




# FLEXIBLE WORKING POLICY

## Non Statutory

This Policy applies to all schools and employees within the Lighthouse Trust Partnership.

<b>Policy approved by Trust Executive Team</b>	
<b>Signed:</b> 	<b>Date:</b> 24 June 2024
<b>Name:</b> Gary Lewis	<b>Role:</b> Chief Executive

### Document History

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## 1. INTRODUCTION

- 1.1. This Flexible Working Policy has been written for the effective function of the Trust's operations and the wellbeing of its employees. The Trust recognises that flexible working can provide benefits to employees and flexibility can have a positive impact for all.
- 1.2. This policy sets out standards of practice expected from you when considering a flexible working arrangement and applies to all employees. The aim of this policy is to provide a clear and fair process for the school and Trust to consider requests for flexible working.

## 2. STATUTORY PROVISIONS

2.1 **Scope:** All employees are eligible to submit a flexible working request at any stage within their employment and are entitled to make two requests in a 12-month period. Requests can be submitted for informal or formal, temporary or permanent, place-based or time-based arrangements. The Trust will consult with the employee when reviewing the request and endeavour to find solutions to accommodate the employee and their request.

2.2 There are a number of reasons why due consideration will be given to flexible working requests:

- improve business efficiency and productivity;
- improve the balance between life and work;
- create a positive and inclusive environment;
- create a happy and healthy workforce;
- improve staff retention;
- promote wellbeing.

2.3 The Trust's provision for flexible working arrangements aims to facilitate, but is not limited to, childcare and caring responsibilities, flexible retirement, voluntary activities and combining work with study for professional development.

2.4 In order to maintain the continuity of its business, the Trust will not be able to provide flexible working as an automatic right for employees.

2.5 The Trust will consider all requests for flexible working on their own merits and will assess each request based on the needs of both the business and the employee.

2.6 The Trust's agreement to one employee's request (either within the same school/department or another area), will not set a precedent or create a right for another employee to be granted the same arrangements or a similar change to their working pattern.

2.7 It shall be the responsibility of the Headteacher/Line Manager to assess and evaluate the potential business implications of implementing flexible working arrangements, considering for instance, but not limited to, the potential impact on costs, supervision, staff, services and the Trust's ability to meet its objectives.

2.8 It shall be the responsibility of both the Headteacher/Line Manager and the employee to proactively manage flexible working relationships, regularly reviewing existing flexible working arrangements (at least annually) to ensure that these continue to be effective and reasonable in meeting the needs of both the Trust and the employee.

### **3. FLEXIBLE WORKING**

#### **3.1 Guidance for Staff**

Flexible working may involve a change to working pattern, relating to the times staff are required to work, the number of hours they are required to work or where they are required to work, for example between schools in the Trust. The flexible working options outlined within this guidance may be considered in relation to these factors and any personal circumstances that may be affecting the employee.

The Trust will consider requests from all employees providing they have not made two applications during the past 12 months and there is no current 'live' request. A request will stay live until any of the following happen:

- the Trust makes a decision;
- the request has been withdrawn;
- an outcome is agreed between the Trust and the employee;
- it's been 2 months since the date of the request.

There is no statutory right for a request to be agreed.

#### **3.2 Considering Flexible Working Arrangements**

If you are applying for a new post within the Trust and wish to request consideration of flexible working, this can be discussed with the recruiting manager via the contact details included on the Job specification document.

### **4. FLEXIBLE HOURS**

4.1 Flexibility of working hours (whether full or part-time) can assist recruitment, reduce absenteeism and improve morale, while tailoring working hours around workload requirements. Flexible working hours can be especially advantageous for those with caring responsibilities, or those who have to commute long distances. It is true to say that a great deal of flexibility exists on working hours across each school, and the Trust wishes to support and encourage such an approach.

4.2 However, it is important that the needs of the students determine the Trust and School's decision. In deciding on such requests the Trust will consider:

- The needs of the Trust and individual School will vary over time. Any scheme that is introduced needs to be appropriate to the current situation and include a mechanism for review.

