



## **Inspire Multi Academy Trust**

# **Flexible Working Policy**

Policy Reviewed	July 24
Policy Adopted by Board of Trustees:	July 24
Review Frequency	As Required
Date of Next Review	As Required
Responsible Officer	Joanne West
Signed on behalf of the Board of Trustees:	S Ruffell

# Policy Outline

## Reviewing the Policy

The TfC People Services 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

TfC People Services Team has developed a number of model policies for schools and academies to consider and adopt as their own. There are a number of sections within this policy which require either amendments and/or deletion to the specific paragraphs to ensure the policy is accurate in setting out your operational requirements. We advise that these sections are amended prior to the policy being adopted.

The relevant sections in this policy we advise you consider are;

- [Section 5](#) Specify where highlighted who the request for flexible working should be submitted to in the first instance.
- [Section 6](#) Include who requests should be made to and a deadline if appropriate.
- [Section 7](#) For some schools, Trustees have delegated the process for dealing with flexible working applications, up to an appeal stage, to the Headteacher. Delete the paragraph not applicable to confirm arrangements for dealing with requests in your school.

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 provider.

In addition, the term 'school' referred to in this policy means: all schools whether maintained, non-maintained or independent schools (including academies, free schools and alternative provision academies), maintained nursery schools and pupil referral units. This term could be amended throughout the policy where deemed appropriate by the setting.

## Summary of Changes

The Flexible Working (Amendment) Regulations 2023, are effective from 6<sup>th</sup> April 2024. A summary of changes include:

- The right to request flexible working from the first day of employment, removing the 26-week qualifying period previously required.
- A new requirement for employers to consult with employees before rejecting a request.
- Employees are able to make two requests in any 12-month period (currently one request).
- The time employers have to respond to a request will be reduced from three months to two months.

- The removal of the existing requirement that the employee must explain how their request will impact on the employer.

This policy has been updated in line with the new regulations.

### **Equality Impact Assessment**

As with all policies that affect service users, the wider community or employees, schools should undertake an analysis of the potential equality impacts and record that assessment.

### **Contacts for help and assistance**

Please contact your allocated HR Business Partner within the TfC People Services Team for help and assistance in applying the content of this policy. Alternatively, you can email the TfC People Services Team at;

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

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# 1 Introduction

- 1.1 The Trust Board has a commitment to being an exemplary equal opportunities employer and recognise the contribution flexible working can make to this. There is a legal duty to protect the health, safety and welfare of our staff and this includes minimising the risk of stress-related illness. The Trust recognises that people work more effectively when they are able to strike a healthy balance between their work responsibilities and other aspects of their lives.
- 1.2 All staff will be able to make a request to alter their working pattern, and requests will be considered in line with the procedures set out within this policy.
- 1.3 Flexible working arrangements can be requested by any member of Trust staff, including those in leadership positions and non-classroom-based roles. Requests for flexible working are not limited to those returning from maternity leave.
- 1.4 It is also important to highlight that the needs of the pupils are paramount to our Trust, and we will ensure that these are considered in relation to any request for flexible working.
- 1.5 Flexible working requests will be considered and concluded within two months of the date of the request, unless agreed otherwise by all parties.
- 1.6 **Employee Health & Wellbeing**  
The Trust is committed to creating an environment that promotes good mental health and where staff can thrive and feel supported.

Ultimately it is the Chair of Trustees/Chief Executive Headteacher (CEH) who is responsible for ensuring, so far as reasonably practicable, that the health and wellbeing of the affected employees is considered at all times and that the relevant officer(s) appointed to make decisions in respect of employee's applications to for flexible working are continuing to support our commitment to staff wellbeing.

- 1.7 **Consistency of Treatment and Fairness**  
The Trust Board is committed to ensuring consistency of treatment and fairness. It will abide by all relevant equality legislation, including where the duty to make reasonable adjustments applies. The Trust Board is aware of the guidance on the Equality Act issued by the Department for Education.

# 2 Data Protection

- 2.1 When managing a request for flexible working, the Trust 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 Trust's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedure.

### 3 What is Flexible Working?

3.1 Flexible working can be defined as 'arrangements which allow employees to vary the amount, timing, or location of their work'. All 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).

3.2 Flexible working incorporates a wide variety of working practices. A flexible working arrangement can be any working pattern other than the normal working pattern of the employee. 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** describe working time organised based on 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 will be 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 and based on the number of weeks and hours they work, and their pay will be averaged over the year.

3.3 In addition, employees may wish to request one-off or temporary flexible working arrangements, or arrangements which do not involve altering an employee's contract, for example temporarily varying start or finish times but maintaining the same number of hours worked per week. Such requests would be made via an informal arrangement.

## 4 Eligibility

4.1 From 6<sup>th</sup> April 2024, employees have the right to submit a flexible working request from their first day of employment and will be able to make two applications in any 12-month period. Employees are only permitted one 'live' request at any one time, meaning that any first request must have been fully concluded before a second request is submitted.

4.2 The Trust is aware of its responsibility to provide a response to a flexible working request within two months, including the conclusion of any appeal.

4.3 An employee is entitled to additional requests if they relate to an entitlement under the Equality Act 2010, with a right to request reasonable adjustments.

## 5 Responsibility for Dealing with Requests

5.1 The process for dealing with applications for flexible working has been delegated to the Headteacher. Therefore, consideration of and responding to the request, including meeting with the employee, will be undertaken by the in line with this policy.

5.2 In the case of a request from a Headteacher, the process will be carried out by the Chief Executive Headteacher of the Trust Board. Therefore, consideration of and responding to the request, including meeting with the Headteacher, will be undertaken by the Chief Executive Headteacher in line with this policy.

5.3 In the case of a request from the Chief Executive Headteacher, the process will be carried out by the Chair of the Trust Board. Therefore, consideration of and responding to the request, including meeting with the Chief Executive Headteacher, will be undertaken by the Chair of the Trust Board in line with this policy.

## 6 Making a Flexible Working Request

- 6.1 The procedure set out within this policy relates to all flexible working requests.
- 6.2 All requests must be made in writing to the Headteacher in the first instance. (In the case of the Headteacher, the request should be submitted to the CEH and in the case of the CEH, to the Chair of the Trust Board in the first instance). All requests should be made at least 2 months ahead of the proposed start date and 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.
  - whether a previous application for flexible working has been made.
  - the dates of any previous applications; and
- 6.3 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.
- 6.4 Whilst all requests for flexible working will be considered carefully, employees need to be realistic and need to recognise that not all flexible working options will be appropriate for all roles.
- 6.5 Employees are asked to show flexibility when making a flexible working request, as it may not be possible for requests to be met in every case.
- 6.6 In order to avoid challenges associated with timetabling, employees should aim where possible to submit requests by Easter to ensure there is sufficient time to plan the timetable.

## 7 Handling Flexible Working Requests

### **Consultation Meetings regarding flexible working**

- 7.1 Upon receiving a written request for flexible working, the relevant person/committee (as determined in section 5) will usually seek to arrange a consultation meeting with the employee to discuss the request.
- 7.2 Where a request can, without further discussion, be approved as stated in the employee's written application a formal meeting to discuss the request may not be necessary.
- 7.3 Where a formal meeting is necessary, 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 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

relevant person/committee, the meeting may be held over the telephone or via a virtual platform.

- 7.4 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.
- 7.5 The meeting will allow the opportunity to:
- discuss the request in more detail.
  - find out more about the proposed working arrangements.
  - explore how it could be of benefit to both the employee and the organisation.
  - Discuss any alternative flexible working options that may be available
- 7.6 The meeting will also be used to discuss how the proposed working arrangements would impact on the employee's attendance at INSET days, staff meetings, parent's evenings, and school trips etc. Reaching an agreement on such matters at this stage is vital in maintaining good relationships between both parties.
- 7.7 It may be necessary at this point, where the request is to reduce working hours, to discuss and consider how the job description may need to be redesigned, to clarify duties and responsibilities of the requester and to ensure the scope fits the hours worked.
- 7.8 Where the request is from a Headteacher, the CEH will need to have an input into the process. The CEH may either need to have a pre-meet with the Committee ahead of the meeting with the Headteacher or be invited to attend the meeting with the Headteacher in order that they can share with Trustees the potential benefits, and potential adverse effects to the academy if the proposed changes are agreed.
- 7.9 Where the request is from the Chief Executive Headteacher, the Chair of the Trust Board will need to have an input into the process. The Chief Executive Headteacher may either need to have a pre-meet with the Chair of the Trust Board ahead of the meeting with the Personnel and Performance Management Committee or be invited to attend the meeting with the Chief Executive Headteacher in order that they can share with Trustees the potential benefits, and potential adverse effects to the Trust if the proposed changes are agreed.
- 7.10 All meetings should be held as soon as reasonably possible from the date the request has been received. Whilst all requests should be responded to (including time for an appeal) within 2 months of receiving the request, this time limit may be extended with the agreement of both parties.

### **Considerations**

7.11 When considering a flexible working request, the person/committee will need to consider a number of potential implications and how these may be overcome. These may include (but are not limited to):

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

7.12 For requests submitted by the Headteacher, consideration needs to be given to The Education Act of 2002, which requires academies to have a Headteacher at all times. A request for flexible working may be met by 2 part-time contracts brought together to create a job share arrangement, provided that the headship is not left vacant for part of the week.

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

7.13 The person/committee responding to the request 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.

7.14 The Trust aims to work together with employees to try and establish an arrangement, where possible, which works for both the employee's need and the academy/Trust, to ensure consistently high-quality provision for pupils.

7.15 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.

7.16 Any request that is made and accepted will be a permanent change to the employee's contractual terms and conditions, unless agreed otherwise.

7.17 The person/committee responding to a request must decide to either:

- accept the request and establish a start date and any other action.
- confirm a compromise, agreed during the discussion.
- arrange a trial period.
- reject the request (ensuring consultation has taken place with the employee before doing so), setting out clear business reasons, how these apply to the application and the appeal process.

7.18 The employee will be informed in writing of the decision made as soon as is reasonably practicable.

## **8 Business reasons to consider when rejecting a flexible working request**

8.1 Whilst there may be some potential challenges to approving a flexible working request, the Trust is committed to fully exploring all options and looking for resolutions to any challenges before rejecting a request. However, it will not always be possible to agree to a new working pattern in every circumstance due to the business needs of the academy/Trust. A request will only be rejected where there is a business reason for doing so and following consultation between the Trust and the employee.

8.2 The business grounds for refusal are:

- The burden of any additional costs is unacceptable to the academy/Trust
- An inability to reorganise work amongst existing staff.
- An inability to recruit additional staff.
- A detrimental impact on quality.
- A detrimental impact on performance.
- Detrimental effect on ability to meet customer demand.
- Insufficient work for the periods the employee proposes to work.
- Planned structural changes to the business.

### **Consult with Employee**

8.3 The Trust will consult with an employee if they intend to reject their request for flexible working. This should be a constructive discussion and should consider whether any alternative flexible working options can be accommodated. 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.

## **9 Trialling new working arrangements**

9.1 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the academy/Trust, a trial period may be agreed. Where this is agreed, the Trust will allow sufficient time (usually no longer than a term) to review how the arrangements work in practice, and whether they are likely to create any practical difficulties for the department or for the academy/Trust as a whole, before taking any decisions on the viability of the requested working arrangement.

9.2 Where a trial period has been arranged, the Trust will provide the employee with a document that details their new working pattern and makes it clear that it is a temporary variation to the terms of the employee's contract, for the period of the trial alone. The employee will be informed in writing of the start

and end dates of the trial period, although the **Trust** may reduce or lengthen the trial period where necessary with the agreement of the employee.

- 9.3 Before commencing a trial, both parties should be able to agree to the extension of the time limit under the flexible working procedure to respond to the request, unless it is expected that the trial will be completed within the two-month decision period. The employee must be aware that their flexible working request will not proceed any further until the completion of the agreed trial period. Where an extension to the time limit cannot be agreed, a decision may need to be made as to the viability of the flexible working request, in line with this policy, without the opportunity for the working pattern to be trialled.
- 9.4 It may then be necessary for a further meeting to be held with the relevant person/committee nearer the end of the trial period to discuss and review the trial, to decide as to if the flexible working request can then be accommodated or not.
- 9.5 Where the **Trust** feel that the request cannot be accommodated following the trial period, the employee should be informed of this in writing, stating the business reason for their decision, which should be in line with Section 8 of this policy. In these circumstances, the employee must then revert to their previous working arrangement.
- 9.6 The employee will have the right to appeal the decision in line with Section 10 of this policy if their request is refused or is only able to be agreed in part.

## **10 Right to appeal the decision**

- 10.1 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 Trust Board within ten working days of receipt of the written notification of the original decision.
- 10.2 The relevant Appeals Committee must arrange the appeal meeting as soon as reasonably possible; however, the appeal meeting must take place no later than two months after the date of receiving the original request.
- 10.3 The employee can be accompanied to the appeal meeting by either a trade union representative or a work colleague.
- 10.4 The outcome of the appeal should be confirmed in writing to the employee.

## **11 INSET Days, Staff Meetings, Parents' Evenings, School Trips**

- 11.1 Those employees paid for INSET 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 INSET days. It may be beneficial, however, for the employee to attend all INSET days and in these circumstances, agreement should be reached with the individual as to how they will be compensated.

- 11.2 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).
- 11.3 Consideration should also be given to how this will be managed if an INSET day, 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

## **12 Pension Implications**

- 12.1 Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice.
- 12.2 For those working in a school/role and who are considering retirement, a phased approach can help to manage finances effectively, alongside a reduction in hours. Employees who are reducing their earnings due to part-time work or a reduction in responsibilities may be able to withdraw part of their pension to substitute their loss of income (please see Flexible Retirement Policy). Employees will need to consider the rules of their pension scheme.

## Flexible Working Application Form

The **Trust** 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 **Trust's** employee privacy notice.

<b>Full Name:</b>	
<b>Personnel number</b>	
<b>Job Title:</b>	
<b>Have you discussed this request with your Headteacher/line manager?</b>	Yes / No
<b>Have you made a previous application for flexible working?</b>	Yes / No
<b>If yes, please provide the dates of any previous applications:</b>	
<b>Details of your flexible working request:</b> 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)	

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**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.

<b>Preferred start date:</b>	
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<b>Signed:</b>	
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<b>Date:</b>	
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