



Flexible Working Policy

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Policy Version:	Version 5

Version Control

Version	Reviewed	Changes since last version
1	September 2019	Existing Policy
2	March 2020	<p>Significant changes to the policy. This now mirrors the Tower Hamlets Flexible working policy with some amendments to fit the needs of the Trust.</p> <p>New addition of an application form in Appendix A - all applications for flexible working must now be made on the form to ensure all legal requirements are met.</p> <p>This policy is now complaint with current legislation.</p>
3	November 2020	No changes made – now in correct review cycle.
4	February 2022	<p>Have taken the most recently updated Tower Hamlets Policy (updated June 2021) and have made amendments to ensure it is in line with MST scheme of delegation and meets the needs of the Trust.</p> <p>Track changes show the amendments from the TH policy.</p> <p>Trust have also adopted the template letter set that go alongside this policy.</p>
5	February 2023	Following national consultation last year, the government announced it would take forward plans to remove the 26 week qualifying period before employees can request flexible working. This will become a day-one right. This will be updated when passed in law.

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1. POLICY STATEMENT

The Mulberry Schools Trust (MST) Board has adopted this policy for all of the schools within the Trust. This policy is in line with the statutory guidance and Tower Hamlets local policy.

Although MST is the employer of all staff within the Trust the authority to decide flexible working requests is devolved to individual school local governing bodies. Flexible working requests therefore need to be considered by the individual school the request has been submitted to.

The Trust recognises the importance of maintaining a safe, healthy, and productive work life balance for all employees and ensures that it complies with statutory obligations underpinning employees managing their work and family life, including caring responsibilities. The choice to request flexible working sits with the employee.

The Trust will consider all requests for flexible working, but the priority will be the effective running of the school for the benefit of the students and where granting flexible working would impact on that, requests may need to be declined. Requests will be handled in a reasonable, supportive manner.

The nature of the work in schools means there can be limited flexibility in some roles, but Headteachers will work with employees to try and identify solutions, where possible, that suit both the individual and the school.

This policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

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

The law prescribes a two-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The three-month period includes the time taken to deal with and notify the employee of the decision and any subsequent appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

Employees may wish to explore flexible working with their managers on an informal basis before going through a formal process.

This policy and procedure has been consulted on and agreed with the relevant trade unions.

2. SCOPE

- 2.1. Under the Flexible Working Regulations all employees have the legal right to request flexible working - not just parents and carers. This is known as 'making a statutory application'. Employees have a day-one right for eligibility to make this statutory application. The employer has a duty to consider requests for flexible working in a reasonable manner in accordance with the ACAS Code of Practice on Handling in a Reasonable Manner Requests to Work Flexibly.
- 2.2. Headteacher/ Senior Managers have discretion to agree to consider another request during a year. This may be appropriate where requests are declined due to changes expected in the school, but the Headteacher/ senior manager agrees to consider another request once the changes have taken place.
- 2.3. In some schools, Senior Managers may make the decision about whether the flexible working request is agreed. Where this is the case, the term Headteacher in this policy can be substituted for Senior Manager, and any appeal will be considered by the Headteacher.

3. EQUALITIES

- 3.1. The Trust will promote equality in all aspects of school life and are committed to complying with the Equality Act 2010. The Trust will monitor the impact of this policy, paying particular attention to any equality implications. When considering any amendments to this policy, the school will assure itself that appropriate arrangements are in place to enable the consistent application of the policy.

4. AIMS AND OBJECTIVES

- 4.1. The aim of this policy is to provide staff with a range of options to work more flexibly in order to support combining work with other personal interests, commitments, and responsibilities. The Trust recognises that people work more effectively when they are able to strike a healthy balance between their work responsibilities and other aspects of their lives.
- 4.2. Flexible working can support the Trust in:
 - retaining experienced staff;

- recruiting from a broader pool;
- promoting wellbeing;
- improving work-life balance and wellbeing;
- Promoting equalities in employment;
- Increasing productivity and effectiveness;
- Protecting the environment by reducing commuting times and reducing the impact of car usage;
- Improving staff recruitment, retention, and motivation for the benefit of the pupils in the workplace;
- Improving employment opportunities for staff with disabilities or health problems;
- Less sickness absence;
- Reduced need to incur agency costs;
- In a job share, benefiting from the energy and ideas of two members of staff.

4.3. It also can support employees at different stages of their life, such as those:

- with caring responsibilities
- planning a phased retirement
- returning from a career break
- Combining work in a school with professional development or work in their field of study.

5. TYPES OF FLEXIBLE WORKING

5.1. There are many different types of flexible working arrangements:

- Part Time working
- Term Time working - getting paid for the number of weeks of term time worked, plus annual leave entitlement. The employee is paid monthly with pay spread evenly over the twelve months.
- Work times and patterns different from the standard school working hours.

- Compressed hours - where an employee works their normal contractual hours over fewer days than the standard work pattern.
- Job Sharing Scheme - a full time job is split between two people, each sharer working half the hours, undertaking a proportion of the duties, and receiving proportionate pay and benefits. Job sharing requires a high level of co-operation and communication between the sharers.
- Home Working - it may be possible for employees to achieve more flexibility and a better work/life balance by working some of their time from home.

6. APPLICATION PROCEDURE

- 6.1. There is no legal obligation to agree to requests for flexible working, but the law does require the Trust to objectively consider all requests.
- 6.2. To apply for flexible working employees must fill in a flexible working application form (appendix A) setting out:
 - The change to working arrangements they are seeking and when they would like the change to come into effect.
 - The effect they think the requested change would have on the school and/ or Trust and how, in their opinion, any such effect might be dealt with.
 - That the request is a statutory request and if they have made a previous application for flexible working the date of that application.
- 6.3. Requests for flexible working cannot be considered without this information being provided in writing.
- 6.4. The application form must be sent to the Headteacher and the employee's line manager. Requests from Headteachers should be sent to the Chair of Governors.

7. TIMESCALES

- 7.1. By law, requests must be dealt with within two months from receipt, including any appeal. The three month period can be extended by mutual agreement between the Headteacher and the employee. An extension could, for example, be used to trial new arrangements before the manager makes a final decision.
- 7.2. Within 28 days of receiving the application, the Headteacher/ senior manager will arrange to meet with them to discuss the request. This discussion may be held

on the phone if a meeting is not practical, but privacy should be ensured.

- 7.3. The meeting provides an opportunity to consider the employee's request and explore how it may be accommodated. Some flexibility may be required to explore alternatives or a compromise, e.g., the employee's request may be accepted with modifications. Any discussion should cover how and when any changes agreed might best be implemented. This should be confirmed in the written response.
- 7.4. Employees can be accompanied to the meeting by a work colleague or trade union representative if they wish.
- 7.5. The Headteacher will write to the employee to notify them of their decision as soon as possible and no later than within 14 days of the date of the meeting. Where a request is rejected, the reasons will be given and the employee will be reminded of their right of appeal.

8. DECLINED APPLICATIONS

- 8.1. Headteachers/ senior managers can only refuse requests for the following reasons:

- The burden of additional costs is unacceptable for the school.
- Work can't be reorganised amongst existing staff.
- An inability to recruit additional staff.
- The new arrangements would have a detrimental impact on quality.
- The new arrangements would have a detrimental impact on the performance of the individual, team, or school.
- A detrimental effect on ability to meet pupil/student needs or work demand.
- There is insufficient work for the periods the employee proposes to work.
- The school is planning structural changes to the workforce.

9. APPROVED APPLICATIONS

- 9.1. A four week trial period for the new arrangements can be agreed.
- 9.2. Where flexible work arrangements are approved, they will normally constitute a permanent change to the contract of employment, with no automatic right to change back to the previous work pattern.
- 9.3. Agreement can be given for flexible work arrangements to be for a temporary period, allowing the employee to return to their normal working pattern or hours on an agreed date.
- 9.4. In some cases schools may approve a reduction in hours which may become

permanent but the working arrangement of those hours across the week may have to be annually reviewed to enable timetabling. For example, if a school agrees to a teacher's reduction in hours (from 1 fte to 0.6) and for the first year they work Monday – Wednesday, it maybe that the following year for timetabling purposes, they are required to work Tuesday to Thursday.

10. DECLINED APPLICATIONS

- 10.1. Where an application is refused employees should speak with their Headteacher/ senior manager to understand the reasons. There may be some simple misunderstanding which can be resolved.

11. RIGHT OF APPEAL AGAINST REFUSAL OF THE REQUEST

- 11.1. Employees have the right to appeal against a decision to refuse an application. The grounds for appeal must be set out in writing within 10 days of receiving the decision. The letter of appeal should include the employee's reasons for making an appeal.
- 11.2. The appeal will be dealt with within 21 days. The employee has the right to be accompanied by a work colleague or trade union representative to any appeal meeting.
- 11.3. Where the decision was made by the Headteacher, the appeal will usually be considered by panel including one governor, who will be advised by HR. The Headteacher who made the decision to refuse the request will attend the appeal.

11.4. Where the decision was made by a Senior Manager, the appeal will usually be considered by the Headteacher who may be advised by a HR Advisor. The Senior Manager who made the decision to refuse the request will attend the appeal.

11.5. The format of the appeal will be that the appellant presents their case. The Manager/Headteacher responds to this. Both sides may sum up. The Appeal Panel /Headteacher will then consider the case in private and come to a decision.

11.6. The Employee will receive a written outcome to the appeal within 10 working days of the meeting.

11.7. If an appeal is not upheld the notification must include a detailed explanation for ~~it~~- including the business reason for being unable to accommodate the request.

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

12. DEALING FAIRLY WITH MULTIPLE OR COMPETING REQUESTS FOR FLEXIBLE WORKING

12.1. Requests will be considered in the order they are received. Having considered and approved one request, it does not follow that subsequent requests will be agreed. Headteachers/ senior managers will consider each application in the context of the school/ Trust at the time.

12.2. Where multiple requests are received at the same time, priority will be given to employees whose request is due to:

- Ill health or disability where flexible working would help the employee attend or remain in work.
- Caring responsibilities - the school recognises that many staff, in addition to work, have unpaid caring responsibilities for relatives, children, and friends who need support due to illness, disability or frailty.
- Childcare arrangements.

12.3. Where these factors do not exist, requests will be treated on their own merits looking at the business case, the impact on the school/ Trust and the possible impact of refusing a request.

13. OTHER OPTIONS

13.1. Other policies are available that may help employees to achieve the flexibility they need in the short term.

- Parental Leave Scheme
- Emergency and Special Leave Scheme
- Unpaid Leave

14. ADDITIONAL CONSIDERATIONS

14.1. Where a request is agreed and the employee's working pattern has changed, the Headteacher/ senior manager may need to consider how to maintain communication with the employee and ensure that performance management principles are consistently applied. It may be necessary to amend the frequency or timing of performance management reviews, one to one meetings, Team Meetings and learning and development opportunities, to reflect the new working arrangements.

14.2. Successful requests will result in permanent changes to the employee's contract of employment unless, exceptionally, such changes are agreed to be for a time-limited period.

14.3. The employee's salary, tax, and National Insurance Contributions may be affected by changes to their working times/hours.

14.4. Reducing working hours will have an effect on subsequently accrued pensionable service for those in the Local Government Pension Scheme and should be considered before take-up. The LGPS changes that took place with effect from 1st April 2014, meant that all entitlements from that date onward are based on a proportion of actual earnings. Any procedure that reduces pay in any year (such as reduced hours) will therefore reduce the amount of pension entitlement accrued in that year. It has no effect on previously accrued benefits. Further advice is available from the HR team.

14.5. Staff in other pension schemes (for example the Teachers' Pension Scheme) should seek advice from the HR team and Teachers Pensions.

15. NON ATTENDANCE AT MEETINGS

15.1. Where a meeting is arranged to discuss the flexible working application including any appeal, and the employee fails to attend both this and a rearranged meeting without a good reason, the request can be considered withdrawn. If this is decided, the employee must be informed in writing.

16. ADDITIONAL INFORMATION

16.1. For any further information on this policy please contact your HR team.

16.2. Additional information can be found at:

- <https://www.acas.org.uk/responding-to-a-flexible-working-request>
- <https://www.gov.uk/government/publications/flexible-working-in-schools>

APPENDIX A: FLEXIBLE WORKING APPLICATION FORM

MULBERRY SCHOOLS TRUST	
FLEXIBLE WORKING APPLICATION FORM	
EMPLOYEE DETAILS	
Name:	
Job title:	
School:	
Start date:	
CURRENT WORKING PATTERN <i>(Should include details of hours/days per week, location etc.)</i>	
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
PROPOSED NEW WORKING PATTERN <i>(Should include details of hours/days per week, location, job share, part time, technology required etc.)</i>	
Monday	
Tuesday	
Wednesday	
Thursday	
Friday	
Are there any benefits that your team/department/the school would gain from your proposed flexible working arrangement?	
Do you envisage requiring any additional technology/resources?	

Do you envisage any additional costs?

Will you need to change your working practices? If so, how?

How will your request impact on the school and what are the benefits of your proposed flexible working arrangement?

Do your colleagues require any additional briefing/technology to support your proposed flexible working arrangement?

How do you suggest overcoming any potential problems with:

1. Pupils/internal customers

2. Your manager

3. Your colleagues

4. External customers/
stakeholders

How will you communicate effectively when (if) you are away from the school?

DECLARATION OF APPLICANT

I confirm that the above details are accurate and have read, understood, and accepted all the attached conditions (please read the scheme carefully and keep it for your information) and will commit to the hours of work for an agreed period by my head teacher which will be reviewed on a regular basis.

Employee signature:

Date: