

Flexible Working Policy



Our Ambition: To be the highest performing MAT in the country
Our Mission: To improve the communities we serve for the better

Vision:

Challenging educational orthodoxies so that every child makes good progress in core subjects;
all teachers are committed to personal improvement and fulfil their responsibilities;
all children receive a broad and balanced curriculum;
all academies strive to be outstanding.

Written by Advanced HR in consultation with The Forge Trust
Review Date: September 2022
Approving Body: The Strategic Development Committee
CEO: L. Hessey
Chair of Trustees: Sue Trentini

1. Introduction

The Flexible Working Regulations came into force in June 2014, these regulations revoked the previous legislation under the 2002, Eligibility, Complaints and Remedies Regulations.

The new law extends the right to make a request for flexible working and means that, any employee with 26 weeks' continuous service will be able to make an application to work flexibly for any reason.

2. Benefits

The intention is that **flexible working arrangements should benefit the employee without any detriment to the employer and may even be of benefit to the employer**. Being flexible is also seen as a way of retaining staff, improving morale, motivation, performance and even attendance by removing employees' concerns about meeting caring responsibilities. However, it is recognised that it may not be possible for some of the options below to be made available to all school staff.

3. Flexible Working Procedure

As with all matters relating to the staffing establishment in academies, the decision about whether or not individual posts are suitable for job share or any other flexible work scheme rests with the Trustees. It is important that advice is sought from The Forge Trust HR Team as soon as possible if an employee indicates that they wish to be considered for flexible working arrangements.

When considering any of the possible flexible working options, the needs of the academy and the individual must be taken into account. The specific nature of the work being undertaken and the need to be available at specific times during the school day/year must be recognised. Not all of the options described below will be appropriate in individual academy environments and the ability to accept or deny requests will very much depend on the individual posts and work environment of those making a flexible working request. Please refer to the Flexible Working Procedure relating to teachers and support staff in schools ([Appendix 1 and 2](#)) for more detailed guidance and, if in any doubt on any related issue, please contact The Forge Trust HR Team.

4. Flexible working options

Options available include the following:

- Compressed working hours
- Changes to times worked
- Alternative roles in the Academy

Flexible Working Procedure for Staff who work in The Forge Trust's Academies

5. Introduction

This policy sets out the process for employees and academy managers and trustees to follow in the exercising of the right.

6. Eligibility

In order to make a request the individual will:

- Be an employee (i.e. not an agency worker);
- Have 26 weeks continuous service with The Forge Trust at the time of application or have continuous service linked with a TUPE transfer;
- Have not made another application to work flexibly under this right during the previous twelve months.

7. Scope of the Request

The Flexible Working Regulations 2013 enables eligible employees to request:

- A change to the hours they work;
- A change to the times when they are required to work.

This covers working patterns such as part-time, job share, shift working and term-time working which are all used to an extent in schools already.

8. The Procedure

The statutory overall timeline between receiving an application and the outcome of a potential appeal against a decision is 12 weeks. In the context of academies, this will mean 12 working weeks.

- 8.1 The employee makes a written application for flexible working to the Principal at the academy (example application form attached as [Appendix 2](#)). The employee must specify the change to their working practices or pattern that they are applying for, and the date on which they propose the change should take effect. The application must explain what effect, if any, the employee thinks making the change applied for will have on the academy and how any effect might be dealt with.
- 8.2 The Principal should seek advice on the application from The Forge Trust HR Team and arrange to meet the employee within 28 days (4 working weeks) of the date of the application with a view to exploring the desired work pattern in depth on behalf of Trustees and to discuss [Appendix 2](#). The employee may be accompanied to this meeting by either a trade union representative or a work colleague. A member of the Academy HR support may also be present.

8.3 The Principal will then share information with a panel of trustees regarding the details of the request including the extent of any impact on the member of staff, provision for pupils and any operational effect on the wider academy. A panel of trustees will then consider the request and within 14 days, (10 working days) of the meeting, will write to the employee, either to agree to the new work pattern and a start date (which will need to take account of existing timetable and cover arrangements), or to provide a written justification of their decision not to accept the application, stating:

- a) The grounds on which the decision has been made (see below) and
- b) The reasons why those grounds apply

There is no statutory right to appeal a decision.

