



The Kemnal Academies Trust Flexible Working Policy

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1. Introduction

- 1.1. TKAT recognises the positive impact and value of flexible working for employees, and we are committed to continuously promoting and providing equality of opportunity in employment, and to increase diversity in the workforce. The Flexible Working Policy applies to all employees, regardless of grade, or personal circumstances.
- 1.2. This flexible working policy gives eligible employees an opportunity to request a change to their working pattern and arrangements. Employees must meet the following conditions to be eligible:
 - Be an employee
 - Ideally should have 26 weeks continuous employment at the date the application is made
 - Only one statutory application can be made in a 12 months period
- 1.3. There are many reasons the Trust may consider flexible working arrangements, including:
 - Improving the ability to strike a better work/life balance;
 - Allowing employees to gain greater control of their working lives;
 - Increasing motivation and the sense of being valued;
 - Encouraging greater commitment and a sense of having a stake in the organisation.
 - Assisting in promoting equality of opportunity and thus in meeting TKATs statutory objectives under the Equality Act 2010
- 1.4. There is a range of flexible working practices throughout the trust, this policy provides guidance for Headteachers and Managers when considering a flexible working request, both informal and formal, by outlining the process, statutory rights and legal obligations. It is important to note that Headteachers and Managers are required to consider all requests for flexible working requests consistently, in a timely manner and in a non-discriminatory manner.
- 1.5. TKAT will monitor the equality impact of the policy at school and trust basis and will review the policy as necessary to prevent any direct or indirect discrimination. This policy will also be reviewed as and when legislation changes or every three years in consultation with the recognised trade unions, whichever occurs first.

2. Flexible Working - request

2.1. Eligibility

Employees will ideally have at least 26 weeks employment with TKAT to be eligible to request a flexible working arrangement. Formal flexible working requests will only be considered every 12 months by the same employee.

Employees who have been employed for less than 26 weeks by TKAT or by a transferor employer (TUPE), do not have a statutory right to request flexible working however non-statutory requests will be considered. It is encouraged in these instances that Headteachers/ Managers use their discretion to consider a request from these groups. Any discretion should be applied consistently and will be monitored by the trust.

2.2. Informal

If you would like to make an informal flexible working request, you are encouraged to speak informally with your Headteacher or Manager to discuss your eligibility, the different options and the effect of the proposed work pattern on colleagues and service delivery in the first instance.

Informal flexible working arrangements may include, for example, ad hoc, temporary or fixed term changes to your working pattern. Informal arrangements may be explored as part of a return to work and reasonable adjustment to support the employee back into their role and workplace, this will be recognised through the Absence Management policy. All informal arrangements should be continuously reviewed to ensure they remain fit for purpose.

2.3. Formal

If you would like to make a request under the formal procedure, your flexible working request should be submitted to your Headteacher or Manager in writing and dated.

Your application should be submitted in good time and ideally at least 2 months before you would like the proposed changes to take effect. In particular, the request should:

- state that it is a flexible working request; explain the change being requested and propose a start date;
- identify the impact the change would have on your colleagues/ department, work streams and Academy, and how that might be dealt with; and
- state whether you have made any previous flexible working requests.

In some circumstances your Headteacher or Manager may decide to grant your request without a meeting, in which case they will write to you with the decision. In most cases however, a meeting will be arranged with you before making a decision.

3. Flexible Working - process

3.1. Application

The right to make a statutory request for flexible working requires that employees must make their request in writing, setting out:

- The date of the application
- The change to working conditions they are seeking
- When they would like the change to come into effect
- What effect they think the requested change would have on your colleagues/ department, work streams and Academy, and how that might be dealt with; and
- That this is a statutory request and if they have made a previous application for flexible working and the date of that application

3.2. Meeting

A meeting will be arranged with the employee at a convenient time and place to discuss the flexible working request. The meeting will be used to discuss the working arrangements requested, what impact the proposed arrangements will have on the role and responsibilities, colleagues and School/ trust. Where it may not be possible to accommodate the proposed arrangements, alternative arrangements may be discussed and considered, any decision will be communicated following the meeting.

The employee may be accompanied by a trade union representative or work colleague at the meeting if they wish.

3.3. Decision

Your Headteacher or Manager will inform you in writing of the outcome decision within 3 months of the request, however will aim to do so as soon as possible. If your request is accepted, or a proposed alternative to the arrangement you requested, the employee will be written to with details of the new working arrangements, details of any trial period and the date on which they will commence.

You will be asked to sign and return a copy of the letter, which will confirm the variation to your terms of employment. If more time is needed to make a decision, for example to investigate how your request can be accommodated or to consult other employees, all steps will be discussed at a mutually convenient time and place.

Your flexible working arrangement may be accepted subject to an agreed trial period. Towards the end of the trial period, the Headteacher or Manager will discuss how it is going with you and will write to you with details of the working arrangement you requested or an alternative arrangement. You will be asked to sign and return a copy of the letter confirming the variation to your contract. Unless otherwise agreed, changes to your terms of employment will be permanent and you will not be able to make any further formal request until 12 months after your most recent request.

If the flexible working request cannot be accepted, due to business or operational requirements, this will be explained in writing, providing details of the business ground(s) for rejecting your application and why these apply. Details of your right to

appeal will also be included. Flexible working requests may be rejected for one or more of the following business reasons:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to reorganise work among existing employees;
- inability to recruit additional employees;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that you propose to work; or planned changes.

4. Review

- 4.1. TKAT reserves the right to review all flexible working arrangements if, for example, there is a change in the operational requirements of the School/Division or the arrangement is not meeting the needs of the area. Any review will be carried out in consultation in line with the relevant policy and in conjunction with HR.

5. Appeals process

- 5.1. An employee can appeal against the decision to deny their request for flexible working. Appeals should be made in writing within 10 working days of being notified of the outcome of the application to:
- the Headteacher if the decision maker was not the Headteacher; or
 - the relevant Executive Headteacher or Director if the Headteacher was the decision maker; or
 - the relevant Director in the Trust for central employees.

Appeals will be heard by a panel of the relevant directors and Governors.

Employees have the right to be accompanied by a workplace colleague or a trade union representative at the appeal meeting.

The decision of the appeal meeting will be final and there will be no further rights of appeal internally to this outcome.

6. Additional Considerations

6.1. Exceptional Circumstances

Where situations occur that are sudden, rapid or unknown we may be required to respond reactively. In these circumstances it is important that Headteachers, Managers and employees respond to the guidance provided by the trust and Government. The trust will endeavour to ensure consistency in all guidance provided, by seeking advice from professional representatives and bodies, including HSE, Department of Education, Government and any additional and appropriate persons.