



Flexible Working Policy

Document Control

Date	Revision amendment details	By whom
24/05/2019	Adopted by TEFAT Board Trust	Trustees
September 2020	Proposed date for review subject to statutory update as required	Ruth Dickens

Table of contents

Table of contents	1
Related policies and documents	2
Definitions	2
Elliot Foundation Academies Trust Vision and Values	3
Policy statement and objectives	4
Scope and principles	4
Eligibility	5
Forms of flexible working	5
Making a formal flexible working request	6
Formal procedure: meeting	7
Formal procedure: decision	7
Formal procedure: appeal	9
Appendix A - Interpretation of “Business Reasons”	11
Appendix B - Form to request flexible working	13

Related policies and documents

- Equality and Diversity Policy
- Family Friendly Policy
- Policy and Procedures Relating to the Management of Sickness Absence
- Special Leave of Absence Policy
- Gender Pay Gap 2018

Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the word 'Governing Body' is used it refers to the Local Governing Body of an individual academy within the Trust.
- Where appropriate the Local Governing Bodies of individual academies will publish details of the procedures and practices to implement Trust policies.

Elliot Foundation Academies Trust Vision and Values

Vision

The Elliot Foundation was created as a safe place for children and teachers where all are nurtured to achieve beyond even their own expectations. Our motto, "Where children believe they can because teachers know they can" reflects our conviction that raising expectations for all children and teachers is at the heart of a successful and inclusive society.

Values

For children

We help children to discover themselves and aspire beyond any limitations that their context might appear to place upon them. We help them understand that they can be, 'Heroes of their own lives' building the foundations for healthy and successful lives.

For schools

In addition to the essential functional skills of reading, writing and mathematics, children need to learn how to learn and to believe that they can continue to do so. They must also possess the critical thinking skills to sift fact from fiction to be able to think for themselves, freely and creatively.

For success

To thrive, whatever their chosen path, children need confidence, curiosity and commitment. We will nurture these attitudes across all their learning experiences

For communities

Children at Elliot schools will be raised with an awareness of the world around them and their role in shaping a better future through volunteering and contributing in their communities.

1. Policy statement and objectives

- 1.1. The Elliot Foundation Academies Trust is committed to providing equality of opportunity in employment and to developing work policies and practices that encourage employees to achieve a healthy balance between delivering their work responsibilities and personal commitments and interests.
- 1.2. The Trust believes that its employees are its most valuable asset and is committed to retaining and developing the talent and experience it has through the workforce. The Trust recognises that, in addition to helping balance work and personal lives, flexible working can raise employees' morale, enhance employees wellbeing and quality of family life, reduce absenteeism and improve effective deployment and retention of employees.

2. Scope and principles

- 2.1. Flexible working provides employees with the opportunity to ensure their working arrangements support the delivery of their professional roles at the same time as positively supporting their personal lifestyles. The Trust is committed to ensuring that all requests for flexible working are given due consideration and facilitated where possible, in recognition of the benefits of flexible working to both the individuals' quality of life and to the Trust through improved staff recruitment, performance and retention.
- 2.2. All eligible employees have an opportunity to formally request a change to their contractual terms and conditions of employment for this purpose. Flexible working can relate to working weeks, days, hours, start and finish times and/or the work location/s.
- 2.3. The Trust will ensure that managers and Principals/CEO are provided with training and support in relation to flexible working and other family related matters to ensure that any unnecessary barriers to flexible working can be addressed.
- 2.4. Those who make a request for flexible working will not be subjected to any detriment or lose any career development opportunities as a result.
- 2.5. In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and to staff morale, health and wellbeing.
- 2.6. This policy does not form part of any employee's terms and conditions of employment and it may be amended at any time following appropriate consultation with staff and Trade Unions.

3. Eligibility

- 3.1. To be eligible to make a request under the formal procedure set out in paragraph 5 an individual must:
- a. be an employee;
 - b. have at least 26 weeks' continuous service at the date the request is made; and
 - c. not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).
- 3.2. Employees or job applicants who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, are encouraged to make an informal request to do so. This will be discussed between the employee/job applicant and the line manager and/or Principal/CEO and any changes to contractual terms and conditions of employment will be considered in the context of both the individual's circumstances and the impact on the Trust's educational, business and operational needs.
- 3.3. Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements, unless otherwise agreed by both parties at the time of the changes being agreed. Given employees will not have the right to insist that they return to previous terms and conditions once their request for flexible working has been enacted, they should consider their request carefully before making it and discuss any concerns with their line manager and/or Principal/CEO. Short term temporary changes to working patterns are likely to be more appropriately dealt with using an informal process whereby employees discuss these changes directly with their line manager and/or Principal/CEO.

4. Forms of flexible working

- 4.1. Flexible working can incorporate a number of changes to working arrangements, including but not limited to:
- a) Part time working or a job share arrangement;
 - b) reduction or variation of working hours;
 - c) reduction or variation of the number of days worked each week;
 - d) alteration of work pattern (for example long days/short days);
 - e) working from a different location (for example, another school, Trust office or from home).

Possible changes to working arrangements mentioned in the above paragraph may also involve:

- starting a job share;
- working a set number of hours a year rather than a week (annualised hours);
- working only during term time;
- working compressed hours.

5. Making a formal flexible working request

- 5.1. Any employee interested in working flexibly is advised to speak informally to their line manager and/or Principal/CEO to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery, prior to submitting a formal request. The intention of this meeting is to be supportive and it will also provide the opportunity for both parties to consider the request along with alternatives whilst discussing how they would work in practice.
- 5.2. Employees wishing to make a formal flexible working request are invited to do so in writing to their line manager and/or Principal/CEO for consideration. The application must be dated. Please use the form available in Appendix B when submitting your request and include as much detail as possible.
- 5.3. To assist the Trust in making a decision regarding flexible working applications, they should:
- a) state the reason for the request;
 - b) provide as much information possible about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which the desired working pattern should start;
 - c) address the effect of the changes to the working pattern on:
 - I. the job role and impact on the work that is undertaken;
 - II. work colleagues;
 - III. subject/service delivery;
 - d) outline suggestions to deal with any potential negative effects of the request;
 - e) provide information to confirm eligibility to make a flexible working application (criteria set out in paragraph 3 of the policy);
 - f) state whether a previous formal or informal request for flexible working has been made and, if so, when;
 - g) state if the request is made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability; and
 - h) submit the request ideally at least two months before the change requested is due to take effect.
- 5.4. It is normal practice for the line manager and/or Principal/CEO to meet with the employee to discuss their request and understand how this will work in practice. However there may be circumstances the line manager and/or Principal/CEO might be able to agree the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, then the line manager and/or Principal/CEO will write to the employee, confirming the decision and explaining the changes that will be made to the employee's contract of employment, including whether they will be permanent changes or in exceptional circumstances, for a temporary period.

- 5.5. In some instances the Trust may not be able to to immediately grant a request for flexible working. If the request cannot be accommodated, a discussion between the employee and a their line manager and/or Principal/CEO may result in an alternative working patterns being proposed by either or both parties. This discussion will be one that is supportive and collaborative, to try and determine what will be the best outcome for both the employee and the Trust.
- 5.6. If the employee requested a permanent arrangement but was only offered a temporary variation, the employee will be asked if she/he is willing to accept this. If a temporary variation is accepted the employee has the right to revert back to the substantive contract at the end of the temporary period.

6. Formal procedure: meeting

- 6.1. Once an application has been submitted the line manager and /or Principal/CEO will usually seek to meet with the employee to discuss their request. The meeting will provide an opportunity to explore the request in more detail and obtain further clarity from the employee on how this might work in practice. Whilst the Trust will approach all requests supportively, not all flexible working changes requested will be able to be accommodated, and the meeting will allow the opportunity to consider alternatives along with any implications this may have for both parties if necessary. The meeting will normally take place within 28 working days of the application being submitted. The employee will be entitled to bring a workplace colleague or trade union representative to the meeting.
- 6.2. The line manager and/or Principal/CEO may suggest starting new working arrangements under an initial trial period to ensure that they meet the needs of the employee, team and Trust. If this is the case, the employee and line manager and/or Principal/CEO will agree how long the trial period will be for and this will be confirmed to the staff member, including the timeframe in which a further review will take place to consider how this has worked in practice for both parties. If the trial proves to be successful then the change will usually be confirmed as permanent.

7. Formal procedure: decision

- 7.1. Following the meeting, the line manager and/or Principal/CEO will notify the employee of the decision in relation to the request and confirmation in writing will be provided as soon as possible and usually within 10 working days.
- 7.2. If the request is accepted or whereby the Trust has proposed an alternative pattern that is accepted, the confirmation letter will include the details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. There may also be some additional practical matters, such as arrangements for handing over work, which the line manager and/or Principal/CEO will discuss and agree with the employee.

- 7.3. There may be a requirement to discuss alternative proposals at another meeting if the opportunity to agree on an alternative was not possible at the initial meeting, in which case the line manager and/or Principal/CEO will make further arrangements to meet again with the employee in an attempt to reach a final agreement through mutual discussion.
- 7.4. The employee should be aware that changes to terms of employment will be permanent unless expressly agreed otherwise and that another formal request cannot be made until 12 months after the date of the original application.
- 7.5. In some scenarios it may be necessary for further investigation to take place prior to making a decision. The line manager and/or Principal/CEO may ask for the employee's agreement to delay the decision for up to a further 10 working days. A discussion will ordinarily take place with the employee regarding the delay to explain the circumstances.
- 7.6. The Trust will make all reasonable efforts to accommodate the employee's request wherever possible. There may be a number of benefits to the Trust in doing so, including:
- a. Enabling an experienced member of staff to remain in role successfully whilst managing personal commitments;
 - b. Retaining and sharing experience of staff members;
 - c. Enhanced employee morale, job satisfaction and performance;
 - d. Enhanced employee health, wellbeing and attendance
 - e. Facilitating workforce diversity and addressing the Trust's gender pay gap
- 7.7. However there may be circumstances where, due to educational, business and operational requirements, the Trust is unable to agree to a flexible working request. In these circumstances, the line manager and/or Principal/CEO will write to the employee:
- a) giving the business reason(s) for turning down the application (see paragraph 7.8 below);
 - b) explaining why the business reasons apply in the individual case; and
 - c) setting out the appeal procedure.
- 7.8. The eight business reasons for which the Trust may reject an employee's request are:
- 1) the burden of additional costs;
 - 2) detrimental effect on ability to meet customer demand;
 - 3) inability to reorganise work among existing staff;
 - 4) inability to recruit additional staff;
 - 5) detrimental impact on quality;
 - 6) detrimental impact on performance;
 - 7) insufficiency of work during the periods that you propose to work; and
 - 8) planned changes.

7.9. Appendix A gives a brief overview of the way in which the Trust will interpret and apply these business reasons.

8. Formal procedure: appeal

8.1. If the request is rejected, the employee has the right to appeal. Appeals will be dealt with quickly and usually no later than within 3 months of the Trust first receiving the original request for flexible working.

8.2. The appeal must:

- a) be in writing and dated;
- b) set out the grounds for appeal;
- c) sent within 10 working days of the date on which the employee received the written rejection of the request; and
- d) be sent to the:
 - Central Trust employees**
 - CEO (or Chair of the Board if the original decision was taken by the CEO)
 - Academy employees**
 - Principal (or Executive Principal if the original decision has been taken by the Principal); or
 - Regional Director if the original decision was taken by the Executive Principal or if the original decision was taken by the Principal and there is no Executive Principal in the academy structure

8.3. The individual holding the appeal will make arrangements for an appeal hearing to take place promptly and at a convenient time for all those attending. They will provide the employee with at least 10 working days written notice of the hearing and will advise them of their entitlement to be accompanied by a recognised trade union representative or a workplace colleague.

8.4. The employee will be informed in writing of the appeal decision within 10 working days of the appeal meeting taking place.

8.5. If the appeal is upheld, the employee will be advised of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which the working agreement will commence. There may also be some additional practical matters, such as arrangements for handing over work that the member of the Senior Leadership Team or line manager will discuss with the employee.

8.6. The employee should be aware that changes to the terms of employment will be permanent and another request cannot be made until 12 months after the date of the original application.

- 8.7. If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply. The employee will not be able to make another formal request until 12 months after the date of the original application.
- 8.8. On conclusion of the appeal process there is no further right of appeal.

Appendix A - Interpretation of “Business Reasons”

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated in the context of both the value and importance of flexible working and the needs of the Trust.

If a request to work flexibly is rejected then the Trust will provide a specific “business reason”, which must be one of the eight stated in the relevant legislation:

1. burden of additional costs
2. detrimental effect on the ability to meet customer demand
3. inability to re-organise work among existing staff
4. inability to recruit additional staff
5. detrimental impact on quality
6. detrimental impact on performance
7. insufficiency of work during the period the employee proposes to work
8. planned structural changes

The Trust’s interpretation of the “business reasons” is set out below in order to provide a clearer understanding of the specific circumstances in the Trust.

1. Burden of additional costs

It may, in some circumstances, be more costly to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application, unless those costs are substantial. The financial benefits of flexible working such as reduced absence and increased performance/productivity should also be considered.

2. Detrimental effect on the ability to meet customer demand

The Trust’s customers include students and parents. It is important that the quality of teaching and learning and/or the operation of the organisation is not adversely affected by agreeing to flexible working. In particular the line manager and/or Principal/CEO will consider the impact on the employee’s specific role and responsibilities.

3. Inability to re-organise work among existing staff

In addition to 2 above, it will be necessary to consider the employee’s specific job role and responsibilities and determine to what extent and how they can be redistributed, delivered in alternative ways or disregarded where appropriate.

4. Inability to recruit additional staff

Excellent quality teaching and skilled support staff are paramount for raising Trust standards. It is not always possible to recruit excellent teaching or specialist staff but the Trust will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a

colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the Trust will seek to recruit additional staff.

5. Detrimental impact on quality

See sections 2 and 3 above in relation to the possible impact on the quality of learning and teaching and service provision.

6. Detrimental impact on performance

It is important that any arrangements agreed between the employee and the Trust enable the employee to reasonably be able to perform well in their role and deliver the responsibilities as agreed.

It will be the responsibility of the employee to ensure they manage their own workload and both parties must be satisfied that this will be achievable under any new arrangements without having a detrimental impact on the employee themselves or their performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the job should the request be agreed, and this will be considered before a decision is reached.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of students are paramount and service delivery must be maintained at a satisfactory level. The Trust will need to consider the extent to which the proposed flexible/part time work pattern affects the work-patterns of the team.

8. Planned structural changes

The Trust will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced student numbers or changes to the staffing structure.

Appendix B - Form to request flexible working

Note to the employee

You can use this form to make an application to work flexibly under the right provided in statutory law to do so. Before completing this form, you should first read the Flexible Working Policy carefully and check that you are eligible to make a request.

You should note that it may take up to 3 months to consider a request before a final decision is made. You should therefore ensure that you submit your application to your line Manager and/or Principal/CEO well in advance of the date you wish the request to take effect (refer to section 5 for further information).

It will help us to consider your request if you provide as much information as you can about your desired working pattern, the impact this will have and any potential resolutions. It is important that you complete all the questions to ensure that your application is valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your line manager and/or Principal/CEO (you might want to keep a copy for your own records) who will contact you to advise whether a meeting to discuss your request is necessary.

If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

Personal Details	
Name:	
Job Title:	
I would like to apply to change my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet all of the eligibility criteria below (<i>please tick those which apply</i>):	
Eligibility	
I have worked continuously as an employee of the Trust for the last 26 weeks:	
I have not made a request to work flexibly during the past 12 months:	
Current and desired working pattern	
Details of my current working pattern (weeks/days/hours/times worked):	

Details of the working pattern you would like (weeks/days/hours/times worked):	
Date you would like the new working pattern to start from:	
Impact of new, proposed working pattern	
I have attached a statement explaining how I think this change to my working pattern will affect me, my work, colleagues and service delivery/students <i>(please tick and attach it)</i> :	
I have attached a statement explaining how I think this change to my working pattern could be accommodated in order to minimise the impact on my work, colleagues and service delivery/students and/or how it will have a positive impact <i>(please tick and attach it)</i> :	

Signed: _____ **Date:** _____

Please note, if you are unable to tick the relevant boxes in the eligibility section above then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under an informal request in accordance with paragraph 3 of the policy.