



## Flexible Working Policy

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The Consortium Trust's fundamental aim is to maintain and enhance the position of community schools at the heart of our communities across Suffolk and Norfolk and to secure the best possible outcomes for our pupils. This policy should be considered in the light of this context and the range of needs our pupils both locally and across the Trust.

## 1.0 Scope

This Policy has been adopted by the Trust Board and applies to all staff employed to work at the schools and settings which form part of The Consortium Trust.

## 2.0 Introduction

- 2.1 The Trust has a commitment to being an exemplary equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our schools and settings are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.
- 2.2 The Employment Regulations (Flexible Working) Act 2023, changed the law on the right to request flexible working.

### What's changed?

#### Old rule

Staff who have been employed at your school for 26 weeks have the right to make a statutory request for flexible working.

Staff can make 1 flexible working request in a 12-month period.

Employers must respond to any flexible working request within 3 months.

Employers can reject flexible working requests if they have a good business reason to do so without a consultation.

Employees must include details about how the request might impact the organisation and what steps can be taken to deal with this impact in their request.

#### New rule

All staff have the right to make a statutory flexible working request **from day 1 of employment**.

Staff can make **2** flexible working requests in a **12-month period**.

Employers must respond to any flexible working request **within 2 months**.

Employers **must consult** with the employee before rejecting a flexible working request.

**Employees are no longer required** to include information about the impact of their flexible working request and how it might be dealt with in their request.

- 2.3 The Trust is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and the School/Specialism.
- 2.4 A flexible working request is a request to change the employee's terms and conditions and must relate to:
- the number of hours that the employee works;
  - the times that the employees works; or
  - the employee's place of work



- 2.5 Examples of flexible working are part-time; job share and term-time working.
- 2.6 When advertising for new roles in our Schools and Settings consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.

A request for flexible working may only be made twice in any 12 month period.

- 2.7 This Policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.
- 2.8 The law prescribes a two-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The two month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

### **3.0 Trust Board / / Academy Head/Line Manager responsibilities**

- 3.1 It is the responsibility of the Trust Board to ensure that this Policy is applied consistently and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail and records retained on Every HR

In addition, the Trust Executive Leadership Team will ensure that:

- working patterns comply with the working time regulations;
- working patterns do not adversely impact on the level and/or quality of service;
- the contractual entitlements of any employee is not contravened;
- no employee's application is refused without due consideration of the feasibility of proposals.
- Must consult with employee before rejecting a flexible working request.

### **4.0 The Employee's responsibilities**

- 4.1 It is the responsibility of employees to ensure that they consider and prioritise the needs of their service when making an application to change their working pattern, taking into account the implications for their colleagues. Employees should submit their application in good time for it to be dealt with during the school term.
- 4.2 The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The employee must:
- lodge the request in writing to the Academy Head/Line Manager (email is acceptable, refer to appendix 1 for the application form);
  - state that you are making a statutory request for flexible working and the changes that the you are seeking to your terms and conditions;
  - state the date from which you would like the terms and conditions to come into effect;
  - indicate whether you have previously submitted a request for flexible working and, if so, when.



## **5.0 Meeting to discuss a flexible working request**

- 5.1 Once the Academy Head/Line Manger receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in the table below. The Academy Head/Line Manager will usually arrange a meeting to deal with the request. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting will not be necessary.
- 5.2 An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Trust.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

## **6.0 Outcome of a flexible working request**

- 6.1 After the meeting, the Academy Head/Line Manger will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.
- 6.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in the table below. The request may be granted in full or in part: for example, the School may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not granted or is granted in part.

## **7.0 Where the request for flexible working is unsuccessful**

It will not be possible for the Academy Head/Line Manger to agree to a new working pattern in every circumstance. The reason why a request cannot be granted should be made clear to the applicant and clear reasons given, justifying the rejection of a request based on one or more of the following reasons:

- Burden of additional costs to the School/~~Specialism~~ Trust
- Inability to meet service needs, organisation and delivery;
- Inability to organise work within the staffing available;
- Detrimental impact on performance and quality of service;
- Insufficiency of work during the periods the employee proposes to work;
- Inability to recruit additional staff;
- Planned structural changes;
- Detrimental effect on ability to meet users demand.



## 8.0 Where the request for flexible working has been granted

If the request is upheld, the employee and the Academy Head/Line Manger will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to their contract of employment. Academy Heads/Line Manager should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

### 8.1 Trial Period

Consideration should be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an agreed extension to the statutory time frame.

