

# Kings Road CPS



## Flexible Working Policy and Procedure

Author	Darren Morgan
Date	March 2024
When this policy was ratified by governors	11 <sup>th</sup> March 2024

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<b>Policy Title and Summary</b>	Flexible Working Policy and Procedure
<b>Date of Issue</b>	March 2024
<b>Date and responsibility of next update/review</b>	March 2027
<b>Trade Union Consultation</b>	March – April 2024
<b>Ratification date</b>	11th March 2024
<b>Audience</b>	All employees
<b>Equality Impact Assessment</b>	
<b>Related documents</b>	<ul style="list-style-type: none"> <li>● ACAS Flexible Working Guidance</li> </ul>
<b>Legal Framework</b>	<ul style="list-style-type: none"> <li>● Employment Rights Act 1996</li> <li>● Equality Act 2010</li> <li>● Flexible Working Regulations 2014</li> <li>● <u>Employment Relations (Flexible Working) Act 2023</u></li> <li>● <u>Children and Families Act 2014 (c. 6) ss131(1), 139(6)</u></li> </ul>

## **Flexible Working Policy**

### **1. Introduction**

This policy aims to encourage staff to consider flexible working arrangements. This policy applies to all staff and meets the legal requirements set out in Flexible Working Regulations 2014 and Employment Relations (Flexible Working) Act 2023.

The school recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the school wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The school is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the school and the employee can be met. Flexible working is giving flexibility over where, when and the hours employees work.

It is the School's policy to encourage open discussion with employees. An employee that thinks they may benefit from flexible working is encouraged to apply. The school is committed to providing a range of appropriate working patterns. However, employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles. Each application will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

### **2. Statutory Provisions**

All employees have a statutory right to request a flexible working arrangement from their first day of employment.

The school must consider an application in a reasonable manner and can only refuse a request for flexible working where there is a clear business reason for doing so. The school must not refuse a request before consulting with the employee at a meeting.

The school has **two months** after the day the application is received for the full process to take place including conclusion of an appeal, if applicable. This period can be extended if a longer deadline with the employee is agreed.

For the purposes of this section, conclusion is when any of these events occur:

- (a) a decision is made on the application or appeal including the employee being notified of the outcome
- (b) the application or appeal is withdrawn

An employee may make more than two applications to the same employer during any period of 12 months. An employee may only have one application proceeding at any one time. "Proceeding" is from the date the application is made and ends when the application is concluded.

If refusing an application, the school must communicate and inform the employee of the reason for declining the request. Requests can only be refused because of the one or more of the following statutory grounds:

- a) the burden of additional costs,
- b) detrimental effect on ability to meet customer demand,
- c) inability to re-organise work among existing staff,
- d) inability to recruit additional staff,
- e) detrimental impact on quality,
- f) detrimental impact on performance,
- g) insufficiency of work during the periods the employee proposes to work,
- h) planned structural changes, and
- i) such other grounds as the Secretary of State may specify by regulations.

Statutorily, an application will be treated as having been withdrawn by the employee if:

- (a) the employee without good reason has failed to attend both the first meeting arranged by the employer to discuss the application and the next meeting arranged for that purpose, or
- (b) where the employee without good reason has failed to attend both the first appeal meeting arranged by the employer and the next appeal meeting arranged for that purpose, and the employee was made aware that failure to attend the second meeting would be treated as a withdrawal of the application."

## Flexible Working Procedure

1	<p>All flexible working requests must be made by completing the application form (Appendix A) which should be submitted to [who] by <b>email</b>. If you are unable to submit the form by email, this must be submitted in writing and received by [insert person/office etc] who will date stamp the form on the date it is received. It should be noted that the 2 months time scale starts from this date.</p>
2	<p>The Headteacher will review the application and may request further information, if required. Due to the statutory timescale of 2 months, the Headteacher will ask the employee to respond within [timescale].</p>
3	<p>If the Headteacher is able to approve the application, this will be confirmed in writing to employees with the statutory timescale.</p> <p>If further information or consideration is required before making a decision, the Headteacher will arrange a meeting to consult with the employee. A private meeting must be arranged without unreasonable delay and the employee will be given reasonable notice of the time, date and place of the meeting. There is no legal right to be accompanied however, the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.</p> <p>At the meeting the school and employee should discuss, for example, any potential modifications to the original request, or any alternative flexible working options, that may be available and suitable for both sides.</p> <p>The school must not refuse a request before consulting with the employee. If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.</p>
4	<p>The request may be approved in full, modifications offered or declined. A modification could be for example, alternative working patterns, temporary agreement or a trial period. In all instances, the decision will be confirmed in writing, if declined or modified the school will outline the statutory reasons for making this decision. Where flexible working application is agreed as a permanent change, a variation will be made to the employee's contract of employment.</p> <p>There is no legal right to appeal the decision of a flexible working request however, the school has determined it is best practice to do so and the details of the appeal process will be confirmed in</p>

	<p>the decision letter. The employee may lodge an appeal with <b>[the Chair of Governors]</b> within 5 calendar days of being notified of a decision on their application. This should be done in writing, clearly state the grounds on which they are appealing and sent, by email, to the School Business Manager who will forward it to the Chair of Governors. If you are unable to submit the form by email, this must be submitted in writing and received by [insert person/office etc] who will date stamp the form on the date it is received. The appeal will be heard by one governor, not previously involved in the matter.</p>
5	<p>If an appeal meeting is required, the appointed Governor will arrange a meeting with the employee without unreasonable delay and the employee will be given reasonable notice of the time, date and place of the meeting. There is no legal right to be accompanied however, the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative. If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their appeal will be deemed to have been withdrawn.</p>

## Appendix A - Flexible Working Application Form

Information required	Employee Response
Name:	
Role:	
Staff or Payroll number:	
Manager:	
<p>Dates of previous flexible working applications made within the previous rolling 12 months.</p> <p>Please note, if you have already made two applications within the previous rolling 12 month period you are not eligible to submit a further application.</p>	<p><b>Application 1</b></p> <p><b>Date.....</b></p> <p><b>Application 2</b></p> <p><b>Date.....</b></p>
Describe your current working pattern (days/hours/times/location worked):	
Describe the flexible working request you would like to adopt in future.	
I would like this working pattern to commence from	
This request is a permanent or temporary change to my contract.	<p><b>Permanent / Temporary?</b></p> <p><b>(If temporary, provide dates)</b></p>
Date submitted by employee	

**FOR SCHOOL USE ONLY**

<b>Action</b>	<b>Date</b>
Date application received by school  If this date is different from the employee's submission date above, this should be flagged with the employee via email or in writing.	
Date process to be completed by (2 months after receipt including all school holiday periods, Inset days and bank holidays)	
Date request approved (if applicable)	
Date employee notified if approved (if applicable)	
Date of invite letter to meeting sent to employee (if applicable)	
Date of meeting (if applicable)	
Date of rearranged meeting (if applicable)	
Date employee notified, in writing, request has been approved with or without modifications or declined (if applicable)	
Date appeal received (if applicable)	
Date appeal invite letter sent (if applicable)	
Date of appeal meeting (if applicable)	
Date employee notified of appeal outcome in writing (if applicable)	

