

# Bishop Chadwick

## Catholic Education Trust

### Flexible Working Policy

Policy Dated / Reviewed:	January 2022
Adopted / Reviewed by Directors:	24 January 2022
Date of Next Review:	Spring 2024

**BISHOP CHADWICK CATHOLIC EDUCATION TRUST**

**FLEXIBLE WORKING POLICY**

**The Flexible Working Policy has been approved and adopted by Bishop Chadwick Catholic Education Trust following consultation with employees and local Trade Union representatives on XXX and will be reviewed on XXX.**

**Signed by Director of the Academy Trust Company:**

**Signed by CEO:**

## **1 Introduction**

- 1.1 Bishop Chadwick Catholic Education Trust is committed to the promotion and advancement of equality of opportunity for all employees. Applying a flexible approach to the way work is delivered, whilst supporting employees to balance their work and home life can have a positive impact on employee engagement, wellbeing and organisational effectiveness.
- 1.2 The policy provides a process for employees to apply for a contractual change to their working arrangements which may include but not limited to: change in hours and working times; term time working; annualised hours and compressed hours.
- 1.3 A flexible working request will be considered on its own merits, on a case by case basis, each request being assessed on the needs of the Trust/School and the employee and will include a clear business reason for the refusal of any request.
- 1.4 No employee will be victimised or treated less favourably at work as a result of making a request.
- 1.5 This policy applies to all employees of Bishop Chadwick Catholic Education Trust.

## **2 Who Can Make a Request**

- 2.1 Any employee can make a request under the policy providing they meet the criteria below.
- 2.2 Employees have the opportunity from day one of employment with the Trust to make an application for flexible working as a contractual change, providing they have not made a previous application under the Policy in the last 12 months.
- 2.3 Employees also have the opportunity under this policy to make a request to reduce their working hours on a temporary basis over a fixed period of time, returning to their substantive hours at the end of the agreed period or after a maximum period of 12 months.

## **3 The Request**

- 3.1 A Request can be made on a permanent or temporary basis. A request made on a temporary basis will be for a specified period of time, up to a maximum period of 12 months. After this time, the employee would return to their substantive hours/days/working arrangement.
- 3.2 An example of a request could include but not limited to: part-time working; job share; annualised hours; compressed hours or term-time working. There can be a variety of reasons for requesting a permanent change to the normal working pattern, which could include: childcare; attending a college course; undertaking a sporting activity or other family commitments.

## **4 Procedure**

### **Step 1**

- 4.1 The employee must complete the Flexible Working Application Form found at appendix 1 and submit this directly to their Headteacher for consideration. Employees from the central team and headteachers should submit their application directly to the Chief Executive Officer of the Trust for consideration by the CEO or delegated senior member of staff. An application from the Chief Executive Officer should be submitted to the Chair of the Board for consideration.
- 4.2 Employees do not need to state the reason for the request, but this can be helpful if alternative solutions are to be considered. Employees who are making an application due to a disability, for example, as a reasonable adjustment for a disability should state this on the form in Appendix 1.

## **Step 2**

- 4.3 The Chief Executive Officer/Headteacher should review the request in relation to the following:
- The tasks currently completed by the employee and whether another team member is able to do some of the tasks;
  - Whether any of the tasks could cease or be conducted differently;
  - Whether there are peaks and troughs in the workload;
  - Whether essential tasks can still be completed to the required quality and timescales;
  - Whether it is essential for the employee to be in for the whole week, every week;
  - Whether there would be significant difficulties if a member of the team was absent at a particular time or day and whether this could be resolved;
  - The working patterns of other team members and how periods of absence are usually managed;
  - Whether the number of hours may be reduced without affecting the level of service;
  - The responsibilities of the post, and whether these could continue to be fulfilled if the request is approved;
  - The knowledge and skills required to complete the duties;
  - The preferred start and end date for any temporary voluntary reduction in working hours.

