

Flexible Working Policy

Approval Arrangements

All statutory policies in the Trust are ultimately the responsibility of the Trust Board. To enable it to discharge this responsibility appropriately and in collaboration with the constituent schools, the Trust Board will

1. set a full Trust wide policy,
2. set a 'policy principles' document (a framework within which Headteachers develop a full and appropriately customised policy),
3. or delegate to Headteachers or LGBs the power to develop their own policy.

This is a **level 1 policy** which was approved by Board of Trustees, for implementation in Tenax Schools Trust on the date below and supersedes any previous scheme.

Review Body:	CEO
Date Approved:	12 March 2024
Author:	Human Resources Director
Next review due:	March 2027
Review period:	3 years

1 Introduction

Tenax Schools Trust recognises the vital contribution made by its employees to providing the best possible education to the children and young people in each of our schools. Individuals working in the education sector, in general, do so as a result of their commitment to giving children and young people the best start in life. The Trust understands that to do this, at some stages during their working lives, employees may wish to request flexible working arrangements, in line with their statutory rights.

We are 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 staff.

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

Employees who request flexible working will not be treated less favourably than other colleagues, regardless of the outcome of the request. Employees in all roles across the Trust should have access to career progression and development opportunities appropriate to their role and the needs of the Trust, regardless of working arrangements.

2 Ethos

Our Trust is a place where everyone should be able to flourish in a caring and hospitable community; underpinned by our core Christian principles and values. Everyone is equal and we treat each other with dignity and respect. Each employee, in all their unique difference should be able to thrive, irrespective of physical appearance, age, gender, race, religion, ethnicity, socio-economic background, academic ability, disability, sexual orientation, marital status or gender identity. The individual identity of each school is valued equally, whether of faith designation or none.

3 Scope

This policy applies to all employees of Tenax Schools Trust, including the Chief Executive Officer.

4 Statutory right to request flexible working

From 6 April 2024, employees may make a statutory request to work flexibly from the start of their employment. Only two statutory requests may be made in every 12-month period. Employees may not submit a second application whilst another is still in progress. This is from the time the application has been submitted, through to the completion of the application or any appeal.

A variety of flexible working arrangements may be requested including:

- A change to the number of 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.

5 Reasonable adjustments

Where an employee wishes to make a request to work flexibly as a “reasonable adjustment” in relation to a disability as set out in the Equality Act 2010, the Trust may waive the limit of two requests in every 12-month period. Employees making such requests may be referred to the Trust’s Occupational Health provider to establish the nature of the disadvantage being experienced, and how effective the request may be in addressing that disadvantage

6 Making a request for flexible working

Requests should be made to the Headteacher for school staff, or the line manager for staff employed centrally. Requests should be made in writing using the form at Appendix 1. This covers the information necessary to make a statutory request to work flexibly, which includes:

- The date
- A statement that the application is being made under the statutory right to request flexible working
- Details of the working pattern the employee wishes to adopt and whether it is a permanent or temporary change
- The proposed effective date of the change
- The date of any previous application that has been made.

Employees who are unsure of how to complete their application should speak to Human Resources.

7 Considering a request

A decision regarding the employee’s request should be made by the Headteacher as soon as possible.

The Headteacher should consider the benefits of agreeing the request for the employee against any adverse implications for the school. In reaching a decision, it may be of benefit for the Headteacher and employee to meet to discuss the request in further detail. Where the Headteacher is in 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 Headteacher about their request.

8 Accepting a request

Where a request is agreed the Headteacher should discuss and agree the start date of the new working arrangements with the employee. The new working arrangements should be confirmed in writing.

Where it is not possible for the Headteacher to accept a flexible working request 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 Headteacher 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

Employees will be consulted before any request is refused. If, following consultation, it is not possible to agree to a flexible working request, the decision and reasons for this should be confirmed in writing by the Headteacher. This notification should include a detailed explanation for this decision and provide details of the procedure for making an appeal.

Reasons for rejection must be for one or more of the following:

- The burden of additional costs
- A detrimental effect on ability to meet the needs of the school
- 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 Appeal

Whilst there is no statutory right to appeal against a decision to refuse a flexible working request, the Trust considers it good practice to allow employees to do so.

Appeals must be made in writing and submitted within 7 working days of receipt of the written notification of the decision. The letter of appeal should set out the employee's reasons for making an appeal. These should include details, and evidence if appropriate, of the criteria for refusal the employee disagrees with.

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 a member of the Executive Team.

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 10 working days of the meeting.

If an appeal is not upheld the notification should 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 timeframe and without undue delay.

All requests, including any appeals, must be considered and determined within 2 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.

Employees should consider these timescales when making a request, in particular where other arrangements may be contingent on the outcome (for example, personal childcare arrangements, return from Maternity / Adoption / Shared Parental Leave etc).

12 Equality considerations

In considering a flexible working request, Headteachers should consider the equality implications of any decision. This may include the effects of any protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Flexible working arrangements may be considered as a 'reasonable adjustment' to support an employee with a disability (as set out in the Equality Act 2010). Further guidance is available in the Wellbeing Guide for Staff and Line Managers, and from Human Resources.

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 Headteacher as soon as possible. The meeting will be rearranged, normally within five working days.

If the employee fails to attend the rearranged meeting without a reasonable notification and explanation, the request or appeal is treated as being withdrawn, unless there are exceptional circumstances that prevented any such notification and explanation being made before the rearranged meeting.

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 workplace colleague or trade union representative is unable to make the appeal meeting the employee can ask for it to be rearranged, in which case it should take place within five working days of the date of the originally proposed.

Appendix 1: Flexible Working Request Form

Name:			
Department:			
If you are uncertain whether or not you are eligible to make a request, please contact Human Resources. You can make only two requests in any 12-month period.			
Start date with the organisation:			
Date form submitted:			
Previous applications for flexible working			
Have you submitted a previous request for flexible working?	Yes	No	
If yes, when did you submit your last request for flexible working?			
Are you making this request as a “reasonable adjustment” in relation to a disability under the terms of the Equality Act 2010?	Yes	No	
Please set out the details of the change to your pattern of working that you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be, including the number of hours/days per week, how those are arranged			
Current total hours:		Requested total hours:	
Requested change(s) to pattern of working hours (e.g. days worked, daily hours, weeks per year etc):			
I would like the above change(s) to my working pattern to take effect on:			

Please state whether you are requesting a temporary or permanent change to your working arrangements. If a temporary change is requested, please state the date you wish this to end.

Temporary/Permanent
Requested end date (if temporary)

Once you have submitted a valid application for flexible working, you may be contacted to arrange a meeting to discuss how the pattern of working you have requested might be made to work. If your request is granted, it will mean a permanent change to the terms and conditions of your employment, unless agreed otherwise.

It will help us to deal with your application if you provide as much information as you can about your desired working pattern.

The Trust treats personal data collected while managing your flexible working request in accordance with its data protection policy. Information about how your data is used and the basis for processing your data is provided in the Trust's employee privacy notice, available on the Trust's website. Applications for flexible working will be retained on your personnel file for the duration of your employment.

Declaration:

I confirm that I wish to submit a statutory request for flexible working as detailed in this form. I understand that if a permanent change to my contract is agreed, any request to revert to my previous working arrangements is at the discretion of the Trust.

Signed:

Date: