

# Flexible Working Policy

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# Flexible Working Policy

## 1. Policy Statement

- 1.1. We recognise the importance of attracting and retaining quality staff and are committed to providing equality of opportunity in employment and to developing work practices and policies that support life-work balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our use and retention of staff. We also recognise Acas Code of Practice called "Requests for flexible working".
- 1.2. This Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure. Employees can access the Policy from the first day of employment.
- 1.3. Through this Policy we will promote the option of flexible working wherever possible, but the priority will be the effective running of the schools/BDMAT for the benefit of the pupils and where granting flexible working would have an adverse impact on that, requests may need to be declined. Requests will be handled in a reasonable, supportive manner by line managers (in most cases this will be the headteachers for school-based staff but this may be delegated by the headteacher to another senior leader at the school; for BDMAT Central Team it will usually be the Director of People and Communications). There is an appeal process to request a decision to be reconsidered.
- 1.4. No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5. This Policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation with recognised trade unions.
- 1.6. The recognised trade unions on BDMAT's Joint Consultative Committee were consulted in the development of this Policy.

## 2. Scope and Purpose of the Policy

- 2.1. This Policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2. All employees have a statutory right to request flexible working. That right is recognised by the formal procedure in this Policy. The criteria for deciding who is eligible to follow the formal procedure are set out in section 5.
- 2.3. Employees who do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request to their line manager, who will consider the request according to our operational requirements.

- 2.4. Any employee interested in flexible working can request an informal meeting with their line manager to discuss their eligibility, the different options before submitting a formal or informal request.

### **3. Responsibility for implementing the Policy.**

- 3.1. BDMAT has overall responsibility for the effective operation of this Policy and for ensuring compliance with the relevant statutory framework.

#### **Forms of flexible working**

- 3.2. Flexible working can incorporate a number of possible changes to working arrangements:

- reduction or variation of working hours.
- reduction or variation of the days worked; and/or
- change to the pattern of work – e.g. term time plus two weeks.
- time off in lieu (TOIL)
- place of work

- 3.3. Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home or another BDMAT location (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.

- 3.4. Employees should be aware where there is an overall reduction or increase to working hours this will affect pay and other benefits, for example pension, annual leave entitlement.

- 3.5. If employees are contributing to a pension scheme employees may wish to consider a gradual move into retirement by flexibly retiring. From age 55, if employees reduce their hours or move to a less senior position, provided employees have met the 2 years [vesting period](#), the scheme and with BDMAT's agreement, employees can draw some or all of the pension benefits employees have built up, helping employees ease into retirement. It is BDMATs Policy not to contribute to pension enhancements unless the reason is due to redundancy or ill health.

### **4. Making an informal flexible working request**

- 4.1. Employees may wish to make an informal request for flexible working in the first instance to their line manager, who will consider it according to business and operational requirements. Employees who are ineligible to make a formal request are also able to make an informal request to their line manager.

- 4.2. It will help employees line manager to consider a request if the employee:

- Makes their request in writing.
- provide as much information as they can about the current and desired working pattern, including working days, hours and start and finish times, and give the date from which they want their desired working pattern to start.

- 4.3. The employees line manager will consider the request and advise as to what steps will be taken to consider the employees request, which may include inviting you to attend a meeting, before advising of the outcome of the employees request in writing and the impact on the contract of employment.
- 4.4. A formal request can be made if an informal request has not been agreed.

## **5. Eligibility for the formal right to request procedure.**

- 5.1. Requests under the formal procedure in this Policy can only be made by eligible employees who meet the following criteria:
  - be an employee.
  - not have made two formal requests to work flexibly during the last 12 months.

## **6. Making a formal flexible working request**

- 6.1. Employees will need to submit a written application if they would like to make a flexible working request to be considered under the formal procedure. Once we have received a request, we will consider it.
- 6.2. Employees written and dated application should be submitted to line manager in order to meet the requirements of the formal procedure and to help the line manager to consider the request, should:
  - state that it is a statutory flexible working request.
  - provide as much information as possible can about the current and desired working pattern, including working days, hours and start and finish times.
  - give the date from which the employee wants their desired working pattern to start.
  - provide information to confirm that the employee meets the eligibility criteria set out in paragraph 6 of this Policy.
  - state whether a previous formal request for flexible working has been made and, if so, when; and
  - be submitted in good time and ideally at least two months before the changes are requesting to take effect.

A Flexible Working Application Form has been provided to help complete all the information.

- 6.3. If an employee is making a request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability this should also be stated in this in the request.
- 6.4. We might be able to agree to a proposal without the need for a formal meeting (which is the next stage of the formal procedure). If that is the case, the line manager will write to confirm the decision and explaining the changes that will be made to the employee's contract of employment.

A consultation with your line manager may be required following your flexible working request.

## **7. Formal Procedure: Meeting**

- 7.1. Where necessary, the line manager will arrange to meet with the employee as soon as is practicably possible after receiving their written application. We will inform the employee if there is a delay in arranging this meeting. The line manager may discuss the request with a more direct line manager and make any necessary enquiries regarding the proposals prior to the meeting.
- 7.2. Employees may bring a trade union representative to accompany them at this meeting. The companion will be entitled to speak during the meeting and confer privately with the employee but may not answer questions on their behalf.
- 7.3. The meeting will be used to discuss the working arrangements that have been requested. If the arrangements requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements. The line manager should also confirm any impact on salary.
- 7.4. The line manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team and/or department. We will set a review date to meet with the employee again shortly before the end of the trial period to discuss how the new arrangements are working. This will also be reflected in the details confirming the contact change.

## **8. Formal Procedure: Decision**

- 8.1. Following the meeting, the line manager will consider the employee's request carefully and notify of the decision in writing as soon as possible.
- 8.2. If your request is accepted, or where we propose an alternative to the arrangements to those the employee requested and agreed at the meeting, the line manager will write with details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The Employee will be asked to sign and return a copy of the letter. This contractual change will be placed on their personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the line manager will discuss the employee.
- 8.3. Unless otherwise agreed (and subject to any agreed trial period) changes to the employee's terms of employment will be permanent. The employee will not be able to make more than two formal requests withing 12 months.
- 8.4. If the line manager needs more time to make a decision, they will inform the employee. For example, they may need time to investigate how the request can be accommodated or to consult several members of staff.
- 8.5. There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the line manager will write to the employee:

- giving the business reason(s) for turning down the application.
- explaining why the business reasons apply in this case; and
- setting out the appeal procedure.

8.6. If we reject a request, it will be for one or more of the following eight business reason This is in line with section 80G, Employment Rights Act 96:

- the burden of additional costs.
- detrimental effect on ability to meet pupil and/or Trust demand.
- inability to reorganise work among existing staff.
- inability to recruit additional staff.
- detrimental impact on quality.
- detrimental impact on performance.
- insufficiency of work during the periods that you propose to work; and
- planned changes.

## **9. Formal Procedure: Appeal**

9.1. The Employee may appeal against the decision if the request is rejected, or an alternative arrangement from the one requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if the employee feels their request was not handled reasonably in line with this Policy.

9.2. An appeal must:

- be in writing and dated.
- set out the grounds on which the employee is appealing; and
- be sent to Human Resources via [hr@bdmat.org.uk](mailto:hr@bdmat.org.uk) within 14 days of the date of the received the written rejection of the request.

9.3. A meeting will be arranged to take place as soon as possible following receipt of the appeal. The meeting will be held at a convenient time for all those attending and, to consider the employee's request, the employee may be accompanied by a trade union representative. The meeting can be rearranged within 5 working days if a union representative is unavailable.

9.4. An Appeal Panel of at least 3 members will be determined specifically for the appeal in accordance with BDMAT's Scheme of Delegation. The Appeals Panel will be chaired by a either a Governor or member of ELT (depending on the level of member of staff the appeal is from) who have had no input into the original decision.

9.5. The employee will be informed in writing of the Appeal Panel's decision within fourteen days following the appeal meeting.

9.6. If the appeal is upheld, the employee will be advised of the new working arrangements, details of any trial period, an explanation of changes to their contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the line manager will discuss with the employee.

- 9.7. The employee should be aware that changes to their terms of employment will be permanent, and they will not be able to make more than two formal requests within 12 months. Changes can also be agreed for a fixed term and then permanent until the end date.
- 9.8. 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 the employee's case. The employee can make 1 further request within 12 months from the date of their original application.

## **10. Timescales**

- 10.1. Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.
- 10.2. As a guide and to help ensure that requests are dealt with within this timescale:
- a meeting will normally be held with the employee within 28 days of the request being received.
  - The employee will normally be informed in writing of the decision within 14 days of the meeting; and
  - where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 14 days of the meeting.
- 10.3. However, there will be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with the employee, the line manager will write confirming the extension and the date on which it will end.
- 10.4. If the employee withdraws a formal request for flexible working, this will be considered 1 of the 2 requests that can be submitted within a 12-month period. In certain circumstances, a request made under the formal procedure will be treated as withdrawn.
- 10.5. This will occur if:
- The employee fails to attend two meetings under the formal procedure without reasonable cause: or
  - The employee unreasonably refuses to provide information we require to consider the request.
- 10.6. In such circumstances, the line manager will write confirming that the request has been treated as withdrawn.

## **11. Review of the Policy**

- 11.1. This Policy is reviewed as required by the Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this Policy to ensure it is working effectively.