

# JOHN TAYLOR MULTI ACADEMY TRUST



## Flexible Working Policy

**Policy owner:** Barbara Mahoney, JTMAT COO

Implementation date: September 2016

Reviewed on: July 2022

Next review date: September 2024

## 1. POLICY STATEMENT

All employees have the legal right to request flexible working, provided they have worked for the employer for at least 26 weeks.

The Flexible Working legislation gives all employees the opportunity to apply for a temporary or permanent change of working pattern, at any stage of their career, and regardless of their personal reasons for making the request.

Whilst there is no automatic right to work flexibly, this policy provides a fair and consistent basis for making applications so that requests should not be refused unless they have a clear, detrimental impact on the business.

The aim of the policy is to help employees achieve a good balance between their work and their lives outside work, and to enable John Taylor MAT to retain skilled employees.

## 2. WHO THE POLICY COVERS

This policy applies to all employees, who have worked for John Taylor MAT for at least 26 weeks.

This policy is commended for adoption by governing bodies, for application to all employees employed in schools.

## 3. POLICY PROVISIONS

There are six main work patterns to choose from, but individuals may also combine different options and suggest their own alternatives. By definition, term-time working and job sharing are always coupled with reduced hours.

- **Reduced hours** – working less than a full time schedule with corresponding adjustment to pay and benefits.
- **Term-time working** – working annual hours during school or college term times only.
- **Job sharing** – two individuals sharing the duties of a full time position with a corresponding adjustment to pay and benefits. Job share partners must carry comparable responsibilities if the grade of each person is to be maintained.
- **Variable hours/flexitime** – selecting different start and finish times, within agreed limits, from the standard ones in a service area.
- **Compressed hours** – working a full time week in fewer than five days. Employees working this type of arrangement must ensure their health and safety is not compromised by working long hours without adequate breaks, or by working alone in potentially dangerous situations.
- **Office-based homeworking** – where the permanent workplace is a Trust School, although the employee may work a fixed part of the week from home. No annual allowance will be made to cover costs of a home being used as an occasional work place.

#### 4. THE CONTRACTUAL OPTIONS

In most cases flexible working arrangements are agreed at the outset as permanent changes.

In some cases, however, the individual may want to test an arrangement for a trial period before making a long term commitment, or a manager may suggest a trial period where the likely business impacts of a proposed working pattern are unclear.

There may be occasions where an individual only needs flexibility for a defined period, in which case a temporary fixed term arrangement may be put in place. There are therefore three contractual options:

- **Permanent** change to terms and conditions of employment.
- **Fixed period** change in working pattern of between one and six months, after which individuals can either return to their previous hours/pattern or apply for a permanent flexible working pattern.
- **Trial** of a new working pattern of between one and three months, after which the working pattern will either end or continue as a permanent contractual change.

#### 5. MAKING AN APPLICATION

The employee must make a dated request in writing to their manager using the application form on the back of this form. The application must state:

- That it is a formal application to apply for flexible working; a formal application to change their work pattern/location;
- The change applied for;
- The date on which they want the change to take place;
- Explain what effect, if any, they think making the change would have for the Trust and how, in their opinion, this effect might be dealt with; and
- Whether they have made a previous application and, if so, when.

Having received the employee's completed application form, the manager will ensure that the employee receives an acknowledgement in writing, and then will have 28 calendar days to consider the employee's request.

In considering the request, the manager should meet with the employee to discuss the application in more detail. If the employee cannot attend the meeting they should contact their manager immediately and give reasons. The meeting will be rearranged. If the employee fails to attend the rearranged meeting without good cause the manager will treat the employee's application as having been withdrawn.

The manager will ensure that the employee is written to and either:

- (a) inform the employee that their request has been approved and state the contract variation agreed to and the date from which it will take effect. At this point the process is complete; or
- (b) arrange a meeting with the employee to discuss their request.

Where an employee wishes to withdraw a request after it has been submitted, they may do so, in writing.

## **6. THE DECISION**

The employee must be told of the decision in writing within 14 calendar days of the meeting.

If a request is accepted the manager should ensure any necessary changes are made to the employee's payroll record, including the issue of a new statement of employment particulars.

If a trial period is necessary to assess whether the proposed new arrangements would work or not, the employee needs to be informed of the decision. The decision must not only state the period of the trial but also why the request has not been accepted at this stage. If the employee refuses to accept a trial period they still have a right of appeal.

Sometimes it may be necessary to turn down or postpone a request. Whatever the reason for refusing a request, the manager should keep a record of the date, reason and circumstances of the refusal on file so that it can be reviewed at a later date.

If the employee's request is declined, the letter must give reasons for the refusal, set out the appeal process and give them a timescale after which a new request can be considered.

A request to work flexibly should not be declined unless there is a detrimental business impact and after all options of finding a mutually agreed solution have been explored. This includes investigating all feasible options other than the working pattern originally proposed. A decline can only be justified if one or more of the following detrimental business impacts are identified:

- Additional costs which are excessive
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality of work produced or individual's normal performance standards
- Planned structural changes that have already been announced
- A request for homeworking that will result in excessive additional cost or infringes on other regulatory obligations, e.g. data protection.

### **Extension of Time**

There may be occasions when it is necessary to seek to extend the time limit for any part of the process. Managers must obtain the agreement of the employee to any such extension by completing Form F - Extension of Time Limit.

## **7. OTHER CONSIDERATIONS**

- The employee must be aware that any change in contract ie reduction in hours, reallocation of duties, etc as a result of a successful application could impact upon pension. The employee should contact the Pensions team for employees in the Local Government Scheme, or the Teacher Pensions team for employees in the Teachers' Pension Scheme for further information and advice.

- The manager, in conjunction with the individual, should discuss the management of health and safety when agreeing flexible/homeworking arrangements and document how any hazards identified are to be controlled within a risk assessment.

## **8. APPEALS**

If, having spoken to their manager, an employee disagrees with their flexible working application being declined, they should firstly discuss their concerns with their manager. There may be other options that could be considered that would meet both the employee's and the business' needs.

If the employee feels they have not been treated fairly, they can appeal to the next level of management in their team, by completing a Flexible Working Appeal Form, which can be downloaded from the Flexible Working intranet page.

Once completed, and within 7 calendar days after being notified in writing of the decline of the request, the employee should send the form to their manager, who will then forward it to the person hearing the appeal.

A meeting to discuss the appeal must be held within 14 calendar days of the form being submitted.

Individuals may arrange to be accompanied to the appeal meeting by a trade union representative or work colleague. The individual's chosen companion may confer and contribute to the meeting, but may not answer questions on the individual's behalf.

The outcome of the appeal must be notified to the individual in writing within 14 calendar days of the meeting taking place. This decision is final.

## **9. ROLES AND RESPONSIBILITIES**

### **Employee's responsibilities**

- To complete their application form as comprehensively and thoroughly as possible, anticipating any potential problems and suggesting solutions where possible. to their manager
- To approach the discussions about their application in a creative and flexible way, seeking to achieve an outcome that is a win-win for themselves and the Trust.
- To be willing to explore all possible alternatives if the first preference working pattern is not feasible.
- To base discussions purely on the business impact of the proposal, not on the personal reasons for making a request.
- To respond constructively to manager requests to discuss changing a current flexible working pattern which is no longer working for the business.
- To contact their Pensions team for further information and advice.

### **Manager's responsibilities**

- To create an environment where employees can access the flexible working policy when they want to, are comfortable making requests, and know that any application will receive fair consideration.
- To receive applications for flexible working positively.

- To take each application on its own merits and keep an open mind about work patterns that could operate in their team.
- To approach the discussions about their application in a creative and flexible way, seeking to achieve an outcome that is a win-win for the individual and the Trust.
- To objectively review all relevant information in deciding on an application, exploring all options, and acting in accordance with the timescales set out in the policy.
- To ensure that any declines are in line with the policy, explained to the employee and fully documented.
- To receive appeals against flexible working request declines constructively, acting in accordance with the timescales set out in the policy, taking a fresh look at the application from an independent perspective. To focus on finding a positive outcome for both sides, where possible.
- To handle constructively and sensitively the need to discuss with an employee a current flexible working pattern which is no longer working for the business, striving to reach a mutually acceptable solution.

## **10. DATA PROTECTION**

The organisation will comply with the provisions of the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Employee data will be processed by the organisation in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of the organisation's business. The organisation will ensure that personal information about an employee, including information in personnel files, is securely retained.

## Form A: Flexible Working Application



### Notes for completing the form

This form is provided for those wishing to make an application to work flexibly under the terms of the flexible working policy.

Employees should be mindful that with this, as with any other application, the School/Trust has the right to refuse a request if there is a good business reason to do so. Remember, you have the right to request flexible working – but not the right to have it.

Be aware of the timescales for considering a flexible working request, as set out in the policy. Therefore you are advised to submit your application to your manager well in advance of the date from which you wish the request to take effect.

In order for the application to be valid, you must complete all sections of the form. It will help us in considering your request if you provide as much information as you can about your desired working pattern. When completing sections 6 and 7 think about what effect your change in working pattern will have on the work you do and on your colleagues. Once you have completed the form please email to your manager (keeping a copy for your own records).

You will receive a response within 28 calendar days of receipt of your application to advise you of the outcome, or to arrange a meeting in order to discuss your request further. If your request is granted, your terms and conditions will be updated to reflect this.

### 1. Personal Details

Name:		Payroll number: (on your payslip)	
Manager:		National Insurance No:	

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

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

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(Continue on separate sheet if necessary)

**4. I would like this working pattern to commence from (date):**

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**5. I think this change in my working pattern will affect my Service, Team and individual colleagues as follows:**

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**6. I think the effect on my department and colleagues can be dealt with as follows:**

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**Name:**

**Signature:**

**Date:**

**NOW PASS THIS FORM TO YOUR MANAGER**

**Note to Manager:** This is a formal application for flexible working and you should confirm receipt using the confirmation slip below. You have 28 calendar days upon receipt in which to either agree to this request or to arrange a meeting with the employee to discuss this request.

## Confirmation of Receipt

Dear [REDACTED]

I confirm that I received your request to change your work pattern on  
(date)

I shall be arranging a meeting to discuss your application within 28 calendar days following  
this date.

From:

Date: