

# FLEXIBLE WORKING POLICY

<b>Approving Body</b>	Trust
<b>Date of Last Review</b>	April 2022
<b>Statutory (Y/N)</b>	N
<b>Responsible Officer</b>	BMAT CEO for and on behalf of the Trust

## **I. INTRODUCTION – PURPOSE AND SCOPE**

1. BMAT is committed to the growth and success of a flexible workforce; its objective will always be to find an arrangement which works for all parties.
2. At the same time, it is important that BMAT can still meet the demands of the organisation and so inevitably, the full range of flexible options may not be appropriate for all roles across all areas of the organisation. For obvious reasons, members of teaching staff are more likely to be required to remain on 'traditional' working patterns than (some) members of support staff.
3. The success of a flexible working arrangement will in large part depend on open communication.
  - a. Flexibility is required from both the individual and the organisation.
  - b. In making a decision as to whether any proposed arrangements might be feasible, BMAT will take into account a range of factors, such as the different elements of an individual's role, the nature of an individual's workload, the level of supervision and/or teamwork that an individual role requires, the need for continuity and any specialist skills required.
  - c. BMAT will also take into account the wider effects of the proposal such as any impact on work quality and performance, client service, employment and cost implications, as well as the impact of the new working arrangement on others in a team and/or department.
4. Common kinds of flexible working include:
  - a. Part-time working;
  - b. Job-sharing;
  - c. Term-time working;
  - d. Staggered hours;
  - e. Annual hours
  - f. Compressed working hours
  - g. Shift-working
5. Scope: The Children and Families Act 2014 extends the right to request flexible working to all employees (not just those with parental responsibility for a child or caring responsibility for an adult). An application to work flexibly must be taken seriously by the employer and can cover:
  - a. Hours of work;
  - b. Times of work;

- c. Place of work
- 6. The applicant making a request for flexible working must be an employee with a contract of employment and must:
  - a. Have worked for BMAT for 26 weeks continuously at the date that the application is made
  - b. At the date an application is made, not have made another application to work flexibly during the past 12 months.
- 7. Status: This policy does not form part of your terms and conditions of employment and whilst BMAT will generally follow this policy it may be departed from or varied if it is considered appropriate to do so. It will be reviewed from time to time to ensure that it reflects legal obligations and organisational need. BMAT reserves the right to change, supplement, replace or withdraw this policy from time to time.
- 8. Please contact HR for any clarification or guidance about this policy. The following documents (which are appended to this policy) are also helpful:
  - a. Requesting Flexible Working: Guidelines for Employees (Appendix A)
  - b. Flexible Working Application Form (Appendix B)

## **II. MAKING A REQUEST**

- 9. To make a request to work flexibly, an employee must submit an application in writing (Flexible Working Application Form at Appendix B) setting out their proposal and explaining what effect this will have on the day to day business and how the employee proposes this might be dealt with.
- 10. An application:
  - a. Must specify a start date for the proposed change which provides the relevant manager with a reasonable amount of time to consider the proposal and, if necessary, implement it. This may take up to three months;
  - b. Must be dated and state whether a previous application has been made and if so the date on which it was made.
- 11. If an application is approved, the variation in contractual terms will be a permanent one and there will be no automatic right to revert back to a previous pattern of work, unless the application seeks the variation for a specified time period only.
- 12. A trial period may be agreed. (See Section III below).

### **III. CONSIDERING A REQUEST**

13. The timescales below provide a guideline for how long each step will take. All requests (including any appeals) will be dealt with within three months from the date the request is received, unless an extension is agreed.
14. This is the statutory requirement and requests will always be dealt with as soon as is reasonably possible.
15. BMAT will hold a meeting with the relevant employee, normally within 28 days of receipt of a completed Flexible Working Application Form, to discuss the proposed changes to work pattern in more detail.
16. BMAT will consider how a request may be accommodated and discuss possible alternatives if appropriate.
17. This meeting will be with the relevant performance manager and/or a member of SLT or the Trust Executive, and a member of the HR Team.
18. Employees may be accompanied by a fellow employee or trade union representative at the meeting, following a reasonable request.
19. Employees will be informed of BMAT's decision in writing, normally within 14 days of the meeting.
20. If more time is needed to reach a decision, or it is considered that it may be appropriate to hold a trial period (see below) or look at alternative options, BMAT will seek agreement to extend the three-month deadline.
21. If the varied working arrangement is accepted (without the need for a trial period) the employee will receive a variation of contract letter confirming their new terms and conditions of employment.
22. If a request for flexible working cannot be accommodated, BMAT's decision and the business reasons for this will be confirmed to the employee in writing. The reason for turning down a request must comply with one of the eight fair reasons for refusal:
  - a. The burden of additional costs;
  - b. Detrimental effect on ability to meet customer demand;
  - c. Inability to reorganise 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. Any planned structural changes.

23. Employees will also be given details of their ability to appeal against the decision (as detailed below).
24. Trial period: BMAT may consider it appropriate to ask an employee to agree to a trial period before making a decision on whether or not to accept a request for flexible working:
- a. A trial period can often be beneficial as both parties will have an opportunity to review how the arrangements work in practice.
  - b. As indicated above: in order to accommodate a trial period BMAT will seek consent to extend the timescale for reaching a decision on a flexible working application.
  - c. BMAT will also seek to agree the length of the trial period and the temporary variation to the employee's terms and conditions of employment.
  - d. Trial periods normally last for between three and six months, with an interim review halfway through, but which may be extended further.
  - e. During the trial period, or at any time during a flexible working arrangement, the employee should raise any concerns as soon as possible with their line manager or HR. Similarly, performance managers should raise concerns informally, and seek advice from HR where necessary and appropriate.
  - f. BMAT will inform employees in writing of its decision regarding a request for flexible working at the end of the trial period.
25. Changes to terms and conditions of employment:
- a. If a flexible working request is accepted, this will result in a change to an employee's terms and conditions of employment. Changes may be permanent or temporary, depending on the nature of the request (e.g. temporary vs. long term caring responsibilities) and agreement between the parties.
  - b. Where a flexible working request was subject to a trial period, BMAT will have agreed to a temporary change to the employee's terms and conditions for the duration of the trial period. The changes will only become permanent if BMAT decides to formally accept the request at the end of the trial period.
  - c. If at any time after a request has been accepted (either with or without a trial period first taking place) it appears that the new arrangements are not meeting business needs, BMAT may ask you to revert to your original working pattern. If this is the case, BMAT will consult with you and you will be given at least three months' advance notice of any proposals.

- d. Similarly, if an employee wishes to return to their original working pattern, they must give their manager three months' notice in advance of the date that they wish to return to their original working pattern (although a shorter period may be agreed). Whilst BMAT cannot guarantee that such a request will be approved, it will give all such requests full consideration.
- e. Employees with a flexible working arrangement have the same pay and benefit entitlement as that of full-time employees fulfilling the same role on a standard working pattern, but this will be on a pro-rata basis.
- f. Varying working arrangements will not have any impact on statutory rights.
- g. Permanent flexible working arrangements will be periodically reviewed by the appropriate manager, with support from a member of SLT and/or the Trust Executive and HR if necessary. However, changes can only be made bilaterally (i.e. following agreement between the employer and employee).

#### **IV. SUBMITTING AN APPEAL**

- 26. If a request for flexible working cannot be accommodated and the employee believes that their request has not been properly considered, s/he may appeal in writing within five school/working days of receiving written notice of BMAT's decision.
- 27. Employees must submit their appeal in writing to HR, who will schedule an appeal meeting with a member of SLT and/or the Trust Executive, and a member of the HR department.
- 28. An appeal meeting will normally be held within ten school/working days of the request for an appeal being received, and employees may be accompanied by a fellow employee or trade union representative, following a reasonable request. If a chosen employee or representative is unable to attend on a specified date, the date may be postponed by up to five school/working days.
- 29. Employees will be advised of the appeal decision in writing, normally within fifteen school/working days of the appeal meeting.

