

Plymouth CAST

Multi Academy Trust, Diocese of Plymouth

Flexible Working Policy

Guidance on the application of this policy can be obtained from Plymouth CAST HR

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Policy adopted by Plymouth CAST Board of Directors at the meeting dated:
14th September 2017

Signed

A handwritten signature in blue ink, appearing to read 'Sarah Smith'.

(Chair)

Review Cycle: Annual

Next Review Date: September 2018

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Responsibilities and Panel Formation

1. Introduction

- 1.1. 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.

2. Purpose

- 2.1. To achieve high quality and efficient education and good employee relations this policy aims to:
 - 2.1.1. set out the framework for a clear and consistent application of the flexible working regulations across Plymouth CAST.
- 2.2. 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.
- 2.3. 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.

3. Scope and Eligibility

- 3.1. This policy applies to all employees directly employed by Plymouth CAST who have a statutory right to request flexible working under Section 80F of the Employment Rights Act 1996. 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

4. Equal Opportunities

- 4.1. 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.

5. Responsibilities

- 5.1. At individual Academy level, the day to day operation of each Plymouth CAST school is the responsibility of each Local Governing Body 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.
- 5.2. It is the School Improvement Officer's responsibility to work closely with the Local Governing Body and management team to ensure everyone concerned has a full and accurate picture of each school's strengths and any areas for improvement. School Improvement Officers will work with schools to identify strategies for improvement, with support, where appropriate, from within the Plymouth CAST network.
- 5.3. It is the role of Plymouth CAST HR to provide clear HR policies and procedures and where appropriate 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.
- 5.4. Appendix 1 provides examples of Delegated Responsibilities and Panel Formations.
- 5.5. Management and employee representatives who may be involved in responding to flexible working requests should be competent for the task and be familiar with the provisions of the Flexible Working Policy.
- 5.6. Advice must be sought from Plymouth CAST HR if there is any doubt about how to respond to a flexible working request.

6. Scope of a request

- 6.1. 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.
- 6.2. 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.

7. Content of your request

- 7.1. 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.
- 7.2. 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).
- 7.3. 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.

8. Procedure

- 8.1. 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.
- 8.2. Employees are encouraged to consult with their trade union/professional association for advice and guidance on submitting a flexible working request.
- 8.3. Your application must be submitted to your manager. In most schools this will need to be submitted to the Head teacher. Your application must:
- be made in writing and dated. A template letter 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.

8.4. Your manager or Head teacher will arrange to meet with you promptly after receiving the application.

9. Meeting

- 9.1. The time and place of the meeting will be convenient to both you and your manager/ Head teacher.
- 9.2. 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).
- 9.3. 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.
- 9.4. 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 may suggest implementing an agreed trial period for the new arrangements.

10. Agreement

- 10.1. If your manager/ Head teacher 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.
- 10.2. Once your manager/ Head teacher 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.
- 10.3. 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.

11. Refusal

- 11.1. 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.
- 11.2. 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.
- 11.3. 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.

12. Withdrawal of application

- 12.1. Plymouth CAST can treat an application as withdrawn under the statutory provisions where you have:
- notified your manager/ Head teacher, orally 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.
- 12.2. 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.

13. Appeal

- 13.1. 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.
- 13.2. 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.
- 13.3. 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, the Chair of Governors, or another governor representative, 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.
- 13.4. 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.
- 13.5. 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.
- 13.6. 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.

14. Informal request for flexible working

- 14.1. 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.
- 14.2. 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.

15. Review

- 15.1. The content of this procedure may be subject to revision from time to time following consultation with the recognised trade unions.

15.2. History of Policy Changes

Date	Page	Details of the change	Agreed by
14.09.2017	All	Board Approval for adoption	CAST Board

- 15.3. Policy to be reviewed the Plymouth CAST Board in consultation with the JCC in September 2018 or when legislation changes or operational reasons arise.

Appendix 1. Responsibilities and Panel Formation

1. Responsibilities

- 1.1. Line managers are responsible for the day to day management of their direct employees.
- 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 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 the School Improvement Officers and 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 formal case management hearings. The following principals can be applied to the:
 - 3.1.1. Capability procedure
 - 3.1.2. Disciplinary procedure and
 - 3.1.3. Grievance procedure
- 3.2. However, this may equally apply to any procedure requiring an independent panel.
- 3.3. 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 schools HR Adviser in accordance with the circumstances. The panel could comprise of a combination of:
 - 3.3.1. Senior member(s) of a management team (e.g. Head Teacher, Deputy Head, Head of Subject or Key Stage, a member of the Central Management Team)
 - 3.3.2. Members from a local governing body (in schools only). The Chair of Governors may be reserved for participation in any Appeal Panel
 - 3.3.3. 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.