### 8.2 Rejection of Request

At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is turned down, the Academy Head or Line Manager must state the reason(s) why in writing.

## 9.0 Timescales

- 9.1 All requests will be dealt with within a period of two ~~three~~ months from first receipt to notification of the decision on appeal
- 9.2 These time limits may be extended where both the employee and the Trust are in agreement. For example, the Academy Head and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

	Within 14 days	Within 14 days	Within 7 Days	Within 2 months of the original request
The Academy Head/Line Manager should hold the meeting	Notify the employee of the decision	Employees who are dissatisfied can lodge an appeal	The appeal to be heard	The employee will be informed of the outcome of their appeal
		Refer to 10 below for the Appeal process	Refer to 10 below for the Appeal process	Refer to 10 below for the Appeal process

## 10.0 The Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by their Academy Head/Line Manager, they can lodge an appeal.

- 10.1 Within 14 calendar days of receipt of the notification of the Academy Head's/Line Manager's decision the employee may if they wish, appeal in writing to the -CEO. They should set out their grounds for making the appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the Academy Head/Line Manager may not



have been aware of or it may be to challenge a fact that the Academy Head/Line Manager has failed to explain the rationale for the decision.

- 10.2 Where the CEO is the line manager and refused a flexible working request, an appeal should be submitted to the Trust Board
- 10.3 Within 7-calendar days after receiving the appeal the CEO will designate a panel not previously involved with the application to arrange an appeal hearing meeting. The employee may be accompanied if they wish by a work colleague or trade union representative at the appeal meeting.

If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date. The meeting may be rescheduled to accommodate the availability of the companion as long as an alternative date is offered which is within 5 working days of the originally proposed date.

- 10.4 Within 14 calendar days of the date of the appeal meeting, the Appeal Panel must inform the employee of the outcome of the appeal in writing.

If the appeal is upheld, the written decision must:

- Include a description of the new working pattern;
- State the date from which the new working pattern is to take effect, including any trial period; and
- Be dated.

If the appeal is dismissed, the written decision must:

- State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal;
- Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
- Be dated.

A written notice of the appeal outcome constitutes the Trust's final decision and is effectively the end of the formal procedure.

### 11.0 Pension implications

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice.

Please note that flexible retirement can only be considered once a request for flexible working has been agreed. The Local Government Pension and Teachers' Pension Schemes are subject to change and therefore guidance should be sought from the appropriate Pension scheme prior to making any retirement request.



## APPENDIX 1

### Application for Flexible Working

<b>Name:</b>	
<b>Job Title:</b>	
<b>Establishment:</b>	
<b>Employment Status:</b>	
<b>Is this a statutory request? This means that you:</b> <ul style="list-style-type: none"> <li>Are an employee, not a worker, and;</li> <li>Have not made more than one other application to work flexibly in the previous 12 months</li> </ul>	<b>Yes/No</b>
<b>Describe your current working pattern (days/hours/times worked) and any other arrangements relevant to your application (eg, home working):</b>	
<b>Describe the working pattern (days/hours/times worked) or other arrangements (eg, home working) you would like to work in the future:</b>	
<b>Describe any flexibility you may be able to offer around your request:</b>	
<p>This may assist the school in accommodating a form of flexible working if your first preference cannot be accommodated. For example, "Whilst ideally I would like to reduce my hours to work 3 days per week, should this not be possible, I would be happy with a reduction in hours to anything between 2.5 and 4 days per week.</p>	



**Ideally, what date would you like the changes to start from?:**

**Please provide any other information that you feel may be relevant when considering your application for flexible working:**

**Please state if you are making your application in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, and provide further details:**

**I understand that if my request for flexible working is accepted by the school, it will represent a permanent change to my terms and conditions of employment, unless otherwise specifically agreed.**

**Signed:**

**Date of Application:**



## DOCUMENT CONTROL

### Changes History:

Version	Date	Amended By	Details of Change
V1	14/02/2019	n/a	Creation of Policy
V2	07/08/2024	AAD/Head of Service People	Full Review

Name	Job Title	Signed	Date Approved
Andrew Aalders-Dunthorne	CEO/Principal	Electronic signature	28/03/2019
Dawn Carman-Jones	Chair of Trustees	Electronic signature	28/03/2019
Andrew Aalders-Dunthorne	CEO	Electronic signature	14/11/2024
Steve Martin	On behalf of Trust Board	Electronic signature	14/11/2024

This policy will be reviewed every 4 years by Head of Service People or as required by changes in legislation.

At every review, this policy will be approved by the Finance & Resources Committee.

**END OF DOCUMENT**