However, in order to inform effective decision making, The Forge Trust will hold appeals providing requests are received in writing within 5 working days following written notification of the Trustees’ decision. Employees will need to inform the Principal of their intention to appeal, setting out their grounds of appeal. Appeals will be held within 14 days of a written request.

8.5 The employee will be invited to attend the appeal with the right to representation by either a trade union representative or a work colleague, a member of the Academy HR support may also be present

8.6 The appeal panel will be made up of a panel of trustees not previously involved in the decision-making and they will be advised by a member of HR, the panel will hear the employees’ case and the case presented by a representative from the original panel. The appeal panel will make a decision based on the evidence they hear and paying due attention to the criteria laid out in the policy. The panel must notify the employee of their decision within 14 days (2 working weeks) of the date of the hearing, again giving a written justification if the decision is not to accept the application, stating the grounds for the decision and how they apply in the particular case. If the decision is to uphold the appeal and implement the change this will be in line with the criteria set out in this policy at point 11.

8.7 Timeframe:

Individual makes an application for flexible working – TASK:	STATUTORY OBLIGATIONS:	SCHOOL TIMEFRAME:
Meeting arranged to discuss application with principal	Within 28 days of receipt	4 working weeks
Written decision issued	Within 7 days of meeting	1 working weeks
Employee may submit appeal	Within 5 working days of receipt of decision	1 working week
Appeal hearing convened	Within 14 days of receipt of appeal	2 working weeks
TIMELINE TO HEARING	8 WEEKS	8 working weeks
Outcome issued	Within 14 days of hearing	2 working weeks
OVERALL TIMELINE	10 WEEKS	10 working weeks

Timescales may be extended, providing that the employee making the application agrees.

If an employee's request for flexible working is not accepted they may not make another request within twelve months.

9. Outcomes

The leadership of The Forge Trust have a policy to allow no more than two members of staff to work flexibly in an academy at one time. In schools that require improvement or are in special measures, the leadership team will seek solutions in alternative schools within the trust, where the impact of flexible working will not be as detrimental to the quality of education provided.

Individual academies may:

- Grant an employee's request – for a period of one year;
- Offer an alternative post in order to support flexible working – for a period of one year;
- Offer an alternative pattern of work to support flexible working for a period of one year;
- Reject the request due to one of the reasons outlined below in point 10.

10. Grounds on which an application may be turned down

The Flexible Working Regulations sets out that the employer may only refuse an application for flexible working if he considers that one or more of the following grounds applies:

- The burden of additional costs;
- Detrimental effect on ability to meet customer demand;
- Inability to re-organise work among existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

In each of the above the impact on teaching and learning and outcomes for pupils in the academy will be considered. If an application for flexible working is not accepted it must be because one of the grounds set out above applied, and the written justification of the decision must identify the reason and the way in which it applies. Appendix C gives a brief overview of the way in which the academy will interpret and apply these business reasons.

11. Requests that are granted

In consideration of requests for Flexible working the Academy will look at whether a different role across the Trust can be undertaken to support the request for flexible working, therefore an offer of an alternative role to accommodate the request may be offered to the employee.

Any requests for flexible working that are granted in the Trust will only be granted for a temporary period of one year, this therefore will be a temporary variation to the contract of employment, employees will be required to sign a copy of the agreement which will stipulate the period of time in which the temporary change will take effect. Towards the end of the period a discussion will take place around the logistics of continuing the role on a flexible working basis, however if this is not possible for the Academy the employee will be required to revert back to their substantive contract/post.

If a request is agreed, or where the Academy proposes an alternative to the arrangements requested, the Principal/Trustees will write to the employee 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.

For guidance in following the procedure, Principal and Trustees are advised to contact the The Forge Trust HR team.

