

**Community First Academy Trust
FLEXIBLE WORKING PROCEDURE FOR
EMPLOYEES**



Community First
Academy Trust

ADOPTED AT THE MEETING OF DIRECTORS

HELD ON 15TH DECEMBER 2016

CHAIR OF BOARD: Mr J Pugh

This is a Trust-wide policy adopted and reviewed by either the Trust Board or Finance Committee and relates to all schools that are partners within the Trust.

Specific Academy policies, e.g. curriculum policies will be found on the individual school websites.

This policy was written in December 2016 and is to be reviewed every three years.

Contents

1. Introduction.....	1
2. Scope.....	1
3. Eligibility.....	1
4. Principles.....	1
5. The Decision.....	2
6. Grounds for refusing a request.....	3
7. Terms and Conditions.....	3
8. How to apply.....	3
9. Appeals procedure.....	4
Appendix one: Flexible working application form (FW1).....	5

This procedure has been adopted by the Board of Trustees of Community First Academy Trust. This procedure supersedes any procedure previously in place at any of our partner schools either formally or through custom or practice.

1. Introduction

1.1 This procedure sets out the Trust's approach to flexible working arrangements and provides guidance on handling requests to work flexibly in a reasonable manner.

1.2 The Trust recognises that flexible working can provide benefits to both the employee and the organisation, and aims to support staff where possible/practical to manage the balance between work and home life.

2. Scope

2.1 Under the Children and Families Act 2014, all employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly subject to the eligibility conditions set out below.

2.2 Requests for flexible working may be for any reason and are not restricted to employees with family care commitments.

2.3 Requests for reasonable adjustments to working hours associated with ill health or disability may be dealt with under the Sickness and Absence Policy and Procedures in appropriate cases.

3. Eligibility

3.1 In order to make a request under this policy the member of staff must:

- Be employed by the Trust and therefore this policy does not include individuals who are agency workers.
- Have worked for the Trust continuously for 26 weeks at the date the application is made.
- Not have made another statutory request under this policy in the preceding 12 month period.

4. Principles

4.1 An employee does not have a right to work flexibly but has a right to request to do so.

4.2 The Trust will consider requests where possible but the needs of the students take priority. The Trust may also, if appropriate, explore alternative flexible arrangements with the employee in order to reach a mutually beneficial arrangement.

4.3 All requests will be considered as quickly as possible. This will normally be within 4 working weeks of receiving the request.

4.4 Time limits may be extended where both parties agree.

A written record of the agreement must be made that states:

- Which period the extension relates to;
- The date the extension is to end

This must be dated and sent to the employee.

4.5 Time limits will automatically be extended where the Headteacher of the employees employing academy is absent because of, for example sick leave, when the application is received. The 28 day period will begin when the Headteacher returns to work or 28 days after the application is made, whichever is the sooner.

4.6 The Headteacher or Head of School will usually make the decision in consultation with the CEO, Executive Headteacher or Central Team.

4.7 The term “flexible working” describes any working arrangements where the number of hours worked or the time or place that work is undertaken vary from the standard practice. This includes but is not limited to the following:

- A change to the number of hours of work
- A change to the times when an employee is required to work
- A reduction in the working week
- A shorter working year
- Work patterns such as, annualised hours, compressed hours, shift working and staggered hours

5. The Decision

5.1 Decisions will be based on whether or not a request can be granted on business grounds and the Academy’s ability to provide an effective high quality service is paramount.

5.2 Not all working patterns or flexible working options are suitable for all types of work in a school. It may also be difficult to accommodate flexible working request from a number of employees in the same area.

5.3 Once a decision is reached, the Headteacher will inform the employee of the outcome, which will be one of:

- Agree to a new work pattern and a start date,
- Confirm a compromise arrangement with the employee,
- Provide a clear business reason as to why the application cannot be accepted. This reason must be one of those listed below (see 6.2)

5.4 Decisions will be confirmed in writing within 14 days after the initial meeting with the Headteacher to discuss the proposal.

6. Grounds for refusing a request

6.1 The Headteacher will carefully consider the advantages, possible costs and potential logistical implications of any request.

6.2 An application may only be rejected for one of the following business reasons:

- 1) The School considers the change will have a detrimental impact on quality of learning for students.
- 2) The times requested to work are outside of normal curriculum time.
- 3) An inability to recruit additional high quality staff.
- 4) The School considers the change would have a detrimental effect on its ability to meet student, customer or service demand.
- 5) The School considers the change would have a detrimental impact on performance of the individual, the team or the School.
- 6) The burden of any additional costs is unacceptable.
- 7) There is insufficient work during the periods that the employee proposes to work
- 8) An inability to reorganize work amongst existing staff
- 9) Where the requested changes will not fit in the planned structural changes

7. Terms and Conditions

7.1 Where a flexible working request for a reduction in working hours is approved, the employee's salary and benefits will be pro-rated to reflect the new working hours.

7.2 A successful application will result in a permanent change to the employee's terms and conditions of employment. However, at the discretion of the Headteacher there may be occasions where it may be appropriate to agree a temporary change such as, an agreed trial period.

8. How to Apply

8.1 Applications should be put in writing to the Headteacher using form FW1 (attached)

- 8.2 On receipt of the written application the Headteacher will arrange to meet with the member of staff at a mutually convenient time usually within 14 days of receipt of the application. This will provide an opportunity to explore the desired work pattern in depth, and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's application.
- 8.3 The employee may, if they wish, be accompanied by either their Trade Union representative or a work colleague.
- 8.4 Should the employee be unable to attend the meeting, a further meeting will be arranged. However if they fail to attend again without good reason then the application will be considered to be withdrawn and the employee will be informed of this decision.

9. Appeals Procedure

- 9.1 An employee wishing to exercise the right of appeal must submit a written appeal to the Clerk to the Local Academy Body (LAB) within ten school working days of receiving the decision as outlined in 5.4.
- 9.2 Any appeals will be heard by a committee of the school's LAB. At least ten school working days' notice of the appeal hearing will be given. Part-time employees shall normally only be called to a hearing on one of their contractual days of work. Both the employee and the Headteacher will be given the opportunity to explain their case to the panel.
- 9.3 The employee shall have the right to be accompanied to the appeal hearing by either a Trade Union representative or a work colleague.
- 9.4 The decision of the Appeal Committee will be confirmed to the employee in writing.

**FLEXIBLE WORKING APPLICATION FORM
FW1**



Community First
Academy Trust

Employee Name:
Employee Number:
Job Title:
Faculty / Department / Key Stage:
I have worked continuously as an employee of the school for the last 26 weeks
I have not made a previous flexible working request in the last 12 months
Describe your current working pattern (days/hours/times worked):
Describe the working pattern you would like to work in future (days/hours/times worked):
I would like this working pattern to commence from:
What impact do you think the proposed change would have on the school and on the service and your colleagues? How do you feel this impact might be dealt with?
Signature:
Date: