



# **Flexible Working Policy and Procedure**

**Last Update: March 2020 (version 3.0)**

## Document Control

### Changes History

Version	Date	Amended by	Recipients	Purpose
1.0			All Plymouth CAST staff	New Policy
2.0	August 2019	Human Resources	CAST SLT / JCC	Changes to Scheme of Delegation/SHBM roles
3.0				Policy Review

### Approvals

This policy requires the following approvals:

Board	Chair	CEO	Date Approved	Version	Date for Review
*			28 <sup>th</sup> February 2020	3.0	March 2021

### National/Local Policy

☐ This policy must be localised by Academies

☒ This policy must not be changed, it is a CAST/National Policy (only change logo, contact details and any yellow highlights)

### Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement? ☐ Yes ☒ No

If yes, the policy status is: ☐ Consulted and Approved ☐ Consulted and Not Approved ☐ Awaiting Consultation

### Distribution

This draft document has been distributed to:

Position	Date	Version

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## 1. Vision and Values

- 1.1 Plymouth CAST is a multi-academy trust of Catholic schools which is part of the mission of the Catholic Church dedicated to human flourishing and the building of a kingdom of peace, truth and justice. The Trust is to be conducted in all aspects in accordance with canon law and the teachings of the Roman Catholic Church and at all times to serve as a witness to the Catholic faith in Our Lord Jesus Christ.
- 1.2 Our vision and values are derived from our identity as a Catholic Trust. Central to our vision is the dignity of the human person, especially the most vulnerable. Our academies are dedicated to providing an education and formation where all our pupils and young people flourish in a safe, nurturing, enriching environment. All governors in our academies are expected to be familiar with the vision, mission, values and principles of the Trust and not in any way to undermine them. They should support and promote the vision and conduct themselves at all times in school and on school business according to the vision and principles of the Trust
- 1.3 Plymouth CAST expects all its employees to recognise their obligations to each school within the Multi-Academy Trust, the public, pupils and other employees and to provide consistently high standards of education and performance at all times and in accordance with Plymouth CAST's vision, mission and principles.

## 2. Introduction

- 2.1 Eligible employees have the legal right to submit a formal request for flexible working. Plymouth CAST will deal reasonably with such requests. Plymouth CAST acknowledges the importance for employees in achieving a balance between work and personal commitments and will endeavour to grant requests where possible.

## 3. Purpose

- 3.1. To achieve high quality and efficient education and good employee relations this policy aims to:
  - 3.1.1. set out the framework for a clear and consistent application of the flexible working regulations across Plymouth CAST.
- 3.2. Plymouth CAST may, from time to time, need to place restrictions on the operation of flexible working if it deems it necessary for the safeguarding and standards of education and performance expected across each of its schools and in accordance with the permitted statutory grounds for refusal. Plymouth CAST reserves the right not to agree to the request where one or more of these criteria indicate that, in the current circumstances, the job can only be carried out effectively under current arrangements.
- 3.3. The statutory procedure requires that requests for flexible working (including any appeal process) are dealt with **within three months** of the written application, although this

timescale may be extended by mutual agreement. Where possible Plymouth CAST will ensure that decisions are made well within this timescale.

## 4. Eligibility

4.1. This policy applies to all employees directly employed by Plymouth CAST who have in order to be eligible to request flexible working you must:

- be an employee (not an agency worker or office holder)
- have at least 26 weeks' continuous employment with Plymouth CAST at the date the application is made
- not have made a request under the statutory scheme for at least 12 months

## 5. Equal Opportunities

5.1. The flexible working policy must always be applied fairly and in accordance with employment law and Plymouth CAST Equal Opportunities Policy including the duty to make reasonable adjustments for disabled employees.

## 6. Responsibilities

- 6.1. The day to day operation of each Plymouth CAST school is the responsibility of the Head teacher/Executive Headteacher, with support and challenge being provided by the Education and Standards Manager and this is discharged through each school's Senior Management Team. It is important that pupils, staff, parents and local stakeholders recognise and support this. However, ultimate accountability for Plymouth CAST as a whole Multi-Academy Trust rests with the Plymouth CAST Board. Therefore any decisions that have an impact on resources, such as staffing, structures, or compliance must be referred to the Plymouth CAST Board if they exceed delegated authority. This is essential to ensure that the legal obligations of Plymouth CAST are met and that the Trust maintains robust systems and processes that deliver effective governance.
- 6.2. It is the school Education and Standards Manager's (ESM's) responsibility to work closely with the Head teacher management team to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. ESMs will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.
- 6.3. It is the role of Plymouth CAST HR (and where appropriate, the school Business Manager) to provide clear HR policies, procedures and guidance, to support schools in the delivery of consistent and high standards of performance within a dignified working environment, in which all employees can take pride and enjoyment in their work.
- 6.4. Appendix 1 provides examples of Delegated Responsibilities and Panel Formations.
- 6.5. Management and employee representatives who may be involved in responding to flexible working requests should be trained and competent for the task and be familiar with the provisions of the Flexible Working Policy.

- 6.6. Advice must be sought from Plymouth CAST HR if there is any doubt about how to respond to a flexible working request.

### **7. Scope of a request**

- 7.1. If you are an eligible employee you have a legal right to request:
- a change to your hours of work
  - a change to the times you are required to work
  - a change to your place of work.
- 7.2. Any change to your terms and conditions made as a result of a flexible working request will be permanent, unless a temporary variation is agreed. Any changes will be confirmed in writing.

### **8. Content of your request**

- 8.1. Flexible working can incorporate a number of changes to working arrangements such as a reduction or variation in your working hours, reducing the number of days you work each week and/or working from a different location i.e. including home-working.
- 8.2. You may therefore request a variation of your employment contract in respect of, for example:
- the hours you are required to work
  - the times when you are required to work
  - part-time working
  - job-sharing
  - working term-time only, where this is not already accommodated
  - where you are required to work (as between your home and schools with Plymouth CAST).
- 8.3. You have the right to have the request dealt with reasonably, but this does not give you a right to agreement to a contract variation.

### **9. Procedure**

- 9.1. If you decide to make a flexible working request you must follow this procedure. However, before making an application you should think about:
- what working pattern will help you best achieve your aims
  - the financial implications a change might have on you
  - what effects, if any, the change will have on Plymouth CAST's business (i.e. the operational aspects of school life) and how these might be accommodated.

- 9.2. Employees are encouraged to consult with their trade union/professional association for advice and guidance on submitting a flexible working request.
- 9.3. Your application must be submitted to your manager. In most schools this will need to be submitted to the Head teacher/Executive Headteacher. Your application must:
- be made in writing and dated. A template application form is available for you to use.
  - state that it is an application under the statutory right to apply for flexible working arrangements
  - state whether a previous application has been made by you to Plymouth CAST and, if so, when
  - specify the change applied for and the date on which it is proposed that the change should become effective
  - explain what effect, if any, you think making the change applied for would have on Plymouth CAST, the school or office in which you work and how, in your opinion, any such effect might be dealt with.
- 9.4. Your manager or Head teacher/Executive Headteacher will arrange to meet with you promptly after receiving the application.

### **10. Meeting**

- 10.1. The time and place of the meeting will be convenient to both you and your manager/Head teacher.
- 10.2. You have the right to be accompanied by a recognised trade union representative or work colleague at the meeting. They will be permitted to confer with you during the meeting and to address the meeting (but not to answer questions on your behalf).
- 10.3. If your chosen companion will not be available at the time proposed for the meeting and you propose an alternative, mutually convenient time, the manager will postpone the meeting to the time proposed by you. Alternatively, you might wish to consider choosing another companion.
- 10.4. At the meeting the requested variation to your working arrangements will be discussed fully. The impact of the change, and your ideas for how any adverse impact could be minimised, will be considered. The meeting also provides the opportunity to discuss any alternative variations which would be acceptable. Your manager/Head teacher/Executive Headteacher may suggest implementing an agreed trial period for the new arrangements.

## 11. Agreement

- 11.1. If your manager/ Head teacher/Executive Headteacher agrees to the application you will receive written confirmation which will specify the contractual variation agreed to and state the date on which the variation is to take effect.
- 11.2. Once your manager/ Head teacher/Executive Headteacher has agreed to the changes requested in your application, a permanent variation of your contract will result, unless they have agreed otherwise. Once a change has been made, you cannot revert to the previous terms and conditions of your employment.
- 11.3. You may make further applications for variations (whether your first application was successful or not) provided they are made at least 12 months after the previous application.

## 12. Refusal

- 12.1. If your request is refused, the written notice will identify on which of the permitted grounds (listed below) the application was refused. The letter will also provide an explanation as to why those grounds apply, and set out the appeal procedure.
- 12.2. The application may be refused on one or more of several grounds, these being that the proposed changes will result in:
  - a burden of additional cost
  - a detrimental effect on the ability to meet the school's demand
  - an inability to re-organise work among existing staff
  - an inability to recruit additional staff
  - a detrimental effect on quality
  - a detrimental effect on performance
  - an insufficiency of work during the periods you propose to work
  - a planned structural change
  - any other ground allowed by regulations.
- 12.3. In deciding whether the above grounds are met, a wide range of criteria will be taken into account, including (by way of example only) the following:
  - Plymouth CAST's business needs, i.e. for schools to operate effectively
  - the suitability of the job for the flexible arrangements proposed, e.g. the nature of the work, the hours needed and the need for continuity and consistency



- the current balance of full-time and part-time employees and other flexible working arrangements within the department or team
- the feasibility of covering the remaining hours.

### **13. Withdrawal of application**

- 13.1. Plymouth CAST can treat an application as withdrawn under the statutory provisions where you have:
- notified your manager/ Head teacher/Executive Headteacher, verbally or in writing, that the application is withdrawn
  - without reasonable cause, failed more than once to attend a meeting or appeal meeting
  - without reasonable cause, refused to provide your manager/ Head teacher with information required in order to assess whether the contract variation should be agreed to.
- 13.2. Your manager/ Head teacher will confirm the withdrawal of the application to you in writing unless you have already provided written notice of the withdrawal. You will not be entitled to make another formal application until 12 months after your original request.

