

## **Flexible Working Policy**

This Greenshaw Learning Trust (GLT) Policy applies to the Greenshaw Learning Trust as a whole and to all the schools and service units in the Trust, in accordance with and pursuant to the Human Resources Policy of the Greenshaw Learning Trust.

The Greenshaw Learning Trust is the single employer of all members of staff within the Trust's schools and in the Trust central service.

It is the responsibility of the local governing body and Headteacher of each school in the Trust, and of the Board and the CEO for Trust central services, to ensure that this Policy and associated Procedures are adhered to.

In implementing this Policy and associated Procedures the local governing body, Headteacher and school and Trust central service staff must take account of any advice given to them by the GLT Head of HR, the CEO and Board of Trustees. If there is any question or doubt about their interpretation or implementation, the GLT Head of HR should be consulted.

### ***Approval and review:***

The responsible officer is the GLT Head of HR.  
This Policy was agreed by the Board of Trustees on 16<sup>th</sup> October 2019.  
This Policy is reviewed annually.

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## 1. Introduction

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Greenshaw Learning Trust (the 'Trust') 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 students and children in our schools are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working. However, the Trust recognises that flexible working can have benefits for both the employer and employee and will receive all requests favourably and will agree to requests wherever possible.

The Children & Families Act 2014 changed the law on the right to request flexible working. All employees who have at least 26 weeks' continuous service have the right to make a request to work flexibly.

The Trust is required by law to consider the request in a reasonable manner, which may 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, the Trust and the individual 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 employee works; or
- c) the employee's place of work

Examples of flexible working are part-time, job share, working from home, compressed hours, flexitime, annualised hours, staggered hours, phased retirement and term-time working.

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

A request for flexible working may only be made once in any 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 three-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 three-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.

This policy will apply to all GLT employees; however, where an employee has enhanced entitlements protected under TUPE regulations, these will be adhered to.

All requests and all associated documents will be treated as confidential in line with relevant legislation.

## **2. Review and approval**

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This Policy and associated procedures will be reviewed regularly in accordance with and adherence to:

- equalities legislation
- an equality impact assessment
- an annual review and monitoring, in respect of requests and outcomes, by the relevant body in conjunction with recognised Trade Unions through the JCNC.

### **3. Responsible persons**

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The person responsible for this policy is the GLT Head of HR:

- **Jenny Cain. Email: [jcain@greenshaw.co.uk](mailto:jcain@greenshaw.co.uk); telephone: 020 8715 1078.**

The following people will provide guidance and advice on all procedures outlined within this policy:

- **GLT HR Advisers: Stone King**  
**Email: [lisasaggers@stoneking.co.uk](mailto:lisasaggers@stoneking.co.uk); telephone: 020 7324 3327.**

Each school in the Trust will designate a School HR Manager who will be the primary point of contact for staff within the school raising HR matters and for liaison with the GLT Head of HR with regard to HR matters in the school. For the central Trust team the GLT HR Systems Manager will act as the HR Manager.

Responsibility for the implementation of this Policy in a school in the Trust has been delegated to the Headteacher of the school. Responsibility for the implementation of this Policy in the Trust central service has been delegated to the GLT CEO. (Subject to the GLT Scheme of Delegation and any specific Scheme or alteration or restriction to the Scheme placed on the school or service.)

This Policy must be applied consistently and requests must be considered in line with the equality legislation.

All requests for flexible working should be recorded in detail.

In addition, the Headteacher, CEO and GLT Head of HR, 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 are not contravened;
- no employee's application is refused without due consideration of the feasibility of proposals.

### **4. Associated Policies, Procedures and Legislation**

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The following Trust policies and procedures are directly related to and complement this Policy:

- GLT Equalities Policy

This Policy was also written in compliance with:

- The Equality Act 2010
- The Flexible Working Regulations 2014
- The Employment Rights Act 1996
- The ACAS Code of Practice

## **5. Making a Flexible Working Application**

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It is the responsibility of member of staff to ensure that they consider and prioritise the needs of their school when making an application to change their working pattern, taking into account the implications for their colleagues.

