



ACET FLEXIBLE WORKING POLICY			
DOCUMENT CONTROL			
Policy Level	Trust (Junior & Senior)		
Approved by	Trust Board		
Approved Date	June 2023		
Next Review Date	June 2024	Frequency	Annually
Business Lead	HR	Author	Gemma Shore (Chief People Officer)
Version Number	Date Issued	Updated Information	
V2		<ul style="list-style-type: none"> Added the word 'statutory' throughout for clarity Page 3 – minor changes to the procedure for considering a statutory flexible working request, to refine the process Page 4 – whole paragraph 'Non-Statutory Requests for Flexible Working' Updated the Appendix to make less onerous for the employee <p style="color: red;">All changes highlighted in red text</p>	

Introduction

ACET is committed to the promotion and advancement of equality of opportunity for all employees, and to developing practices and policies that support staff wellbeing and work-life balance. The trust recognises the positive impact that flexible working can have on an individual, their wellbeing and engagement.

The trust seeks to sustain a strong track record as a diverse, inclusive, fair and flexible employer, that attracts and retains high quality staff, whilst also supporting the career progression of all staff.

Policy Aims

This policy has been developed to support flexible working arrangements to help employees achieve, if possible, more balance between their working and non-working lives, and is supportive of, but not limited to, parents, carers, those with commitments outside of work and/or staff who are transitioning to retirement.

We will make every effort to accommodate flexible working where possible, however, the effective running of the academy/trust and the needs of students/pupils must be considered paramount; where granting flexible working would negatively affect that, requests may not be granted.

Legislation

This policy is written in accordance with the ACAS Code of Practice 'Handling in a reasonable manner requests to work flexibly' (2014) and the DfE guidance 'Flexible Working in Schools' (2022).

All employees have the statutory right to submit a flexible working request if:

- They have been in our employment for at least 26 weeks, and;
- They are legally classed as an employee (i.e. not a contractor or supply through an agency), and;
- They have not made another flexible working request in the last 12 months.

An employee can only make a statutory request once in any 12-month period.

Under the Equality Act 2010, it is unlawful discrimination to decline a flexible working request due to a protected characteristic (race, disability, age, sex, sexual orientation, gender identity, religion and belief, marriage and civil partnership, pregnancy and maternity). If a part-time flexible working arrangement is agreed, the Part-time Workers (Prevention of Less favourable Treatment) Regulations 2000 apply, which are designed to prevent part-time workers from being treated less favourably than comparable full-time workers.

Definition of Flexible Working

Flexible working is defined as any type of working arrangement that is outside of an employee's contracted hours and/or location of work. There are a number of flexible working options, or combinations, which can be considered (though this list is not exhaustive):

- Part-time working – when an employee reduces their contracted working week
- Job sharing – where a full-time post is divided into two (or more) part time roles and duties and responsibilities are shared
- Flexitime – where an employee is allowed to choose, within given limits, when to begin and end their work
- Home-working – where an employee carries out their usual work, or part of their usual work, at home
- Compressed hours – where an employee works their usual full-time hours in fewer days

- Phased retirement – where an employee reduces their hours on a phased basis to help support their transition into retirement

Some of these arrangements may not be possible due to the nature of the organisation or the work undertaken by the employee making the request. Employees should be aware that any agreed changes to working hours will affect pay and other benefits, for example pension and annual leave entitlement.

A request can only be considered in the context of how readily it can be accommodated at that point in time and in the immediate future. As such, approved requests will not set a precedent that all similar future requests will also be accommodated.

Procedure for Submitting and Considering a **Statutory Flexible Working Request**

The academy/trust will consider all flexible working requests in a fair and consistent way. Leaders **must** be open to the prospect of flexible arrangements, and both leaders and the individual making the request should work together to establish how a request can be accommodated without having a negative impact on the work of the individual or wider team or academy/trust.

An employee must submit a **statutory** flexible working request in writing, **as early as possible in advance of the proposed change, particularly if there are timetable or recruitment implications (although it is recognised that there may be circumstances where a change is needed at short notice)**, which should:

- (a) state that it is a statutory flexible working request;
- (b) provide as much information as possible about the current and desired working pattern, including working days, hours and start and finish times (if applicable);
- (c) give the effective date which is being requested;
- (d) **set out ways of mitigating the impact of the request on the academy/trust and their colleagues;**
- (e) provide information to confirm that the employee meets the eligibility criteria to apply for flexible working, as set out in this policy;
- (f) state whether a previous formal request for flexible working has been made and, if so, when;
- (g) be submitted with as much notice as possible, particularly where there are potential recruitment or timetable implications

If the request is in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability this should also be stated in the request.

A flexible working request form is in Appendix A, which will assist an employee in completing the statutory requirements.

Upon receipt of a flexible working request, it may be possible to agree the flexible working proposal without the need for a meeting. If that is the case, HR will write to the employee, confirming the decision. Otherwise, a meeting will be held with the employee to discuss in detail the request, with the aim of working together to find a solution or potential compromise. Whilst it is not a statutory right, the employee may be accompanied by a colleague or trade union representative to the meeting if required. Following the meeting, further enquiries may be needed to investigate the feasibility of accommodating the request.

If the decision is that the flexible working request cannot be accommodated, the employee will receive formal notification of this in writing; a business reason (see below) will be provided and the right to appeal will be offered.

If a request is rejected, it will be for one or more of the following eight business reasons:

1. the burden of additional costs;
2. detrimental effect on ability to meet student/pupil and/or academy/trust demand;
3. inability to reorganise work among existing staff;
4. inability to recruit additional staff;
5. detrimental impact on quality;
6. detrimental impact on performance;
7. insufficiency of work during the periods that the employee proposes to work;
8. planned changes.

It is possible that a flexible working arrangement could have a trial period built into the agreement, usually of up to a maximum of one academic year.

Procedure for Appeals

An employee may appeal against the decision if their request is rejected or they are not satisfied with the alternative arrangement that is offered. For example, this may be on the grounds that all available relevant information was not considered, or if they feel their request was not handled reasonably in line with this policy.

An appeal must be in writing and addressed to the Chair of Governors, be submitted within 7 days of receiving written notification of the flexible working request outcome letter, and must set out the grounds on which they are appealing. An Appeal Panel of at least two governors will be convened. The employee will be invited to attend an appeal hearing, ideally within 14 days, at which they may be accompanied by a trade union representative or colleague.

The appeal panel will consider all available information presented by the employee and by the Principal, and the employee will be informed of the Appeal Panel's decision in writing. Whether the appeal is upheld or rejected, the employee will then not be able to make another formal request until 12 months after the date of the original application.

Non-Statutory Requests for Flexible Working

A non-statutory request for flexible working can be made whether or not the statutory route is available to an employee. This is often the route used to request one-off or temporary flexible working arrangements, or arrangements which do not involve altering an employee's contract, for example varying start or finish times but maintaining the same number of hours worked per week.

When making a non-statutory request, the employer and employee **can** agree to a permanent change of the employee's contractual terms and conditions, but this is not a requirement of the non-statutory route. A non-statutory request can be dealt with less formally, but the request should still be submitted in writing and with consideration given to ways of mitigating the impact on the academy/trust and colleagues.

Timescales

Flexible working requests will normally be dealt with within a period of three months from first receipt to notification of the decision on appeal, however, there will be exceptional occasions when it is not possible to complete the procedure within these time limits, which will be discussed on an individual basis.

If a formal request for flexible working is withdrawn during the process, the employee will not be eligible to make another formal request for 12 months from the date of the original request.

Consultation

This policy has been agreed following consultation with staff and recognised trade unions. This policy does not form part of any employee's contract of employment and it may be amended at any time with appropriate consultation.

APPENDIX A

STATUTORY REQUEST FOR FLEXIBLE WORKING

PERSONAL DETAILS

Name	
Employee Number	
Job Title	
Academy / Work Location	

QUALIFYING CRITERIA

I would like to make a statutory application for flexible working, and I hereby confirm that:	
• I have a minimum of 26 weeks continuous service with ACET	<input type="checkbox"/>
• I <u>have not</u> made another flexible working application within the previous 12 months	<input type="checkbox"/>

REASON FOR REQUEST

This section is not mandatory; however, it would be beneficial to have this information for equality monitoring purposes.	
• Child / family commitments	<input type="checkbox"/>
• Caring responsibilities	<input type="checkbox"/>
• Health	<input type="checkbox"/>
• Improved work/life balance	<input type="checkbox"/>
• Prefer not to disclose	<input type="checkbox"/>
• Other – please specify if you are willing to share this information	<input type="checkbox"/>

Are you making this request in relation to a disability or health condition, in line with the Equalities Act (2010)?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Please provide details (if applicable):		

DETAILS OF FLEXIBLE WORKING REQUEST

What date do you wish your flexible working request to take effect from?	
---	--

Describe your current working arrangements, for example, work pattern / hours / days / work location etc.

Describe details of your request for flexible working, for example, proposed work pattern / hours / days / work location etc.

Please share any ideas you may have for mitigating the impact of the request on the academy/trust and colleagues.

Sign: _____

Date: _____