



Special Partnership Trust



# FLEXIBLE WORKING POLICY

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## 1. Introduction

The Special Partnership Trust aims to be an employer of choice and recognises the vital role flexible working plays in attracting, retaining and supporting staff. The Trust promotes a **flexible-by-default** culture wherever operationally feasible, reflecting CIPD evidence that flexible working improves wellbeing, retention, productivity and work-life balance.

This policy explains how flexible working requests operate and outlines managers' responsibilities in considering them. All line managers and supervisors must understand and follow this policy.

This policy does not form part of any contract of employment and may be amended at any time. This policy applies to employees. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

### 1.1 What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. The following flexible working options are considered to be typical arrangements that employees may request but the Trust recognises that there may be alternatives or a combination of options which might be suitable to both the school, Trust and the employee:

- Annualised hours
- Compressed hours
- Flexitime
- Home-working / hybrid-working
- Job-sharing
- Part-time working
- Term-time working

### 1.2 The needs of the School/Trust

The Trust 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. 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 need for, and effect on, supervision
- the existing structure of the department
- 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

### 1.3 Reasonable Adjustments

The Trust recognises that some flexible working requests may relate to a disability under the Equality Act 2010. Where this is the case, the Trust has a legal duty to consider and implement reasonable adjustments to remove or reduce any disadvantage experienced by the employee.

Reasonable adjustments may include changes to working hours, patterns, duties, location, equipment or processes.

Flexible working may therefore form part, or all, of a reasonable adjustment. Requests relating to disability will be prioritised and considered in accordance with both the statutory flexible-working procedure and the Trust's duties under discrimination law.

Managers must take specialist HR advice where a request may involve disability-related adjustments.

### 1.4 Work-Life Balance

#### Work-Life Balance Commitment

The Trust recognises the strong evidence linking flexible working with improved work-life balance, wellbeing, and job satisfaction. The Trust is committed to ensuring staff are not subject to stigma or disadvantage for requesting or using flexible working arrangements.

### 1.5 Who is responsible for this policy?

The CEO has overall responsibility for the effective operation of this policy. The Trustees have delegated responsibility for overseeing its implementation to the Extended Leadership Team.

## 2. Informal Procedure

### 2.1 Flexible Working

A request for flexible working can be made to request a change to a work pattern, including working flexibly, job-sharing, working from a different location, staggered hours, change in hours, condensed hours or shift working.

Members of staff should initially make their request using the **Informal Procedure** outlined below.

If the request will result in working fewer hours, prior to making their request, the member of staff should consider carefully the effect on pay, pension contributions and benefits which will also be reduced on a pro-rated basis.

### 2.2 What the member of staff should do

The Trust encourages open discussions with staff. In the first instance, the member of staff should arrange an informal one to one meeting with their manager in order to discuss their proposal for flexible working and to explain:

- the hours they would like to work
- the reasons why they wish to work flexible hours, including if they are making the request as a reasonable adjustment for a disability in relation to the Equality Act 2010

### 2.3 What the line manager should do

The line manager should give careful consideration to the member of staff's request, taking into account:

- school and pupil needs
- impact on others
- the prospect and reasonableness of securing additional or alternative cover for any outstanding hours, days or jobs
- any special circumstances offered as a basis for the request

Managers should also ensure that they identify whether a flexible-working request may relate to disability consider whether reasonable adjustments are required in addition to, or instead of, the requested pattern and seek advice from Trust HR where necessary to meet legal obligations.

If the line manager decides not to agree to a request, they should ensure this is based on business grounds, as outlined in section 3.5 below, and that there is sufficient evidence to support the business ground(s).

If the work pattern requested is not possible then both parties should consider possible alternative working patterns and/or trial the new arrangement for an agreed fixed period of time, if this is reasonable.

Where a suitable working pattern is agreed, the line manager should complete a change of hours form, and should write to the member of staff informing them of any change to their terms and conditions of employment.

In most circumstances, the change to the member of staff's working pattern will be permanent. However, in circumstances where a short-term reduction in working hours is agreed, the written notification will include confirmation of the new arrangements, and the period during which the change will apply.

#### 2.4 When a request is refused

As outlined above, if an informal request to work flexible hours is refused and the member of staff meets the eligibility criteria in Section 3, they can proceed with a formal application.

### 3. Formal Procedure

#### 3.1 Who can apply?

All employees will be eligible to request flexible working provided they are an employee, (ie not Agency staff) from their first day of employment. Employees are able to make two applications for flexible working in any 12-month period.

If you are not eligible to make a formal request, you may make an informal request under paragraph 2.2.

### 3.2 How to apply

A member of staff who wishes to request flexible working is advised to speak informally with their manager or the Headteacher 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.

The employee must then make a formal application in writing to their manager. A written application should be submitted in good time and ideally at least 2 months before the change would take place. It can take any form, for example, letter, email.

An application for flexible working must:

- State that it is being made under the statutory right to request a flexible working pattern.
- Explain the reasons for the request, especially if they think the Equal Opportunities Policy may be relevant, for example, if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
- Specify the flexible working pattern applied for and provide as much information about the current and desired working pattern, including the date on which it is proposed the change should become effective, working days and hours.
- Provide reasons explaining why their preferred working pattern is compatible with the needs of the department or school, as far as they can tell.
- State whether a previous application has been made and, if so, when.
- Be signed and dated.

The proposed date set by the member of staff should allow time for the application to be considered and implemented if practicable. The Trust is committed to providing a decision within 2 months of receiving a written request.

There may be exceptional occasions when it is not practicable to complete consideration of an employees request within 2 months. In these instances, we will discuss whether an extension of time is possible. Where an extension of time is agreed with you, your line manager will write to you confirming the extension and the date on which it will end.

In most cases the Trust will need to have a meeting with the employee before making a decision. The Trust will not reject a formal request without first consulting the employee and any consultation meeting will be arranged promptly within a two-

month period (including any appeal). In some cases the Trust may be able to approve the request without a formal meeting, although it will usually be helpful for the line manager to discuss the request with the employee to ensure it is the best solution.

### 3.3 Considering an application

The member of staff's line manager has a legal duty to consider all applications reasonably, weighing up the benefits of the changes in working conditions to both the member of staff and the School against any cost of implementing the changes, and establishing whether the requested working pattern can be accommodated within the needs of the department.

The line manager should provide the member of staff with a written acknowledgement of receipt of the application.

Where necessary, the line manager can request to meet with the member of staff after receiving the application.

Where the line manager receives more than one request to work flexibly from different employees in close succession, these requests should be considered in the order received. Line managers are not required to make value judgements about the most deserving request.

A consultation meeting must take place before any request is refused, in accordance with the ACAS statutory Code of Practice.

### 3.4 Formal Meeting

If a meeting is necessary, it 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 Trust cannot accommodate the arrangements requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements. Hybrid working may also be discussed where relevant, as this is now a primary form of flexible working used in organisations.

The Trust will provide a reasonable opportunity for the employee to attend a meeting. If the employee fails to attend the meeting without a good reason, the Trust will consider the request as withdrawn and provide the employee with written confirmation of this.

The line manager will write to the member of staff giving the date, time and venue of the meeting. There is no automatic right to be accompanied at this meeting. However, a request to be accompanied by a work colleague or trade union representative may be considered at the discretion of the Trust.

### 3.5 Decision

The Trust will write to the member of staff confirming the decision as soon as possible and within 2 months of receiving the written request, unless an extension of time has been agreed with the employee as per paragraph of 3.2 of this policy.

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

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the Trust, a trial period may be agreed. If a trial period is arranged, the Trust/school will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of the new arrangement.

Unless otherwise agreed (and subject to any agreed trial period) changes to the terms of employment will be permanent. The employee will be able to make a maximum of 2 applications for flexible working in any 12 month period.

Where a trial period or time limited period has been agreed this should be detailed in the written notice.

There will be circumstances where, due to business and operational requirements, the Trust is unable to agree to a request. In these circumstances, the school will write to the employee:

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

Business grounds for refusing a request must be for one or more of the following reasons:

- Burden of additional costs
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Detrimental impact on the teaching delivery or the service provided to pupils
- Planned structural changes
- Insufficient work during the periods the member of staff proposes to work.

When specifying business grounds for refusing an application the line manager should include a clear explanation about why the business grounds apply in the circumstances, in line with evolving expectations under the Employment Rights Act.

### 3.6 Appeals Procedure

In all cases where it has not been possible for the line manager to agree to a new working pattern, the member of staff has the right of appeal against the decision.

If the member of staff wishes to appeal, they must set out the grounds of their appeal in writing. Any appeal should be dated and submitted to the Headteacher within 5 working days of being notified of the original decision.

An appeal meeting will be arranged to take place after receiving notice of the appeal. Appeals will be heard by a senior line manager with a HR representative, both of whom will have had no previous involvement.

The member of staff has the right to be accompanied to the meeting.

Appeal hearings will be conducted in accordance with the following terms of reference:

- To consider whether the decision was reasonable in the circumstances known to management

The member of staff will be informed of the outcome of the appeal in writing within 10 working days after the date of the appeal meeting.

- If the appeal is upheld the written decision must include the following:
  - Description of the new working pattern
  - Details of any trial period

- An explanation of changes to the contract of employment
  - Start date from which the new working pattern is to take effect
  - Be dated
- If the Appeal is dismissed the written decision must state the following:
    - The grounds for the decision. These will be appropriate to the member of staff's own grounds for making the appeal.
    - Provide an explanation as to why the grounds for refusal apply in the circumstance.
    - Be dated

The employee will be able to make one further formal request within 12 months of the date of the original application.

The Trust regards the appeal decision as final.

### 3.7 When an application can be treated as withdrawn

An application can be treated as withdrawn for the following reasons:

1. The member of staff withdraws the application
2. The member of staff fails to attend two meetings
3. The member of staff unreasonably refuses to provide their line manager with the required information.

Where a member of staff withdraws an application, they should notify their line manager in writing as soon as possible. They will be eligible to make one further application within 12 months of the date their application was made.

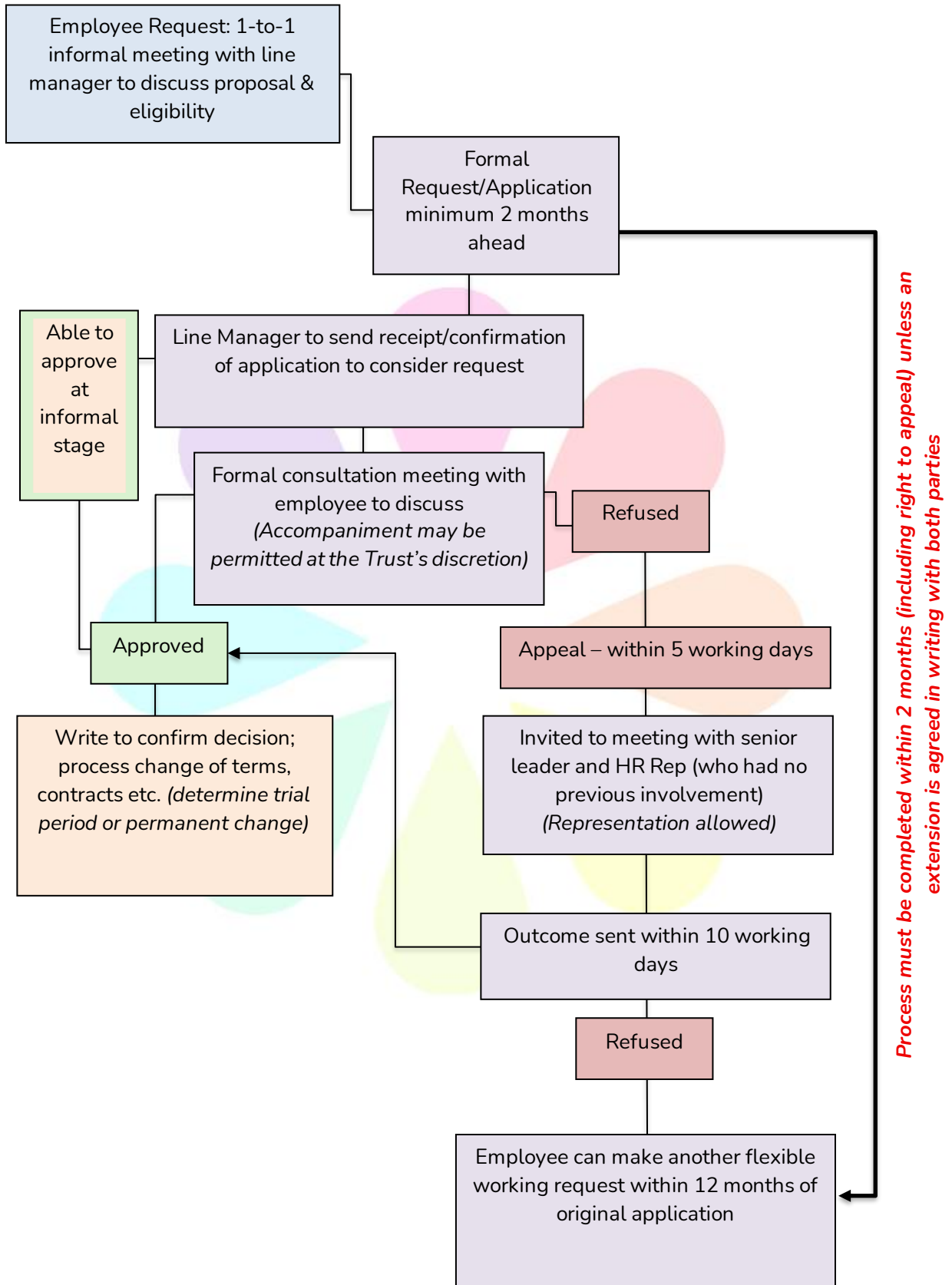
A line manager who is informed verbally that an application is withdrawn but does not subsequently receive written confirmation should contact the member of staff and request that they confirm their intentions in writing. Following on from this, if written confirmation is still not received, the line manager should confirm the withdrawal in writing.

Where a member of staff misses two meetings without reasonable cause the line manager may treat the application as withdrawn. After missing the first meeting, the line manager should warn the member of staff, when rearranging the meeting, that they risk their application being treated as withdrawn if they miss another meeting without reasonable cause.

There may be occasions where the line manager is willing to accept a request for flexible working but requires the member of staff to provide them with certain information before they can do so. If an employee unreasonably refuses to provide the employer with the information then the line manager can treat the application as withdrawn.



#### 4. Flowchart



## Appendix

### SPT Flexible Working Request Form

(Formal Application under the Statutory Right to Request Flexible Working)

#### Employee Details

Employee Name:	
Job Title:	
School & Department:	
Headteacher/Line Manager:	
Date of Request:	Click or tap to enter a date.

#### Request Summary

<b>Type of Flexible Working Requested</b>
<i>(e.g. reduced hours, compressed hours, job share, term-time only, home working, staggered start/finish times)</i>
<b>Proposed Working Pattern</b>
<i>(Include specific days/hours, preferred start date, and any trial period suggestion)</i>
<b>Is this request related to a disability under the Equality Act 2010?</b>
<input type="checkbox"/> Yes <i>(If yes, please outline any reasonable adjustments being requested)</i>
<input type="checkbox"/> No

## Reason for Request

Please explain why you are requesting this change

*(e.g. health reasons, caring responsibilities, work-life balance, study commitments)*

## Impact Assessment

**Optional:** How do you think this change will affect your role and responsibilities?

## Reasonable Adjustments

**Optional:** Is this request related to a disability under the Equality Act 2010?

Yes

No

*If your request relates to a disability under the Equality Act 2010 and you would like us to consider reasonable adjustments (which may include flexible working), please tell us what adjustments you need (e.g., hours, pattern, communication, equipment). You do not need to share a diagnosis or medical history.*

*You can also discuss adjustments confidentially with HR or your manager instead of completing this section. We'll handle any information in line with data protection law.*

## Previous Applications

**Have you made any flexible working request(s) in the past 12 months?**

Yes – Date(s) of previous request(s): \_\_\_\_\_

No

## Signature

I confirm that this request is made under the statutory right to request flexible working.

- **Signed:**
- **Date**

