

C16 Flexible Working Policy

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1. Introduction

- 1.1. The Trust recognises the positive impact of flexible working arrangements to:
- improve business efficiency and productivity
 - improve the balance between life and work
 - create a positive and inclusive environment
 - create contribute to a happier, healthier and more motivated workforce
- 1.2. The Trust also recognises that there are a variety of reasons why an employee may wish to work flexibly, including to facilitate childcare and caring responsibilities, voluntary or leisure activities, study for a qualification or flexible retirement. The Trust seeks to support employees to work flexibly provided this meets the needs of both the organisation and the employee.
- 1.3. The Trust encourages proactive consideration and open discussion of flexible working arrangements. Senior managers are encouraged to consider opportunities for flexible working as part of the recruitment process.
- 1.4. This policy applies to all employees, regardless of their length of service, i.e, the policy is not limited to employees who have worked for the same employer for at least 26 weeks and have a right to make a statutory application for flexible working.
- 1.5. Short term, temporary changes to working arrangements may be agreed between the employee and line manager, subject to operational constraints, for a period of up to one month without the need for a formal request for flexible working. For the avoidance of doubt the details of any short-term arrangement should be confirmed in writing by the line manager.
- 1.6. The Trust will consider all requests for flexible working on their own merits. The decision to agree a particular request should not be regarded as setting a precedent or create a right for another employee to be granted the same or a similar change to their working pattern.

2. Types of Flexible Working

2.1. Flexible working is any type of working arrangement that gives some degree of flexibility of how long, where and when an employee works. There are many different arrangements as detailed below.

2.1.1. Part time working – applies to any situation where an employee works less than full time hours. They receive a pro-rata accrual of salary and holiday allowance.

2.1.2. Term time working – an employee is contracted to work during term time only. They receive a pro-rata accrual of holiday allowance and are paid for the weeks worked and accrued only. These payments are distributed into 12 monthly installments.

2.1.3. Flexible hours – an employee works their contracted hours with flexibility of the times in which they are worked. This includes the redistribution of normal hours such as compressed hours, where contracted hours are worked over a fewer days, e.g. 10 days' work, worked over 9 days; annualised hours, i.e. flexible working patterns within the total number of hours to be worked over the year, or a similar arrangement, e.g. 37 hours per week over a 4 week period; and flexi-time, whereby start and finish times are flexible with core hours that must be worked.

2.1.4. Hybrid Working

The employee works both remotely from home and is required to attend a designated Trust office or academy/academies, i.e.

1. Regular attendance at Trust designated office or single academy. There may also be a requirement for occasional / ad hoc attendance at an academy / academies
2. Regular attendance at multiple academies. NB: There may also be a requirement for regular or occasional / ad hoc attendance at a designated Trust office

The employee may also be required to attend an external (i.e. non Trust) location for pre-planned meetings and training on an occasional / ad hoc basis.

Please note the employee's role will be assessed for its suitability for hybrid working by the line manager, as outlined in the Remote Working policy.

2.1.5. Remote Working

The employee's duties are worked remotely from home. They may also be required to attend a designated Trust office or academy for pre-planned meetings, including one-to-ones, and training on an occasional / ad hoc basis.

The employee may also be required to attend an external (i.e. non Trust) location for pre-planned meetings and training on an occasional / ad hoc basis.

Please note the employee's role will be assessed for its suitability for remote working by the line manager, as outlined in the Remote Working policy.

2.1.6. Job sharing – an arrangement where two people share one position. The post remains full time, with the salary and holiday being distributed to both people on a pro-rata basis.

3. Submitting a Flexible Working Request

3.1. An employee is able to make one formal flexible working request within a 12-month period.

3.2. A request must be submitted using the Trust's pro-forma This requires the employee to state:

- The date of their application, the change(s) to the working conditions they are seeking, whether they are seeking a temporary or permanent change in working arrangements and when they would like the change to come into effect. NB: A permanent change in working arrangements will require a change to the employment contract
- What affect, if any, they think the requested change would have on the business and how, in their opinion, any such effect might be mitigated
- Whether this is a statutory or non-statutory request
- Whether they have submitted a previous application for flexible working, and if so, the date the application was submitted

If the request is being made in connection with any protected characteristic as defined by the Equality Act 2010, this must be noted on the form.

- 3.3. The completed Flexible Working Application should be submitted to the line manager for consideration, however the authority to agree the Flexible Working Request rests with the Principal/Head.
- 3.4. The line manager will arrange a meeting with the employee to discuss the request within 7 calendar days of receiving the application: the meeting is a statutory obligation for statutory applications (see 1.4). The employee will be given 7 calendar days' notice of the meeting, unless mutually agreed otherwise.
- 3.5. Where the employee is making a statutory application for flexible working, they will have the right to be accompanied by a workplace colleague or trade union representative. If the initial meeting time is not suitable for either the employee or their representative, one postponement of up to 7 calendar days is permitted. If this cannot be arranged, the meeting may proceed in the employee's absence.
- 3.6. Where the employee is making a request for remote working, the relevant authorising parties will be required to review the request. Please see C32 – Remote Working Policy for further information.
- 3.7. The whole procedure to consider the request including an appeal should normally not exceed 1 month unless an extension is agreed by both parties.

4. Considering a Flexible Working Request

- 4.1. During the meeting, the employee and line manager should discuss the request carefully and explore how it can be accommodated.
- 4.2. In considering the request, the manager will need to take into account a number of criteria including but not exclusively:
 - The costs associated with the proposed arrangements
 - The effect of the proposed arrangement on other staff
 - The structure of the department
 - The availability of staff resources
 - Details of the tasks specific to the role
 - The workload of the role
 - Whether it is a request for a reasonable adjustment related to a disability
 - Health and safety issues

Any request for Remote Working should also be considered in conjunction with the Remote Working Policy.

NB: The line manager may wish to seek the advice of their nominated People Partner when considering a request for Flexible Working.

- 4.3. Consideration will include whether the change can be made on a temporary or permanent basis. Temporary arrangements are normally limited to a period of 6 months. Where the change is requested on a permanent basis there will normally be a trial period of up to 6 months, at the end of which the arrangement will be reviewed by the employee and their line manager and the arrangement made permanent if both parties are agreeable.
- 4.4. Where a trial period has been agreed, the employee will be informed in writing of the start and end dates of the trial period and any interim review date(s). The employee will also be informed in writing of the details their new working pattern and the letter make clear that it is a temporary variation to the terms of the employee's contract. The Trust reserves the right to end the temporary working arrangement early, should it be deemed for any reason that the arrangement is not working, and to require the employee to revert to their previous working arrangement. The Trust also reserves the right to require the employee to revert to their previous working arrangement, at the end of the trial period.

- 4.5. It may be necessary for the employee and line manager to have more than one meeting to discuss the request. This may include consideration of alternative arrangements if the proposed change is unworkable.

5. Outcome

- 5.1. An approved flexible working request may be granted in full, in part or with modifications.
- 5.2. The effective date of the change in working arrangements is subject to operational arrangements and will be confirmed in writing. Employees should be aware that it may not be possible to start the new working arrangements immediately. The Leave of Absence Policy outlines the Trust's approach to managing requests for time off from work for dependent care and other personal responsibilities where time off may be required at short notice.
- 5.3. If the request is rejected, this must be on the grounds of one of the following reasons:
- The burden of additional costs
 - An inability to reorganise work
 - An inability to recruit additional staff
 - A detrimental impact on quality
 - A detrimental impact on performance
 - Detrimental ability to meet customer demand
 - Insufficient work for the periods the employee proposed to work
 - A planned structural change to the business
- 5.4. If the flexible working request is not agreed, the reason(s) will be confirmed in writing to the employee, normally within 7 calendar days of the meeting. If this is not possible, the employee should be informed by the line manager of the date they intend to make a decision.

6. Statutory Right to Appeal

- 6.1. Where the employee has made a statutory application for flexible working (see 1.4) and this is declined, the employee can, if they are dissatisfied with the outcome of their flexible working request, submit an appeal.
- 6.2. Employees with less than 6 months' service do not have the statutory right to appeal against the decision. Should an employee with less than 6 months' service be dissatisfied with the outcome of their flexible working request they should refer to the People department for advice.
- 6.3. The appeal should be made in writing to the Head of People within 7 calendar days of receipt of the outcome and must clearly state the grounds for the appeal.
- 6.4. The People department will arrange for the appeal to be heard by a designated Senior Manager within 14 calendar days of it being received; the employee will be given 7 calendar days' notice of the meeting. They have the right to be accompanied by a workplace colleague or trade union representative. If the initial meeting time is not suitable for either the employee or their representative, one postponement of up to 7 calendar days is permitted. If this cannot be arranged, the meeting may proceed in the employee's absence.
- 6.5. Where possible, the senior manager should verbally confirm the outcome of the appeal at the meeting. If this is not possible, they should advise the employee of the date they intend to make a decision. The outcome should be confirmed in writing within 7 calendar days.
- 6.6. The whole procedure to consider the request including an appeal should not exceed 1 month unless an extension is agreed by both parties.

