

Flexible Working Policy

Title	Flexible Working Policy
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Issue date	March 2025
Review date	March 2028
Links to other procedures:	Maternity Policy
<p>This policy has been adopted by the Board of Directors of the South York Multi-Academy Trust (SYMAT) and applies to all schools that make up the Trust.</p> <p>This policy applies to both Support and Teaching staff within schools operating within the South York Multi-Academy Trust unless specific conditions and applications are identified within this policy.</p> <p>This policy will be monitored annually by the Multi-Academy Trust Board in line with the agreed timetable for policy review or sooner as events or legislation changes require.</p>	

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1.0 Policy statement

We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life 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.

This policy gives eligible employees a formal opportunity to request a change to their working pattern in accordance with the statutory procedure for such requests.

Through this policy, we will accommodate flexible working where possible, but the priority will be the effective running of the school for the benefit of the students and, where granting flexible working would affect that, requests may not be granted. All requests will be handled in a reasonable manner.

Employee's who requests flexible working will not be subjected to any detriment or lose any career development opportunities as a result.

This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

2.0 Scope and purpose

This policy applies to all employees. It does not apply to agency workers, consultants, or self-employed contractors.

Employees are eligible to make a flexible working request from day one of their employment. The statutory right to request flexible working is limited to two requests in any 12-month period; however, the Trust may consider applications outside of this requirement dependent upon the circumstances.

The Trust is committed to promoting an inclusive, supportive, and respectful working environment where all employees are treated fairly and equitably in line with the Equality Act 2010.

3.0 Responsibility for implementing the policy

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Headteacher of each school.

3.1 Forms of flexible working:

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

- (a) reduction or variation of working hours
- (b) reduction or variation of the days worked
- (c) working from a different location (for example, from home)

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 (whether for all or part of the week)
- working only during term-time (part-year working)
- working compressed hours
- working flexi-time
- phased retirement

Some of these arrangements may not be possible due to the nature of the work undertaken by the employee within the school environment as the needs of the business are determined by the school day and the timetable. However, all requests will be reasonably considered.

Employees should be aware that changes to working hours will affect pay and other benefits, for example, pension and annual leave entitlement. For the purposes of this policy reference to working days will not include school/academy closure periods.

4.0 Eligibility to submit a flexible working request

4.1 Every employee has a statutory right to request to work flexibly as a day one right.

There is no automatic right for employees to be granted a flexible working request, each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on an individual, team or school performance.

5.0 Making a formal flexible working request

5.1 To make a statutory request for a flexible working arrangement, an employee must submit their request in writing to their Line Manager for this to be considered under the formal procedure. Line Managers must discuss all flexible working requests with HR.

Any request under this procedure must include:

- The date of the application
- The changes the employee is seeking to their current contract of employment/working arrangements
- The date of which the employee would like the change to come into effect, taking into consideration a reasonable time period for consideration and implementation
- Whether or not the employee has made a previous application for flexible working and the date that was submitted

Employees should state in their application if their request is being made as part of a reasonable adjustment under the Equality Act 2010.

Requests for flexible working arrangements should be submitted within good time and ideally at least two months before you wish the changes you are requesting to take effect

The statutory right to request flexible working is limited to two requests in any 12-month period; however, the Trust may consider applications outside of this requirement dependent upon the circumstances.

Where the employee is the Headteacher, the request and meeting should be to/with the Chair of Governors/Senior management or the Trust's board. The meeting will be arranged as soon as is practicably possible on a mutually agreed date after receiving the written application.

6.0 Consideration of a formal request

- 6.1 Requests to work flexibly will be considered in a reasonable manner, in consultation with the employee, with sound business decisions, based on the overall impact on the ability to deliver the efficient running of the school or department, with students at the fore of this decision. It will also consider the impact on achievement of the school's objectives and will consider possible impacts of any decision made.

Although everyone will have access to apply to work flexibly, it does not mean the same outcome will be available to all. It would be expected that flexibility will ensure that the same, or an enhanced, service will be provided within the school. If the arrangements may be harmful to the school and or the Trust, they will not be approved.

The Trust will ensure all requests for flexible working, including appeals are considered in a reasonable manner and a decision will be made within two months of the request being made. There may be occasions where this timeframe may need to be extended. In these occasions, the employee will be made aware of the reasons for an extension and the length of the proposed extension for a decision to be made. The timeframe will not be extended more than reasonably required. Any extension that is agreed will be confirmed to the employee in writing.

7.0 Formal procedure: meeting

- 7.1 Where a flexible working request can be agreed without the need for a meeting, your Line Manager will write to you confirming the decision and explaining the changes that will be made to your contract of employment.

Where further discussion is required in relation to the flexible working request, a meeting will be arranged to discuss the request further between you and your Line Manager. This may result in an alternative working pattern that can assist you. HR will support within this meeting to ensure all reasonable and suitable options are explored.

- 7.2 Where necessary, your Line Manager, or senior leader within the organisation, will arrange to meet with you as soon as is practicably possible on a mutually agreed date after receiving your written application. We will inform you if there is a delay in arranging this meeting. Your Line Manager or senior leader, may discuss your request with other senior members of staff who are responsible for timetabling, and make any necessary enquiries regarding your proposals before the meeting.
- 7.3 You may be accompanied by a colleague or trade union representative at the meeting if you wish. Your colleague or trade union representative will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.
- 7.4 The meeting will be used as an opportunity to explore the flexible working request submitted, discuss any problems with this and consider alternative working arrangements where the original request cannot be accommodated either fully or partially.
- 7.5 Your Line Manager or senior leader may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team / department / the students. A review date will be determined to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working. Any agreed trial period will be confirmed in writing and written confirmation of the outcome at the end of the trial period will also be confirmed in writing.

It is important to note that where a trial is introduced, the employee has the right to revert to their previous working arrangements and terms and conditions at the end of the trial period.

8.0 Formal procedure: decision

- 8.1 Following the meeting, your Line Manager or senior leader will consider your request carefully with support from HR and notify you 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 you requested, your Line Manager 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 and any change in pay communicated to Payroll. There may also be some additional practical matters, such as arrangements for handing over work, which your Line Manager will discuss with you.
- 8.3 All flexible working requests will be subject to a 12 month review to ensure they are still required by the employee and are meeting the needs of the school effectively.
- 8.4 If your Line Manager or senior leader needs more time to make a decision, they will discuss this with you. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.
- 8.5 There will be circumstances where, owing to educational or operational requirements, a request is unable to be agreed. In these circumstances, your Line Manager or senior leader will write to you:
 - (a) giving the business reason(s) for turning down your application
 - (b) explaining why the business reasons apply in your case
 - (c) setting out the appeal procedure
- 8.6 If a request is rejected, it will be for one or more of the following eight business reasons:
 - (a) the burden of additional costs
 - (b) detrimental effect on your ability to meet student and / or Trust demands
 - (c) inability to reorganise work among existing staff
 - (d) inability to recruit additional staff
 - (e) detrimental effect on quality
 - (f) detrimental effect on performance
 - (g) insufficiency of work during the periods that you propose to work
 - (h) planned structural changes

9.0 Formal procedure: appeal

- 9.1 You may appeal against the decision if your request is rejected, an alternative arrangement from the one you requested is offered or a flexible working pattern is withdrawn after the agreed trial period.

For example, this may be on the grounds that new information is now available that was not available for consideration or if you feel your request was not handled reasonably in line with this policy.

9.2 Your appeal must:

- (a) be in writing and dated
- (b) set out the grounds on which you are appealing
- (c) be sent to your Line Manager within 14 days of the date on which you received the written rejection of your request

9.3 Where an appropriate appeal has been submitted, a meeting will be arranged as soon as possible following receipt of the appeal.

An impartial appeal panel will be selected, specifically for the appeal, which will usually consist of the Headteacher or other senior management team member, (e.g. if the Headteacher did not make the decision, they may hear, or it may be heard by the Trust CEO or a Headteacher from another school supported by the Trust's HR Business Partner or a Governor). The meeting will be arranged as soon as is practicably possible on a mutually agreed date after receipt of the appeal. Appeal meetings will be held within the two month decision period of the original request unless an extension has been agreed.

9.4 You may be accompanied by a colleague or trade union representative at the meeting if you wish. Your colleague or trade union representative will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.

9.5 You will be informed in writing of the appeal panel's decision as soon as possible following the appeal meeting.

9.6 Appeal hearings will be conducted as follows:

- The employee will give their reasons and any information that is relevant to their appeal
- The headteacher, who made the original decision, may ask questions of the employee if they wish
- The appeal panel may ask questions of the employee if they wish
- The appeal panel will then ask the headteacher, who made the original decision, to state their reasons for refusing the request and to respond to the points made by the employee
- The employee or their representative may ask questions if they wish
- The appeal panel may ask further questions and will then adjourn to consider make their decision

9.7 If it is necessary to adjourn the hearing, for instance if the appeal panel needs further information or needs to seek advice from another service i.e. HR or Legal Services, the hearing will be reconvened and continued, with all parties present, at the earliest available date.

9.8 The appeal panel must notify the employee of their decision within 14 days of the date of the appeal hearing.

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. There may also be some additional practical matters, such as arrangements for handing over work that your line manager / senior manager will discuss with you.

If the appeal is refused, the appeal panel must inform the employee, in writing, the grounds for the refusal, explaining why they apply.

The decision of the appeal's deciding manager is final and no further right of internal appeal exists once the above appeals procedure has been exhausted.

10.0 Withdrawal of request

- 10.1 If the employee, verbally or in writing, withdraws their request at any time during the above procedure, then the headteacher should write to the employee to confirm this.
- 10.2 Where the employee fails to meet their responsibilities, their request will also be treated as being withdrawn. This will apply when an employee fails to attend, without reasonable cause, a meeting more than once, or unreasonably refuses to provide information required to assess whether the contract variation can be agreed to. In these circumstances, the relevant manager must write to the employee to confirm that the request has been withdrawn.

11.0 Review of the policy

The HR Business Partner for the Trust will monitor the application and outcomes of this policy on an annual basis to ensure it is working effectively and conforms to current legislation and HR advice.