## Flexible Working Policy

### APPENDIX A – REQUESTING FLEXIBLE WORKING: GUIDELINES FOR EMPLOYEES

1. BMAT will consider all flexible working applications that it receives and will always seek to facilitate flexible working arrangements where they are compatible with business/organisational needs. BMAT's aim is to find a mutually acceptable arrangement for the employee and the organisation. The guidelines in this appendix should be read in conjunction with the Flexible Working Policy as above.
2. Summary of Policy:
  - a. 'Flexible working' is a phrase that describes any working pattern that is adapted to suit an individual's needs.
  - b. Common types of flexible working are listed in Section I of the Flexible Working Policy. That list is not exhaustive and there may be other forms of flexible working that are better suited to particular employees and to BMAT.
  - c. All employees have the legal right to apply to work flexibly if they have been continually employed by BMAT for at least 26 weeks as at the date of their application and they have not made another application to work flexibly during the previous 12 month period.
  - d. The Flexible Working policy aims to make the decision-making process as objective as possible.
  - e. BMAT may request that employees undertake a trial period before deciding whether or not to formally accept a request. This trial period will enable both the employee and the organisation to determine how the proposed arrangement is working in practice.
  - f. If an employee is considering making a request, BMAT recommends that s/he to other employees who have flexible working patterns as this may help them to determine the most suitable arrangements for their role.
3. Key stages in the flexible working request process:
  - a. Submitting a request for flexible working. Employees should submit a request using the Flexible Working Application Form to their manager, sending a copy to HR.
  - b. When completing the form, employees should be very clear about the exact working arrangements they are proposing in respect of their current role and provide as much detail as possible.
  - c. BMAT recommends that you consider the following factors:

- i. The nature of your role and how you think you will be able to carry it out successfully under your proposed working arrangements;
  - ii. The extent to which your work is driven by client/customer/student/team demand (both external and internal) and whether these demands and/or deadlines can still be met to the same standard under your proposed working arrangements. For obvious reasons, it is more likely that the work of members of teaching staff will be driven by a need to be present in school during normal working hours, for students, their team/department, and the wider school community.
  - iii. How you propose to deal with critically busy times;
  - iv. How flexible you can be under your proposed arrangements. For example, will you be able to take telephone calls and check e-mails when you are not in the office? Are you prepared to work outside the agreed standard pattern on occasions, i.e. to attend meetings?
  - v. Whether there will be any impact on the way that you are supervised, or the way that you supervise others and if there is an impact, how this will be dealt with;
  - vi. Whether there will be any change in the type of work that you undertake under your proposed working arrangements;
  - vii. Whether you would consider a change to another role if your current role cannot be fulfilled under your proposed working arrangements;
  - viii. Whether there are other working patterns you would consider;
  - ix. Your IT equipment requirements.
  - x. The impact on your salary if you intend to reduce your hours/days worked.
- d.** A meeting will be held, normally within 28 days of the request being received (see below for further details) BMAT may seek your written agreement to extend the decision-making period beyond the three months for dealing with the request in order to hold a trial period (see below for further details).
- e.** If your request is accepted, your new terms and conditions of employment will be provided to you in writing. If no trial period is to be held, BMAT's decision regarding your request will be confirmed in writing, normally within 14 days of the meeting being held.



- f.** As outlined above, BMAT may agree to trial your proposed new working arrangements for a short period of time before we decide whether or not to formally accept your request. This trial period may be beneficial to both parties in determining how the proposed arrangements might work in practice. Trial periods usually last between three and six months, with the arrangement reviewed half way through and at the end of the period, however, they may be extended further. During a trial period, any change to your contractual working arrangements will be on a temporary basis. If during or at the end of the trial period the flexible working request is accepted, the change to your working arrangements will become permanent. If the request is refused then you will revert to your previous working pattern at the end of the trial period.
- g.** If BMAT does not agree to the proposed working arrangement (either with or without a trial period first taking place) it will confirm this to you in writing along with the reasoning behind the decision. If you wish to appeal the decision you must write to HR within 14 days of receiving written notice of BMAT's decision. Your appeal will then be heard by a member of the Senior Leadership team and/or Trust Executive and a member of the HR Team.

## Flexible Working Policy

### APPENDIX B – FLEXIBLE WORKING APPLICATION FORMS

*In order for BMAT to consider your request for flexible working, please complete this form in full.*

#### PART A – THE FLEXIBLE WORKING APPLICATION FORM

<b>1. Employee details</b>	
Name	
Job Title	
Department	
<b>2. Describe your current working arrangements (days/hours, times, locations worked)</b>	
<b>3. Describe the working arrangements you would like to have in the future (days/hours, locations, times worked) and why.</b>	
<b>4. I would like this working arrangement to commence on:</b> (Note: all flexible working arrangements should commence on the 1 <sup>st</sup> day of a month)	
<b>5. I would like this new working arrangement to end on: (where applying for a fixed period)</b>	
<b>6. Impact of the new working arrangement</b> I think this change in my working arrangement will affect BMAT, my department and colleagues as follows:	

**7. Accommodating the new working arrangement**

I will continue to deliver against the objectives of my department and BMAT as follows, and I think the affect on my employer and colleagues can be dealt with as follows:

**Signature:****Date:**

**NOW PASS THIS REQUEST TO YOUR MANAGER**

## PART B - ACKNOWLEDGEMENT OF RECEIPT

**Manager - complete and return to employee to confirm receipt of their formal request.**

Employer's confirmation receipt	
<b>To:</b>	
I confirm that I have received your request to change your working arrangements on:  ..... (date)	
I shall either notify you in writing of the agreement or I shall arrange a meeting with you to discuss your request. In the meantime, you might want to consider whether you would like a colleague or Trade Union representative to accompany you at the meeting.	
<b>From:</b>	

### PART C - MANAGER COMMENT

<b>1. Manager details</b>		Name:	
Job Title:		Department:	
Tel. Ext:		Date	
<b>2. Has the employee got 26 weeks continuous service?</b>			
<input type="checkbox"/>	Yes, please continue.		
<input type="checkbox"/>	No, the employee is not eligible to apply.		
<b>3. Has the employee made a request within the last 12 months</b>			
<input type="checkbox"/>	No		
<input type="checkbox"/>	Yes, (the employee is not eligible to apply)		
<b>4. Has a trial taken place?</b>			
<input type="checkbox"/>	No		
<input type="checkbox"/>	Yes, (please complete a review of the trial below)		
<b>5. Do you support this request?</b>			
<input type="checkbox"/>	I support this request.		
<input type="checkbox"/>	I support this request with changes.		
<input type="checkbox"/>	I do not support this request		

**6. Grounds for refusal (only fill in this section if you do not support the request)**

**Manager – forward this to the Authorising Manager along with a completed management review where a trial has taken place.**

## PART D - AUTHORISING MANAGER DECISION

To:		Date:	
Following receipt of your request, dated:			
I have considered your request for a new flexible working arrangement.			
<input type="checkbox"/>	I am pleased to confirm that I am able to accommodate your request.		
<input type="checkbox"/>	I am unable to accommodate your original request. However I am able to offer the flexible arrangement / fixed time period which has been discussed and agreed with you.		
Your new working arrangement will be as follows:			
Your new working arrangement will commence on: (Note: all flexible working arrangements should commence on the 1 <sup>st</sup> day of a month)		(date)	
Your new working arrangements will end on (where agreed for a fixed period):		(date)	
Authorising Manager:		Date:	
If you have any questions about the information provided on this form, please contact your manager or HR to discuss them ASAP. If you are unhappy with this decision you may appeal against it. Appeals should be sent to HR for the attention of the Chief Executive Officer.			

**Authorising Manager (Headteacher / Managing Director) - please forward to the manager responsible for informing the employee of the outcome.**

**Managers - please send a copy of the entire form to [hr@beaconacademytrust.co.uk](mailto:hr@beaconacademytrust.co.uk) for monitoring and letter confirmation.**

## PART E - AUTHORISING MANAGER DECISION

This section should be used if it is not possible to accommodate the requested working arrangement and no other suitable alternatives can be found.

<input type="checkbox"/>	I am sorry that I am unable to accommodate your request on the following business ground(s): <i>(tick all that apply, and explain why any other work arrangements discussed at the meeting are also inappropriate.)</i>		
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	burden of additional costs the inability to reorganise work among existing staff an inability to recruit additional staff detrimental impact on quality detrimental impact on performance detrimental effect on ability to meet customer demand (student/parent/staff etc.) insufficient work for the periods the employee proposes to work a planned structural change to our business		
The grounds apply in the circumstances because:			
Name:		Authorising Manager:	
Date:			
If you have any questions about the information provided on this form, please contact your manager or HR to discuss them ASAP. If you are unhappy with the decision you have the right of appeal. Appeals should be submitted to HR for the attention of the Chief Executive Officer.			

**Authorising manager - please forward to the manager who is responsible for informing the employee of the outcome.**

**Manager - please send a copy of the entire form with all responses to**  
[hr@beaconacademytrust.co.uk](mailto:hr@beaconacademytrust.co.uk)