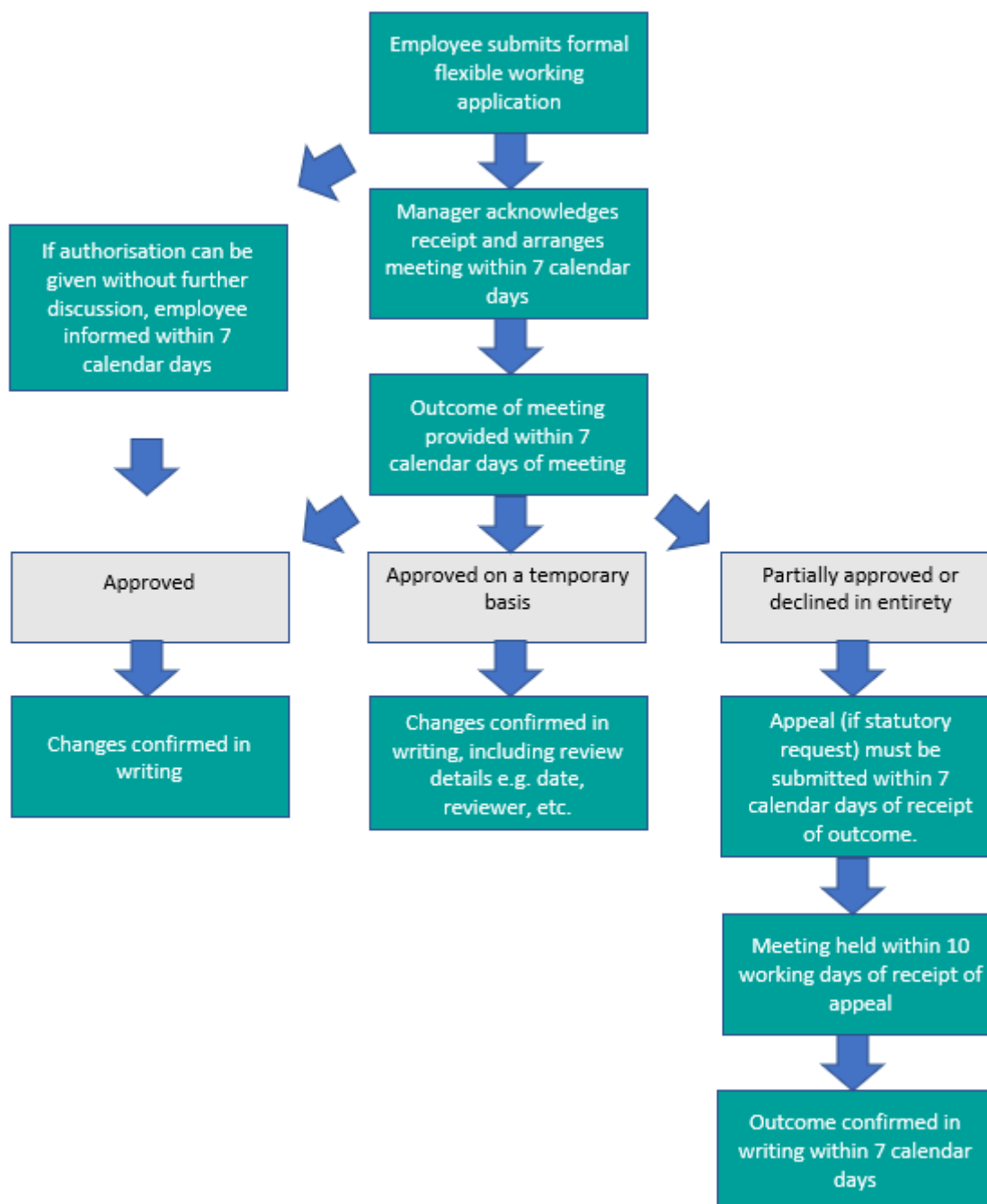
7. Policy Status and Review

Written by	Head of People / People Partners
Owner	Head of People
Status	Approved

Equality Impact Assessment	Initial Impact Assessment	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
	Full Impact Assessment	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
JCC Consultation date	September 2021				
Approval date	14 ^h June 2021 (Remuneration & HR Committee) 12/8/2022 (Chair's Action)				
Review date	June 2024				
Comments					

Appendix a

Flexible Working Application Process



Appendix b

Flexible Working Application Form

Personal Details	
Academy/Department	
Name	
Job title	
Signature	
Date	
If applicable, date of any previous flexible working application	

Application Details:	
Is this a statutory flexible working request? (you must have at least 26 weeks of service for the request to be considered as statutory)	Yes <input type="checkbox"/> No <input type="checkbox"/>
Is the requested change temporary or permanent?	

What type of change are you requesting (please tick)?			
Part time working	<input type="checkbox"/>	Term time working	<input type="checkbox"/>
Flexible hours	<input type="checkbox"/>	Remote working	<input type="checkbox"/>
Job-share	<input type="checkbox"/>	Other (please specify):	

Flexible Working option:	
Please detail the preferred work style you are requesting below	
When would you like this working option to commence from?	

Impact of the new working option:
It is important to consider how this request may affect your team and service delivery so that any deterioration in standards does not occur. Please describe what specific issues may arise.

Accommodating the new working option:

Please describe how these issues could be dealt with.

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Further details

Please include any other information you feel is relevant.

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