Staff members should submit their application in good time for it to be dealt with during the school term.

The law requires a member of staff who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The member of staff must:

- a) address the request in writing to the Headteacher (school staff) / CEO (central Trust staff);
- b) date the request;
- c) state that they are making a statutory request for flexible working and the changes that the staff member is seeking to his/her terms and conditions;
- d) state the date of which they would like the terms and conditions to come into effect;
- e) indicate the effect(s) that they think the change(s) will have on the Trust/School and how any such effects might be dealt with (although a detailed impact assessment is not required); and
- f) indicate whether they have submitted a request for flexible working in the last 12 months.

When indicating the effects the changes will have on the Trust/School, the employee may want to consider the following points:

- a) Costs/savings to the Trust/School;
- b) Need for additional resources;
- c) Ability to meet the priorities of the Trust/School (service needs);
- d) Quality and performance;
- e) Ability to manage the attendance and performance of the employee;
- f) Health and safety aspects.

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

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Once the Headteacher/line manager 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 Headteacher/line manager will arrange a meeting to deal with the request.

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.

In other cases, a staff member will be given the right to be accompanied by a work colleague or recognised Trade Union representative at any flexible working meeting.

The meeting should take place in a private meeting room so that the discussion is kept away from other employees.

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 member of staff and the Trust/School.

If the staff member 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.

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

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After the meeting, the Headteacher/CEO will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Trust 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.

The member of staff 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 Headteacher/CEO 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 member of staff will be given the right to appeal the decision if the request is not granted or is granted in part.

## **8. Unsuccessful requests**

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It will not be possible for a Headteacher/CEO to agree to a new working pattern in every circumstance.

The reason why a request cannot be granted will be made clear in writing to the employee. The letter will outline and justify the reason for rejection of a request based on one or more of the following reasons:

- Burden of additional costs to the School/Trust;
- Inability to meet service needs, organisation and delivery;
- Inability to organise work within the staffing available;
- Detrimental impact on performance and quality of service;
- Insufficiency of work during the periods the employee proposes to work;
- Inability to recruit additional staff;
- Planned structural changes;
- Detrimental effect on ability to meet users' demand.

## **9. Successful Requests**

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If the request is agreed, the member of staff and the Headteacher/CEO will discuss how and when the changes will take effect.

Any changes to terms and conditions will usually be permanent and confirmed in writing and sent to the employee as an amendment to their contract of employment. However, if both parties agree, the change may be temporary and in such cases a date should be agreed where either a review takes place or the employee reverts to their original working pattern.

The Headteacher/CEO should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

## **10. Trial Period**

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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.

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 Headteacher/CEO must state the reason(s) why in writing.

## **11. The Appeal Process**

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

Within 14 calendar days of receipt of the notification of the Headteacher/CEO's decision the employee may, if they wish, appeal in writing to the Clerk to the Governing Body.

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 Headteacher/Line Manager may not have been aware of or it may be to challenge a fact that the Headteacher/Line Manager has failed to explain the rationale for the decision.

Within 14 calendar days after receiving the appeal the Clerk will convene a committee of the LGB / Board of Trustees to consider the appeal in accordance with GLT HR and governance policies and procedures.

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.

Within 14 calendar days of the date of the appeal meeting, the Clerk 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;
- 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);
- 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.

## **12. Timescales**

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

Within 28 days of receiving the request for flexible working	Within 14 days of the meeting	Within 14 days of the notification	Within 14 days after receiving the appeal	Within 14 days of the appeal meeting
The Headteacher/ Line manager will meet the employee to discuss request	The Headteacher will notify the employee of the decision	Dissatisfied employees can appeal the decision	The appeal will be heard	The employee will be informed of the outcome of the appeal.

## **13. Pension implications**

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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 team prior to making any retirement request.

## **14. Training**

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The Trust will ensure that Headteachers, the CEO and staff that are dealing with flexible-working requests are properly trained for the task, familiar with the procedures and knowledgeable about how to deal with a request for flexible working.