



# Policy and Procedure

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# Flexible Working

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# Our Mission

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The school communities of The Bishop Wheeler Catholic Academy Trust will work together in truth and love to provide the best possible opportunities for all our young people and their families.

Our mission is the provision, development and future safeguarding of a World Class Catholic Education where every child, member of staff and family matters.

The schools, their governors and the trust directors will work together, based on the principle of subsidiarity, in faithfulness and humility, to provide an education where Christ and His values of respect, service, tolerance, dignity and forgiveness are at the heart of everything we do.

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**This policy was adopted by the Trust Board**

Signature:

Mrs C Hyde  
Chair of Trust Board

Date:

22/03/2016

## **Flexible Working Policy and Procedure**

### **1. Purpose**

This policy sets out the Trust's approach to flexible working arrangements which is in accordance with the ACAS code of practice and guidance on handling requests to work flexibly in a reasonable manner.

- 1.2 The Trust recognises that flexible working can provide benefits to both the employee and the Trust, and aims to support staff where possible/practical to manage the balance between work and home life.
- 1.3 No one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 The policy does not form part of any employee's contract of employment and the Trust may amend it at any time.

### **2. Scope**

- 2.1 Under the Children and Families Act 2014, all employees have a statutory right to request a change to their contractual terms and conditions of employment to work flexibly subject to the eligibility conditions set out below.
- 2.2 Requests for reasonable adjustments to working hours associated with ill health or disability may be dealt with under the Sickness and Absence Policy and Procedures in appropriate cases.

### **3. Eligibility**

- 3.1 In order to make a request under this policy a member of staff must:
  - Be employed by the Trust and therefore this policy does not include individuals who are self-employed or agency workers
  - Have worked for the Trust continuously for 26 weeks at the date the application is made
  - Not have made another statutory request under this policy in the preceding 12 month period.

Employees who wish to make an informal request for flexible working, or who are seeking short term flexibility to help them manage a short term need (e.g. to cope with a bereavement or for a short course of study), may make a request to the Headteacher/Executive Headteacher who will consider it taking into account the needs of the employee and the Trust.

## **4. Principles**

- 4.1 An employee does not have a right to work flexibly but has a statutory right to request to do so.
- 4.2 The Trust will try to accommodate requests where possible and may also, if appropriate, explore alternative flexible arrangements with the employee in order to reach a mutually beneficial arrangement.
- 4.3 All requests will be considered as quickly as possible. Formal flexible working requests will be considered within an overall period of three months from the date of receipt of the written request. This includes any final decision following an appeal. This timescale may be extended if necessary with the agreement of both parties, for example to allow for a trial period if there are some concerns as to whether any new arrangements will work.
- 4.4 The term “flexible working” describes any working arrangements where the number of hours worked or the time or place that work is undertaken vary from the standard practice. This includes but is not limited to the following:
  - A change to the number of hours of work
  - A change to the times when an employee is required to work
  - A reduction in the working week
  - A change to a term time only contract
  - A job share arrangement  
Job-sharing is quite different from part time work where the employee is individually responsible for the work. Job-sharers share all of the responsibilities of the post which they hold jointly. Pay, leave, etc. are split pro rata to the hours each work. Ideally each job sharer should work exactly half time.
  - Work patterns such as, annualised hours, compressed hours, flexitime, shift working, staggered hours and term time working.

## **5. The Decision**

- 5.1 Decisions will be based on whether or not a request can be granted on business grounds. The Trust’s ability to provide an effective service will be paramount. The Headteacher/Executive Headteacher should always consult with Human Resources in cases where the application may be refused.
- 5.2 Not all working patterns or flexible working options will be suitable for all departments. It may also be difficult to accommodate flexible working requests from a number of employees in the same area.
- 5.3 Once a decision is reached, the Headteacher/Executive Headteacher will inform the employee of the outcome, which may be to:

- agree to a new work pattern and a start date
- or confirm a compromise agreed with the employee
- or provide a clear business reason as to why the application cannot be accepted. This reason must be one of those listed below (see 6.2)
- Agree to a trial period or time limited period.

5.4 Decisions will be confirmed in writing. Where a trial period or time limited period has been agreed, this should be detailed in the written notice.

## **6. Grounds for refusing a request**

6.1 The Headteacher/Executive Headteacher should carefully consider the advantages, possible costs and potential logistical implications of any request.

6.2 An application may only be rejected for one of the following business reasons:

- a) The burden of any additional costs is unacceptable
- b) An inability to reorganise work among existing staff
- c) An inability to recruit additional staff
- d) The Trust considers the change will have a detrimental impact on quality
- e) The Trust considers the change would have a detrimental effect on its ability to provide high quality education.
- f) The Trust considers the change would have a detrimental impact on performance of the individual, the team or the Trust
- g) There is insufficient work during the periods that the employee proposes to work
- h) Where the requested changes will not fit in with planned structural changes

## **7. Terms and Conditions**

7.1 Where a flexible working request which results in a reduction in working hours is approved, the employee's salary and benefits will be pro-rated to reflect the new working hours. In the case of change to a term time only contract, the pro-rated salary will be paid over a 12 month period.

7.2 A successful application will usually result in a permanent change to the employee's terms and conditions of employment. However, there may be occasions where it may be appropriate to agree a temporary change such as a time limited agreed trial period.