## **Step 3**

- 4.4 The Chief Executive Officer/Headteacher should arrange to meet the employee, where possible within 10 working days of receiving the request. The purpose of the meeting is to discuss the request in detail, how it may be accommodated, and any implications for the Trust/School. The meeting should provide an opportunity to discuss the perceived barriers, discuss ways the barriers or concerns could be overcome and to consider alternative options that may be able to be accommodated. The employee can be accompanied by a trade union representative or a work colleague for support at the meeting and a Trust HR representative will also be in attendance at the meeting.
- 4.5 If it is possible to confirm agreement to the request at the meeting, this should be done.
- 4.6 It may be appropriate to consider a trial period, before confirming the arrangement. A trial period of the change to the working pattern can be considered for both temporary and permanent requests. A trial period will provide both the line manager and the employee an opportunity to assess the change before making a commitment. If a trial period is appropriate, this should be discussed and agreed at the meeting between both parties and confirmed in writing.
- 4.7 If further considerations are required following the meeting, the employee should be informed that they will receive a written response to their request within 10 working days of the date of the meeting. This timescale can be extended by mutual agreement (Section 7 – Additional Information). The Chief Executive Officer/Headteacher in consultation with Human Resources will make the final decision regarding the request.

## **Step 4**

- 4.8 Once the final decision has been made the Chief Executive Officer/Headteacher must complete the relevant section on the flexible working request application form which includes whether the request has been agreed or confirmation of any alternative arrangements that have been agreed with the employee. If the request has been refused, the reasons for the refusal must be included on the form (see section 5).
- 4.9 The completed flexible working request application form should be given to the employee within 10 working days of the meeting and this will satisfy the written response to the employee.

4.10 If the request has been refused the employee will have the right to appeal this decision and this must be clearly stated in the correspondence.

### **Step 5**

4.11 Where a permanent change is supported, for example a reduction in hours that will affect the employee's terms and conditions of employment, a variation to contract letter will be issued for signature by the first day of the change commencing. The variation letter will be held on the employee's personal file.

4.12 Where a temporary change is supported, for example a reduction in hours that will affect the employee's terms and conditions of employment, a temporary variation to contract letter will be issued for signature by the first day of the change commencing. The variation letter will be held on the employee's personal file and will refer to the arrangement as being temporary and that they will revert back to their substantive position after the end date. The employee will be made aware that there is no right for the arrangement to automatically become permanent.

4.13 The Chief Executive Officer/Headteacher will make arrangements for the change in terms to be processed on the payroll system.

## **5 Reasons for Refusal**

5.1 A request can only be refused for one or more of the following reasons:

- Burden of additional costs;
- Detrimental effect on the ability to meet customer demand;
- Inability to reorganise the 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.

## **6 Appeal**

6.1 If the employee's request is not supported, they have the right of appeal against the decision. For school employees (not including the Headteacher), the appeal must be made in writing, within 10 working days of the receipt of the letter confirming the rejected request and submitted to the Clerk to the Local Governing Committee. For Headteachers and central team employees, the appeal must be made in writing, within 10 working days of the receipt of the letter confirming the rejected request and submitted to the Clerk to the Directors' Appeal Panel.

6.2 The appeal will be conducted in line with Step 2 to 5 (above) with the exception that there is no further right to appeal.

6.3 On receipt of the appeal, the Clerk to the Governing Committee/Directors' Appeal Panel will liaise with Human Resources at the earliest opportunity. The employee can be accompanied by a trade union representative or a work colleague at the appeal meeting.

6.4 The decision of the Local Governing Committee or Directors' Appeal Committee is final and will be communicated in writing within 10 working days of the appeal meeting date.

## **7 Additional Information**

- 7.1 The employee can be accompanied by a trade union representative or work colleague at any of the meetings as detailed above.
- 7.2 Requests must be dealt with in a timely manner as the law requires the process, including the appeal, to be completed within 3 months of receiving the request. The timescales detailed in this procedure are in line with the legal requirements. These timescales may need to be varied, for example to allow either party an opportunity to investigate the matter. Both parties must agree any extensions to the deadlines. The agreement to any extension must be recorded in writing and provided to the other party and any rejection of an extension should also be confirmed in writing.
- 7.3 Any Employee who has concerns that their application is not being dealt with fairly or under the agreed timescales should discuss this as soon as possible with Human Resources.
- 7.4 If a change is temporary, the employee has a right to return to their substantive working hours at the end of the agreed period. The Chief Executive Officer/Headteacher may consider extending the temporary arrangement for a longer period in exceptional circumstances, if requested by the employee.