- That staff are aware that flexibility is dependent upon the operational needs of the Trust - for pupil facing staff, splits in the teaching of classes will need to be considered carefully.
- That staff are aware of how much flexibility is available and where any lines are drawn.
- Justifying decisions and rationale, if some staff are offered more flexibility than others, explaining clearly the reasons and consider the impact of flexibility on colleagues.
- What arrangements will operate for instances of sickness, holidays, overtime, etc.
- How abuses of the flexible working hours' system will be managed - in most cases this will be the disciplinary policy.

Further advice is available from the Trust's Central HR team.

- 4.3 In addition, the degree of flexibility required around the work pattern needs to be clearly discussed and confirmed in writing to the employee. Any requests from staff to move to part-time hours must be seriously considered and any effects upon operational requirements considered carefully.

## 5. PROCEDURE FOR MAKING AND CONSIDERING FLEXIBLE WORKING

- 5.1 The following procedure is in line with the statutory procedure for requesting flexible working and should be used for all requests for flexible working arrangements, regardless of whether they require a change to the employment contract. . The flowchart in appendix 1 summarises the process.

- 5.2 Where an employee wishes to request flexible working/, the following process will apply:

- The employee should make a written request to the Headteacher/Line Manager using the flexible working application form.
- The request should provide details of their request, stating:
  - the date the request is made;
  - the change to working conditions they are seeking;
  - the date they would like the change to take effect;
  - if this is a temporary or a permanent change;
  - whether they have made a previous application for flexible working, confirming the dates of the previous requests.
- If an employee is making a request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disabled employee, this should also be stated.
- Within 10 days of receipt of the request, a meeting to discuss the flexible working application will be organised for the Headteacher/Line Manager to consult with the employee. If the Headteacher/Line Manager has already decided to approve the formal request a meeting may not be needed. Such a meeting must take place even where the member of staff is on maternity or sickness leave. The employee has the right to bring a trade union representative or work colleague to the meeting to discuss the request.

5.3 The guidance above details many of the areas the Headteacher/Line Manager will consider when making decisions. The following broad areas will also be considered:

- burden of any additional cost to the Trust;
- impact on ability to meet the needs of 'customers' (whether these be students, staff or others) and operational requirements;
- ability to organise the work within available staffing;
- impact on quality;
- impact on individual or departmental performance;
- ability to recruit staff to cover any gaps;
- sufficiency of work during the periods your member of staff proposes to work;
- planned structural changes.

5.4 All requests should be considered in accordance with the Trust's Equality and Diversity Policy (available on Foldr and iTrent Self-Service)). The Headteacher/Line manager may choose to consult with the HR Director and/or CEO to discuss the request.

5.5 The Headteacher/Line Manager will reach a final decision regarding the request but if there is no business reason to reject the request, it must be agreed. As part of the meeting, compromises, or adjustments to the flexible working application in order for it to be agreed should be discussed. The decision should be recorded on the flexible working application form, which should then be forwarded directly to the Central HR team within 10 days of the meeting. The school or Central HR team (as appropriate) will write to the employee to formally confirm the outcome.

5.6 The letter to the individual will either:

- confirm that the request has been accepted and detail the appropriate arrangements and date from which these will start, or
- confirm details of any amended request and associated arrangements that have been agreed and date from which these will start, or
- confirm that the request cannot be accommodated, giving a short explanation of the reasons (see point 5.3) for this and setting out the appeal procedure.

Where applicable, the letter will also include details of any formal review arrangements, and, if appropriate, set out any action on which the agreement is dependent.

5.7 Once agreed, at whatever stage of the process, any change as agreed will either be permanent and the employee will not be entitled to revert back to their old working hours/pattern without a new flexible working request being submitted. If the change is agreed as temporary the employee will be able to revert to their old working hours/pattern in line with the agreed date of termination of the flexible working request. The Trust reserves the right to review the impact the flexible working has had on the Trust/individual School.

5.8 The Trust/individual School will retain requests and outcomes on personnel files in line with the Trust's Data Protection Policy and Records Management Policy for retention purposes.

## **6. APPEALS**

- 6.1 The Headteacher/Line Manager will duly consider all requests fairly and equally in line with the Trust and individual School's aims, objectives and needs. Requests can be refused on any applications submitted, if they have a good business reason. Where a flexible working request has been refused, the employee has 5 days from the date of notification of the decision to lodge an appeal. This will be outlined in the letter explaining the reasons for the refusal. The appeal should be sent to the Chair of Governors / CEO / Chair of Trustees and should set out the reasons for the appeal, the letter will confirm who this should be addressed too. If you are unsure, please contact the Central HR team.
- 6.2 Within 10 days of the date of receipt of the request for an appeal, an appeal hearing will be arranged involving up to two Governors/Trustees and/or the CEO (or as delegated). Either party may seek further information prior to the appeal hearing. The Chair of Trustees will decide the composition of the panel.
- 6.3 The employee will have the right to attend the hearing and to be accompanied by a trade union representative or other work colleague representative. The Headteacher/Line Manager who made the initial decision regarding the request will also attend.
- 6.4 Within 5 days of the hearing, the CEO/Governors/Trustees will write to the employee to inform them of the outcome of their appeal. This letter will also set out responses to any points raised in the appeal. Where the appeal panel overturns the original rejection of the request, or suggests an alternative outcome, the employee will be consulted on the implications and implementation.

## **7. FLEXIBLE WORKING APPLICATION FORM**

### **7.1 Note to the Employee**

All staff have the right to apply for flexible working if they meet the qualifying criteria. Any application must be submitted using the necessary form (Appendix 2) which includes : date of application; a statement that this is a statutory request; details of how the employee wants to work flexibly and when they want to start; a statement saying if and when there has been a previous application. You can use this form to make an application to work flexibly under the right provided in law to eligible employees.

### **7.2 Guidance**

The law requires that all requests including any possible appeal process must be considered and decided within a period of two months from first receipt, unless an extension is discussed and agreed with the employee in writing. You should therefore ensure that you submit your application to the Headteacher/Line Manager well in advance of the date you wish the request to take effect. It will help the Trust to consider your request if you provide as much information as you can about your desired working

pattern. 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/Line Manager for consideration (keeping a copy for your own records). If the request is granted, this will be a change to your terms and conditions unless otherwise agreed.

### 7.3 Withdrawing an Application

Employees should tell the Headteacher/Line Manager in writing if they want to withdraw their application. The Headteacher/Line Manager can treat an application as withdrawn if the employee misses two meetings to discuss an application or appeal without good reason, e.g. sickness. The Headteacher/Line Manager will tell the applicant in writing, if the request is being treated as withdrawn.

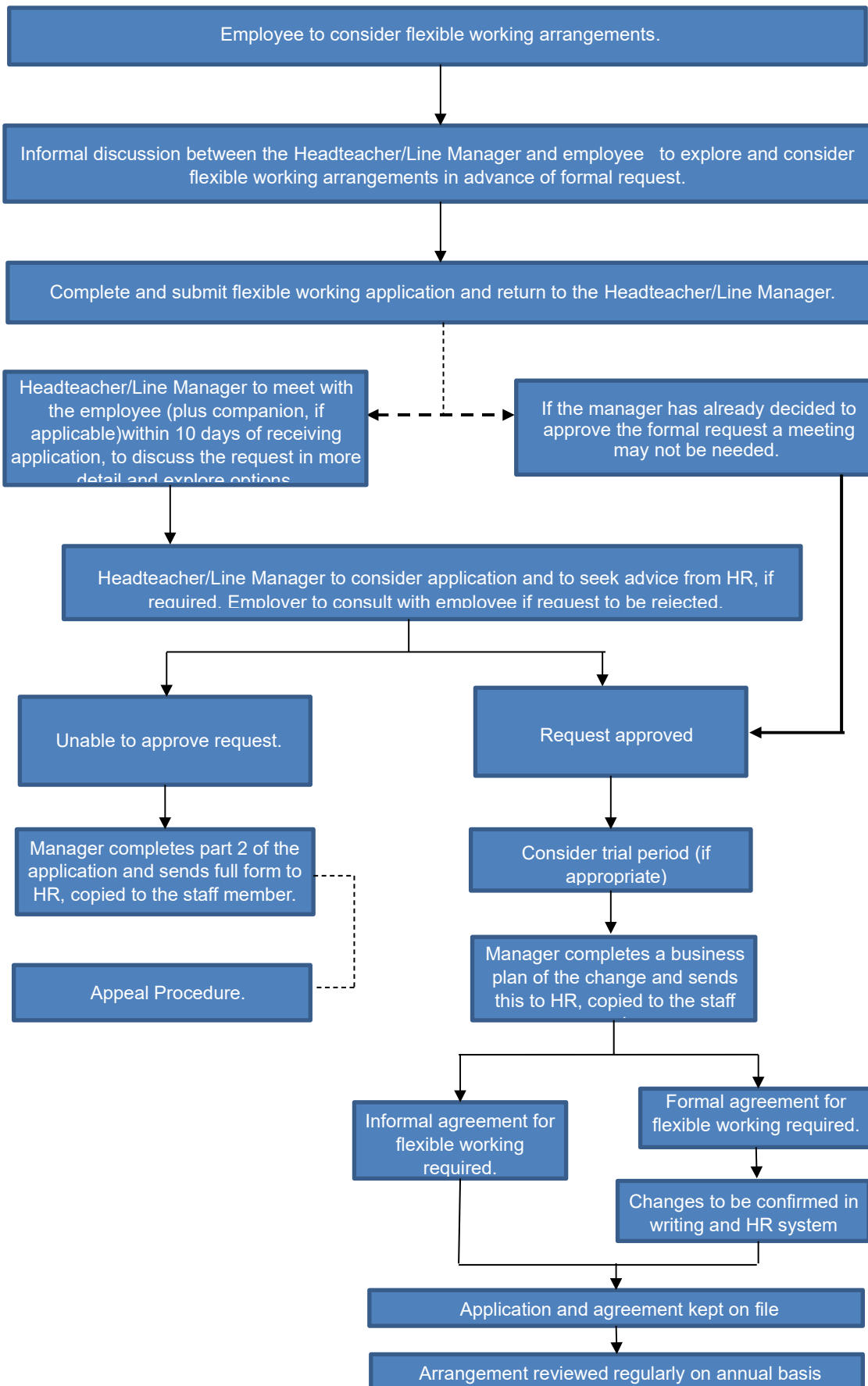
A withdrawn application will be counted as a request during a 12-month period.

*Note to the employer:*

***This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. Confirmation of receipt of this application should be sent in writing to the employee as soon as possible.***



i. APPENDIX 1: SUMMARY OF PROCESS



**ii. APPENDIX 2: APPLICATION FORM**

<b>APPLICATION FOR FLEXIBLE WORKING</b>	
<b>Personal Details</b>	
<b>Name:</b>	<b>School:</b>
<b>Job title:</b>	<b>National Insurance No:</b>
<b>Headteacher/Line Manager:</b>	
<b>To:</b>	
<p>I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet the eligibility criteria as follows:</p> <ul style="list-style-type: none"> <li>• I am a current employee of the Trust.</li> <li>• I have not made more than one request to work flexibly under this right during the past 12 months.</li> </ul>	
<b>Do you consider yourself to have a disability?</b>	<b>Yes / No</b>
<i>(If yes, please provide further information)</i>	
<b>Dates of any previous applications for flexible working and decisions granted:</b>	
<b>Working Pattern</b>	

1. Describe your current working pattern (days/hours/times worked):
2. Describe the working pattern you would like to work in future (days/hours/times worked):
3. I would like this working pattern to commence from (date):
4. I would like this change to be: TEMPORARY / PERMANENT

Name:

Date:

Employer's confirmation of receipt *(to be completed and returned to employee)*

Dear:

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

Date:

I shall notify you of my decision on this application within 2 months of this date, unless we agree a longer deadline for this decision.

From: