

The Flexible Working Requests Policy applies to employees who have:

- Worked for the Tarka Learning Partnership continuously for twenty-six weeks at the date the application is made.
- Not made another application to work flexibly under this policy during the past twelve months.

It is important to note that the Flexible Working Requests legislation provides an employee, who meets the qualifying criteria, with the right to request flexible working arrangements. Whilst every effort will be made to accommodate a flexible working request, there is no automatic entitlement to have a flexible working request agreed; every request will be considered in conjunction with the needs of the Trust.

The principles of the Flexible Working Policy may be used to consider flexible working requests received from employees who do not meet the eligibility criteria. However, it should be noted that the Trust is bound by the statutory requirements detailed in the Flexible Working Requests Legislation.

If employees wish to apply for any of these options, they should discuss it in the first instance with their line manager. Employees are responsible for being objective in their assessment of how the change might affect the service, the team or performance.

It is recommended that the employee seeks advice from their pension provider prior to requesting a variation to the contract of employment. The employee's Trade Unions / Professional Association may also be able to provide information.

Teachers should contact Teachers' Pensions at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk). Support staff belonging to the Local Government Pension Scheme can make contact at [www.peninsulapensions.org.uk](http://www.peninsulapensions.org.uk)

Some flexible working requests may involve a change to employee's salary and benefits, as these are calculated on a pro-rata basis. It is therefore recommended employee's seek advice from their School Business Manager or the Trust HR Leader how a change in their working pattern may affect their pay and contractual benefits.

## 6.0 Process

Employees must consider the practical implications of their request and how their area or work and team would cope with these. Some posts may be harder to work flexibly in than others. See Appendix 1 for flow chart of the process.

All requests for any type of flexible working must be put in writing by the employee using the Flexible Working Request Form (Appendix 2) to their Line Manager in accordance with their responsibilities.

The request should include the following details:

- Details of their current working pattern (days/hours/times worked);
- Details of the working pattern they would like to work in the future (days/hours/times worked);
- The date they would like the working pattern to commence from;
- The impact of the new working pattern – how it will affect their colleagues, school and the Trust;
- How the new working pattern could be accommodated – how the effect on their colleagues, school and the Trust could be dealt with;
- A statement to state that it is a flexible working request;
- A statement as to whether a previous application has been made and if so the date on which it was made;
- The application must be dated and signed by the individual.

Employees must demonstrate a willingness to be flexible and to fully explore alternative suggestions made by their line manager if they are unable to accommodate the employee's initial request. Managers must then arrange a meeting to discuss the employee's request, ideally holding this meeting as soon as reasonable possible, with the view to completing this process including any appeals within a three-month period. This is to allow time to consider the request fully. Line managers may need to hold more than one meeting with the employee, depending on the nature of their request. New working arrangements must only be introduced by mutual agreement.

If the employee fails to engage with the process, the request for flexible working will be considered as withdrawn and the employee will be unable to submit a further request for 12 months from the original date of application. If the employee withdraws a formal application they will not be able to make another request for 12 months. In such circumstances, the line manager will write to the employee confirming that the request has been treated as withdrawn. There may be circumstances that require further consideration and this will need to be discussed with the HR Leader.

Employees have the right to be accompanied at any meetings, including an appeal meeting to discuss their request by a Trade Union representative or work colleague.

Line managers are required to consider all written requests for flexible working. It is important that they look at the benefits of the requested change for both the employee and the School and the Trust by weighing up any adverse business impact of implementing the changes.

During the initial meeting all suggestions should be fully explored.

Managers should write to employees within a timely manner after the meeting, with the outcome, ensuring that they do not exceed the three-month decision period as set out in statutory guidelines. The outcome of the meeting is either:

- To agree the new working pattern with a start date;
- To confirm the compromise suggested and a date by which the employee should respond and arrange to meet again (if required);
- Explain why they are unable to meet the employee's request and set out the procedure for appeal.

Once a decision has been made to agree a flexible working request, the line manager request the change be made via the School Business Manager and ensure relevant approvals have been given. If the flexible working request results in a change in contractual hours, a variation of contract of employment letter will be issued to the employee and a copy kept on their personnel file. Where the flexible option is adopted, an annual review may be factored in to allow both the manager and employee the opportunity to revisit the arrangement and implement further changes, if necessary. An earlier review can take place on the request of either the manager or the employee. Once a change has been implemented there is no automatic right for the employee to resume their previous working pattern and the employee will not be able to make another formal request until 12 months after the date of the original application.

Where a manager refuses an employee's request, the reasons for this must be explained with sufficient detail in the formal response. Refusals must be for one or more of the following reasons:

- The burden of additional costs;
- Detrimental effect on ability to meet the needs of the students ;
- Inability to re-organise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

A manager and/or employee may also suggest starting the new working arrangements under an initial trial period (normally no more than three months or one term) to ensure that they meet an employee's needs and those of the team/school before reaching a final decision in respect of the application/request.

## 7.0 Appeals

An employee may appeal against their manager's decision.

The appeal must:

- Be in writing and dated, sent to the Tarka Learning Partnership's HR Leader;
- Set out the grounds on which the employee is appealing; and
- Be made within 5 working days of the date on which the written rejection of the request was made.

Following receipt of the appeal, an appeal meeting will be arranged and must be heard by either two members of the Trust Central Team, or one member of the Trust Central Team and a Trustee. .

For staff in the central team, the appeal panel will consist of two Trustees. One panel member will act as chair of the meeting. A notetaker may be present, as well as the HR Leader who will advise the panel.

At the Appeal meeting, the Chair will seek to understand:

- The employee's reasons for raising an appeal and
- Their original request and concerns (the subject of the flexible working request)

The employee can be accompanied by a Trade Union representative or colleague.

The employee will be informed in writing of the decision no more than 10 working days after the appeal meeting. If there is a delay to this timescale the employee will be notified in writing, detailing the timescale that will be met.

If the appeal is upheld, the employee will be advised of the new working arrangements and the manager must following the process outlined in section 6.

If the employee's appeal is rejected, the manager will give the reason(s) for the decision and explain why the reason(s) apply in the employee's case. The employee will not be able to make another formal request until 12 months after the date of the original application.

It is important for managers to remember that the outcome for a flexible working request must be completed within three months of first receiving the original request for flexible working unless an extension is agreed with the employee.

