



# Flexible Working Policy & Procedure

## Yorkshire Endeavour Academy Trust

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## **1.0 Introduction**

- 1.1 The Trust have adopted this policy as the statement of their commitment, and their processes, regarding flexible working.
- 1.2 The Trust is committed to the development of flexible working practices that ensure the workforce is effectively and efficiently deployed to support school improvement, and the development of a flexible, motivated, and high performing workforce.
- 1.3 This policy and procedure comply with the Trust's responsibilities in line with the Employment Relations (Flexible Working) Act 2023.
- 1.4 Further guidance regarding flexible working in the education sector is available through the DfE flexible working toolkit, including case study examples.
- 1.5 Further guidance regarding job sharing and job share contracts is available in the associated NYES HR Job Share Guidance.

## **2.0 Scope**

- 2.1 This policy applies to all employees of the Trust, and the statutory right to request flexible working is effective from day one of employment. Employees are statutorily entitled to make up to two flexible working requests in a 12-month period.
- 2.2 On some occasions, employees may require an alternative working pattern as a reasonable adjustment relating to a disability. Such requests should be considered in line with equality legislation and therefore will fall outside of the flexible working policy and legislation.
- 2.3 Copies of documents and records relating to flexible working requests will be held confidentially on the employees personal file in line with GDPR.
- 2.4 Both employees and managers are responsible for adhering to the flexible working policy, and for following the procedure as set out.

## **3.0 Flexible Working**

- 3.1 There are a range of different types of flexible working which employees may request (note that this is not an exhaustive list).

Type of flexible working	Example
Part time working or a reduction in hours	A request to work part time, or a reduction of current contracted hours.
Job-sharing	A request for two employees to carry out the duties of a single post. Each job-sharer is employed on a part-time basis, but together they cover the whole post. Examples are: <ul style="list-style-type: none"><li>- Split day</li></ul>

Type of flexible working	Example
	<ul style="list-style-type: none"> <li>- Weekly split- each job sharer works 2.5 days per week</li> <li>- Overlap –both sharers work three short days per week, or one job sharer works 3 days and the other works 2 days</li> <li>- Alternating days- work alternate days over a fortnight</li> <li>- Alternating weeks</li> </ul> <p>Further information and guidance regarding job-sharing can be found in the associated job share guidance.</p>
Term time working or term time plus # weeks	A request to work during school term time only – or term time plus a defined number of weeks during holiday periods (to be worked at mutually agreed times). In this case, pay for pro-rata annual leave entitlement is built into the employee's salary, and annual leave is taken during school holiday periods.
Alternative working base	A request to work either all or some (hybrid) of their normal contractual hours from home or from a different location.
Annualised hours	The contractual hours of work are calculated over a year and vary as to what is worked per week depending on specific service needs and pressures at different times of the year. The basic pattern of work needs to be agreed in advance, with some scope for variation. Additional hours can be worked by agreement. The treatment of annual leave, bank holidays and sick pay needs to be built into the contract
Compressed hours working	A request to work their usual contractual hours over a shorter number of days e.g., an employee may work longer hours on four days or work nine longer days over a fortnight.
Staggered Hours	A request to work alternative start, finish, and break times from other workers (this would be dependent on each individual application and situation). Useful for teachers with caring/childcare responsibilities who may need to drop off or collect children but who don't want or need to work less than five days a week.

## 4.0 Flexible Working Procedure

### 4.1 Making the request

4.2 Employees who wish to apply for flexible working must do so in writing to their employer. Whilst not mandatory, it is recommended that employees do so by using the flexible working request form. As a minimum, any application must include the date, a statement that this is a statutory request, details of how the employee wants to work flexibly and when they want to start, and a statement saying if, and when, they have made a previous application.

4.3 All requests should be made at the earliest opportunity to allow time for consideration and any required changes to be implemented. Employees are

advised to consider carefully how any flexible working request agreed to will change their terms and conditions, contract of employment may impact on their personal finances, including pension.

- 4.4 Employees should tell their employer in writing if they wish to withdraw a flexible working application – and an employer can treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason for example sickness absence). The employer must tell the employee they are treating the request as withdrawn.

#### **4.5 Considering the request**

- 4.6 On receipt of a written flexible working request, the manager should meet with the employee as soon as possible, to discuss the request and any possible options and alternatives if the original request cannot be granted. The employee may be accompanied at the meeting by a trade union representative or colleague.
- 4.7 The manager has a duty to handle requests for flexible working in a reasonable manner; to consult with employees regarding their requests, to carefully consider all applications and assess the advantages and disadvantages before deciding whether the desired work pattern can be accommodated within the needs of the school.
- 4.8 Managers must ensure that individuals' protected characteristics are taken into account when considering requests.
- 4.9 The flexible working process, including consultation, consideration of the request, communication of outcome and any appeal must be concluded within two months of the date of the request being received (this is a statutory requirement) – or longer if there has been written agreement with the employee in advance. It is recommended that managers meet with the employee within a week and confirm the outcome of the request within three weeks of the date of receipt.
- 4.10 Managers have a duty to consider a request in a reasonable manner and can only refuse a request for flexible working for one of a specific number of reasons listed under this procedure.

#### **4.11 Confirming the outcome**

- 4.12 The manager must confirm their decision in writing to the employee, as soon as possible, but within two months of receiving the request. This may be either to:
- accept the request.
  - confirm an alternative solution discussed in the meeting and set a date for a response; or
  - reject the request, explaining the business reasons for refusal (see below), and outline the employee's right to appeal against the decision within **10 days** of receipt of their notification.

- 4.13 Where recruitment is taking place in an attempt to accommodate a request, the manager should write to confirm this to the employee indicating when a final response to the request is likely.

#### **4.14 Agreeing a request**

- 4.15 Where a request of flexible working is agreed, the new working pattern will result in a permanent change to an employee's terms and conditions of employment, unless agreed otherwise.
- 4.16 Sometimes parties may agree that it is beneficial to introduce a trial period for the alternative working pattern, to allow both parties to consider its long-term effectiveness/ benefit. In this case, it is recommended that a time period for the trial is agreed at the outset, and that a review of the working arrangements should take place a month before the end of the trial. 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. If the employer felt, at the end of the trial period, that the working arrangements are not sustainable longer term, they would need to be able to demonstrate why the arrangement fails to meet the business need, and a request can only legally be refused for one of the eight business reasons outlined in this policy. Any agreed trial period should be confirmed in writing, and written confirmation of the outcome at the end of the trial period is also required. With a view to supporting trial periods to be successful, it is strongly recommended that managers meet with employees during the trial period to discuss the working arrangements. This provides an opportunity to consider any issues which may have arisen, and whether any mutually agreed amendment could be made with a view to resolve concerns prior to the end of the trial period.
- 4.17 The agreement will be confirmed in writing describing the new working pattern/contracted time, the agreed start date and details regarding any agreed trials or review dates. A copy of any agreement should be retained on the employee's personnel file and the manager should contact the relevant stakeholders so that relevant amendments can be made to the employee's terms and conditions of employment and pay.

#### **4.18 Refusing a request**

- 4.19 A request can be refused legally only for one of the eight business reasons outlined below. The reason(s) for refusal will be explained by the manager to the employee in person and followed up in writing.

#### **4.20 Business grounds for refusing a request**

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- A detrimental impact on quality
- A detrimental impact on performance
- The employer is unable to reorganise work among existing staff

- The employer is unable to recruit additional staff
- There is insufficient work for the periods the employee proposed to work
- A planned structural change of your business

## **5.0 Appeal**

- 5.1 Employees whose flexible working appeal requests have been refused, or those who have had a flexible working pattern withdrawn after trial, may submit an appeal.
- 5.2 The employee must set out in writing their grounds for appeal, within 10 working days of receipt of the letter confirming the refusal of the request or the end of the trial period. Appeals will be heard at the earliest available opportunity and reasonable written notice of the date and the arrangements will be given, in line with the Trust's Hearing and Appeals procedure. Appeals must be concluded within the two month statutory period as outlined in this procedure.