### **14. Appeal**

- 14.1. It is Plymouth CAST's policy to allow an appeal against a decision to refuse an application for flexible working. If you wish to appeal you should do so within ten working days after the date on which you were notified of the decision.
- 14.2. For school based employees the notice of appeal must be addressed to your Chair of Governors in writing, setting out the grounds for appeal. For employees based in Plymouth CAST's central support team the notice of appeal must be addressed to the Chief Executive Officer.
- 14.3. Appeals against the original decision must be considered by an Appeals Panel, made up of members who have had no prior involvement in the case. Where the case involves the Head Teacher, an Education and Standards Manager, will normally chair the Appeal Panel. However, consideration will be given to appointing a member(s) from Plymouth CAST's Board of Directors – see Appendix 1: - 3 panel formation.
- 14.4. Plymouth CAST HR are able to provide support and advice to schools on the implementation of all policies and procedures and they must be informed of all cases requiring a formal procedure. An HR representative or appropriate professional adviser should attend a flexible working request appeal meeting to provide advice and guidance on questions of law and procedure.

- 14.5. The time and place of an appeal meeting will be convenient to both you and the person hearing the appeal. You have the same right to be accompanied by a recognised trade union representative or work colleague as at the initial meeting.
- 14.6. After the appeal meeting the Chair of the Appeals Panel will write to you with a decision within 5 working days of the meeting. If the appeal is upheld the letter will specify the contract variation agreed to, and state the date on which it is to take effect. If the appeal is dismissed, the letter will state the grounds for the decision and contain an explanation as to why those grounds apply.

### **15. Informal request for flexible working**

- 15.1. If you do not meet the eligibility criteria under this policy, but you want to make either a permanent or temporary change to your working arrangements, you may make an informal request under the procedure to your manager, who will consider the request according to our business and operational requirements.
- 15.2. You should make the request in writing, giving details of the variation, how you consider any impact on the workplace could be managed, and state whether the change requested is temporary or permanent.

### **16. Record Keeping**

- 16.1 Notes must be kept of all meetings given that there may be a need to produce the documentation used in arriving at the decision, both at any subsequent internal appeal and in the event of a claim to an Employment Tribunal.
- 16.2 A written record must be made of all interviews and meetings held during the application of this policy. Those involved in each meeting will be provided with a copy of any records made.
- 16.3 All records will be kept confidentially and retained in accordance with the General Data Protection Regulation (2018).
- 16.4 Employees may also wish to keep records of events to support their case.

### **17. Review**

- 17.1. The content of this procedure may be subject to revision from time to time following consultation with the recognised trade unions.
- 17.2. History of Policy changes

Date	Page	Details of the change	Agreed by
<b>14.09.2017</b>	All	Board Approval for adoption	CAST Board
<b>01.08.19</b>	Various	Re-definition of responsibilities in line with the new Scheme of Delegation. School Improvement Officers changed to Education and Standards Managers. Introduction of school Business Manager. Change to timescale in providing notice of meetings.	CAST SLT

- 17.3. Policy to be reviewed in in March 2021 or when legislation changes or operational reasons arise.

## Appendix 1. Responsibilities and Panel Formation

### 1. Responsibilities

- 1.1. It is the responsibility of the school's management team and ESM to manage their school within the framework of Plymouth CAST's policies and procedures.
- 1.2. In schools the Head teacher, or most senior member of the school, has overall responsibility for the management of employees in their school. They should ensure that staff with line management responsibilities are equipped with the relevant knowledge and training to manage staff effectively and appropriately.
- 1.3. The CEO has overall responsibility for the management of Plymouth CAST's central support staff through the management structure in place.

### 2. Support

- 2.1. Plymouth CAST provides professional support and advice on the effective implementation of any procedure through HR who should be informed of all cases requiring a formal procedure. An HR Adviser will be in attendance for all panel hearings.

### 3. Panel Formation

- 3.1. An appropriate panel will be formed for any formal hearing, at which the employee will have the right to be accompanied by a trade union representative or work colleague.
- 3.2. The panel will comprise of 3 members who will appoint one of their number as Chair. The composition of the panel will be discussed and agreed with the school's HR Adviser in accordance with the circumstances. The panel **could** comprise of a combination of:
  - 3.2.1. Senior member(s) of a management team (e.g. Head teacher, Deputy Head, Head of Subject or Key Stage Leaders, a member of the Plymouth CAST central management team)
  - 3.2.2. Members from another local Governing Board (in schools only). The Chair of Governors may be reserved for participation in any appeal panel, but cannot chair the panel
  - 3.2.3. Senior Managers from other schools
  - 3.2.4. Member(s) from Plymouth CAST's Board of Directors

4. This will provide greater flexibility, impartiality and support to small schools and Plymouth CAST's central team.
5. Consideration should also be given to appointing investigating officers and panel members from across Plymouth CAST's network.