

Brook Learning Trust

Flexible Working Guidance



At Brook Learning Trust we bring together our unique academies in our belief in the power of education to change lives and communities. It is our steadfast purpose to challenge and defy the barriers that constrain the educational progress of any child. We set high aims for aspiration and secure collective responsibility for all our children's achievements. Our work is underpinned by the values of Integrity, Respect, Courage, Optimism, Excellence and Accountability.

1. Purpose

From 30 June 2014, The Children and Families Bill extended the right to request flexible working to all employees; not just those who had children under the age of 17 (18 if the child is disabled) or were carers.

The purpose of this guidance is to explain the process for making and managing requests for flexible working.

2. Scope

The guidance applies to all qualifying employees of the Trust.

3. Introduction

The Trust and academies recognise that at some stages during their working lives, employees may wish to request flexible working arrangements. It is also acknowledged that qualifying employees have a statutory right to make a flexible working request.

The Trust and academies will give reasonable consideration to requests made under these provisions and will endeavour to grant flexible working in so far as is practicable – taking into account the needs of the organisation and the academies.

Decisions on whether a request can be agreed will be based on business needs. Flexible working arrangements should not adversely impact on service delivery and the operation of the academies.

4. Entitlement to Request Flexible Working

An employee may make a statutory request to work flexibly after 26 weeks' continuous service. An employee may make one statutory request in every 12 month period.

5. Types of Flexible Working

Under flexible working arrangements, a variety of working patterns may be requested including:

- A change to hours
- A change to the times worked
- A change to the place of work.

A request for flexible working may be made on a permanent or temporary basis.

6. Making a request for flexible working

There is a statutory three month timescale for requests to be considered so employees are advised to submit their requests at the earliest opportunity so that these can be fully considered during academy opening times. This three month period can be extended with joint agreement.

If you wish to request a change to your working pattern to commence on 1st September your request should be received by your line manager before the previous 31st April.

The Trust recognises that in some cases requests are based upon particular urgent and special circumstances and will aim to deal with all requests promptly.

For academy staff, requests should be made to the Principal, and in the case of Central Trust employees, to their line manager.

Requests should be in writing and include:

- The date the request is submitted
- A statement that the application is being made under the statutory right to request flexible working
- Details of the current working pattern
- Details of the working pattern the employee wishes to adopt and whether it is a permanent or temporary change
- Details of the effects the employee feels this change will have on their team and how these might be dealt with
- The proposed effective date of the change
- The date of any previous application that has been made.

Appendix A may be used to make a written request and record acknowledgement of the request from the Principal / line manager.

7. Considering a request

A decision regarding the employee's request should be made by the Principal / line manager as soon as possible.

The Principal / line manager should consider the benefits of agreeing the request of the employee against any implications for the organisation or the academy. Further discussions with the Finance Director / HR Manager may be necessary.

In reaching a decision, it may be of benefit for the Principal / line manager to meet the employee to discuss the request in further detail. Where there is clear agreement to the request a meeting is not necessary.

The employee may be accompanied by a workplace colleague or trade union representative during discussions with the Principal / line manager about their request.

8. Accepting a request

Where a request is agreed, the Principal / line manager should discuss and agree the start date of the new working arrangements with the employee. The new working arrangements should be communicated to the HR Department who will confirm these in writing.

Where it is not possible for the request for flexible working to be agreed in full, it may be possible to reach agreement with an employee to accept elements of the request or agree alternative arrangements.

A flexible working request may be agreed on either a permanent or temporary basis. It is also possible for the Principal / line manager and employee to agree a trial period to assess whether the changed working arrangements are practical for both parties in the longer term.

9. Rejecting a request

If it is not possible to agree to a flexible working request, the decision and reasons for this should be confirmed in writing by the Principal / line manager.

This notification should include a detailed explanation for this decision and provide details of the procedure for making an appeal.

Reasons for rejecting a request for flexible working must be for one or more of the following:

- The burden of additional costs
- A detrimental effect on ability to meet organisational requirements
- An inability to reorganise work among existing staff

- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

10. Right of Appeal

There is no statutory requirement to provide a right of appeal, however allowing appeals is advised by Brook Learning Trust and generally regarded as best practice.

Trust employees have a right to appeal against the Principal's / line manager's decision not to grant a flexible working request.

Appeals must be made in writing and submitted within five working days of the original decision. The letter of appeal should include the employee's reasons for making an appeal.

Arrangements will be made for an appeal meeting to take place as soon as possible, usually within one month of the original decision being taken.

The appeal will usually be considered by the CEO if the Principal / another line manager made the original decision, or by a panel of one or more Trustees, if the original decision was made by the CEO.

The employee may be accompanied at the appeal meeting by a workplace colleague or trade union representative.

The employee will receive a written outcome to the appeal within ten working days of the meeting.

If an appeal is not upheld the notification must include a detailed explanation for this, including the business reason for being unable to accommodate the request.

The decision of the appeal is final and there is no further right of appeal.

11. Timescales for considering a request

Requests should be considered within a reasonable timescale and without undue delay. Employees should bear in mind that their requests should be submitted to allow time for the three month statutory decision making process to take place before they wish the new working pattern to commence.

All requests including appeals should be considered and determined within three months from receipt of the initial request – unless a longer timescale is agreed with the employee. An extension may be considered where a trial of the new arrangements is agreed.

12. Equality considerations

In considering a flexible working request, a Principal / line manager should consider the Equality implications of any decision.

13. Non-attendance at meetings

If an employee is unable to attend a meeting to discuss their flexible working request or any subsequent appeal, they should contact the Principal / line manager as soon as possible.

A meeting will be rearranged but if the employee fails to attend the rearranged meeting without a reasonable explanation the request / appeal is treated as being withdrawn.

An employee may be accompanied by a trade union representative or workplace colleague at a meeting to discuss the flexible working request or any subsequent appeal.

If the colleague or representative is unable to make the meeting the employee can ask for it to be rearranged in which case it should take place within seven days of the date of the originally proposed meeting.

Further guidance

Useful examples of requests and considerations for both managers and employees are available via ACAS at the link below:

<http://www.acas.org.uk/index.aspx?articleid=1616>

POLICY REVIEW AND RATIFICATION

Policy reviewed every two years and ratified by the BLT Board in May

This review by HR Manager May 2019

NEW POLICY

Ratified by BLT Board May 2019

Next review May 2021

Details how you think these impacts may be accommodated:

Employee Signature:

Name: Date:

For Completion by the Principal / Line manager

Date Form received:

Dear
I confirm that I received your request to change you work pattern on:
I shall notify you of my decision on this application within 3months if this date unless we agree a longer deadline for this decision.

Signed
Principal / Line Manager