

Braunton School and Community College Academy Trust

Aspire & Achieve



April 2024

Flexible Working Requests Policy

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**This updated policy was adopted by the Board of Trustees
Of Braunton Academy on 21st May 2024**

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CONTENTS

Policy

- 1.0 Introduction
- 2.0 Scope
- 3.0 Principles
- 4.0 Eligibility
- 5.0 Equality, Diversity & Inclusion
- 6.0 Timescales
- 7.0 Right to be accompanied
- 8.0 Types of flexible working
- 9.0 Making a flexible working request
- 10.0 Consultation meeting to consider the request for flexible working.
- 11.0 Communicating the decision
- 12.0 Appeal against the decision
- 13.0 Trialling new working arrangements

POLICY

1. Introduction

- 1.1 Braunton Academy recognises the benefits of offering flexible working believing it to attract and retain employees through increasing motivation, promoting work-life balance, enriching employee wellbeing and improving performance and productivity.
- 1.2 The terms within this policy have been updated in accordance with the Flexible Working (Amendment) Regulations that came into effect on 6 April 2024. The policy reflects key changes in the legislation which includes but is not exclusive to, the ability for employees to make flexible working requests from the first day of their employment.
- 1.3 This policy sets out the Academy's approach to flexible working requests under the statutory procedure. However, managers should consider the various options for flexible working when either recruiting to an existing role or establishing a new post.

Types of flexible work patterns might include the consideration of the following:

- **Flexi-time** – 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.
- **Job share** – 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** – allows employees to take unpaid leave of absence during the school holidays.
- **Home working** - individuals have the opportunity to work from home on either a full or part time basis.
- **Compressed hours** – where individuals complete their hours over a shorter period of time.
- **Staggered hours** – allows employees to start and finish their day at different times

The type of flexible working pattern requested by an employee will need to take into account the practicalities of applying the revised working arrangements in a school setting.

- 1.4 Informal or short-term (12 months or less) flexible, temporary changes to working hours or working patterns should be discussed by employees with their line manager, outside of this policy.
- 1.5 This policy does not form part of the contract of employment and the Academy reserves the right to amend it at any time.

2. Scope

- 2.1 This policy applies to all Academy employees. It does not apply to workers, contractors, consultants or any self-employed individuals working for the Academy.

3. Responsible Officer / Committee

The Board of Trustees have agreed to delegate responsibility for considering and authorising flexible working requests, as part of this Flexible Working Policy to the Principal who will be referred to as the 'Responsible Officer' throughout this policy. If the Principal puts in a flexible working request, the responsibility for considering and authorising this request will fall to the Chair of Trustees as the Principal's line manager.

4. Principles

- 4.1 It is the Academy's policy to encourage open discussion with employees. An employee who thinks they may benefit from flexible working is encouraged to contact their line manager to initially arrange an informal discussion to talk about the options.
- 4.2 In considering a flexible working arrangement, the Academy will take into account factors including the impact on its ability to support and educate the Academy's students, effect on other employees, and on management of the team.
- 4.3 Whilst every effort will be made to accommodate a flexible working request, there is no automatic entitlement to have this agreed.
- 4.4 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.
- 4.5 If a formal change is agreed, it will be a permanent variation of contract, unless a trial or temporary period is agreed. There is no automatic right for the employee to revert back to the former arrangement.
- 4.6 If at any point in the future an employee wishes to end their flexible working agreement, they should discuss this with their line manager and their wishes will be considered in line with the Academy's needs.
- 4.7 Any meetings should be arranged by the Responsible Officer at a time and place convenient to both the employee and employer.
- 4.8 Time limits, see section 6 below, can be extended where the Responsible Officer and employee agree and would certainly be automatically extended where the person, who would ordinarily consider the application, is absent because of school closure periods, annual leave or sick leave when the application is received.

5. Eligibility

- 5.1 Employees can:
 - Make a request to work flexibly from the first day of their employment with the Academy.
 - Make up to two requests for flexible working within a 12 month period.
 - Only have one live request for flexible working with their employer at any one time.
- 5.2 Where an application is received from an employee who does not meet the eligibility criteria, the principles in section 2 above, may be used as guidance.

6. Equality, Diversity & Inclusion

- 6.1 In handling flexible working requests, and any information that an employee discloses as part of that request, the Academy will not discriminate unlawfully against any employee in relation to the protected characteristics as follows, which are set out in the Equality act 2010:
 - age,
 - disability,
 - gender reassignment,
 - marriage and civil partnership,
 - pregnancy and maternity,
 - race,
 - religion and belief,
 - sex and,
 - sexual orientation.

- 6.2 If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the line manager must consider this in line with their legal obligations under the Equality Act 2010. Line managers must make reasonable adjustments to remove any disadvantage related to a person's disability.
- 6.3 The Academy will not subject an employee to any detriment or dismissal because of any of the following:
- the employee has made or intends to make a request for flexible working,
 - the employee has issued legal proceedings against the employer in relation to their right to request flexible working or has stated that there are circumstances which could constitute grounds for them doing so.

7. Timescales

- 7.1 All requests, including any appeals, must be decided and communicated to the employee within a period of **two months** from when the Responsible Officer first receives the request. The Responsible Officer and employee may agree to extend this period. If an extension is agreed, the Responsible Officer should confirm this in writing to the employee.
- 7.2 If the employee fails to attend a meeting to discuss their flexible working request, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn. The Responsible Officer must confirm the withdrawal to the employee in writing.

8. Right to be accompanied

- 8.1 There is no statutory right to be accompanied at meetings to discuss a request for flexible working. However, the Academy recognises this is good practice as it can be helpful in giving employees confidence to make requests and support both parties to find a mutually agreeable solution. The Responsible Officer should, therefore, inform the employee prior to the meeting that a companion can be requested which may be a workplace colleague or a trade union representative.
- 8.2 If the employee makes a request to be accompanied, they should provide enough time for the meeting to be arranged and let the Responsible Officer know in advance the name of the companion and where possible whether they are a workplace colleague or trade union representative.

9. Making a flexible working request

- 9.1 All requests must be made in writing by completing the Flexible Working Request Form (Appendix 1) and submitting it to the Responsible Officer. Any request made under this policy must include:
- the date of the request,
 - the changes the employee is seeking to their terms and conditions of employment,
 - the date from when the employee would like the proposed change to come into effect,
 - any additional information that may support the request,
 - if and when the employee has made a previous request for flexible working.
- 9.2 The Responsible Officer should acknowledge receipt of the request in writing.
- 9.3 If the employee is making a request in relation to the Equality Act 2010, e.g., as a reasonable adjustment relating to a disability, this should also be made clear in the request.
- 9.4 Where a request for flexible working does not contain all of the required information, the employee will be asked to resubmit their request with the necessary additional information. Requests that are incomplete or contain errors will not automatically be rejected.

- 9.5 Requests will remain live until any of the following occur:
- A decision about the request is made by the Academy,
 - The request is withdrawn,
 - An outcome is mutually agreed,
 - The statutory two-month period for deciding requests ends.

A request continues to be live during any appeal or any extension to the statutory two-month decision period that the Academy and employee may have agreed.

