



Holy Family of Nazareth Catholic Academy Trust

Flexible Working Policy

Date of policy: **October 2019**

Date last review adopted by HFNCAT Board: **December 2019**

Frequency of review: **Annual**

Date of next review: **October 2020**

The Academy is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.

This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally. The Principal/Head Teacher or Academy Business Manager are encouraged to facilitate requests unless they cannot be accommodated for business or operational reasons.

This policy applies to employees only. It does not apply to agency workers, consultants or self-employed contractors.

No employee who makes a request for flexible working will be subjected to any unlawful detriment or lose any career development opportunities as a result.

The Academy is committed to a programme of action to make this policy effective and to bring it to the attention of all employees.

This policy does not form part of any individual's terms and conditions of employment and is not intended to have contractual effect. However, the policy does reflect the Academy's current practice and all employees are encouraged to familiarise themselves with its content. The Academy may amend this policy from time to time.

Who may make a statutory request to work flexibly?

Employees with at least 26 weeks' continuous service have a statutory right to request flexible working. That right is recognised by the formal right to request procedure in this policy.

The criteria for deciding who is eligible to follow the formal procedure are set out below.

Employees 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, may make an informal request under the procedure set out below to the Principal/Head Teacher or Academy Business Manager, who will consider the request according to the Academy's operational requirements.

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. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employee interested in flexible working is advised to request an informal meeting with the Principal/Head Teacher or Academy Business Manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote the Academy's aims and objectives with regard to flexible working.

All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request specific training and address any questions about the content or application of this policy to the Principal/Head Teacher.

Forms of flexible working

Flexible working can incorporate a number of changes to working arrangements:

- reduction or variation of working hours;
- reduction of the number of days worked each week; and/or
- working from a different location (for example, working from home).

Such changes may involve:

- starting a job share;
- working a set number of hours, a year, rather than a week (annualised hours);
- working from home (whether for all or part of the week);
- working only during term-time (part-year working);
- working compressed hours;
- working flexitime.

Eligibility for the formal right to request procedure

Requests under the formal procedure set out in this policy can only be made by employees who meet the criteria set out below.

To be eligible to make a request under the formal procedure, you must:

- be an employee;
- have worked for us continuously for 26 weeks at the date your request is made; and
- 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).

If you are not eligible to make a formal request, you may make an informal request as noted above.

Making a formal flexible working request

You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

Your written and dated application should be submitted to the Principal/Head Teacher and, in order to meet the requirements of the formal procedure, should:

- state the reason for your request;
- provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- address the effect the changes to your working pattern will have on the work that you do; that of your colleagues and on service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;
- provide information to confirm that you meet the eligibility criteria set out in this policy;
- state whether you have made a previous formal request for flexible working and, if so, when.

Your application should be submitted at least two months before you wish the changes you are requesting to take effect. Applications from classroom-based/teaching staff should be submitted to the Academy at the earliest possible opportunity, bearing in mind the difficulties of arranging changes to the timetable mid-year.

The Academy might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Academy will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

If your proposal cannot be accommodated, discussion between you and the Principal/Head Teacher may result in an alternative working pattern that can assist you.

Formal procedure: meeting

Where necessary, the Principal/Head Teacher or Academy Business Manager will arrange to meet with you, ideally within 28 days of your application being submitted.

You may bring a colleague (who may be a trade union representative) to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.

In most cases, the meeting will be held at your usual place of work. However, the Academy will ensure that the meeting is held at a time and place that is convenient to you.

The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your caring responsibilities. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and/or your department or team.

If the arrangements you have requested cannot be accommodated, discussion at the meeting will also provide an opportunity to explore possible alternative working arrangements.

The Principal/Head Teacher or Academy Business Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your department or team.

Formal procedure: decision

Following the meeting, the Academy will notify you of the decision in writing as soon as reasonably practicable and normally within 14 days.

If your request is accepted, or where the Academy proposes an alternative to the arrangements you requested, the Academy will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment.

There may also be some additional practical matters such as arrangements for handing over work that will be discussed with you.

You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your original application.

If the Academy needs more time to make a decision, it will notify you of this and the reasons for the delay. Requests must be considered and decided upon within three months of the receipt of the request. A request for an extension is likely to benefit you. For example, more time may be required to investigate how your request can be accommodated or to consult several members of staff.

There will be circumstances where, due to academic and/or operational requirements, we are unable to agree to a request. In these circumstances, the Academy will write to you:

- giving the academic/operational reason(s) for turning down your application;
- explaining why these reasons apply in your case; and
- setting out the appeal procedure.

The reasons for which we may reject your request are:

- the burden of additional costs;
- detrimental effect on ability to meet the needs and the demands of the Academy's students;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that you propose to work; and
- planned changes.

Appeal

If your request is rejected, you may be given an opportunity to appeal.

If you wish to appeal, it must:

- be in writing and dated;
- set out the grounds on which you are appealing; and
- be sent to the Chair of Governors within 14 days of the date on which you received the written rejection of your request.

The Chair of Governors will arrange for a meeting to take place as soon as reasonably practicable and normally within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague.

An independent and impartial Appeals Officer will be selected, specifically for the appeal, from either the Governing Body of the Academy.

You will be informed in writing of the Appeal Officer's decision as soon as reasonably practicable and normally within 14 days of the date of the appeal meeting.

If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment.

There may also be some additional practical matters, such as arrangements for handing over work that your Line Manager will discuss with you.

You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original application.

If your appeal is rejected, the written decision will give the academic/operational reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

Variations in the formal procedure

There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, the Academy will write to you confirming the extension and the date on which it will end.

If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn.

This will occur if:

- you fail to attend two meetings under the formal procedure without reasonable cause; or
- you unreasonably refuse to provide information we require to consider your request.

In such circumstances, the Academy will write to you confirming that the request has been treated as withdrawn.

Making an informal flexible working request

Employees who wish to make an informal request for flexible working may make a request to the Principal/Head Teacher or Academy Business Manager who will consider it according to the Academy's academic and operational requirements.

It will help the Academy to consider your request if you:

- make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
- provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- think about what effect the changes to your working pattern will have on the work that you do, and on your colleagues, as well as on our service delivery and that of your team or department.
- If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The Academy can then consider whether they are workable; and
- give details of the demands of your caring responsibilities, if you have any.

The Academy will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

Extending time under the formal procedure

The Academy will communicate any final decision with regards to a formal flexible working application within 3 months of receipt. However, there may be exceptional circumstances/occasions when it is not possible to complete consideration of your request within the expected time limits. Where an extension of time is agreed with you, we will write to you confirming the extension and the date on which it will end.

