

Trust Flexible Working Policy



St Francis of Assisi
CATHOLIC ACADEMY TRUST

St. Francis of Assisi Catholic Academy Trust

Signed off by: Trust Board

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1. Objective and scope

This policy sets out the rights of the employee to request flexible working and also outlines the process by which employees should make an application to work flexibly.

Employees who have a minimum of twenty six weeks' continuous service have the right to request flexible working. It does not apply to agency workers, consultants or self-employed contractors.

Flexible working is about improving the way we deliver services, maximising the potential of our staff, being efficient in the use of resources, optimising the use of new technology and challenging traditional working methods and practices.

The Trust and employees need to be practical and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the Trust. The Trust has to consider that appropriate staffing levels must remain in line with the demands of the delivery of education (the business) at all times.

Each application will be considered on an individual basis, decisions do not form a precedent as the circumstances are different in each area of the Trust and also change following the acceptance of each request.

2. Eligibility to apply for flexible working

While not all flexible working patterns will be suitable for all areas of the Trust there are no barriers to an employee applying to work flexibly.

All employees have the right to make an application to work flexibly providing they:

- have a minimum of twenty six weeks continuous service with the employer at the date of the application

- have not made a flexible working request in the previous twelve months.

It is important to understand that it is not a right to work flexibly but a right to make a request for a different working pattern and to have the request considered.

3. Impact of flexible working on other terms and conditions

3.1. Pay and pensions

Employees taking up flexible working options which may result in reduced working hours will be paid on a pro rata basis, according to the number of hours worked. Employees should obtain detail of the impact on their pension from the relevant scheme administrator.

3.2. Annual leave

The impact on annual leave arrangements will vary according to the type of flexible working option agreed. Part-time employees for example will be entitled to annual leave and bank holidays calculated on a pro rata basis.

4. Procedure

4.1. Making a flexible working application

An application to work flexibly must be made in writing to your Headteacher, or Chair of Governors (in the case of the Headteacher), or Trust Board in the case of the Executive. Headteachers and Chairs must

inform the Trust Board via the CEO of any such requests as they are made. Requests from employees must specify the following:

- the date the request is being made

- a statement that this is a statutory request

- details of how the employee wants to work flexibly and when they want to start

- an explanation of how they think flexible working might affect the business and how this could be dealt with, for example if they're not at work on certain days

- a statement saying if and when they've made a previous application.

4.2. Consideration of the request

Completion of the consideration process including any appeal will normally take place within three months of first receiving the request. If the request cannot be dealt with during this period the Trust may extend the time limit by mutual consent.

The Headteacher, Chair of Governors will need to consult with the Trust Board via the CEO and then consider and discuss with the applicant:

- the cost of the proposed arrangement

- the effect the proposed arrangement will have on other staff

- the impact of the proposed arrangement on delivery of the service of the Trust (education) and the service the role is intended to provide within the Trust

- the level of supervision the post holder will need

- an analysis of the tasks and workload specific to the role

- if the request is considered to be a reasonable adjustment for a disability or due to caring responsibilities.

5. Outcome of a flexible working request

Once a decision has been made, the employee will receive written confirmation as soon as possible either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect; or

- refusing the application and stating which of the specified grounds for refusal it considers to be applicable and explaining why those grounds apply in relation to the application. The appeal procedure will be set out.

Where a request can be approved without any further discussion, a meeting will not be necessary.

If the Trust cannot meet the employee's request due to business and operational reasons it will be based on one or more of the following legislative grounds for rejection;

- extra costs that will damage the business

- the work cannot be re-organised among other staff

- people cannot be recruited to do the work

- flexible working will affect quality and performance

the business will not be able to meet customer demand
there's a lack of work to do during the proposed working times
the business is planning changes to the workforce.

If at any point the change is agreed as permanent, there is no right for the employee to revert back to their former working pattern.

6. Trial periods

The Trust may decide to offer the new way of working on a trial basis, initially where it is not sure what impact the change will have on the delivery of education and service the role provides within the Trust. In such circumstances, the change to the employee's terms and conditions of employment during a trial period is a temporary change. In order to accommodate the trial period and any necessary steps if unsuccessful the parties will have to agree an extension to the decision date beyond the statutory three month period.

If, in the Trust's opinion the trial is not successful the employee will revert back to their previous terms and conditions of employment and they will be entitled to exercise their right of appeal. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

7. The appeal

If the flexible working application has not concluded to the employee's satisfaction, they may appeal to the named person within seven calendar days of receiving the written decision. Wherever possible the appeal will be heard by an appropriate individual, or panel of individuals, who have had no prior involvement in the process.

The decision of the appeal hearing and the reasons for that decision will be communicated to all parties and confirmed in writing as soon as reasonably practicable usually within five working days. The decision reached at this hearing is final.

Please note that employees no longer have a statutory right to an appeal but by offering an appeals process it is hoped that the Trust is demonstrating it's handling of requests in a 'reasonable manner'.

8. Withdrawing an application

A request to work flexibly can be withdrawn at any time before it has been accepted. However, an employee who withdraws the application will not be eligible to make another flexible working request for a further twelve months.

If an employee fails to attend more than two meetings arranged to discuss the request and does not provide a reasonable explanation, the Trust may assume that the application has been withdrawn.

The Trust may also treat an application as withdrawn if the employee does not provide the required information.