7.3 The Trust's ability to offer and continue a job share arrangement depends on finding a suitable job share partner through the normal recruitment processes. If one partner in a job share arrangement leaves the Trust will offer the post as a whole time post to the remaining job sharer, or seek to recruit a replacement. If this is not possible and the requirement is for a whole time post, where appropriate the Trust will make all reasonable efforts to redeploy the remaining job share partner.

## **8. How to apply**

- 8.1 Applications should be put in writing to the Headteacher/Executive Headteacher using form FW1 (attached) and in good time, ideally at least two months before the employee would like the changes to take effect.
- 8.2 On receipt of the written application, the Headteacher/Executive Headteacher will usually arrange to meet with the member of staff, usually within 28 days, at a mutually convenient time. This will provide an opportunity to explore the desired work pattern in depth, and to discuss how this might be accommodated. It will also provide an opportunity to consider other alternative working patterns should there be problems in accommodating the desired work pattern outlined in the employee's application.
- 8.3 The employee may, if they wish, be accompanied by either their Trade Union representative or a work place colleague. The Headteacher/Executive Headteacher may, if they wish, be accompanied by the HR Manager for the Trust.
- 8.4 Should the employee be unable to attend the meeting, a further meeting will be arranged. However if they fail to attend again without good reason then the application will be considered to be withdrawn and the employee will be informed of this decision.
- 8.5 The Trust's decision will be communicated to you as soon as possible.
- 8.6 If your request is accepted, or where the Trust proposes an alternative to the arrangements, the Headteacher/Executive Headteacher will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on the employee's personnel file to confirm the variation to their terms of employment.
- 8.7 If the application is rejected, the employee will be entitled to appeal the decision (see appeals procedure below). The employee will not be able to make another formal request until 12 months after the date of their original application.
- 8.8 If a formal request for flexible working request is withdrawn (including in accordance with paragraph 8.4), the employee will not be eligible to make another formal request for 12 months from the date of the original request.

## **9. Appeals Procedure**

- 9.1 The employee may appeal the decision within 14 working days of the decision being notified to them. The grounds for the appeal should be put in writing, be dated and should be sent to the Chair of the Academy Council.
- 9.2 The Chair will review the application. He/she may, as he/she feels necessary, request further information and/or evidence, and may wish to meet with the employee and/or the

Headteacher/Executive Headteacher. The employee may, if they so wish, be accompanied by either their Trade Union representative or a work place colleague at any meeting they are invited to attend.

- 9.3 The Chair will review whether the Headteacher/Executive Headteacher was justified in refusing the request.
- 9.4 The Chair will notify the employee of the outcome of the appeal in writing as soon as possible, and usually within 14 working days of being asked to review the application. Their decision will be final.
- 9.5 If the appeal is upheld the employee will be advised of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter.
- 9.6 If the appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. The employee will not be able to make another formal request until 12 months after the date of their original application.

**Flexible Working Application Form (part 1)**

**FW1**

**Please give completed form to your Headteacher/Executive Headteacher**

Employee Name:	
Employee Number:	
Job Title:	
School / Department:	
I have worked continuously as an employee of the Trust for the last 26 weeks	(tick)
I have not made a previous flexible working request in the last 12 months	
Describe your current working pattern (days/hours/times worked):	
Describe the working pattern you would like to work in future (days/hours/times worked):	
I would like this working pattern to commence from:	
What impact do you think the proposed change would have on the Trust and on the service and your colleagues? How do you feel this impact might be dealt with?	
Signature:	
Date:	

**Flexible Working Application Form (part 2)**  
**To be completed by Headteacher/Executive Headteacher**

**FW1**

Employee Name:			
Employee Number:			
Job Title:			
Organisational Unit/School:			
<b>Flexible working arrangements agreed</b> (provide full details of new arrangements):			
Permanent change to contractual terms		(tick)	Start date:
Temporary change to contractual terms			Start date:      End date:
If temporary, provide explanation:			
Manager name (print):			
Manager signature:		Date:	
<b><i>Headteacher to send this form to Business Manager who will confirm contractual changes in writing to employee and make necessary changes to payroll and employee record</i></b>			

<b>Flexible working arrangements rejected</b>										
Reason for rejection section 6.2 select:	a	b	c	d	e	f	g	h		
Explain reasoning:										
Further comments:										
Manager name (print):										
Manager signature:						Date:				
<b><i>Headteacher writes to employee giving full explanation. Retain this form on file locally.</i></b>										

 The 10 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy  
St. Joseph's Catholic Primary School Otley, a Voluntary Academy  
Ss Peter and Paul Catholic Primary School, a Voluntary Academy  
Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy  
St Mary's Horsforth Catholic Voluntary Academy  
St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy  
St Joseph's Catholic Primary School Harrogate, a Voluntary Academy  
St Mary's Catholic Primary School Knaresborough, a Voluntary Academy  
St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy  
Holy Name Catholic Voluntary Academy



## The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by guarantee, registered in England and Wales

Company Number: 8399801

Registered Office:  
St. Mary's Catholic High School  
Bradford Road  
Menston  
LS29 6AE

Website: [bishopwheelercatholicacademytrust.org](http://bishopwheelercatholicacademytrust.org)  
Tel: 01943 883000  
Email: [a.tindall@stmarysmenston.org](mailto:a.tindall@stmarysmenston.org)

Chair of the  
Trust board: Mrs C Hyde

Vice Chair of the  
Trust Board: Monsignor P Owens