## **8 Multiple Requests**

- 8.1 There may an occasion, when a line manager receives more than one request to work flexibly from a number of employees. On this occasion, it may not be possible to support all of the requests received. The Chief Executive Officer/Headteacher will need to look closely at the impact the request would have on the Trust/School before arriving at any decisions.
- 8.2 Requests should be considered in the order they are received. Having considered and approved/refused the first request the Chief Executive Officer/Headteacher should remember that the business context has now changed and can be taken into account when considering the second request against the business reasons set out in section 5.
- 8.3 When the Chief Executive Officer/Headteacher receives more than one request, they are not required to make judgements about the most deserving request. The requests should be considered on a case by case basis, on its own merits, looking at the business case and the possible impact of supporting/refusing a request. At the meeting (step 2) the Chief Executive Officer/Headteacher should have a discussion with the employee(s) to see if there is any room for adjustment or compromise in the request, before arriving at a decision.

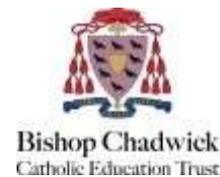
## **9 Reasons for Treating an Application as Withdrawn**

- 9.1 If an employee wishes to withdraw their application they should notify the Chief Executive Officer/Headteacher in writing.
- 9.2 An application will also be treated as withdrawn where the employee has:
- without reasonable cause, failed to attend a meeting to discuss the application more than once, *or*
  - without reasonable cause, refused to provide the Chief Executive Officer/Headteacher with information they require in order to assess whether the application should be supported.

Appendix 1

Flexible Working Application Form

This form is to be used for making a statutory request under the Employment Rights Act 1996 to request a permanent or temporary change to working patterns or hours.



<b>Name:</b>		<b>Payroll No:</b>	
<b>Job Title:</b>		<b>School:</b>	
<b>Line Manager:</b>		<b>Start Date:</b>	

Please tick as appropriate:

Permanent

Temporary (Max 12 months)

**Section A – permanent/temporary requests to change working patterns or hours**

**Reason for Request:** *You do not have to state the reason you wish to work flexibly or reduce your hours. However, it may be helpful to do so in order that other options can be considered should your request be declined. Please state your reasons below, if you choose to do so:*

**Please state if you are making this request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.**

Please provide details of your proposals:

**Please detail your current working arrangements:**

(days / hours / times you currently work)

**Please detail what changes in working arrangements you are requesting:**

(days / hours / times you would like to work/place of work)

**Please state when would you like this working pattern to commence:**

**Please detail how you think the change in working pattern will affect the school, your team and your colleagues:**

**Please detail how the effect of the proposed changes can be addressed:**

**Section B**

Have you previously made a request under the Flexible Working Policy?

Yes

No

**If Yes, please confirm the date of your last application:**

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In making this request, you confirm the following:

- I have not made a request to work flexibly under this right during the past 12 months;
- The details provided, in support of my application, are correct to the best of my knowledge;
- **Permanent request** – I understand if this request is agreed it will be a permanent change to my terms and conditions of employment and I have no legal right to revert back to my previous working pattern;
- **Temporary request** – I understand if this request is agreed it will be a temporary change to my terms and conditions of employment and I will revert back to my substantive position at the agreed end date;

<b>Employee signature:</b>	
<b>Date:</b>	

All completed application should be submitted to your Headteacher (for Headteacher and Central Team employees the completed application should be submitted to the Chief Executive Officer).

The process of how the request is considered is detailed in the Flexible Working Policy.

**Chief Executive Officer/Headteacher to complete either Section A or Section B**

<b>Date of meeting with the employee:</b>	
<b>Details of who attended the meeting:</b>	

**Section A – Working pattern agreed**

Include details of the agreed working pattern:

**Permanent/Temporary requests to change working patterns or hours**

<b>Start date:</b>	
<b>End date: (if temporary)</b>	
<b>Trial dates: (if applicable)</b>	

**Section B - Request refused and no suitable alternative pattern could be agreed**

**Business reason for refusing the request:**

(Please continue on a separate sheet if necessary)

**The employee has the right to appeal the decision to refuse the flexible working request. The employee must submit the appeal in writing within 10 working days ~~14 days~~ of receiving written confirmation of the decision. Further details regarding the appeal process can be found within the Flexible Working Policy.**

<b>Chief Executive Officer/Headteacher's Signature:</b>	
<b>Date:</b>	

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**ACTION**

- Retain a copy of this on the employee's personal file;
- Send the employee a copy of the form as written confirmation of the application decision