

Truro and Penwith
Academy Trust

Flexible Working Policy

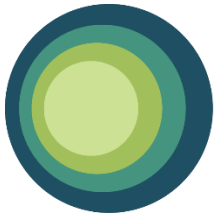
Review Summary

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Truro and Penwith Academy Trust

Flexible Working Policy

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Flexible Working Policy

1 Introduction

- 1.1 This policy aims to encourage staff to consider flexible working arrangements. Truro and Penwith Academy Trust recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore TPAT wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, balancing work with other parts of life, improve health and wellbeing, further learning and other interests. TPAT is committed to considering any flexible working arrangements, providing that the needs and objectives of both the school and the employee can be met, without any detriment or additional cost to either party.
- 1.2 It is our policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to attend an informal discussion with their Headteacher / Line Manager to talk about the options. Employees are able to complete a “[statutory flexible working request](#)” form available on TPAT’s intranet under HR & Payroll, Flexible Working.
- 1.3 The Trust takes into account its obligations under the [Employment Rights Act 1996](#), the [Equality Act 2010](#) and the [Flexible Working Regulations 2014](#), and with reference to the Advisory, Conciliation and Arbitration Service (ACAS) Code of Practice.
- 1.4 This policy does not form part of any employee's contract of employment, and the Trust may amend it at any time.
- 1.5 This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors or volunteers.

2 Responsibilities

- 2.1 The Board of Trustees are accountable for adopting policies across the Trust. The Chief Executive Officer (CEO) and Executive Team (including Headteachers) have been delegated responsibility for overseeing its implementation.
- 2.2 Any questions about the day to day application of the policy should be referred to Headteachers or TPAT HR in the first instance.
- 2.3 This policy is reviewed regularly by Trustees.

3 What is Flexible Working?

- 3.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

3.2 The following flexible working options are considered to be the typical arrangements that employees will request but TPAT recognises that there may be alternatives or a combination of options which are suitable to both the school / trust and the employee:

- annualised hours;
- compressed hours;
- flexitime;
- hybrid working;
- job sharing;
- part time working;
- remote working;
- staggered hours;
- term time working;
- working from home.

3.3 Types of flexible working:

3.3.1 **Annualised Hours** means that employee's contractual working hours are calculated as the total number of hours to be worked over the year. The employee has some flexibility on when they work these hours over the year.

Usually the hours will be divided into set rostered hours during busy periods, and unallocated hours during quieter periods. An employee can decide when to work their unallocated hours, subject to some limitations.

Payment will be in **12** equal instalments.

3.3.2 **Compressed Hours** is where an employee works their usual full time hours in fewer days by working longer blocks meaning that there is no reduction in their pay. For example, a 5-day week is compressed into 4 days, or a 10-day fortnight into 9 days.

3.3.3 **Flexitime** allows an employee to choose, within certain limits, when to begin and end work. An employee is required to work during a core time and must work an agreed number of hours during the accounting period of **4 weeks**. Their hours of attendance will be recorded and added up at the end of each accounting period. An employee can carry over an excess of up to **15 hours** or a deficit of up to **15 hours** from one accounting period to another. A deficit of hours should be made up in the following accounting period. Excess hours may be used to either reduce attendance outside of core hours or, take additional leave (flexi-leave), subject to a maximum of **2 full days** in any accounting period. Additional leave should be requested and agreed with the employee's line manager in the same way as annual leave.

3.3.4 **Hybrid Working** is a mixture of working remotely and in the employer's premises. Working remotely can include working from home or other agreed locations.

3.3.5 **Job Sharing** is an arrangement where a full-time post is divided into two part-time roles. The two job-holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the school / trust. Pay and benefits are shared in proportion to the hours each works. Job sharing can be considered where the creation of a single part-time post is difficult, or where two individuals wish to work part-time. The suitability of posts for job-sharing will be stated in any internal or external advertisements.

- 3.3.6 **Part Time Working** covers any arrangement where an employee is contracted to work anything less than typical full time hours for the type of work in question. For example, an employee who only works Monday to Wednesday. The school / trust believes that some posts will be available on a part-time basis, except where a critical examination by line management proves this to be impracticable. The suitability of posts for part time working will be stated in any internal or external advertisements.
- 3.3.7 **Remote Working** means working from anywhere other than the employer's premises. This can include working from home or any other agreed location. TPAT can consider remote working as being an occasional agreed day, a mix of working remotely and in the workplace or a full time arrangement.
- 3.3.8 **Staggered Hours** means having a different start and finish time to other employees, for example, working from 7am to 4pm instead of 9am to 6pm.
- 3.3.9 **Term Time Working** is where an employee's contractual hours are during school terms only. An employee does not work during school holidays. Any weeks above their annual leave entitlement are unpaid. Salary would be paid in **12** equal monthly instalments.
- 3.3.10 **Working from Home** or homeworking is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The school / trust can consider homeworking being an occasional agreed day, a mix of home and office based work each week or a full time arrangement.

4 The Needs of the School / Trust

- 4.1 TPAT is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.
- 4.2 Where a flexible working arrangement is proposed, the School / Trust will need to take into account a number of criteria including (but not limited to) the following:
- the costs associated with the proposed arrangement;
 - the effect of the proposed arrangement on other staff;
 - the effect of the proposed arrangement on the pupils / students;
 - the need for, and effect on, supervision;
 - the existing structure of the school / trust / department;
 - the effect on and requirements of the school / trust development plan;
 - 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.

5 Eligibility

- 5.1 To be eligible to make a formal flexible working request you must:
- be an employee – the statutory right to request flexible working applies from day one of employment;
 - not have made two formal requests for flexible working during the last **12 months**;

- not make a formal request to work flexibly if a request you made previously has not been concluded.

5.2 If you are not eligible to make a formal request, you may make an informal request. All requests will be given equal consideration and will be looked at in a fair and equitable manner.

6 Submitting a Formal Flexible Working Request

6.1 An employee is entitled to submit **two** statutory flexible working requests in a **12 month** period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).

6.2 Any employee interested in flexible working is advised to speak informally with the Headteacher or Line Manager to discuss their eligibility and the different options for flexible working before submitting a formal or informal request.

6.3 An employee can only have one live request at a time. A request will stay live until any of the following happen:

- the School / Trust makes a decision;
- the employee withdraws the request;
- the employee and school / trust agree an outcome;
- it's been **2 months** since the date of the request.

6.4 A '[statutory flexible working request](#)' form is available on TPAT's intranet under HR & Payroll, Flexible Working.

6.5 Any request made must include:

- the date of the request;
- as much information as possible about the changes that the employee is seeking;
- the date the employee would like the proposed change to start;
- whether this is a statutory or non-statutory request;
- whether the employee has made any previous flexible working requests;
- the dates of any previous applications.

6.6 If the request relates to a reasonable adjustment for a disability under the Equality Act 2010, the employee should make this clear in the request.

6.7 If a request does not contain all of the required information, the Headteacher / Line Manager will advise the employee what else they need to provide and ask the employee to resubmit the request.

7 Responding to a Flexible Working Request

7.1 Headteachers and Line Managers will consider the proposed flexible working arrangements. They will look at the potential benefits and adverse effects to the employee and to the organisation in implementing the proposed changes.

7.2 Each request will be considered on a case-by-case basis, in the order they are received. 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.

- 7.3 Where an employee's request needs further discussion, the Headteacher or Line Manager will invite the employee to a consultation meeting. If a meeting is arranged it will be held within **one month** of the Headteacher / Line Manager receiving the request. This time limit may be extended with the agreement of both the employee and the Headteacher / Line Manager.
- 7.4 Where an employee's request can be approved in full without a consultation meeting, the Headteacher / Line Manager will confirm this in writing within **one month** of receiving the request. This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both the employee and Headteacher / Line Manager.
- 7.5 Headteachers / Line Managers will make a decision on all requests including any appeal within a maximum of **two months**. This time limit may be extended with the agreement of both the employee and Headteacher / Line Manager.

