



# SENDAT FLEXIBLE WORKING POLICY

This policy is reviewed at least 4-yearly by the Provision Committee.

To be read in conjunction with but not limited to:

Maternity / Paternity

Paternity Shared Parental

Leave policy

and other relevant policies and procedures

## History of Document

Ref:	051-2018
Author:	Joy Griffiths Amendments by Hannah Cushney (March 2024)
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Reviewed by:	<b>Provision Committee</b>
Changes	Employment Relations (Flexible Working) Act 2023 came into force on 6 <sup>th</sup> April 2024 and enables new rights. Updates to policy are reflective of the legislative changes which take effect from 6 <sup>th</sup> April 2024.
Approved by:	<b>Provision Committee 25<sup>th</sup> April 2018</b> <b>Provision Committee 19<sup>th</sup> March 2024</b>
<b>Next review:</b>	April 2028
Directors:	<b>Received by SENDAT Full Trust Board 27<sup>th</sup> March 2024</b>
Monitoring arrangements	HR Team and Trust Leadership Group (TLG) oversight of all flexible working requests. HR advice to School/AP leadership teams in all cases. HR reports to TLG and PSA Committee.



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### Appendix 1 – Application for Flexible Working

SENDAT is a Multi Academy Trust specialising in the care and education of young people with Special Educational Needs and Disabilities. This policy should be considered in the light of this context and the complexity of need that is accommodated within the Trust.

#### **1. Scope**

This Policy has been adopted by the SENDAT Board of Directors and applies to all staff employed to work at the Academies which form part of SENDAT (the "Trust").

#### **2. Introduction**

SENDAT has a commitment to being an exemplary equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our Academies are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.

No detriment will be placed on the employee because of a flexible working request and any information in the request which relates to protected characteristics (Employment Rights Act 1996) will not be used to discriminate against an employee making a request.

The Employment Relations (Flexible Working) Act 2023 recently changed the law on the right to request flexible working. From 6<sup>th</sup> April 2024, employees in England, Scotland and Wales have a statutory right to request flexible working from the first day of employment. Employees will be able to make 2 requests within a 12-month period.



The Trust is required by law to consider the request in a reasonable manner, which will involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and the School.

A flexible working request is a request to change the employee's terms and conditions and must relate to:

- a) the number of hours that the employee works;
- b) the times that the employees works; or
- c) the employee's place of work.

Examples of flexible working are part-time, job sharing, hybrid working and term-time working.

When advertising for new roles in our Schools, consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.

Two statutory requests for flexible working can be made within a 12-month period.

This Policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

The law prescribes a statutory two-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The two-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

### **3. Directors / Head of School / Provision and Line Manager responsibilities**

3.1 It is the responsibility of the Board of Directors to ensure that this Policy is applied consistently and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail.

In addition, the Directors / Head of School / Provision and Line Managers will ensure that:

- working patterns comply with the working time regulations;
- working patterns do not adversely impact on the level and/or quality of service;
- the contractual entitlements of any employee is not contravened;
- no employee's application is refused without due consideration of the feasibility of proposals or without the employer first meeting with the employee.

### **4. The Employee's responsibilities**

4.1 It is the responsibility of employees to ensure that they consider and prioritise the needs of their service when making an application to change their working pattern. Employees should submit their application (Appendix 1) in good time for it to be dealt with during the school term.



- 4.2 The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The employee must:
- a) lodge the request in writing to the Head of School (email is acceptable). If you are unsure who to contact, please contact the SENDAT HR Team for further assistance (email: [hr@sendat.academy](mailto:hr@sendat.academy)).
  - b) date the request;
  - c) state that you are making a statutory request for flexible working and the changes that you are seeking to your terms and conditions in relation to your hours, times or place of work;
  - d) state the date from which you would like the terms and conditions to come into effect; and
  - e) indicate whether you have previously submitted a request for flexible working and, if so, when. Employees may have only one live request for flexible working at any time. Once a request has been made, it remains live until any of the following occur: a) a decision about the request is made by the employer b) the request is withdrawn c) an outcome is mutually agreed d) the statutory two-month period for deciding requests ends.

## **5. Meeting to discuss a flexible working request**

- 5.1 Once the Head of School receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in the table below. The Head of School / Line Manager will usually arrange a meeting to deal with the request. A request cannot be rejected without the employer first meeting with the employee. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting will not be necessary.
- 5.2 An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the School / Provision.
- 5.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn. If an employer considers that a request is withdrawn, they must inform the employee of this in writing.

## **6. Outcome of a flexible working request**

- 6.1 After the meeting, the Head of School will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes. Each request 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 his/her working pattern.



6.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in the table below. The request may be granted in full or in part: for example, the School / Specialism may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not granted or is granted in part.

### **7. Where the request for flexible working is unsuccessful**

It will not be possible for a Head of School / Specialism to agree to a new working pattern in every circumstance. The reason why a request cannot be granted should be made clear to the applicant and give clear reasons justifying the rejection of a request based on one or more of the following reasons:

- a) Burden of additional costs to the School / Specialism;
- b) Inability to meet service needs, organisation and delivery;
- c) Inability to organise work within the staffing available;
- d) Detrimental impact on performance and quality of service;
- e) Insufficiency of work during the periods the employee proposes to work;
- f) Inability to recruit additional staff;
- g) Planned structural changes;
- h) Detrimental effect on ability to meet users demand.

### **8. Where the request for flexible working has been granted**

If the request is upheld, the employee and the Head of School / Line Manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to his/her contract of employment.

Heads of School / Line Managers should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

#### **8.1 Trial Period**

Consideration should be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an agreed extension to the statutory time frame.

#### **8.2 Rejection of Request**

At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is turned down, the Head of School must state the reason(s) why in writing.



## 9. Timescales

9.1 All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.

9.2 These time limits may be extended where both the employee and the School are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Within 14 days of receiving the request for flexible working	Within 7 days of the meeting	Within 7 days of the notification	Within 14 days after receiving the appeal	Within 14 days of the appeal meeting.
The Head of School / Line manager should hold the meeting	Notify the employee of the decision	Employees who are dissatisfied can lodge an appeal	The appeal to be heard	The employee will be informed of the outcome of his/her appeal
		Refer to 10 below for the Appeal process	Refer to 10 below for the Appeal process	Refer to 10 below for the Appeal process

## 10. The Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by their Head of School, they can lodge an appeal.

**10.1 Within 7 calendar days** of receipt of the notification of the Head of School's decision the employee may if they wish, appeal in writing to the CEO. They should set out their grounds for making the appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the Head of School may not have been aware of, or it may be to challenge a fact that the Head of School has failed to explain the rationale for the decision.

**10.2 Within 14 calendar days** after receiving the appeal the CEO will designate a panel of Directors / Members of the Trust SLT not previously involved with the application to arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union official at the appeal meeting.

If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date. The meeting may be rescheduled to accommodate the availability of the companion as long as an alternative date is offered which is within 5 working days of the originally proposed date.



**10.3 Within 14 calendar days** of the date of the appeal meeting, the panel of Trustees/Governors must inform the employee of the outcome of the appeal in **writing**.

If the appeal is upheld, the written decision must:

- a) Include a description of the new working pattern;
- b) State the date from which the new working pattern is to take effect, including any trial period; and
- c) Be dated.

If the appeal is dismissed, the written decision must:

- a) State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal;
- b) Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
- c) Be dated.

A written notice of the appeal outcome constitutes the Trust's final decision and is effectively the end of the formal procedure.

## **11. Pension implications**

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice.

Please note that flexible retirement can only be considered once a request for flexible working has been agreed. The Local Government Pension and Teachers' Pension Schemes are subject to change and therefore guidance should be sought from the appropriate Pension scheme prior to making any retirement request.



APPENDIX 1

## Application for Flexible Working

<b>Name:</b>	
<b>Job title:</b>	
<b>Employment start date:</b>	
<b>Is this a statutory request? This means that you:</b> <ul style="list-style-type: none"><li>• Are an employee, not a worker, and;</li><li>• Have not made two applications to work flexibly in the previous 12 months.</li></ul>	<b>Yes/No</b>
<b>Describe your current working pattern (days/hours/times worked) and any other arrangements relevant to your application (eg, home working):</b>	
<b>Describe the working pattern (days/hours/times worked) or other arrangements (eg, home working) you would like to work in the future:</b>	





**Describe any flexibility you may be able to offer around your request:**

*This may assist the school in accommodating a form of flexible working if your first preference cannot be accommodated. For example, "Whilst ideally, I would like to reduce my hours to work 3 days per week, should this not be possible, I would be happy with a reduction in hours to anything between 2.5 and 4 days per week.*

**Ideally, what date would you like the changes to start from?**

**Please provide any other information that you feel may be relevant when considering your application for flexible working:**



**Please state if you are making your application in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, and provide further details:**

**I understand that if my request for flexible working is accepted by the school, it will represent a permanent change to my terms and conditions of employment, unless otherwise specifically agreed.**

**Signed:**

**Date of application:**