



Special Partnership Trust



## FLEXIBLE WORKING POLICY

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## 1.0 Introduction

This policy provides advice for line managers and members of staff about how the right to request flexible working operates and the duty of line managers to consider all such requests seriously. This policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

The Special Partnership Trust treats equality of opportunity seriously and has an Equal Opportunities Policy that is applicable to staff in order to promote and ensure equality of opportunity. Implementation of this procedure must be clear and transparent and not subject to any unfair discriminatory practices.

Line managers and supervisors are required to familiarise themselves and understand this procedure.

This policy does not form part of any contract of employment or other contract to provide services, and the Trust may amend it at any time.

## 2.0 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 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
- how they think it will fit in with the needs of the department

### 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

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.

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, have completed 26 weeks' continuous service at the date the application is made and have not made a formal request to work flexibly during the last 12 months.

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

#### 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.
- Explain what effect, if any, the member of staff thinks the proposed change would have on the department and how, in their opinion, any such effect might be dealt with.
- Provide reasons explaining why their preferred working pattern is compatible with the needs of the department or school, as far as they can tell.
- Consider how their colleagues will manage if their working pattern is changed
- 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.

There may be exceptional 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, 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. In some cases the Trust may be able to approve the request without a formal meeting, although it will usually be helpful to 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, 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.



### 3.4 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. They will also be able to discuss what impact the proposed working arrangements will have on their work and that of their colleagues. If the Trust cannot accommodate the arrangements requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

The line manager should write to the member of staff, giving the date, time and venue of the meeting, and advise them that they may be accompanied by a Trade Union representative or work colleague, if desired. They should also inform the member of staff if they have asked an HR representative to attend the meeting.

If a Trade Union representative or work colleague attends the meeting, they can address the meeting or confer with the member of staff. However, the representative is not permitted to answer questions on behalf of the member of staff.

If a Trade Union representative or work colleague is unable to attend the meeting, it should be rearranged within 5 working days of the originally proposed date. The new date should be convenient to all parties. If this is not possible the member of staff should consider an alternative representative.

### 3.5 Decision

The Trust will write to the member of staff confirming the decision as soon as possible.

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.

Unless otherwise agreed (and subject to any agreed trial period) changes to the terms of employment will be permanent. The employee will not be able to make another formal request until 12 months after the date of the most recent request.

If the Trust needs more time to make a decision, for example, where it needs more time to investigate how the request can be accommodated or to consult several members of staff, they will discuss this with the employee.

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 an explanation about why the business grounds apply in the circumstances.

### 3.8 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 unable to make another formal request for 12 months from the date of the original application.

The Trust regards the appeal decision as final.

### 3.9 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 not be eligible to make a further application for 12 months from 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.