

**Liberty Academy Trust**

# **Flexible Working Policy**

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<b>Written By</b>	Head of Human Resources
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## 1 Introduction

- 1.1 At Liberty, we aim to support staff while they are at work and help staff to achieve a good work-life balance. We recognise that developing policies and work practices which enable flexibility will be beneficial for staff, and in turn for our children and young people and for the organisation.
- 1.2 We are committed to considering all requests for flexible working. When considering requests, we will balance the needs of individuals with the needs of our school communities. We won't always be able to agree to requests, but we will always look at what's possible, and we won't turn requests down lightly.
- 1.3 In developing this policy, and in keeping our flexible working practices under review, we are guided by the **Flexible Working Toolkit** provided by the Department for Education
- 1.4 This document provides more information about flexible working and the procedure for making an application. It also explains the process by which an application will be considered and the possible outcomes.

## 2 Scope

- 2.1 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 An employee may submit up to two formal flexible working requests within any 12-month period (more may be allowed if related to a statutory entitlement, for example in connection with the Equality Act 2010.)
- 2.3 This policy does not form part of any employee's contract of employment, and it may be amended at any time. We may vary the procedures set out in this policy, including any time limits, where it is appropriate to do so.

## 3 Working Flexibly

- 3.1 Flexible working is where a working arrangement is agreed which allows an employee to perform their duties in a way which is different from the default expectation for the role.
- 3.2 From time-to-time staff might benefit from some limited, informal flexibility which might be agreed by their manager. But for the purposes of this policy, flexible working refers to a formal agreement to a more durable change in the working arrangement. Usually this entails a contractual change, although sometimes a change will be agreed on a trial basis (see below).
- 3.3 Some examples of flexible working arrangements are provided here, but there may be alternative ideas, or combinations of these ideas, which a member of staff might like to ask us to consider. Our separate policy on Homeworking may also be relevant.

## Change to Working Pattern

- 3.4 For most of our roles there will be a default expectation about the normal working pattern. Subject to certain constraints (e.g. the opening hours of our schools; legal requirements around breaks) there is scope to consider flexibility in working pattern where this might support a better work-life balance.

## Reduction in Working Hours

- 3.5 Where we can accommodate it, we may be able to allow reduced hours worked each week for staff where changes in life outside work make this desirable. This will impact on salary, pension and holiday entitlement.

## Term-time Working

- 3.6 For support staff, particularly those contracted to work the whole year, we can consider requests to reduce the number of weeks worked in a year – typically to allow more time off during school holiday periods. This will impact on salary, pension and holiday entitlement, but salary would continue to be paid in 12 equal instalments. Again, it is not always possible to accommodate such requests.

## 4 Making a Flexible Working Request

- 4.1 Depending on the circumstances, you might want to initiate some informal discussion before making your request. For example, you might want to talk to your manager about your intentions and what might be possible, and / or you might want to talk to colleagues about how possible impacts might be handled.
- 4.2 In order for your flexible working request to be considered in line with this policy, you will need to submit a written application. For school-based staff, you should write to the Principal; for central support staff you should write to the relevant member of the executive team who leads your Directorate.
- 4.3 Your written application should include the following information to assist in the process of considering your request:
- The date of your request
  - The specific change to your terms and conditions you are requesting, such as in relation to your working hours, start or finish times, or place of work
  - The date you would like the change to come into effect
  - Reference to any previous statutory flexible working request you have made (whether successful or not)
- 4.4 You should aim to submit your request in good time ahead of when you hope the change would come into effect, and should note that considering your request could potentially take up to two months.

- 4.5 If your request is to any extent a request for us to consider a reasonable adjustment related to a disability, please indicate this in your written request. If you have any suggestions relating to how any challenges accommodating your request might give rise to might be managed, that could assist the process..

## **5 Considering your Flexible Working Request**

- 5.1 Each flexible working request is considered on a case-by-case basis. We will look at the potential benefits and possible issues in the context of your needs, the work of your team, and the wider organisation. Agreeing to one request does not create a precedent that similar requests will always be accepted.
- 5.2 In a small number of cases, it may be possible to accept your request as set out in your written application without the need for further discussion. In this case we will write to you to confirm this, and to explain the changes that will be made to your contract of employment.
- 5.3 In most cases though, we will arrange a meeting to discuss your request further. This will usually be within 28 days of receiving your request, although this can be varied depending on circumstances. Details of the meeting will be confirmed in writing, and you should get at least two working days' notice.
- 5.4 The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will benefit you as well as what impact your proposed working arrangements will have on your work the meeting might also be a chance to explore possible variations to what you have requested.
- 5.5 You may bring a companion to the meeting if you wish, who may be a work colleague or your trade union representative. Your companion will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.
- 5.6 As part of the process of considering your request, it might be appropriate to explore some of the aspects of what you have requested with one or two others, for example a line manager or a colleague, to fully understand the situation and potential impacts. This may happen before and/or after a meeting.

## **6 Outcome of your Flexible Working Request**

- 6.1 Following consideration of your Flexible Working Request, you will be notified of an outcome – generally within 14 days of a meeting. The change you have requested might be accepted in full, in part, or declined. It may be that a modified version of what you have requested is proposed, and/or the request is agreed on a trial basis. Further details are provided below.

### **Permanent Change Agreed**

- 6.2 Where a flexible working arrangement – either as originally requested, or an alternative proposal - is accepted, this will usually be a permanent change, and a contract variation will be needed. Depending on the nature of the change, this might

entail a 'letter of variation', or the issue of a new contract. In either case, you will have the opportunity to review the offer and then sign to indicate your acceptance.

## **Trial Period**

- 6.3** Where there is uncertainty about how workable to the requested changes might be in practice, a possible outcome is that a trial period might be agreed. In this case, you will receive a letter setting out the details and dates of the trial. Following this, you may be offered a permanent change (see above) or asked to revert to your original working arrangement.

## **Request Declined**

- 6.4** We will consider all requests very carefully, but there are several factors to be considered, and sometimes we won't be able to accommodate a request that has been made. In this case, we will write to you to inform you of the business reason(s) why your request has been declined (see attachment); to provide an explanation of why this decision has been reached; and to set out the process for an appeal can be lodged.

## **7 Appeals**

- 7.1** You may appeal against the decision if your request is declined or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered at the time, or if you feel your request was not handled reasonably in line with this policy. You cannot appeal simply because you didn't agree with the decision.
- 7.2** The person you should submit any appeal to will be indicated in the outcome letter. You should submit your appeal in writing, within 7 days of receiving the outcome letter, and you should set out the grounds of your appeal.
- 7.3** We will make arrangements for your appeal to be considered by a person not involved in the original decision. This is likely to involve a meeting with you to discuss your appeal. This should take place within 14 days of receiving your appeal.
- 7.4** As with the original meeting, the details of any meeting will be provided in writing with at least two working days' notice, and you will be entitled to be accompanied at the meeting if you wish. The person considering your appeal may also need to speak to others to properly assess the situation.
- 7.5** You will be informed of the outcome of your appeal as soon as possible – usually within 14 days of an appeal meeting taking place. If your appeal is upheld, you will be advised of any proposed changes to your contract, as per 6.2 above; and will be advised of the details of any trial if applicable, as per 6.3 above.
- 7.6** If your appeal is not upheld, you will be informed of the business reasons for this decision and how they apply in your case. There is no further right of appeal.

## **8 Data protection**

- 8.1 As part of the application of this policy, we will collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation.

## **9 Review of Policy**

- 9.1 This policy is reviewed regularly by the Executive. We will monitor the application and outcomes of this policy to ensure it is working effectively.

## **Reasons for Declining a Flexible Working Request**

If we reject a request, it will be for one or more of the following eight business reasons:

- The impact of additional costs on financial sustainability
- Detrimental effect on ability to meet pupil needs
- 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
- Planned changes