Flexible Working Policy



The Stour Federation

1. POLICY STATEMENT

The Stour Federation is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of employees.

This flexible working policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally.

No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. ELIGIBILITY AND DIVERSITY

The Stour Federation will ensure that all flexible working requests are considered fairly and consistently, in accordance with our legal obligations under the Equality Act 2010 and relevant employment legislation. Flexible working arrangements will not be refused or restricted on the basis of any protected characteristic.

Schools in The Stour Federation are committed to:

A. Ensuring that access to flexible working is free from discrimination and bias.
B. Making reasonable adjustments for employees in line with our duty under the Equality Act.
C. Monitoring and reviewing flexible working practices and outcomes to ensure they support inclusion and do not result in adverse impact on any group.
D. Encouraging open communication between managers and employees to support individual needs and circumstances.

3. ELIGIBILITY FOR THE FORMAL RIGHT TO REQUEST PROCEDURE

To be eligible to make a request under the formal procedure you must:

A. Be an employee and have commenced employment.
B. Not have already made two formal requests to work flexibly during the last 12 months.

Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 10 to the Headteacher, who will consider the request according to the school's educational, business and operational needs.

Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

Any employee interested in flexible working may request an informal meeting with the Headteacher to discuss their eligibility, the different options, and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery before submitting a formal or informal request.

4. PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE POLICY

The Local Academy Council has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Local Academy Council has delegated day-to-day responsibility for operating the policy .

All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to their Headteacher.

5. FORMS OF FLEXIBLE WORKING

Flexible working can incorporate a number of changes to working arrangements, including but not limited to:

A. Reduction or variation of working hours.
B. Reduction of the number of days worked each week.
C. Working from a different location (for example, from home).

6. MAKING A FORMAL FLEXIBLE WORKING REQUEST

You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

Your written and dated application should be submitted to the Headteacher and, in order to meet the requirements of the formal procedure and to help the Headteacher consider your request, should:

- State the reason for your request.
- Provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start.
- Provide information to confirm that you meet the eligibility criteria set out in paragraph 2 of this policy.
- State whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when.
- State if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability;
- Ideally be submitted at least two working months before you wish the changes you are requesting to take effect.

The Headteacher might be able to agree to your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Headteacher will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

If your proposal cannot be accommodated, discussion between you and the Headteacher may result in an alternative working pattern that can assist you.

Your Headteacher will make a decision on the request within 2 months, or longer if there are exceptional circumstances.

7. FORMAL PROCEDURE: MEETING

Unless an agreement is reached without the need for a meeting as per section 5, the Headteacher will arrange to meet with you within 28 calendar days of your application being submitted. The meeting may also be attended by any other individual, such as a line manager, whose input may be deemed by the Headteacher or Local Academy Council Chair to be supportive to the decision-making process, and a notetaker. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.

In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.

The meeting will be used to consider the working arrangements you have requested. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

The Headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the school. A trial period allows both the employee and the organisation to assess whether the proposed arrangement works effectively in practice.

Trial periods will normally be time-limited and may include agreed review points to discuss progress, impact on the role and any adjustments required. At the end of the trial period, the arrangement may be confirmed, amended or discontinued by agreement, taking into account business needs and the employee's experience.

Where a request is made in relation to the Equality Act 2010 (e.g. as a reasonable adjustment), decision-makers must consider the school's legal duty to make reasonable adjustments and consult occupational health or relevant advice where appropriate.

8. FORMAL PROCEDURE: DECISION

Following the meeting, the Headteacher will notify you of the decision in writing within 14 days.

If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. This will be provided to you within 28 days of the request being approved. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher will discuss with you.

You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your

original application.

If the Headteacher needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days, in cases of further investigation required, providing that any extension does not exceed a two-month period since your application was first made.

There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request. In these circumstances, the Headteacher will write to you:

A. Giving the business reason(s) for turning down your application.
B. Explaining why the business reasons apply in your case.
C. Setting out the appeal procedure.

You will be offered evidence relating to the specific reasons specified.

The eight business reasons for which we may reject your request are:

1. The burden of additional costs.
2. Detrimental effect on ability to meet customer demand.
3. Inability to reorganise work among existing staff.
4. Inability to recruit additional staff.
5. Detrimental impact on quality.
6. Detrimental impact on performance.
7. Insufficiency of work during the periods that you propose to work.
8. Planned changes.

Appendix A gives a brief overview of the way in which the school will interpret and apply these business reasons.

9. FORMAL PROCEDURE: APPEAL

If your request is rejected, you have the right to appeal.

Your appeal must:

A. Be in writing and dated.
B. Set out the grounds on which you are appealing.
C. Be sent to the governance professional within 14 days of the date on which you received the written rejection of your request.

The governance professional will arrange for a meeting to take place within 14 calendar days of receipt of your appeal. The meeting will be held at a convenient time for all those attending, and you have the right to be accompanied by a colleague or trade union representative.

You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.

If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher will discuss with you.

You should be aware that changes to your terms of employment will be permanent and that you can make one further formal request within 12 months from the date of your original application.

If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You can make one request within 12 months from the date of your original application.

10. EXTENDING TIME UNDER THE FORMAL PROCEDURE

There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 2 months of first receiving the request. Where an extension of time is agreed with you, the Headteacher will write to you confirming the extension and the date on which it will end.

If you withdraw a formal request for flexible working, you can make one further formal request within 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

A. You fail to attend two meetings under the formal procedure without reasonable cause; or
B. You unreasonably refuse to provide information we require to consider your request.

In such circumstances, the Headteacher will write to you confirming that the request has been treated as withdrawn.

11. INFORMAL DECISIONS ABOUT FLEXIBLE WORKING

Employees are encouraged to discuss flexible working options informally with the Headteacher at any time. These discussions provide an opportunity to explore potential arrangements, consider how they might work in practice and identify any issues before a formal request is submitted.

Informal discussions are not a requirement and do not replace the statutory flexible working request process. Employees may choose to submit a formal flexible working request at any point, whether or not an informal discussion has taken place.

12. MONITORING AND REVIEW OF THE POLICY

The Headteacher is responsible for monitoring the implementation, use and effectiveness of this policy and will report on these matters annually or more frequently if necessary.

This policy will be reviewed by The Stour Federation Trust Board as necessary.

Appendix A: Interpretation of "Business Reasons"

All decisions will be made on a case-by-case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the school.

In line with statutory requirements, a flexible working request may only be refused for one or more of the business reasons set out below. In assessing requests, the school will take into account the operational and educational context, including safeguarding responsibilities, curriculum delivery, continuity of leadership and the needs of pupils and parents.

1. Burden of additional costs.
2. Detrimental effect on the ability to meet customer demand.
3. Inability to re-organise work among existing staff.
4. Inability to recruit additional staff.
5. Detrimental impact on quality.
6. Detrimental impact on performance.
7. Insufficiency of work during the period the employee proposes to work.
8. Planned structural changes.

The school's interpretation of the "business reasons" are set out below in order to provide a clearer understanding of the specific circumstances in school.

1. Burden of additional costs

It may, in some circumstances, be more costly to employ part time staff rather than full time staff. This would not normally be a key reason for rejecting an application; however, additional costs may be taken into account where they are significant and cannot be reasonably mitigated.

2. Detrimental effect on the ability to meet customer demand

The school's primary responsibility is to its pupils and parents. It is essential that the quality of teaching, learning and pastoral care is not adversely affected by agreeing to flexible working arrangements. In particular consideration will be given to:

- the impact on curriculum delivery and continuity of teaching.
- the need to avoid excessive use of split classes.
- pressure on the timetable where lessons are required to be delivered on a reduced number of days.
- the availability of specialist teaching, particularly where the employee is the sole specialist in a subject.
- maintaining appropriate safeguarding supervision and cover throughout the school day.

For support staff, the school must ensure that service provision, including safeguarding and pupil support functions, continues to operate at a satisfactory level.

3. Inability to re-organise work among existing staff

In addition to 2 above, where an employee holds leadership or management responsibilities, the school must consider whether these duties can be effectively redistributed during periods when the employee is not working. This includes consideration of:

- leadership continuity and decision-making presence.
- safeguarding leadership and oversight responsibilities.
- the appropriateness of leaders or managers being absent for whole days each week.
- whether a job-share or reduction in allocated responsibilities would be required and is feasible.

The school will also consider the impact on colleagues and whether the redistribution of duties would place an unreasonable burden on other staff.

4. Inability to recruit additional staff

Excellent quality teaching and leadership is paramount for raising and maintaining school standards. While the school will make reasonable attempts to recruit additional staff where appropriate, it may not be always possible to recruit staff of the required quality or with the necessary specialist skills. Where a job share or additional appointment is required to fulfil the role, this will only be feasible if a suitable colleague is available or can be recruited, particularly for leadership, safeguarding or examination-related responsibilities.

5. Detrimental impact on quality

The school will consider whether the proposed working pattern would have a detrimental impact on the quality of education, including:

- teaching and learning outcomes.
- consistency of curriculum delivery.
- pupil progress and experience.
- pastoral care and safeguarding arrangements.

6. Detrimental impact on performance

Timely planning, assessment and marking of pupils' work are essential to support progress and achievement and must be undertaken in accordance with the school's policies. The school recognises that managing workload can be more challenging for part-time staff. Where this results in difficulties meeting required standards, there may be a negative impact on pupils and on other members of staff.

Employees applying for flexible working will be asked to outline how they propose to manage planning, assessment, marking and other responsibilities within their proposed working pattern. This information will be considered as part of the decision-making process.

7. Insufficiency of work during the period the employee proposes to work

Where more than one employee requests the same working days or times, it may not be possible to accommodate all requests. While individual preferences will be considered, the needs of pupils and effective service delivery are paramount.

This is particularly relevant where:

- curriculum delivery relies on teams of staff.
- timetable constraints would create imbalance or inefficiency.
- staff absence on particular days would place pressure on colleagues or compromise safeguarding cover.

The impact of the proposed working pattern on team workloads and timetabling will be taken into account.

8. Planned structural changes

The school will consider whether planned changes, such as curriculum restructuring, examination arrangements, residential trips, reduced pupil numbers or changes to the staffing or leadership structure, affect its ability to accommodate flexible working arrangements.

9. Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.

Appendix B: Form to Request Flexible Working

Note to the employee
You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy and Appendix A carefully and check that you are eligible to make a request.

You should note that it may take several weeks to consider your request and allow for discussion and meetings between us and further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to the Headteacher well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired flexible working request. It is important that you complete all the questions as otherwise your application may not be valid. Once you have completed the form, you should immediately forward it to the Headteacher (you might want to keep a copy for your own records). We will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name:

Job Title:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under The Children and Families Act 2014. I confirm I meet each of the eligibility criteria as follows:

Please tick the box below if this applies to you.

☐ Including this, my current application, I have not made more than two formal requests to work flexibly under this right during the past 12 months*

*If you are unable to tick the box, then you do not qualify to make a formal request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under paragraph 11 of the policy.

Date of any previous request to work flexibly under this right:

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

Signed: Date:

✄- -

Return slip

Confirmation of Receipt (to be completed and returned to the employee)

Dear

I confirm that I received your request to change your work pattern on:

I shall be arranging a meeting to discuss your application within 28 working days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.

Signed: Date: