



# Flexible Working Policy

## Endeavour Multi Academy Trust

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## **Legislative Framework**

This policy meets the requirements of:

- Employment Relations (Flexible Working) Act 2023: This act sets out updated flexible working rights for employees and employers to follow.
- Equality Act 2010
- Employment Rights Act 1996

It also reflects best practice guidance set out in:

- The DfE's guidance for flexible working in schools
- Acas's code of practice on handling in a reasonable manner requests to work flexibly

## **Scope of Policy**

This policy has been developed in line with the appropriate national conditions of service for all employees of Endeavour Multi Academy Trust.

Requests for flexible working may be made to the employee line manager or may be delegated to another member of the Senior Leadership Team. Where reference is made within this document to the application being made to the line manager, this refers to the Executive Headteacher/Headteacher, CEO, Chair of Trustees or members of the Senior Leadership Team.

## **Policy Statement**

Endeavour Multi Academy Trust is open to flexible working and the benefits it provides. We recognise that offering flexible working has the potential to:

- Improve staff's work-life balance and help them manage their work around other responsibilities.
- Reduce staff stress and have a positive impact on wellbeing.
- Raise morale and improve staff motivation, performance and productivity.
- Reduce staff absence and help improve retention by creating new opportunities and ways of working.
- Allow us to recruit from a wider pool of talent that includes people with different lifestyles, experiences and perspectives.

We are an equal opportunities employer, and we recognise the contribution that flexible working makes to this ongoing commitment.

The Trust will consider flexible working requests from all employees from day 1 of their employment.

When considering a request for flexible working the School/Trust will balance the needs of the individual with the need to maintain the correct level of staffing that meets the statutory and organisational requirements of the School/Trust.

## **Equity and Fairness**

The equality implications of any flexible working arrangements will be considered when considering any application for flexible working.

The Trust will not victimise individuals who work under flexible working arrangements or who request to work more flexibly.

Any agreed flexible working arrangements will be carefully planned and reviewed to ensure that work life balance is achieved.

### **Types of Flexible Working**

The Department for Education describes flexible working as arrangements which allow employees to vary the amount, timing or location of their work.

Types of flexible working include the below arrangements:

- **Part-time working**
  - Part time: working less than full-time hours.  
Job share: two or more people doing one job and splitting the hours.
  - Phased retirement: gradually reducing working hours and/or responsibilities to transition from full-time work to full-time retirement.
  
- **Varied hours**
  - Staggered hours: the employee has different start, finish and break times.
  - Compressed hours: working full-time hours but over fewer days.
  - Annualised hours: working hours spread across the year, which may include some school closure days, or where hours vary across the year to suit the School/Trust and employee.

We will consider requests regardless of the type of flexible working requested, although some forms of flexible working may be more suitable for particular roles than others.

Employees making a request should consider which forms of flexible working are best suited to their personal circumstances and their role, as individual circumstances vary.

Employees who wish to submit a request for flexible working should do so in writing using the information set out in this policy.

### **Accountabilities**

Employees responsibilities:

- To make a fully completed application for flexible working to their line manager in accordance with the procedure set out in this policy.
- To be available to discuss their application in more detail if required.

Line Manager/Trust responsibilities:

- To ensure that academy leaders, including governors, trustees, and staff discuss flexible working arrangements as part of the Trust's approach to work life balance.
- To communicate flexible working practices and other work-life balance solutions to staff including making employees aware of the policy.
- To consider flexible working in any new recruitments.
- To consider all requests objectively and with sensitivity.
- To be consistent.
- To discuss the impact on the employee with regards other policies i.e. pensions.
- If you turn down a request, explain why you are doing so in writing, giving clear business reasons.
- To consider the work life balance implications of any revision to other procedure, policies or practices in the Trust as part of the equality impact assessment.

Governor/Trustee responsibilities:

- To consider how the Trust can promote a culture of flexible working.
- To consider carefully any appeals made in relation to a request to work flexibly.

### **Trust/School Responsibility to consider a request for Flexible Working**

The School/Trust has a legal responsibility to consider all applications and determine if the flexible working arrangements can be accommodated within the needs of the School/Trust. Each application should be considered individually and objectively.

Although there is no legal duty to agree a request to flexible working the School/Trust should be particularly mindful of their duty to make reasonable adjustments to working patterns for disabled workers, or flexible working requests to care for a disabled dependant.

Applications for flexible working made by an employee will be dealt with in accordance with process detailed below.

### **The Application Process**

Any employee regardless of continuous service may make an application for flexible working. This can be made from day 1 of their employment.

Staff should use a statutory request for flexible working if their proposal requires a permanent change to their contractual terms and conditions.

Staff must make a statutory request for flexible working arrangements in writing. They should use the application form attached in **Appendix A**, and ideally submit their application at least two months before the proposed change. Legally all requests must include;

- Date of the application.
- Statement to confirm that this is a statutory request.
- Proposed changes to working hours or pattern and when the staff member wishes to start the new arrangement.
- Whether they have previously applied for flexible working arrangement and if so, when that was.
- Whether they are making their request in relation to the Equality Act 2010, for example as a reasonable adjustment for an employee with a disability.

Staff should send their application to their Line Manager.

If the Executive Headteacher/Headteacher is requesting flexible working, they should send their application to the Chair of Governors. If the CEO is requesting flexible working, the request should be sent to the Chair of the Trust Board.

### **Meeting to discuss an application**

The School/Trust will consider all valid applications for flexible working openly and fairly. In line with legislation, the School/Trust will reach a decision within two months from receipt of request to notification of decision, including any appeal.

The Line Manager will arrange a meeting with the staff member to discuss their application and to;

- Clarify the staff member's proposed flexible working arrangements.
- Discuss any foreseen challenges regarding the proposed arrangements and how they can be overcome.
- Consider alternative arrangements or compromises.

The meeting will take place no later than 20 working days after the School/Trust receives the application.

The staff member may be accompanied by a colleague or trade union representative if they wish. Likewise a HR representative can be present to support the School/Trust.

## **Response**

The Line Manager will provide a response, in writing, as soon as possible after the application, and by no more than 10 working days following any meeting.

If the request is accepted, or an alternative arrangement is agreed, the Line Manager will write to the staff member laying out:

- Details of the new working arrangements.
- Details of the trial period.
- Any changes to the staff member's employment contract.
- When the new working arrangements will start.

The staff member will need to sign and return a copy of the document, which will be placed in their personal file to confirm the variation to their terms and conditions of employment.

If the Line Manager needs more time to make a decision – for example, time to investigate how to accommodate a request or to consult several members of staff – they will discuss this with the staff member as soon as possible.

If the request is rejected, the Line Manager will arrange a meeting with the staff member to inform them, including the reason for the rejection. The decision will also be confirmed in writing, and the staff member will also be advised of their right of appeal.

Our School/Trust will only reject an application for flexible working on the following grounds:

- The burden of additional cost to our School/Trust.
- A detrimental effect on the quality of work (for example, if, as a result, pupils risk not receiving high-quality teaching).
- A detrimental effect on performance (for example, if the staff member risks failing to meet important deadlines).
- A detrimental effect on the ability to meet demand (for example, where an administrative assistant would not be present at busy periods with high workloads).
- Inability to reorganise work among existing staff.
- Inability to recruit new staff.
- Insufficient work during the proposed working period.
- Planned changes to staffing structure.

## **Contractual Changes**

Once a flexible working arrangement has been agreed, the School/Trust will make appropriate changes to the staff member's contract of employment.

Unless otherwise agreed, these changes are permanent and cannot be changed unilaterally. There is no right for a staff member to revert to their original working arrangements, or for the School/Trust to force a staff member to revert to their original working arrangements, without agreement from both parties.

A staff member may only make two statutory requests in any 12 month period.

Contractual changes may also include changes to pay and holiday entitlements, such as a pro-rata arrangement. The Line Manager will make sure that any staff member seeking a flexible working arrangement is aware of these changes before they agree to changes to their contract.

### **Trialling a new arrangement**

A new working pattern may be agreed subject to a trial period which is agreeable to both parties, for example for one academic year. This approach goes beyond what is set out in the legislation and can help reach a positive outcome. At the end of this period the Line Manager or appropriate senior staff member will meet with the applicant to discuss the experience of the trial period and whether the arrangement can be made permanent. Employees may wish to be accompanied by a trade union representative at this meeting. At this point it may be appropriate to revisit the arrangements to suit all parties. All trial period arrangements and their agreed outcomes will be confirmed in writing.

### **The Appeal**

Employees have 10 working days of being informed of the outcome of their application to appeal against the decision.

The Line Manager will arrange an appeal meeting, normally, with an appeal panel of governors, within 10 working days of receiving an appeal.

The Chair of the Appeals Committee will communicate the outcome of this appeal meeting to the employee within five working days of the meeting.

**N.B. references to working days are Monday- Friday not the employee working days and exclude school closure periods**

### **Right to be accompanied**

Following a reasonable request, employees have the right to be accompanied by a companion at any meeting that forms part of the procedure.

A companion may be a fellow worker from the Trust, a trade union representative or an official employed by the trade union. The companion should be allowed to address the meeting to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting, ask questions of anyone present and privately confer with the employee before, during and following the meeting. The companion however does not have the right to answer questions on behalf of the employee.

If the employee's chosen companion is not available on the proposed date of the meeting, the Line Manager should, within reason, postpone the meeting to allow the employee to bring along the chosen companion. The alternative dates should normally follow within five working days of the original scheduled date.

### **Right not to suffer any detriment**

The employee is protected against detriment because of making a request for a flexible working arrangement.

## Appendix A: Flexible working application form for statutory requests

Employee Name:

Job Title:

Date Employment Commenced:

Line Manager:

CURRENT WORKING PATTERN	
Days/hours	
Location	

PROPOSED NEW WORKING PATTERN	
Days/hours	
Location	
Any additional technology or resources required	
Proposed start date	

IS THIS REQUEST IN RELATION TO THE EQUALITY ACT 2010?
YES/NO
If yes, please provide details and other supporting evidence

DECLARATION OF ANY PREVIOUS STATUTORY REQUESTS FOR FLEXIBLE WORKING ARRANGEMENTS

I confirm that:

- This is a statutory request for flexible working.
- I have not made more than two statutory flexible working requests in the last 12 months.

Signed:

Date: