

Our Lady of Mercy Catholic Education Trust



St Anthony's Girls' Catholic Academy

Policy type:	School
Policy: 42	Flexible Working Policy 2019-2020
Ratified by MAT Directors:	December 2019
Head Teacher signature:	<i>M. Shepherd.</i>
Chair of Directors signature:	<i>Shepherd.</i>
Review Date:	December 2020
Ownership:	M. Shepherd (Head Teacher)

Flexible Working Policy

This document sets out Our Lady of Mercy Catholic Education Trust flexible working policy. It has been developed to take into account the ethos of the trust, current guidance and legislation.

Flexible working offers benefits to both employers and employees. Flexible working arrangements enable employers to retain skilled staff, reduce recruitment costs; improve employee morale, performance and productivity; and may reduce stress and absenteeism. For employees, working flexibly can help them to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. Flexible working can also impact upon the pupils within the trust, other colleagues, the effective organisation of trust business, it may have a financial or other cost to the organisation and may not always meet the needs of the organisation. This policy aims to ensure that all requests are handled consistently.

Who does the policy apply to?

This policy will apply to **all staff** employed to work within the trust.

Reviewing the Policy

The policy will be reviewed annually by the directors during the autumn term.

1. Introduction.

1.1 All employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made.

2. Data Protection.

2.1 When managing a request for flexible working, the trust processes personal data in accordance with its data protection policy. Data collected from the point at which the flexible working request is received is held securely and accessed by, and disclosed to, individuals only for the purposes of managing his/her request for flexible working. Inappropriate access or disclosure of employee

data constitutes a data breach and should be reported in accordance with the school's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the trust's disciplinary policy.

3. What is flexible working?

3.1 Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. Employees can request to:

- Change the hours they work;
- Change the times when they are required to work;
- Work from home (whether for all or part of the week).

3.2 Flexible working incorporates a wide variety of working practices. A flexible working arrangement can be any working pattern other than the normal working pattern in an organisation. Most people are familiar with working part-time for reduced pay or working different shift patterns, but other ways of working that employees may consider are as follows:

- **Annualised hours** describes working time organised on the basis of the number of hours to be worked over a year rather than a week; it is usually used to fit in with peaks and troughs of work. For example, someone may work more hours during term time, and less during trust closure periods. Pay will be based on the total hours worked, and will be averaged over the year.

- **Compressed hours** allows individuals to work their total number of agreed hours over a shorter period. For example, employees might work their full weekly hours over four rather than five days. They would be paid for a full-time job but would not receive overtime payments for the agreed extra hours they work in any one day.

- **Homeworking** doesn't have to be on a full-time basis and it may suit an employee to divide their time between home and office. What individuals are paid for depends on the hours they work. Employers are required to carry out a risk assessment of the activities undertaken by home workers, identifying any hazards and deciding whether enough steps have been taken to prevent harm to them or anyone else who may be affected by their work.

- **Job-sharing** typically involves two people employed on a part-time basis, but working together to cover a full-time post. Both receive pay for the hours they work.

• **Shift working** gives employers the scope to have their business open for longer periods than an eight-hour day.

• **Staggered hours** allow employees to start and finish their day at different times. This it may be useful, for example, where it is important to have a greater number of staff over the lunch period but fewer at the start and/or end of each day.

• **Term time working** allows employees to work a fewer number of weeks per year to coincide with trust term times so that they can be absent from work during the trust holidays. Their pay and holiday entitlement will be adjusted and based on the number of weeks and hours worked and their pay will be averaged over the year.

4. The needs of the organisation.

4.1 All eligible requests will be considered carefully. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.

4.2 Where a flexible working arrangement is proposed the organisation will take into account a number of criteria including, but not limited to, the following:

- the effect of the proposed arrangement on pupils/students;
- the effect of the proposed arrangement on other staff/colleagues;
- the need for, and effect on, supervision;
- the existing structure and working arrangements of teams/departments;
- the availability of staff resources;
- the details of the tasks specific to the role;
- the workload of the role;
- whether it is a request for a reasonable adjustment related to a disability;
- health and safety issues;
- the financial, and other costs, associated with the proposed arrangement etc.

5. Eligibility.

5.1 Any employee with at least 26 weeks of employment service has a statutory right to request flexible working.

6. Making a flexible working request.

Ensure you provide:

- the date of the application;
- the changes that you, the employee, seek to your terms and conditions;
- the date from when you, the employee, would like the proposed change to come into effect;
- what effect the employee thinks the requested change would have on the organisation (both positive and negative);
- how, in their view, any such an effect(s) could be mitigated;
- whether a previous application for flexible working has been made; and the dates of any previous applications.

7. The handling of requests to work flexibly.

7.1 Requests for flexible working should be made in writing. They will be considered by the CEO.

8. The resources sub-committee.

8.1 Upon receiving a written request for flexible working the CEO will

- consider the request;
- find out more about the proposed working arrangements.

8.2 An eligible employee is entitled to submit one flexible working request within a twelve month period (an employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments).

8.3 All requests must be made in writing to the CEO. In the case of the CEO, the request should be submitted to the Chair of the Board of Directors.

8.4 If the employee is making the request in relation to the Equality Act, e.g. as a reasonable adjustment relating to a disability, this should be made clear in the application.

8.5 The committee should also be used to discuss how the proposed working arrangements would impact on the employee's attendance at INSET/CPD days/evenings, staff meetings, parents' evenings, educational visits, events etc.

Reaching an agreement on such matters at this stage is vital in maintaining good relationships between both parties.

8.6 All requests will be completed within three months of first receiving the request, including any appeal, unless there are emergency circumstances.

9. Responding to a flexible working request.

9.1 The CEO will consider the proposed flexible working arrangements, looking at the potential benefits and adverse effects, to the both the employee and to the organisation of implementing the proposed changes.

9.2 Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

9.3 The CEO must decide to:

- to accept the request and establish a start date and any other resultant actions;
- or confirm a compromise agreed at the discussion, such as a temporary or trial period rather than reject the request;
- or to reject the request, setting out clear business reasons, how these apply to the application and the appeal process.

9.4 The employee will be informed in writing of the decision as soon as is reasonably practicable.

10. Business reasons to consider when considering a request.

10.1 A request will only be rejected where there is one or more business reasons for doing so.

10.2 The business grounds for refusal are:

- a detrimental impact upon pupils/students/colleagues;
- an inability to reorganise work amongst existing staff;
- an inability to recruit additional staff;
- a detrimental impact upon quality;
- a detrimental impact upon performance;
- a detrimental effect upon the ability to meet customer demand;

- insufficient work for the periods the employee proposes to work;
- planned structural changes to the business;
- and if the burden of any additional financial and other costs is unacceptable to the trust.

10.3 The employee should be informed in writing why the requested working pattern cannot be accepted as a result of one or more of the above business grounds, stating why the business reasons apply in the circumstances.

11. The right to appeal decision.

11.1 It will not always be possible to agree to a new working pattern in every circumstance due to the business needs of the trust. The employee has the right to appeal the decision, if their request is refused or is only agreed in part. Appeals should be made in writing (clearly stating the grounds of appeal) to the Clerk to the Board of Directors within ten working days of receipt of the written notification of the original decision.

11.2 The Board of Directors must arrange the appeal meeting as soon as reasonably possible; however, the appeal meeting must take place no later than three months after the date of receiving the original request.

11.3 The employee can be accompanied to the appeal meeting by either a trade union representative or a work colleague.

12. Will the change of working pattern be permanent?

12.1 Any request that is made and accepted will be a permanent change to the employee's contractual terms and conditions (unless otherwise agreed). The employee has no right to revert back to the previous working pattern.

13. Trialling new working arrangements.

13.1 Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the trust a trial period may be considered. If a trial period is arranged the trust will allow sufficient time (usually no longer than a term) for an employee and the line manager to implement and become used to the new working practices before taking any decisions regarding the viability of a new arrangement.

13.2 Where a trial period has been arranged the trust will provide the employee in writing the details their new working pattern and make clear that it is only a temporary variation to the terms of the employee's contract. The employee will be informed in writing of the start and end dates of the trial period (although the trust may reduce or lengthen the trial period where necessary with the agreement of the employee). The trust will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement.

14. INSET/CPD Days, Staff Meetings, Parents' Evenings, Educational Visits, Events etc.

14.1 Those employees paid for INSET/CPD days, will be expected to attend a pro rata number of days; for example, an employee working 0.5 of a week would be expected to attend 0.5 of the INSET/CPD days. It may be beneficial, however, for the employee to attend all INSET/CPD days and in these circumstances agreement should be reached with the individual as to how they will be compensated.

14.2 Part-time teachers may be required to carry out duties, other than teaching pupils, outside school sessions on any day on which the teacher is normally required to be available for work (whether the teacher is normally required to be available for work for the whole of that day or for only part of that day).

14.3 Consideration should also be given to how this will be managed if an INSET/CPD day, staff meeting, parents' evening, event etc. falls on the individual's non-working day. No teacher employed part-time will be required to be available for work on any day of the week or part of any day of the week on which the teacher is not normally required to be available for work under their contract of employment. Such events cannot be timetabled around any individual's non-working days.

Flexible Working Application Form

The trust treats personal data collected as part of processing an employee's request for flexible working in accordance with our data protection policy. Information about how your data is used and the basis for processing your data is provided within the school's employee privacy notice.

Your name:	
Your trust:	
Your personnel number	
Your job title:	
Have you discussed this request with your Line Manager?	Yes / No
Have you made a previous application for flexible working?	Yes / No
If yes, please provide the dates of any previous applications:	

Details of your flexible working request:

Please include details of the proposed changes to your working pattern. Include details of your current working pattern and describe the working pattern you would like to work in future (hours / times / days /weeks worked).

Please confirm your preferred start date. Please note that it may take several weeks for your request to be considered and, subject to approval, be implemented. You should therefore submit your application well in advance of the date you wish your request to start.

Preferred start date:

I think this requested change will affect the organisation as follows:

The implications of the suggested change could possibly be mitigated in the following ways:

Please state the impact upon attendance at training, CPD, staff meetings, parents evenings, events etc.

Signed:	
Date:	