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Flexible Working Procedure – handling requests in a reasonable manner

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Flexible Working Procedure

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1. Introduction

- 1.1 With effect from 30th June 2014 amendments to the Employment Rights Act 1996 now gives all employees the statutory right to ask to work flexibly after 26 weeks' employment service. However, the Trust extends this right to include all employees. An employee can only make a statutory request once in any 12-month period.
- 1.2 This guide is intended to provide you with advice on requesting and dealing with flexible working and applies to all staff employed by the Trust.
- 1.3 This policy outlines the formal procedures needed to complete the process. However, it is strongly advised that employees enter into informal discussions with the Principal with a view to reaching a mutual agreement on flexible working, before commencing the formal process.
- 1.4 This procedure was ratified by the Trustees on XXDATEXX following consultation with Trade Unions. It will be reviewed from time to time in full consultation with Trade Unions.

2. What can be requested?

- 2.1 An employee can request changes to:
 - The number of hours they are required to work
 - The times they are required to work
 - Where they are required to work, whether this is at home or on Academy premises
- 2.2 Flexible working includes:
 - job sharing,
 - working from home,
 - working part-time,
 - working compressed hours,
 - operating flexitime,
 - annualised hours,
 - staggered hours and
 - phased retirement

3. Responsibilities

- 3.1 There are a number of responsibilities that both employees' and the Principal* must adhere to.
 - 3.1.1 Employees must:
 - Put the request for flexible working in writing, preferably using the standard form FW1 enclosed as Appendix 1.
 - State if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.
 - Specify the changes applied for.
 - Specify the effective date of the change should this be agreed.
 - Explain what effect, if any, they think making the change would have on their job and an outline of how, in their opinion, any such effect might be dealt with.

3.1.2 The Principal* must:

- Ensure that the procedure detailed overleaf is adhered to.
- Consider the application for flexible working in relation to the advice provided.
- Consider the application for flexible working in relation to the advice provided and the circumstances of the case.

4. Timescales

- 4.1 The law requires that all requests, including any appeals, must be considered and decided on within a period of 3 months from first receipt, unless you agree to extend this period with the employee. However, wherever possible, it is best practice to deal with the request within reasonable timescales as outlined at appendix 2.
- 4.2 The process must be dealt with in a timely manner, and if it is anticipated there will be any delay the employee should be informed.

**or nominated representative*

5. Considering the Application

- 5.1 When receiving and considering an application for flexible working the Principal should write to the employee inviting them to a meeting, using the model letter attached to this policy.
- 5.2 The Principal must prepare for the meeting and take the following into consideration:
- Read the request fully prior to the meeting (see example letter attached at appendix 3 to invite the employee to a meeting).
 - Ensure information is known about the work area in which the employee works.
 - Make enough time to discuss the issues with the employee at a convenient time and place for both the Principal and employee.
 - The employee can be accompanied at the meeting and the appeal by a Trade Union representative or work colleague but it is their responsibility to arrange this.
 - At the meeting explore fully the requested work pattern and discuss how it may be accommodated.
 - Take the opportunity to consider suitable alternative employment if the required flexibility cannot be accommodated within the current work.
 - Take advice from the Trust Human Resources function if required.
 - When considering the request you must not discriminate unlawfully against the employee.
- 5.2 The policy will be applied in a non-discriminatory manner. The Trust will monitor the equality impact of the policy and will review the policy as necessary to prevent any direct or indirect discrimination'.
- 5.3 It is essential that both the Principal and employee are prepared to be flexible.
- 5.4 The only grounds for refusal of an application within the Regulations are:
- The burden of additional costs.
 - Detrimental affect on ability to meet customer demand.
 - Inability to reorganise work among existing employees.
 - Inability to recruit additional employees.
 - Detrimental impact on quality.

- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

5.5 The above should be considered as a cost/benefit analysis to both the Academy and the employee. Flexible working should only be refused where an unreasonable detriment to the Academy can be demonstrated. Where doubt exists the flexible working pattern could be offered on a trial basis, where this is considered practicable.

5.6 See appendix 4 for an example letter to the employee about the outcome of the meeting.

5.7 All individual records will be treated as strictly confidential.

6. Appeal

6.1 An employee can appeal against the refusal of a flexible working application. An appeal must be sent to the Chair of Governors and must be received within 5 working days of receipt of the decision letter. This time limit will be strictly observed.

7. Withdrawal of an Application

7.1 If the employee verbally withdraws their application for flexible working the Principal or representative should confirm this to them in writing.

7.2 If you arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without good reason, you can consider the request withdrawn. If you do so, you must inform the employee in writing.

Appendix 1

Request for Flexible Working Form – FW1

Name:	Academy:
Job Title:	Current Hours:
Date Request to be Effective from:	

Have you made an application for flexible working before?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes, When?		

1. Reason for Request (please state if the request is in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability).
2. Proposed Working Pattern
3. What, if any, are the effects of the change on your job?
4. How do you view that the change could be managed?

Please continue on a separate sheet if necessary.

Signed: Date:

(Employee)

Please pass this form to your Principal for consideration.

To be Completed by the Principal

Date Flexible Working Request Received:	
Date of Meeting:	
Attendees:	

Outcome of Meeting

Date Flexible Working Request Received:	
Date of Meeting:	
Attendees:	
Date Principal Confirmed Decision with Employee:	

Actions Following the Meeting

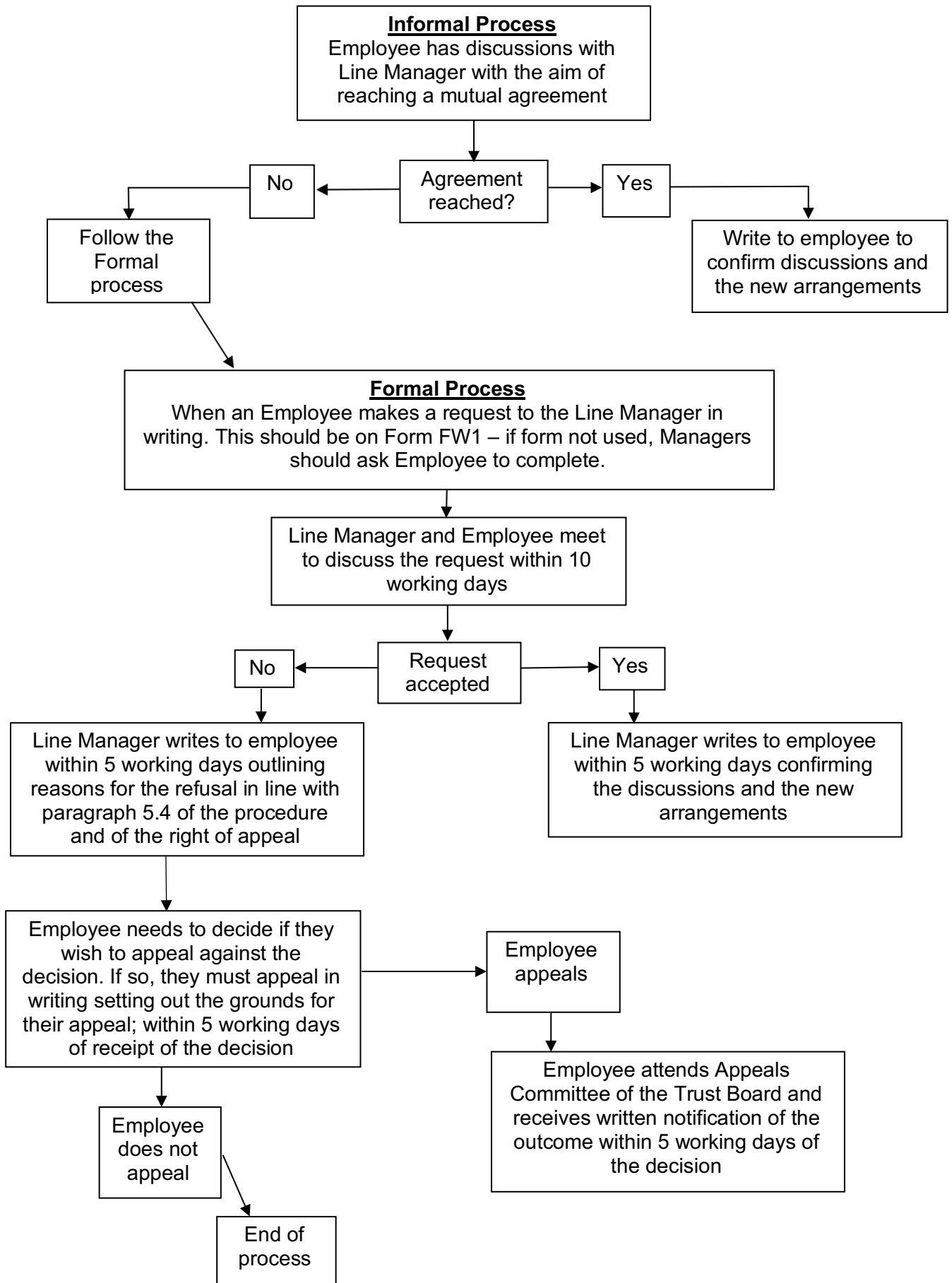
Date Flexible Working to Commence:	
Outline of Flexible Working Agreement:	
Length of Trial Basis (if applicable):	

Appeal Process (if applicable)

Date Employee Appeals:	
Date of Appeal Meeting:	
Notification of Outcome of Appeal:	

Signed: Date:
 (Principal)

Appendix 2 - Flowchart of the Process (NB Timescales are not statutory but wherever possible should be adhered to)



Appendix 3

Example letter – invite to meeting to discuss request

Date

Dear xxxxxxx

Re: Flexible Working Request

I refer to your request for flexible working dated xxxxx which was received on xxxxx. I can confirm a meeting has been arranged to discuss this request with me on xxxxx (date) at xxxxx (time) in my office.

If you wish, you are able to bring with you a work colleague or trade union representative if you so wish but it is your responsibility to arrange this.

Please confirm you will be attending and whether or not you will be accompanied.

Yours sincerely

Xxxxxxxx
Principal

Appendix 4

Example letter – outcome of meeting

Date

Dear xxxxx

Re: Flexible Working Request

I refer to your request for flexible working which was received on xxxxxx and the subsequent meeting held with me on xxxxxxx.

Example 1 – request agreed

After seriously considering your request I agreed to you reducing your days of work from full time to three days per week effective from xxxxxx. This change is on a permanent basis. You were happy with this outcome and a new contract of employment will follow shortly.

Example 2 – compromise

You had requested to reduce your contract from full time to 3 days per week on a permanent basis with immediate effect. As discussed, the necessity to ensure improved attainment for our Y11 students is paramount this year, not just because of the special measures category the Academy is currently facing but also to demonstrate sustained improvement over time.

However, after seriously considering your request the following was agreed with all parties:

- You will remain working full time between now and 31st December on your current timetable
- Between 1st January and May half term you will work 4 days a week but to minimise disruption to Y11 you will work Monday – Thursday inclusive
- After May half term you will reduce your contract to 3 days per week on a permanent basis. The days worked will be agreed closer to the time, depending on timetabling requirements.

You were happy with this outcome and a new contract of employment will follow shortly.

Example 3 – request refused

You had requested to reduce your contract from full time to 3 days per week on a permanent basis with effect from 1st September. This had been requested as a proposed job share basis with Mr xxxx. Because you both wished to work 3 days per week this would result in additional costs to the academy and there would be no perceived benefits to the academy of this arrangement. I did discuss with you the option of job share on 2.5 days per week each but you were not prepared to consider this.

Therefore, after serious consideration your request was refused on the grounds of the burden of additional costs being unacceptable to the academy.

You have the right of appeal against this decision to the governing body appeals committee. Should you wish to appeal, please do so in writing, within 5 working days of receipt of this letter to the Chair of Governors, stating the grounds for your appeal.

Yours sincerely

Xxxxxx
Principal

USEFUL LINKS

DfE Guidance on Flexible Working in Schools:

<https://www.gov.uk/government/publications/flexible-working-in-schools>

CONTACTS

For advice on the content of this policy please contact:

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Employees are also encouraged to contact their trade union representative for advice and support where appropriate.