10. Consultation meeting to consider the flexible working request

- 10.1 Responsible Officers must handle every request in a reasonable manner and must not reject a request without first meeting with and consulting the employee. A meeting may not be required if the Responsible Officer decides to agree to the employee's written request in full.
- 10.2 Where the Responsible Officer isn't able to agree to the written request in full or needs further information, a consultation meeting must be held. This will ensure that all relevant information is understood before a decision is made. It can also make clear whether a request may relate to a reasonable adjustment for an employee's disability, see section 6.
- 10.2 The Responsible Officer should arrange a private meeting with the employee and their representative (if applicable) either face to face or remotely via online video conferencing, or where neither of those are possible, via telephone call. The meeting should be held without unreasonable delay. The Responsible Officer and employee should have reasonable time to prepare for the discussion, while taking into account the statutory two-month period for deciding requests including any appeal, see section 7.
- 10.3 The content of the meeting and the way in which it is conducted should allow for a reasonable discussion and consideration of the request. It will usually be helpful to discuss, for example, the potential benefits or other impacts of accepting or rejecting the request, and any practical considerations involved in implementing the request.
- 10.4 If the original request cannot be accepted in full, the Responsible Officer and employee should discuss if it may be possible to secure some of the benefits that the original request sought. They should discuss, for example, any potential modifications to the original request, or any alternative flexible working options, that may be available and suitable for both sides. It may be helpful to discuss whether a trial period may be appropriate to assess the feasibility of an arrangement.
- 10.5 Responsible Officers must agree to a flexible working request unless there is a genuine business reason not to. A decision to reject a request must be for one or more of the following business reasons which are set out in the Employment Rights Act 1996:
- the burden of additional costs,
 - an inability to reorganise work amongst existing employees,
 - an inability to recruit additional employees,
 - a detrimental impact on quality,
 - a detrimental impact on performance,
 - a detrimental effect on ability to meet customer demand,
 - insufficient work available for the periods the employee proposes to work,
 - planned structural changes to the employer's business.
- 10.6 A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place.

11. Communicating the decision

- 11.1 The Responsible Officer should confirm the decision in writing without unreasonable delay, taking into account the statutory two-month period for deciding requests (which includes the appeal process).
- 11.2 If the request is agreed or agreed with modifications, the Responsible Officer should offer the employee the opportunity for a discussion to clarify any further information that may be helpful and discuss how and when changes might best be implemented. The written decision should confirm the details of the agreed arrangement and iTrent should also be updated with any contractual changes.
- 11.3 If the request is refused, the written decision should clearly explain the business reason(s) as set out in 10.5 above and clarify any additional information that reasonably explains the decision.
- 11.4 The written decision should make it clear that the employee has the option to appeal the decision.

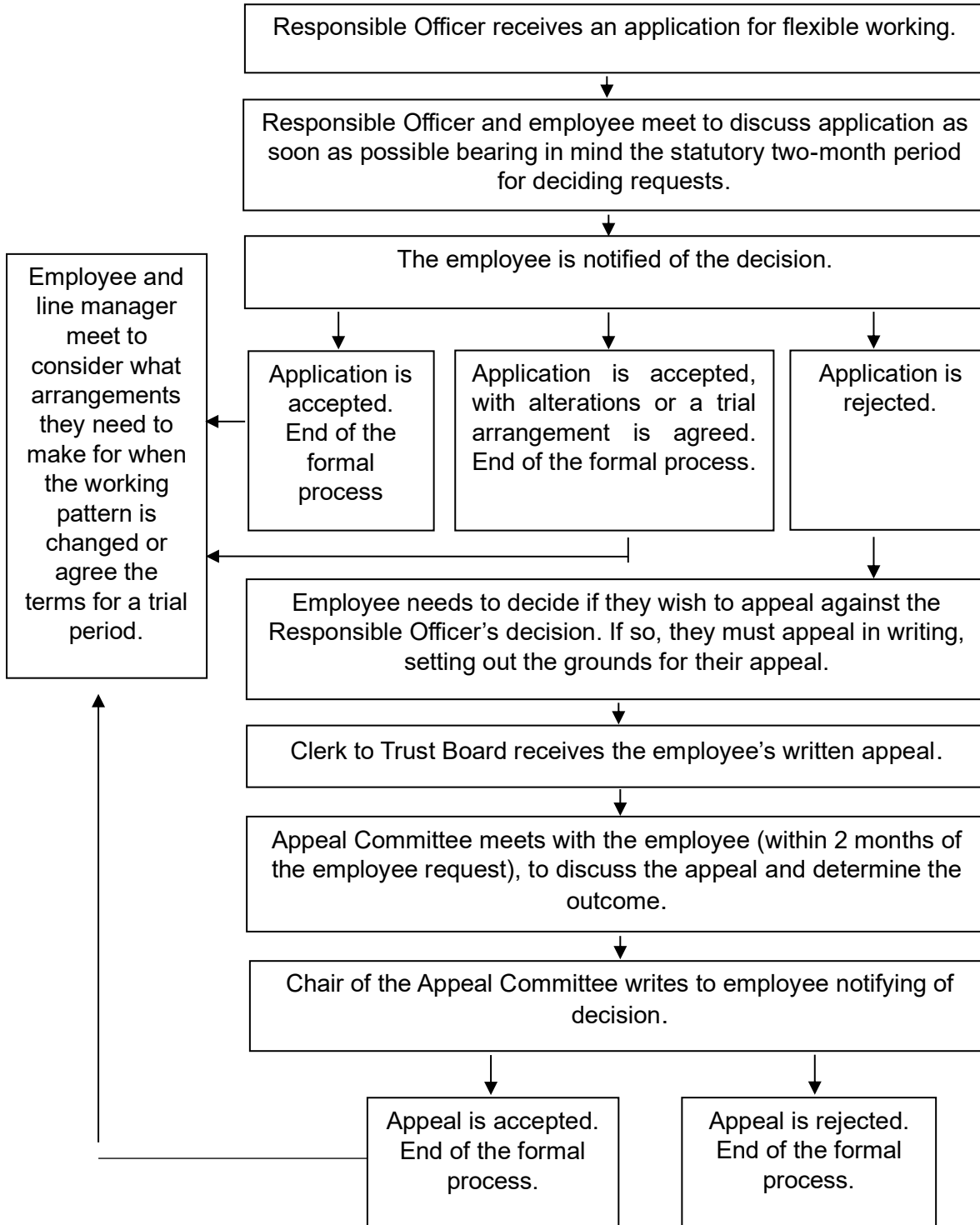
12. Appeal against the decision

- 12.1 The employee can appeal the decision if their request is refused or is only agreed in part. This should be in writing to the Clerk to the Board of Trustees smorgan@braunton.academy
- 12.2 The Appeal Committee will comprise three Trustees who will have had no previous involvement in the flexible working request, a close relationship with the employee or a vested interest.
- 12.3 The appeal should be arranged by the Clerk to the Board of Trustees without unreasonable delay, offering the employee the right to be accompanied. The employee and Responsible Officer should have reasonable time to prepare for the meeting, while taking into account the statutory two-month period for deciding requests (unless an extension has been agreed).
- 12.4 If the request is accepted, the Chair of the Appeal Committee, will write to the employee informing them of the variation agreed to and the date on which it is to take effect.
- 12.5 If the request is refused the Chair of the Appeal Committee will write to the employee setting out the grounds for the refusal and explaining why they apply.
- 12.6 A written record of the appeal meeting should be kept which provides an accurate reflection of the discussion that has taken place.
- 12.7 This is the end of the appeal procedure, and no further appeal mechanism will operate within the Academy's Policy.

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 Academy, a trial period may be agreed. If a trial period is arranged the Academy will allow sufficient time for an employee and their line manager to implement and become used to the new working practices before taking any decisions on the viability of the new arrangement.
- 13.2 The employee will be informed in writing of the start and end dates of the trial period (although the Responsible Officer may reduce or lengthen the trial period where necessary with the agreement of the employee). The Responsible Officer will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement

Process Flowchart for submitting a flexible working request



Flexible Working Request Form

Personal Details

Employee Name: _____

Job Title: _____

Manager: _____ School Name: _____

Payroll Number: _____ NI Number: _____

Work Pattern Details

Detail your current working pattern (days / hours / times):

Describe the working pattern you would like to work in future (days / hours / times):

I would like this working pattern to commence from:

Date: _____

Please use this space to provide any additional information that you think would be helpful to support this request including whether it's a reasonable adjustment in accordance with the

I have previously made a request to work flexibly under this right on (date). Please state the outcome of that request or if a request has not been made previously, write 'Not Applicable'.

Employee Signature

Date

NOW PASS THIS REQUEST TO THE PRINCIPAL

Line Manager's Confirmation of Receipt (to be completed and returned to employee)

Dear: _____

I confirm that I received your flexible working request on:

Date: _____

Please delete as appropriate

I shall be arranging a meeting to discuss your application. In the meantime, you might want to consider whether you would like a work colleague or trade union representative to accompany you at the meeting.

A meeting is not required as we are able to facilitate your request without meeting. This will now be confirmed in writing to you.

Line Manager Signature

Date