Flexible Working Policy

Date Approved	May 2024
Date of Next Review	May 2029

Policy scope and purpose	
Scope and purpose	This document sets out the entitlements for Inclusive Education Trust (IET) employees regarding flexible working requests. This policy intends to: · Fully inform employees of their entitlements in relation to flexible working request · Provide guidance on the flexible working request process. · Support managers by providing them with details of the Trust's obligations to employees
Start point of the policy	To be referred to when an employee is seeking to make a change to their contractual working pattern.
End Point of the Policy	This policy may be utilised up to the point a decision has been made regarding a flexible working request
Legislative requirements	Equality Act 2010 Employment Rights Act 1996 Employment Relations (Flexible Working) Act 2023 Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000
Who uses this policy	All employees including ECT's, part-time employees and employees on a temporary or fixed term contract. It does not apply to workers, contractors, agency workers or self-employed contractors.

1. Introduction

The Inclusive Education Trust (IET) is committed to developing a culture which is open to flexible working to support its employees in achieving balance to their work and home life and acknowledges that flexible working can contribute to improved employee wellbeing.

Flexible working can take on different forms and effective flexible working is dependent on both employee and employer working together to fulfil the needs of both the individual and the trust.

This policy and the procedure for making a statutory flexible working request contained herein is applicable to all members of staff employed by the Inclusive Education Trust and reflects best practice guidance set out in the Acas Code of Practice on handling and responding to flexible working requests and the DfE's guidance for flexible working in schools. Employees on temporary or fixed-term contracts will be subject to this procedure with adjustments made, where appropriate, to reflect the likely duration of the contract.

Early Careers Teachers (ECTs) are subject to this procedure, however ECTs serving induction on a part-time basis at any point will need to serve the full time equivalent of two full school years in accordance with The Education (Induction Arrangements for School Teachers)(England) Regulations 2012

The Trust is mindful of its obligations under:

- the Equality Act 2010
- the Employment Rights Act 1996
- the Employment Relations (Flexible Working) Act 2023
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000

This policy and the procedure will be applied fairly and consistently to all employees.

2. Policy Statement

The Trust acknowledges that effective flexible working can lead to improved employee engagement, and job satisfaction. It also recognises that enabling employees to satisfactorily balance their work and personal lives may have a positive impact on:

- Supporting recruitment and retention
- Promoting wellbeing and improving work-life balance
- Reducing absences and improving productivity
- Promoting an inclusive workplace and supporting equal opportunities and diversity
- Creating attractive workplaces
- Supporting pupil outcomes by promoting recruitment and retention of experienced staff

The Trust will consider requests regardless of the type of flexible working requested, although some forms of flexible working may be more suitable for particular roles than others.

Employees making a request should consider which forms of flexible working are best suited to their personal circumstances and their role, as individual circumstances vary. It is possible that a flexible working arrangement can have various elements such as part-time working with compressed hours.

The Trust considers all roles, including teaching and leadership positions, for flexible job design.

All statutory flexible working requests will be handled in a reasonable manner and will be treated in a positive and constructive spirit. At the same time, it is recognised that not all flexible working requests will be able to be accommodated.

Where a statutory request cannot be agreed, the employee will receive written confirmation of the reason(s) for refusal, and they will be able to appeal the decision.

Where a statutory request for flexible working is agreed, a permanent change to the employee's contractual terms and conditions will be made.

3. Guiding Principles

- We welcome open conversations about formal and informal flexible working on an ongoing basis as well as at the point of need.
- Pupil outcomes and supporting pupils: we are committed to supporting flexible working and will consider each request on a case-by-case basis, while ensuring that we continue to prioritise the support we provide to our pupils in school.
- Leadership: our leadership team and trustees are committed to embracing and supporting flexible working. Flexible working is a core part of the school, supporting its values and objectives, and ensures it reflects the working lives of families and the communities it serves.
- Trust and fairness: we are committed to open conversations about flexible working and considering all requests fairly by following the process as set out in this policy, although in some situations it may not be possible to permit a request for flexible working. Staff working flexibly, or seeking to work flexibly, will receive fair treatment regardless of their agreed/ contractual working arrangements. All requests will be treated carefully and with sensitivity, taking into account promoting equality.
- Whole-school approach: we take a proactive approach that works for the whole school. This includes an annual process for requesting flexible working and preventing any negative impact on other staff.
- Flexible progression: we support flexible working at every level and all stages of a career, including promotion and moving to a new role if you are already working flexibly.
- Inclusion and fair treatment of those working flexibly: we ensure those working flexibly are effectively embedded in the staff community. We will ensure that conversations take place around expectations for attendance at INSET Days, CPD and responsibilities around other duties, considering the needs of those working part time, and for teachers as set out in the STPCD.

4. Eligibility

This policy and the procedure applies to all staff employed by the Trust including ECTs, part-time employees and employees on a temporary or fixed term contract. It does not apply to workers, contractors, agency workers or self-employed contractors. Employees have the right to make a statutory request for flexible working if they:

- are an employee;
- have not made two previous statutory requests in the preceding 12-month period.

An employee may only have one live request for flexible working at any one time. A request is live unless any one of the following apply:

- a decision on the request has been made by the Trust
- the request is withdrawn
- an outcome to the request has been mutually agreed
- the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome

Requests for flexible working as a reasonable adjustment relating to disability will be dealt with separately, independent of the Flexible Working Policy. Employees should discuss reasonable adjustments with the Head of School, Director of Education and HR.

5. Types of Flexible Working

Flexible working describes any type of working arrangement which is agreed between an employee and their employer that gives an element of flexibility on how long, when and where employees work and may be requested for a wide range of reasons, typically with the overall aim of supporting the employee's work-life balance.

The following list, though not exhaustive, summarises some of the most common arrangements:

- Compressed hours: an employee works their usual full-time hours in fewer days. There is typically no reduction of pay or pension contributions under a compressed hours arrangement.
- Flexitime: an employee requests to vary or stagger their start, finish and break times.
- Annualised hours: where an employee's total number of hours to be worked over the year is fixed but there is flexibility over the employee's daily/weekly working patterns.
- Home working/remote working: where an employee carries out their usual work at home or another location.
- Hybrid working (blended working): allows employees to split their time working in school and working remotely.
- Job sharing: where a full-time post is divided into two (or more) part-time roles and duties and responsibilities are shared.
- Part-time working: when an employee reduces their contracted hours. This has implications for salary, pension, and annual leave entitlement.
- Term-time working: where an employee reduces their hours to take time off during school holidays. This has implications for salary, pension, and annual leave entitlement.

- Transition to retirement: a reduction in the hours worked but involves the same or very nearly the same job responsibilities, to help support an employee's transition to retirement.
- In-year flexibility sometimes referred to as 'informal' flexibility e.g. Personal or family days: days of authorised paid leave during term time to which all employees in a school are entitled.
- Lieu time: paid time off work for having worked additional hours.

6. Requesting flexible working

Some flexible working arrangements will not require a formal flexible working application. For example, in-year flexibility such as ad-hoc personal days can be agreed at a manager's discretion. In addition, some short term, temporary changes to working arrangements may be agreed with the Head of School/line manager. Email or speak to your line manager about the informal or ad-hoc flexibility you would like.

Other types of flexible working will require a formal application, for example, when requesting a permanent change to working hours or days worked.

7. Procedure for making a statutory flexible working request

7.1 How to apply

To make a statutory flexible working request, employees must submit their request in writing – by using the application form provided (appendix A) to the Head of School (HoS), Director of Education (DoE) and HR at least two months before the proposed change.

If the Head of School is making a statutory request for a flexible working arrangement, they should submit their request to the Director of Education (DoE)

Statutory requests for flexible working must include the following:

- the date of the request;
- a statement that it is a statutory request for flexible working;
- the change to working arrangements the employee is seeking;
- the date on which the employee would like the change to come into effect;
- if the employee has made previous flexible working requests and, if so, when;

If the application form does not contain the required information the employee will be asked to resubmit the request ensuring it includes the necessary information.

7.2 Considering requests

School leaders will be appropriately trained to be able to consider flexible working requests positively and to avoid discrimination.

7.3 Timescales

The trust will respond to a request for a flexible working arrangement within two months from the date of receipt (including any appeal outcome). If for any reason it will not be possible to conclude within two months, the employee's consent to an extension will be sought.

7.4 Meeting to discuss a flexible working request

The employee will be invited to meet with the HoS and the DoE to discuss the request. If this is in relation to the HoS making a request, they will be invited to meet with DoE.

The appropriate manager will aim to meet with the employee to discuss the flexible working request within ten working days of its receipt. If for any reason this is not possible the employee will be informed of the reason for the delay.

The purpose of the meeting is to explore the desired working pattern and to give the application serious consideration, in a 'reasonable manner'.

Employees are encouraged to be as open as possible about their needs during the meeting in order to engage in a constructive discussion about what may be possible, which may include exploring alternative options that suit both the employee and the school.

There is no entitlement for an employee to be accompanied at this meeting, however a reasonable request to be accompanied by a work colleague or trade union representative will be considered, provided that this does not cause any undue delay to the procedure.

If an employee fails to attend a meeting to discuss their flexible working request, including an appeal meeting, and fails to attend a rearranged meeting without good reason, the trust may consider the request as withdrawn and the employee will be informed in writing.

Following the meeting to discuss the flexible working request the Hos/DoE will consider the request, including but not limited to:

- Potential benefits to the employee and the trust
- Any adverse impact of implementing the changes
- If recruitment is required and timescales of that recruitment
- Costs associated with the proposed arrangement

Each request will be considered on an individual basis at the time it is submitted. Agreeing to one request will not set a precedent or create the right for another employee to be granted the same or similar change to their working arrangements.

7.5 Outcome and notification of the decision

HR will notify the employee of the decision in writing within ten working days after the meeting. If for any reason it is not possible for a decision to be made within this time the employee will be notified of the reason and an expected date for a decision to be made.

Requests may be agreed in full, in part or refused. The flexible working arrangement may be subject to a trial period, details of which will be set out in writing and will form the basis of a final decision about whether the flexible working arrangement will work in practice.

If a flexible working request has been agreed the trust will make an appropriate variation to the employee's contract of employment or issue a revised contract of employment and unless otherwise agreed the changes will be permanent. There is no right for the employee to return to their original working arrangements.

HR will ensure the employee is made aware of contractual changes that may affect pay and holiday entitlements before they agree to changes to their contract.

Where it is not possible to agree a request, it will be for one or more of the following reasons:

- The burden of additional costs;
- An inability to reorganise work among existing staff;
- An inability to recruit additional staff;
- A detrimental impact on quality;
- A detrimental impact on performance;
- A detrimental effect on ability to meet customer demand;
- Insufficient work for the periods the employee proposes to work; and
- A planned structural change to the business.

A request will not be rejected for any other reason.

8. Trialling a new arrangement

A new working pattern may be agreed subject to a trial period which is agreeable to both parties, for example for one academic year. This approach goes beyond what is set out in the legislation and can help reach a positive outcome. At the end of this period the line manager or appropriate senior staff member will meet with the applicant to discuss the experience of the trial period and whether the arrangement can be made permanent. Employees may wish to be accompanied by a trade union representative at this meeting. At this point it may be appropriate to revisit the arrangements to suit all parties. All trial period arrangements and their agreed outcomes will be confirmed in writing.

9. Appeal

The employee has the right to appeal the decision if their request has been refused or has only been agreed in part.

Appeals must be sent in writing to the Chief Executive Officer (CEO) within five days of receipt of the written notification clearly stating the reasons for appealing the decision.

The appeal will be heard within ten working days of receipt of the written notification of appeal and the outcome will be notified to the employee in writing within five days.

A reasonable request to be accompanied by a work colleague or trade union representative will be considered, provided that this does not cause any undue delay to the procedure.

Unless agreed otherwise the whole process, including an appeal, will not exceed two months, from the date the original request being made.

The outcome of the appeal is final, and there will be no further right to appeal.

10. Status of Policy and Review

The content and operation of this policy is reviewed as and when deemed necessary or there is a change in legislation or at least every 5 years.

Appendix A

Flexible Working Application Form for Statutory Requests

Note to the employee:

You can use this form to make an application to work flexibly under the right provided in law. To be eligible to make a request you must:

- Be an employee;
- Not have made two previous flexible working requests in the preceding 12-month period.

If you are unsure whether you are eligible you may wish to check with HR/your line manager before proceeding with this application.

It can take up to two months to consider a request before it can be implemented. It is therefore important that you submit your application well in advance of the date you would wish the request to take effect from.

It will assist with the consideration of your application if you provide as much information as you can about your desired working pattern.

It is important that you complete all the sections in the application form otherwise your application may not be valid, and you may be asked to resubmit the form if it is incomplete.

Once you have completed this form you should send it to HR and Head of School, following any instructions you may have been given regarding how to do this.

It is important to note that the right provided in law is to have a request considered by your employer. There is no automatic entitlement to have your request agreed and it can be turned down for various organisational reasons. If your request is granted this will normally be a permanent change to your terms and conditions of employment unless a temporary arrangement has been agreed.

If you need assistance completing this form, please speak to your line manager in the first instance.

Section A: To be completed by employee		
Employee name:		
Job role:		
Line manager:		
Have you submitted two flexible working requests within the last 12 months?	YES	NO
If you consider yourself to be disabled, is your request for flexible working related to your disability?	YES	NO

Please describe your current working pattern (days/hours/times worked) below:	
Please describe below the working pattern you would like to work in future (days/hours/times worked):	
From what date would you wish this working pattern to commence:	

Signed by employee	
Date form completed	

Please now submit this form to Head of School & hr@ietmat.co.uk

Section B: To be completed by manager responsible for considering the application:	
Name of manager	
Start date of employee's continuous service	
Date form received	
Deadline for completing process (2 months from receipt, including appeal)	

(Optional) Record of meetings/discussions held and actions taken regarding the request:	
Date of meeting/discussion/action	Summary of discussion/action

Outcome of employee's request	
Date communicated to employee	