

The Auriga Academy Trust

AAT Flexible Working Policy

Contents:

1. Scope	2
2. Policy Purpose	2
3. Principles	2
4. Types of Flexible Working	2
5. Eligibility	2
6. Procedure	3
Step 1: Applying for flexible working	3
Step 2: Meeting to discuss the application for flexible working	3
Step 3: Communicating the Decision to the Employee	3
Step 4: Appeal	3
7. Protection from Detriment or Dismissal	4
8. Acas Code of Practice on requests for flexible working	4
APPENDIX A: Statutory Right to Request Flexible Working	5
APPENDIX B: HR Template Emails / Letters	7
1. Acknowledgement of Flexible Working Request	7
2. Invitation to Consultation Meeting	7
3. Approval of Flexible Working Request.....	7
4. Refusal of Flexible Working Request	8
5. Acknowledgement of Appeal	9
6. Notification of Appeal Meeting	9
7. Notification of Outcome of Appeal Meeting	10
8. Flexible Working Request Application Withdrawn (No Show)	11

1. Scope

This Flexible Working Policy ("the policy") applies to all employees employed by the Trust.

The recognised trade unions have been consulted.

2. Policy Purpose

This policy outlines the Trust's commitment to consider flexible working arrangements for eligible employees.

The Trust recognises the contribution of all its employees and also understands that at times in their working lives employees may find it difficult to fulfil domestic, family and working commitments. Where this occurs, the Trust / school will always consider practical help through this policy which is reflective of the statutory right to request flexible working. Additionally, a request for flexible working may be made as a reasonable adjustment to accommodate a disability as defined by the Equality Act 2010. Where this is the case, it should be made clear and the Trust will take HR advice when considering such a request.

Flexible working is about considering the way work is organised to see whether it is possible to have different working arrangements: the result must always be, however, that the school achieves its core activities as efficiently and effectively as is possible.

Employees should also be aware that if they request and are given agreed flexible working conditions in accordance with this policy, this will constitute a variation of their terms and conditions of employment and will be a permanent change. If an employee's circumstances change in relation to the need for flexible working, there is no statutory right for a return to the original terms and conditions that applied to them prior to flexible working being granted.

3. Principles

- The initial onus of making an application for flexible working lies with the employee.
- The school will consider requests for flexible working in a 'reasonable manner' as defined by Acas.
- The school will follow the correct procedure as outlined in this policy when considering requests for flexible working and without undue delay.
- The school should hold a consultation meeting with the employee to consider the request for flexible working.
- The school can decline an application where it is for any one of the specified business reasons.
- All requests for flexible working, including any appeal, will be considered and decided upon within a period of 2 months from first receipt unless otherwise agreed between the employee and employer. Where an extension is agreed, this should be recorded in writing.
- An employee's application for flexible working will be considered withdrawn if they fail to attend the arranged and rearranged meeting/s to discuss their application, including an appeal. The school will issue a letter to the employee confirming this to be the case (confirmation of withdrawal of application).

4. Types of Flexible Working

There are different ways of working flexibly:

- **Job sharing** - two people do one job and split the hours.
- **Working from home/hybrid working** - it might be possible to do some or all of the work from home or anywhere else other than the normal place of work.
- **Part time** - working less than full-time hours (can usually be by working fewer days).
- **Compressed hours** - working full-time hours but over fewer days.
- **Flexitime** - the employee chooses when to start and end work (within agreed limits) but works certain 'core hours', e.g. 10am to 4pm every day.
- **Annualised hours** - the employee has to work a certain number of hours over the year but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.
- **Staggered hours** - the employee has different start, finish and break times from other workers.

5. Eligibility

All employees have the statutory right to request flexible working from day one of their employment. This right is to request flexible working - not the right to have it.

An employee is allowed to make up to 2 applications for flexible working in a 12 month period.

6. Procedure

Step 1: Applying for flexible working

An employee wishing to apply for flexible working completes the Statutory Right to Request Flexible Working Application form at **Appendix A**.

Step 2: Meeting to discuss the application for flexible working

Following a request for flexible working from the employee, the Headteacher or the designated line manager will invite the employee to a meeting **within 2 working weeks** of the application to discuss the request. The employee should be allowed to be accompanied to this meeting by a work colleague or a trade union representative.

The meeting should be held in private and allow for reasonable discussion and consideration of the requests. It will ensure that all relevant information is fully understood and allow a discussion around the potential benefits or other impacts of accepting or rejecting the request, and any practical considerations involved in implementing the request.

The meeting could also discuss alternative proposals or potential modifications that may be suitable for both sides. Consideration may be given to whether a trial period may be appropriate to assess the feasibility of the request.

A written record of the meeting should be kept which provides an accurate reflection of the discussion that has taken place.

Step 3: Communicating the Decision to the Employee

If the request for flexible working is approved or if a modified/alternative arrangement is agreed after consulting with the employee Trust HR will write to the employee **within 2 working weeks** confirming the agreed changes and the start date for flexible working. The written decision should offer the employee an opportunity for a discussion to clarify any further information that may be helpful in implementing the agreed arrangement. This might include, for example, agreeing dates to review how the arrangement is working. Trust HR will also change the employee's contract of employment (or send a letter of variation) to include the new terms.

In the event that the request for flexible working request is refused, the school should write to the employee, **no later than 2 working weeks** after the meeting, giving reasons for refusal. These reasons are required to include one or more of the following:

- Burden of additional costs to the school
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the period when the employee proposes to work
- Planned re-organisation or restructure which cannot facilitate the proposed change.

Step 4: Appeal

Where a request for flexible working is refused, the employee will be granted the right of appeal if:

- There is new information that was not available to the employer at the time they made their original decision or
- The employee thinks the application was not handled reasonably in line with this policy.

If an employee wishes to appeal, they must submit the appeal in writing **within 10 working days** of the written notification of the decision and state grounds for appeal.

The Headteacher/designated manager will arrange for an appeal meeting to be held as soon as possible following receipt of the written appeal bearing in mind the 2 month statutory time limit which applies to flexible

working requests. The parties must endeavour to conclude the whole application process within that time unless otherwise agreed.

The Headteacher/designated manager should arrange a meeting of the Governing Board Appeal Panel. The Governing Board Appeal Panel will consist of 3 individuals - the CEO or COO and 2 Governors (from any school) or Trustees, none of whom have been previously involved in the case, and who are not staff governors and, ideally, not parent governors.

The manager whose decision is being appealed will be required to prepare a management statement of case and present the management case at the Appeal Meeting. A copy of the management statement and if relevant supporting evidence will be sent to the employee and members of the Governing Board Appeal Panel together with notice of the meeting (giving **10 working days'** notice of the meeting).

The employee should be allowed to be accompanied to this meeting by a work colleague or a trade union representative.

During the Appeal Meeting, the employee will present their case and may be asked questions by the panel and/or the manager relating to their statement. This will be followed by the manager presenting the management case who may be asked questions by the panel and/or the employee.

Having heard from both parties, the panel will make a decision which can be to:

- a) Uphold the appeal and grant the flexible working request
- b) Dismiss the appeal and reject the flexible working request
- c) Consider any other arrangement.

The employee and the manager will be informed of the decision and the reasons for it in writing **within 5 working days** of the Appeal Meeting.

There will be no further right of appeal.

7. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy.

8. Acas Code of Practice on requests for flexible working

The prevailing Acas Code of Practice on requests for flexible working is available on [the Acas website](#).

APPENDIX A: Statutory Right to Request Flexible Working

Note to the Employee:

You can use this form to make an application to request flexible working under the right provided in law to eligible employees. Before completing the form, please read the Flexible Working Policy to check that you are eligible to make a request.

It will help the school to consider your request if you provide as much information as you can about your desired working pattern.

Once you have completed the form, please forward it to Headteacher **and** Trust HR (HR@aurigaacademytrust.org.uk) (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions of employment.

The law requires that the request for flexible working including any appeal should be dealt with within the prescribed **two**-month period (which commences upon receipt of the application) unless the parties have mutually agreed an extension. Any such agreement must be recorded in writing.

You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

EMPLOYEE TO COMPLETE:	
Name:	Payroll Number:
Job Title:	Contact Details: (T) (E)
Have you made a request for flexible working during the last 12 months: *Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
*Please state date of application:	
a) Describe your current working pattern (days/hours/times worked)	
b) Describe the working pattern you would like to work in future (days/hours/times worked)	
c) State the date you would like this working pattern to commence from	
<i>(extend as necessary)</i>	
Reason for requesting a change of working pattern:	
<i>(extend as necessary)</i>	

Signed by Employee: Date:
MANAGER TO COMPLETE:
I have considered this application in line with the Flexible Working Policy. <i>(complete as appropriate):</i>
I <u>approve</u> the following change in working pattern <input type="checkbox"/>
This will be a permanent change to your contract of employment.
I <u>have not approved</u> a change in working pattern (reasons given below) <input type="checkbox"/>
Reasons given below with confirmation that a meeting has taken place with the employee before a decision is made to reject the request:
Signed by Manager: Date:

The Headteacher must ensure that any changes are notified to Trust HR (HR@aurigaacademytrust.org.uk). This form must be placed on the employee's personal file and a copy given to the employee.

APPENDIX B: HR Template Emails / Letters

1. Acknowledgement of Flexible Working Request

Dear *(employee name)*

Acknowledgement of Flexible Working Request

I am writing to acknowledge receipt of your flexible working request submitted on *(date)* and inform you that we will now begin the formal process of considering it.

A meeting will be arranged within 10 working days to discuss your application in more detail. You are entitled to be accompanied at this meeting by a trade union representative or a work colleague.

If you have any questions in the meantime, please do not hesitate to contact me.

Yours sincerely

Trust HR / Headteacher

2. Invitation to Consultation Meeting

Dear *(employee name)*

Meeting to Discuss Flexible Working Request

Further to your request for flexible working submitted on *(date)*, I would like to invite you to a meeting to discuss your request in more detail.

I propose that we meet on *(date)* at *(time)* at *(venue)*. You can be accompanied to the meeting by a trade union representative or a work colleague.

The meeting will provide an opportunity to explore your request and discuss any practical considerations or alternative arrangements.

Should you require additional support or adjustments to accommodate a disability, then please let me know so that we can consider this further and make the necessary arrangements.

Yours sincerely

Trust HR / Headteacher

3. Approval of Flexible Working Request

Dear *(employee name)*

Approval of Flexible Working Request

Following our meeting on *(date)*, I am pleased to confirm that your request for flexible working has been approved.

The agreed changes are as follows:

New working pattern: (e.g. 19.5 hrs per week, 3 days per week – Monday to Wednesday, 8.30am-4pm)

Commencement date of new working pattern:

Please add any other details that are relevant to the proposed changes

Please note that these changes represent a permanent variation to your terms and conditions of employment. Your contract will be updated accordingly, and a formal letter of variation reflecting the changes will be issued shortly.

Please let me know if you would like to arrange a discussion to go over any further details relating to the new working arrangements.

Your sincerely

Trust HR / Headteacher

4. Refusal of Flexible Working Request

Dear *(employee name)*

Outcome of Flexible Working Request

Thank you for attending the meeting on *(date)* to discuss your request for flexible working.

After careful consideration, I regret to inform you that I am unable to approve your request. The decision has been made based on the following statutory business reason(s):

Please select one or more of the reasons [delete as applicable]

- Burden of additional costs*
- Inability to re-organise work among existing staff*
- Inability to recruit additional staff*
- Detrimental impact on quality*
- Detrimental impact on performance*
- Detrimental effect on ability to meet customer demand*
- Insufficient work during proposed working hours*
- Planned structural changes that cannot accommodate the request*

To help make this decision, I took into account the following:

(Provide reasonable details relating to each selected business reason as your rationale for declining the employee's request)

I acknowledge that this will be disappointing for you. You have the right to appeal this decision if either:

There is new information that was not available/considered at the time; or

You believe your flexible working request was not considered reasonably in accordance with the Flexible Working Policy.

If you wish to appeal, please submit your written appeal to the Clerk to the Governing Board/Chair of Governing Board *(provide contact details)* within 10 working days of receiving this letter stating your ground for appeal.

Any appeal will be heard by a Governing Board Appeal Panel consisting of three Governors.

Your sincerely

Trust HR / Headteacher

5. Acknowledgement of Appeal

Dear *(employee name)*
Acknowledgement of Appeal

I am writing to acknowledge receipt of your appeal dated *(date)* regarding the outcome of your flexible working request.

A meeting will now be arranged with the Governing Board Appeal Panel to hear your appeal, the details of which will be confirmed shortly once these have been finalised.

Yours sincerely

Clerk to the Governing Board/Chair of Governors

6. Notification of Appeal Meeting

Dear *(employee name)*
Notification of Appeal Meeting

Further to your appeal dated *(date)* regarding the outcome of your flexible working request, I am writing to inform you that an appeal meeting with the Governing Board Appeal Panel to hear your appeal has been arranged to be held on *(date)* at *(time)* at *(venue)*.

The Governing Board Appeal Panel will be:

List the names of the Governing Board Appeal Panel members

The Headteacher will attend to present their management case statement in response to your appeal and also to respond to any questions that you, your companion, and the Panel may have relating to the information presented.

A school's HR representative will attend to advise the Panel on process and procedural matters.

A notetaker will be present to minute the meeting.

You are entitled to be accompanied to the meeting by a trade union representative or a work colleague and it is your responsibility to arrange this. If your chosen companion is unable to attend the scheduled meeting, you may propose another date and time for the meeting. Any such alternative date must be on or before *(enter date 5 working days after the date being proposed in this letter)*.

The documentation that will be considered at the meeting is attached, and includes a copy of the Flexible Working Policy. It is your responsibility to provide a copy of the documentation to your companion should they request it.

Should you require additional support or adjustments to accommodate a disability, then please let me know so that we can consider this further and make the necessary arrangements.

I appreciate that this may be an anxious time for you and would like to inform you that the school's free employee counselling service is available if you require support at this time. You can contact them on *(insert contact details and/or I enclose a leaflet)*.

Yours sincerely

Clerk to Governing Board/Chair of Governors

7. Notification of Outcome of Appeal Meeting

Dear *(employee name)*

Outcome of Appeal Meeting

Following the appeal meeting on *(date)*, I am writing on behalf of the Governing Board Appeal Panel to confirm the outcome of your appeal.

The Panel has decided to uphold your appeal, and your request for flexible working has been approved.

The agreed changes are as follows:

New working pattern:

Effective from:

This constitutes a permanent change to your terms and conditions of employment. Your contract will be updated, and a formal variation letter will follow.

Thank you for your patience during this process.

OR

Following careful consideration of your grounds for appeal and all relevant information presented, the Panel has decided to dismiss your appeal. The original decision to decline your flexible working request is therefore upheld.

The reasons for reaching this decision are:

e.g. there was no new information

e.g. your request has been handled in a reasonable manner

The Panel's decision is final and there is no further right of appeal under this Policy.

Thank you for engaging constructively in the process.

The notes of the meeting are attached.

Your sincerely

Chair of Governing Board Appeal Panel

8. Flexible Working Request Application Withdrawn (No Show)

Dear *(employee name)*

Flexible Working Request Considered Withdrawn

Further to your failure to attend both original and rearranged meetings on *(date)* and *(date)* respectively, to discuss your flexible working request, and in accordance with the Flexible Working Policy, your application is now considered withdrawn.

If you wish to make a new application in the future, you may do so in line with the Flexible Working Policy, subject to the two-request limit within a 12 month period.

If you believe this decision has been made in error, please contact me immediately.

Yours sincerely

Trust HR / Headteacher