

# The Kingston Academy



## **Flexible Working Policy**

**May 2017**

Date approved: 15 May 2017

Approved by: Buildings, Finance and Resources Committee, Kingston Educational Trust

Frequency of review: Annual

Last review: May 2017

Next review due: May 2018

## Flexible Working Policy

### 1. Background

'People are our most valuable asset and at the heart of our success as an organisation.'

We want to encourage a working culture which recognises the importance of work-life balance. Underpinning this commitment is the awareness that effective work-life balance practices benefit both Kingston Educational Trust and its employees, individuals work best when they are able to achieve an appropriate work-life balance and greater equality of opportunity is created for both employees and prospective employees.

From 30 June 2014 specific provisions have been made in law for all employees to request flexible working after 26 weeks of employment. Within these provisions those employees can request a variation to their contract in relation to their hours of work, times of work and place of work.

### 2. Who would qualify for this right?

Any employee (rather than an agency or contract worker) who has worked at the school continuously for 26 weeks (at the date the application is made) may submit an application. Employees may only make one request in any 12 month period. It should be noted that the right is to request flexible working, not the right to work flexibly and requests to work flexibly may be declined where there are legitimate business grounds.

### 3. What changes can be requested?

The changes which can be requested are:

- a change to the hours worked;
- a change to the times required to work;
- to work from a different location.

This covers changes to working patterns such as annualised hours, compressed hours, flexi-time, job-sharing, staggered hours, term-time working and working from home.

### 4. How does an employee make a request?

Applications to work flexibly must:

- Be made in writing to the Head teacher (unless the application is by the Head teacher in which case it should be made to the Vice-Chair of the Trust Board).
- Confirm the date of application, the change to working patterns applied for and the date from which the employee would like the change to take effect.
- Explain what effect the new working pattern would have on the school and colleagues and how any effects might be dealt with.

- Confirm that it is a statutory request and whether a previous application has been made and if so, when.
- Confirm if it is a request in relation to the Equality Act, for example as a reasonable adjustment.

If the application is accepted it will mean a permanent change to the employee's terms and conditions of employment, unless a temporary arrangement is expressly agreed, therefore it is important that the employee takes time to consider the implications of such a change, including any financial impact on salary and pension.

#### **5. What happens after the application has been made?**

After the application has been received, if it is considered that a request can be granted immediately then a meeting may not be necessary and the employee will be informed in writing, otherwise:

- for applications by teaching staff (and teaching support staff) the Head teacher will arrange an informal meeting with the employee as soon as possible to discuss their application;
- for applications by operational staff the School Business Manager will arrange an informal meeting with the employee as soon as possible to discuss their application;
- for applications by the School Business Manager, the Head teacher will arrange an informal meeting with the School Business Manager as soon as possible to discuss their application;
- for applications by the Head teacher, a trustee will arrange an informal meeting with the Head teacher as soon as possible to discuss their application.

At least 5 school days' notice of the meeting will be given. Where it is necessary to delay the process for any reason the employee will be advised in writing and the reason for the delay explained. In any case the application (including any appeal) will be considered and decided within 3 months of the initial request being received.

The meeting will provide an opportunity to better understand the changes sought and how they might benefit the school and employee and to discuss how the proposal may be accommodated or to look at other alternatives if there is a problem accommodating the employee's request. At this meeting the employee may be accompanied by a fellow worker, or a union representative. During meetings the representative may address the meeting but not answer questions on the employee's behalf. The meeting can be deferred for 5 school days if the representative is unable to attend. If the employee fails to attend a meeting more than once without reasonable cause, the application will be deemed to be withdrawn and the employee notified in writing.

After the meeting, the employee will be informed in writing within 10 school days as to whether their request has been agreed or agreed with modifications.

In assessing an application careful consideration will be given to the business case put forward by the employee. The benefits of the requested changes for the employee and the school will be weighed against any adverse impact. An application may be refused on one or more of the following business grounds:

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

Further advice regarding the reasonableness of the case may be sought from our HR consultants, Strictly Education.

#### **What happens if the request is agreed?**

An outcome of the meeting could be:

- The request is agreed and a start date and any other arrangements are confirmed.
- A compromise is reached, for example a different working pattern to that requested is agreed or a temporary arrangement to work flexibly.
- Agreement reached to make the changes for a trial period where it is not clear that the changes are sustainable.

In all cases the employee will receive a letter confirming the agreement reached. During any trial period agreed, the employee's line manager will review the practicalities of the arrangements and report progress regularly to the Head teacher (or to the School Business Manager if they dealt with the application). At the end of the trial period the line manager will meet with the employee to discuss whether the arrangements can be confirmed as permanent, or if the employee should revert to the previous working arrangement. The parties may agree to make changes to the arrangements and extend the trial period. Following the end of any trial period the employee will be informed of the decision in writing. If the request is declined, the employee will be informed in writing and the business grounds on which the application is refused will be set out and an explanation of why the grounds apply specifically in relation to the application in question. Details of the appeals process will be provided.

#### **6. What happens if the request is declined?**

If the request is declined, the employee will be informed in writing and the business grounds on which the application was refused will be set out and an explanation of why the grounds apply specifically in relation to the application in question. Details of the appeals process will be provided.

## **7. The appeal process**

An employee may appeal against a refusal to grant a flexible working request if:

- There is new information that was not available to the manager at the time the decision was taken;
- They believe that the application was not dealt with in a reasonable manner.

If an employee wishes to appeal against the decision to turn-down their request they must submit their appeal within 10 school days of receiving notification, outlining the grounds for their appeal. A meeting will then be arranged to take place within 10 school days of receiving the grounds of appeal with the Head teacher in respect of a decision made by the School Business Manager and by a single trustee in respect of a decision made by the Head teacher (and by the Chair of the Trust Board in respect of a decision by a single trustee). The employee may be accompanied by a fellow worker or union representative. The employee will be given a final decision in writing within 10 school days of the appeal meeting, giving detailed reasons for the decision.

The decision of the appeal will be final.

.

This policy is to be reviewed annually by a member of the Senior Leadership Team and by the Kingston Educational Trust.