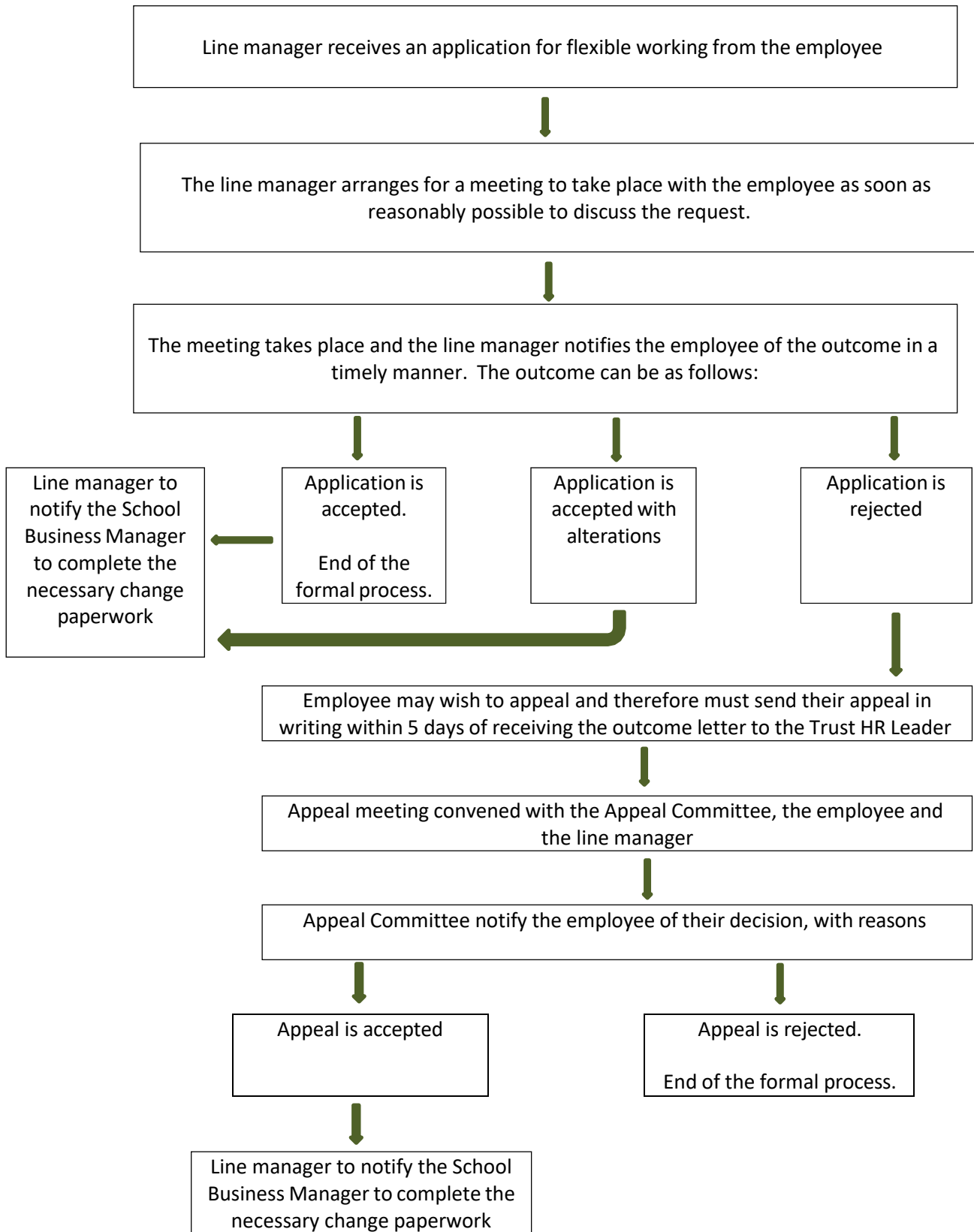
Employees must bear in mind when making a request that managers have to consider the needs of the service or department as a whole, and may not always be able to accommodate an employee's request, although they will do so whenever practicable.



## 8.0 Extending time

There may be exceptional occasions when it is not possible to complete consideration of the employee's request within the expected time limits. Where an extension of time is agreed with the employee, the manager will write to the employee confirming the extension and the date on which it will end.

Appendix 1 - Process for making a Flexible Working application (flow chart)



## Appendix 2 – Flexible Working Request Form

SECTION 1: EMPLOYEE DETAILS			
SURNAME:		FIRST NAME:	
JOB TITLE:			
SCHOOL & AREA OF WORK:			

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under Section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the Trust for the last 26 weeks.
- I confirm I have not made a flexible working request during the past 12 months.

If you are not sure whether you meet any of the criteria, further guidance can be found in the Flexible Working Policy.

If you have not worked for the Trust for 26 weeks or more, then you do not qualify to make a request to work flexibly under the statutory procedure. See Flexible Working Policy for further guidance.

SECTION 2: WORKING PATTERN	
Describe your current place of work and working pattern (weeks/days/hours/times worked)	
Describe the working pattern you would like in the future (weeks/days/hours/times worked)	
Detail below if your flexible working request is to move to a different work location within the Tarka Learning Partnership? Give a full explanation of your request to move to a different location.	
What date would you like the new working pattern to start?	

SECTION 3: IMPACT OF PROPOSED WORKING PATTERN	
How do you think this change in working pattern will affect the school, Trust and colleagues?	<i>I think this change in working pattern will affect my employer and colleagues as follows:</i>
How do you suggest the impact, mentioned above, can be mitigated?	<i>I think the effect on my employer and colleagues could be managed by...</i>

**SECTION 4: EMPLOYEE SIGNATURE**

Employee signature:		Date:	
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