8 Consultation Meetings about Flexible Working

- 8.1 If the employee is invited to a consultation meeting, the Headteacher / Line Manager will discuss:
- the request;
 - how the proposed working arrangements might work;
 - how it could be of benefit to both the employee and school / trust.
- 8.2 The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic 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 Headteacher / Line Manager, the meeting may be held online or over the telephone.
- 8.3 At the meeting the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative. The meeting may also be attended by a member of TPAT HR. The workplace colleague or trade union representative will be entitled to speak during the meeting and confer privately with the employee but may not answer questions on the employee's behalf. The Headteacher / Line Manager should keep a written record of the meeting to accurately reflect what was discussed & place it on the employee's personnel file.
- 8.4 The meeting will be used to discuss the working arrangements the employee has requested. The employee will be able to explain how the arrangements will accommodate their needs. If the School / Trust cannot accommodate the arrangements an employee has requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 8.5 The Headteacher / Line Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of the School / Trust.
- 8.6 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.

9 Communicating a Decision after Consultation

- 9.1 After a consultation meeting, the request may be granted in full, in part or refused. The School / Trust may:
- propose an alternative option;

- grant the request on a temporary basis;
- ask the employee to try the flexible working arrangement for a trial period.

9.2 If a working arrangement is agreed, the employee will be sent a confirmation letter within **10 working days** of the consultation meeting. This will include details of the new arrangements and an invitation to talk about them. The employee will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to their terms of employment.

9.3 If the Headteacher / Line Manager needs more time to make a decision, for example, where they need additional time to investigate how the request can be accommodated or to consult several members of staff, they will discuss this with the employee.

9.4 There are circumstances where, due to business and operational requirements, the School / Trust is unable to agree to a request. In these circumstances, the Headteacher / Line Manager will write to the employee:

- explaining the business reason(s) for turning down the application;
- setting out the appeal procedure.

The eight business reasons that a request may be rejected are:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganize work amongst existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of working during the periods that the employee proposes to work;
- planned structural changes.

9.5 The School / Trust will not reject a flexible working request without prior consultation with the employee. If a request is rejected, the employee will be given the decision in writing within **10 working days** of the consultation meeting.

10 Right to Appeal a Decision

10.1 There is currently no legal right to appeal a statutory flexible working request decision. However, an appeal is an opportunity for an employee to raise any concerns or share any new information, to review and change their decision if necessary and to find an outcome that suits both the employee and employer. TPAT therefore offers its employees the right to appeal.

10.2 The employee has the right to appeal the decision if their request is refused or is only agreed in part.

10.3 The employee may submit an appeal within **5 working days** of being notified of a decision on their request. The appeal must:

- be in writing and dated;
- set out the grounds on which the employee is appealing;
- be sent to the Headteacher / Line Manager.

- 10.4 The appeal meeting gives the employee the chance to state their case and ask the School / Trust to look at a different outcome.
- 10.5 The appeal will be heard within **10 working days**. The employee will then be informed of the outcome of their appeal within **5 working days** of an appeal meeting. These time limits may be extended with the agreement of both the employee and the Headteacher / Line Manager.
- 10.6 Where possible the appeal meeting will be conducted by a more senior manager who has not been previously involved in considering the request. At the appeal meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.
- 10.7 As an employee, during the appeal meeting it can help to:
- explain why you think the decision is not right;
 - say where you feel the procedure was not reasonable;
 - ask questions about the parts of the procedure you felt were not reasonable;
 - present new information, if you have it;
 - listen to your employer's point of view;
 - refer to TPAT's policy or the Acas Code of Practice on requests for flexible working.
- 10.8 As the Headteacher / Line Manager holding the meeting you should:
- introduce everyone, explaining why they are there if necessary;
 - explain the purpose of the meeting, how it will be conducted and who has the authority to decide the outcome;
 - ask the employee why they are appealing;
 - look at the new information, if there is any;
 - summarise the points after discussing them, and end the meeting.
- 10.9 After the meeting, the manager handling the appeal will need to consider if:
- the original decision was right;
 - they need to change the original decision.
- 10.10 If the appeal is upheld, the employee will be advised of their new working arrangements, details of any trial period, an explanation of changes to their contract of employment and the date on which they will commence. They will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to their terms of employment.
- 10.11 Employees should be aware that changes to their terms of employment will be permanent and that their right to make formal flexible working requests is limited to **two** in any **12-month** period.
- 10.12 If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in this case. Employees should note that their right to make formal flexible working requests is limited to **two** in any **12-month** period.

