



Symphony Learning
TRUST

Flexible Working Policy

2016-2019

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Policy developed by



Leicestershire
County Council

HR Services

Phone: 0116 305 0700
Email: hrrservices@leics.gov.uk
Web: www.leicestershiretradedservices.org.uk
Twitter: @LeicsSchools

Direct Queries

Mary Robson, External Team Manager

Phone: 0116 305 5702
Mobile: 07730 582743
Email: mary.robson@leics.gov.uk

This policy applies to all staff employed by the OWLS Academy Trust.

The procedure detailed applies to all employees who qualify under the statutory right to request flexible working. Information regarding consideration of applications not covered by the statutory right to request is also included within this policy.

Definition of Flexible Working

The term “flexible working” describes a range of working patterns (e.g. job-sharing, part-time working, home working, etc.). Under the Flexible Working Regulations, an employee can request to change:

- The number of hours they work;
- The times that they work; and/or
- Their place of work (e.g. to work from home, where the duties of the post permit this)

Eligibility Criteria

Under the Children's and Families Act 2014, the statutory right to request flexible working was extended to all employees. In order to qualify, however, an employee must fulfil the following criteria at the time the application is made:

- Have been continuously employed for at least 26 weeks; and
- Not have submitted an application to work flexible under the statutory scheme within the previous 12 months.

Application Process

An employee wishing to formally request a change to their working arrangements should provide the following information to the Head Teacher / Head of School, in writing using the Flexible Working Application Form (Appendix B):

- The date of the application being submitted and that it is an application under the statutory right to request flexible working;
- The change in working arrangements that they are requesting, including whether the change is requested on a permanent or temporary basis;
- The date on which the employee would like the proposed change to become effective;
- What effect the employee thinks the new working pattern might have on the school and how, in their opinion, this might be dealt with;
- Whether the request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability); and
- Whether a previous flexible working application has been made by the employee and, if so, when.

Timetable and Procedure

The employee should submit their completed application form to their manager for consideration. On receipt of the request, the manager should send a letter of acknowledgement to the employee, inviting them to discuss the request as soon as possible and usually within 28 days. This

discussion does not need to be face-to-face and can take place by telephone if the employee is in agreement.

The consideration process, including the outcome of any appeal, must be completed within 3-months of the request being received by the manager. This time limit can be extended, if needed, providing the employee is in agreement.

Where a meeting is arranged to discuss the flexible working request, the employee may be accompanied by a work colleague or Trade Union representative.

Contractual Change

Any change to the employee's terms and conditions will be on a permanent basis unless agreed otherwise. A variation to contract letter should be issued to, and signed by, the employee.

Declining a Request

Applications can only be declined for one or more of the following business reasons:

- Burden or additional cost (e.g. substantial training costs);
- Detrimental effect on the school's ability to meet 'customer' demands (e.g. inability to reorganise timetable/work schedule without having an adverse impact on colleagues/pupils);
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality (e.g. on teaching and learning);
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

Delegation of Authority

The person responsible for determining whether a flexible working request can be accommodated will depend on who has been given the delegated authority. This could be the Head Teacher, another appropriate manager (e.g. a member of the Senior Leadership Team) or a member of the Local Governing Body.

Right of Appeal

An employee has the right to appeal against the decision of their request for flexible working request being declined and should be made aware of this at the time they are notified of the outcome of their application.

Where an employee wishes to submit an appeal, this should be sent to their manager, in writing, within 5 days of receiving the decision letter and should include the grounds of the appeal (e.g. the request has been refused for a reason outside of the eight detailed within this policy; the decision was based on incorrect information, etc)

The appeal must be heard and completed within 3-months of the date on which the employee submitted their flexible working application. Unless an extension has been agreed with the employee and confirmed in writing, outlining the reasons for the delay. Appeals will be heard by a panel of Governors, in line with the Appeal Policy.

Employees have the right to be accompanied at the appeal by a work colleague or Trade Union representative.

Applications from Employees Not Covered by the Statutory Right to Request

The Trust recognises that employees who are not covered by the statutory right may wish to request a change in their working arrangements. Such requests should be made in writing and will be considered within a reasonable timescale, taking account of prevailing service needs.