Appendix 2

Request form for Flexible Working

This form should be completed by eligible employees who wish to make a request to work a flexible working pattern which is different to their current working pattern.

(Note to employees: It will help Trustees if you provide as much information as possible about your desired working pattern. When completing sections 4 and 5, think about what effect your change in working pattern would have on both the work that you do, the academy and its stated aims and on your colleagues. Once the form is completed, you should forward this to your Principal who will then arrange a meeting with you within 28 days to discuss the details of your request.

If your request is approved, this will form a permanent change to your terms and conditions of employment unless otherwise agreed.)

1. PERSONAL DETAILS

Name:

Post Title:

Academy:

I would like to apply to work a flexible working pattern which is different to my current working pattern and I confirm that I meet the eligibility criteria for each of the following bullet points and either a or b as follows:

- I am making this request to help me care for a child or adult
- I have worked continuously as an employee of The Forge Trust for the last 26 weeks
- I have not made a request to work flexibly under this right during the past 12 months

1. REASONS FOR MAKING THE REQUEST (please include details)

2 CURRENT WORKING PATTERN (Include details of days/times/hours worked)

3 REQUESTED WORKING PATTERN (Describe days/hours/times etc)

4 IMPACT OF THE REQUESTED WORKING PATTERN AND HOW IT WILL:

- a) Benefit the children in the academy;**
- b) Help The Forge Trust to achieve its ambition, mission and vision (stated on the front cover of this policy)**

I think the requested change in my working pattern would affect the academy and my colleagues as follows:

5 ACCOMMODATING THE REQUESTED WORKING PATTERN

I think the effect on the academy and colleagues could be dealt with as follows:

I confirm the above are true and accurate statements and I would like the requested working pattern to commence on

Signed:

Date:

Appendix 3

If a request to work flexibly is rejected then the academy will provide a specific "business reason", which must be one of the nine stated in the legislation:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes
9. Such other ground as the Secretary of State may specify by the regulations.

The academy's interpretation of the "business reasons" are set out below in order to provide a clearer understanding of the matters that will be taken into account in reaching a decision about part time working.

1. Burden of additional costs

It is a little more expensive to employ part time staff rather than full timers but this would not normally be a key reason for rejecting an application.

2. Detrimental effect on the ability to meet customer demand

The academy's customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Principal will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the member of staff is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

3. Inability to re-organise work among existing staff

In addition to 2 above where the member of staff has leadership or management responsibilities it is necessary to take into account the ability of the school to distribute these to other members of staff at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities.

4. Inability to recruit additional staff

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the accountabilities of the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. The academy will do what is reasonable to recruit additional staff and will be mindful of the costs of advertising in accordance with normal recruitment practices.

5. Detrimental impact on quality

See section 1 above in relation to the possible impact on the quality of learning and teaching and the outcomes of pupils.

6. Detrimental impact on performance

Timely marking of pupil work is essential for their progress. Pupils' work should be marked on a regular basis in accordance with The Forge Trust Marking Policy. It is potentially difficult for part time staff to manage the weekly workload of planning and assessment in the classroom resulting in a possible negative impact on the performance of individual members of staff because they have not been able to complete the marking and other daily assessments to hand over to the next member of staff. It is the responsibility of part time staff to manage weekly workloads in the same way as full time staff. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the job should the request be agreed, and this will be considered before a decision is reached.

The School Teachers' Pay and Conditions Document sets out the legal requirements for the employment of part time teachers including that any meetings such as parents evenings must be scheduled on a day that the teacher works. If parents evening have to be organised for more than one evening this means that parents are inconvenienced.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate part time staff. Whilst individual preferences for working days and times can be considered, the needs of pupils must always come first. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time member of staff being absent from school for one day per week may be to pressurise the time tabler to allocate a predominance of non-teaching periods for others in the team on that day. The academy will need to consider the extent to which this is detrimental on the work-patterns of the team.

8. Planned structural changes

The academy will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

9. Such other ground as the Secretary of State may specify by the regulations.

No such grounds are specified currently.

Last updated May 2020-L. Hessey (CEO)