11 Extending Time under the Formal Procedure

- 11.1 There may be exceptional occasions when it is not possible to complete consideration of an employee's request within the expected time limits. Where an extension of time is agreed with an

employee, the Headteacher / Line Manager will write to them confirming the extension and the date on which it will end.

- 11.2 If an employee withdraws a formal request for flexible working, that request will still be taken into account when determining if they have made **two** formal requests in a **12-month period**. In certain circumstances, a formal request will be treated as withdrawn. This will occur if the employee fails to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause. In such circumstances, the Headteacher / Line Manager will write to the employee confirming that the request has been treated as withdrawn.

12 Requesting a Reasonable Adjustment

TPAT is committed to reducing and removing disadvantages for disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

- 12.1 To request a reasonable adjustment, the employee should send their request by email or letter to their Headteacher or Line Manager and include:
- that they are making a request for a reasonable adjustment under the Equality Act 2010;
 - the adjustment they are requesting.
- 12.2 The Headteacher / Line Manager will discuss the employee's request with them within **10 working days** of the receipt of the request. The outcome will be confirmed in writing within **5 working days** of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and Headteacher / Line Manager.

13 Trialling New Working Arrangements

- 13.1 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the school / trust, a trial period may be agreed.
- 13.2 A trial period will allow enough time to implement and get used to the new arrangement before making any decisions on its viability.
- 13.3 The Headteacher / Line Manager will put any trial arrangements in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.
- 13.4 The employee will be informed in writing of the start and end dates of the trial period. The School / Trust may reduce or lengthen the trial period where necessary, with the agreement of the employee.
- 13.5 The School / Trust reserves the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, the School / Trust will give the employee **one month's** notice.

14 Varying an Employee's Contract

- 14.1 Where flexible working practices are agreed as a permanent change, any variation to the employee's contract of employment will be put in writing. Written confirmation of the changes will be sent to the employee within **one month** of the change being agreed.
- 14.2 Any changes that affect the employee's pay should be notified to the payroll team using a payroll variation form.
- 14.3 If the employee has any questions or concerns about the changes, they should contact the Headteacher / Line Manager to discuss the matter further.

15 Agreeing a Change without using the Statutory Procedure

- 15.1 Employees and employers can agree flexible working arrangements informally without using the statutory procedure. For example, if someone:
- prefers to informally ask for a change;
 - does not have a statutory right to request flexible working – this could be because they're legally classed as a worker or have not started their job yet;
 - has already made 2 statutory requests that year;
 - needs to ask for a short-term or urgent change.
- 15.2 As an employee, you might be able to agree a change by talking to your Headteacher / Line Manager. It can be quicker and easier to agree a change this way. If an employee makes an informal request for flexible working, both parties do not need to follow the statutory procedure.
- 15.3 Any changes agreed will be confirmed in writing by the Headteacher / Line Manager and must be signed by the employee. The document signed by both parties should be placed on the employee's personnel file.

16 Complaints and Further Information

- 16.1 If Employees are not satisfied with any stage of the flexible working request process or feel they have been treated unfairly because they have made a flexible working request, they should raise this with their Headteacher / Line Manager in the first instance.
- 16.2 If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under TPAT's Grievance Policy.