



# Flexible Working Policy

November 2020

Date Approved:	<b>November</b>	Review	<b>November</b>	Signed by Chair of	
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	<b>2020</b>	Date:	<b>2022</b>	Governors:	
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## 1 ABOUT THIS POLICY

- 1.1 Fareham Academy ("the Academy") is committed to providing equality of opportunity in employment and to developing working practices and policies that support work-life balance. This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working. The Academy will try to accommodate your wishes unless there is a justified business or operational reason for refusal.
- 1.2 No one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.3 No work colleague who accompanies you, or seeks to accompany you at a meeting in which your application for flexible working is being considered, will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 This policy applies to all employees. It does not apply to agency workers or the self-employed.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.6 If you require help in understanding the application process or school procedure, for example, you need access to a translator, signer, interpreter, hearing loop or help with reading and writing, you should inform the Academy.

## 2 PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE POLICY

- 2.1 The Governing Body of the Academy ("the Governors") has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. Day-to-day responsibility for operating the policy and ensuring its maintenance and review has been delegated to the Head teacher.
- 2.2 The Head teacher has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## 3 FORMS OF FLEXIBLE WORKING

- 3.1 Flexible working can incorporate a number of possible changes to working arrangements, such as:
  - 3.1.1 reduction or variation of working hours;
  - 3.1.2 reduction or variation of the days worked; and/or

3.1.3 working from a different location (for example, from home).

3.2 The possible changes to working arrangements mentioned in paragraph 3.1 may also involve:

3.2.1 starting a job share;

3.2.2 working a set number of hours a year, rather than a week (annualised hours);

3.2.3 working from home (whether for all or part of the week);

3.2.4 working only during term-time (part-year working);

3.2.5 working compressed hours; and/or

3.2.6 working flexi-time.

#### **4 ELIGIBILITY FOR THE FORMAL RIGHT TO REQUEST PROCEDURE**

4.1 To be eligible to make a request under the formal procedure set out in paragraph 5 to paragraph 8 you must:

4.1.1 be an employee of the Academy;

4.1.2 have worked for the Academy continuously for at least 26 weeks at the date your request is made;

4.1.3 not have made a formal request to work flexibly during the last 12 months.

4.2 If you are not eligible to make a formal request, you may make an informal request under paragraph 10.

#### **5 MAKING A FORMAL FLEXIBLE WORKING REQUEST**

5.1 Any employee interested in flexible working is advised to speak informally with the Head teacher to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and pupils, before submitting a formal or informal request.

5.2 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

5.3 Your application should be submitted to the Head teacher in good time and ideally at least three months before you would like the changes to take effect. It should:

5.3.1 state that it is a flexible working request;

5.3.2 explain the reasons for your request, especially if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;

5.3.3 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want the changes to take effect;

5.3.4 identify the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on the Academy's ability to meet the needs of pupils. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application; and

5.3.5 provide information to confirm that you meet the eligibility criteria set out in paragraph 4 of this policy including the dates of any previous formal requests for flexible working.

5.4 In most cases we will need to have a meeting with you before making a decision. In some cases we may be able to approve your request without a formal meeting, although it will usually be helpful to the Head teacher to discuss the request with you to ensure that it is the best solution.

## **6 FORMAL REQUEST: MEETING**

6.1 Where necessary, the Head teacher will arrange a meeting with you after your application has been submitted. The meeting arrangements will be confirmed in writing. The meeting will normally take place within 28 calendar days from the date that the application is received. You may bring a work colleague to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf. If you wish to bring a companion to the meeting, you must inform the Academy in advance to allow appropriate arrangements to be made.

6.2 In most cases, the meeting will be held at the Academy. We will try to ensure that the meeting is held at a time and place that is convenient to everyone.

6.3 If your companion is unavailable, the meeting can be postponed for up to 7 calendar days from the date of the original meeting to allow them to attend.

6.4 The meeting will be used to discuss the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your needs. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues. If we cannot accommodate the arrangements you have requested, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

6.5 The Head teacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the Academy. A trial period will be time-limited, and review points will be set so that you and the Head teacher can jointly discuss how the arrangements are working and make any necessary adjustments.

## **7 FORMAL REQUEST: DECISION**

7.1 We will notify you of the decision in writing as soon as possible, normally within 14 calendar days of the meeting..

7.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, the Head teacher will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment.

7.3 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will not be able to make another formal request until 12 months after the date of your most recent request.

7.4 If the Head teacher needs more time to make a decision, for example, where they need more time to investigate how your request can be accommodated or to consult several members of staff, they will discuss this with you.

- 7.5 There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the Head teacher will write to you:
- 7.5.1 explaining the business reason(s) for turning down your application; and
  - 7.5.2 setting out the appeal procedure.
- 7.6 The eight business reasons for which we may reject your request are:
- 7.6.1 the burden of additional costs;
  - 7.6.2 detrimental effect on ability to fulfil Academy business and demand;
  - 7.6.3 inability to reorganise work among existing staff;
  - 7.6.4 inability to recruit additional staff;
  - 7.6.5 detrimental impact on quality;
  - 7.6.6 detrimental impact on performance;
  - 7.6.7 insufficiency of work during the periods that you propose to work; and
  - 7.6.8 planned changes.

## 8 **FORMAL REQUEST: APPEAL**

- 8.1 If your request is rejected, you have the right to appeal.
- 8.2 Your appeal must:
- 8.2.1 be in writing and dated;
  - 8.2.2 set out the grounds on which you are appealing; and
  - 8.2.3 be sent to the Head teacher or the Chair of Governors within 14 days of the date on which you received the written rejection of your request.
- 8.3 The Head teacher will arrange for a meeting to take place following receipt of your appeal. We will try to hold the meeting at a convenient time for all those attending. You may be accompanied by a work colleague of your choice.
- 8.4 Where possible, the appeal meeting will be conducted by an Appeals Committee ("the Committee"). The Committee will be made up of two or three Governors who have not previously been involved in considering your request.. The Head teacher will also attend the appeal.
- 8.5 You will be informed in writing of the decision as soon as possible after the appeal meeting. The decision letter will normally be sent within 14 calendar days of the date of the appeal meeting.
- 8.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment.
- 8.7 You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until 12 months after the date of your original

application.

- 8.8 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.
- 8.9 The law requires that all requests, including any appeal, must be considered and decided on within a period of 3 months from the date that the application was received.

## 9 **EXTENDING TIME UNDER THE FORMAL PROCEDURE**

- 9.1 There may be exceptional occasions when it is not possible to complete consideration of your request within the expected time limits. Where an extension of time is agreed with you, the Head teacher will write to you confirming the extension and the date on which it will end.
- 9.2 If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a formal request will be treated as withdrawn. This will occur if you:
- 9.2.1 Advise verbally, or in writing, that you are withdrawing your application
  - 9.2.2 fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause.

In such circumstances, the Head teacher will write to you confirming that the request has been treated as withdrawn.

## 10 **MAKING AN INFORMAL FLEXIBLE WORKING REQUEST**

- 10.1 Employees who are ineligible to make a formal request for flexible working may make an informal request to the Head teacher, who will consider it according to the Academy's business and operational requirements.
- 10.2 It will help the Head teacher to consider your request if you:
- 10.2.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
  - 10.2.2 provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start; and
  - 10.2.3 think about what effect the changes to your working pattern will have on the work that you do and on your colleagues, as well as on the Academy's ability to meet the needs of pupils. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The Head teacher can consider whether they are workable.
- 10.3 The Head teacher will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

## 11 **BENEFITS AND ENTITLEMENTS**

- 11.1 Employees are reminded that benefits and entitlements (e.g. pension contributions, annual leave where applicable) are likely to be affected by new working arrangements. The effects of such a change should be considered by the employee prior to submitting a request for flexible working.

11.2 For further advice on pension implications, employees should contact the Hampshire Pension Fund, Teachers' Pensions or their independent financial adviser as appropriate.