



The
St Gregory the Great
Catholic Academy Trust

'Where love exists, it does great things'

Policy and Procedure

Flexible Working

Reviewed and approved by: Trust Board

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The St Gregory the Great Catholic Academy Trust

Flexible Working Policy and Procedure

Within the St Gregory the Great Catholic Academy Trust, our academies are communities where our children and young people are given a clear vision for life, a vision which is rooted in the person and teachings of Jesus Christ, and which is faithful to the mission of the Catholic Church.

Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Flexible Working Policy and Procedure has been approved and adopted by the St Gregory the Great Catholic Academy Trust on 7 March 2023.

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY TRUST

Flexible Working Policy and Procedure

Contents

1. Overview
2. Informal Process
3. Introduction
4. Scope
5. Making a formal application to work flexibly
6. Considering Applications
7. Procedural Issues
8. Recording
9. Appeals
10. Policy Review

Appendix

- Appendix One – Application Form
- Appendix Two – Confirmation of Receipt
- Appendix Three – Appeal Form

1. Overview

Every Trust ("the Trust") employee is entitled to make a flexible working request if they have been continuously employed by the Trust for 26 weeks and have not made another application to work flexibly under the right during the past 12 months.

The application must:

- be made in writing.
- give details of the contract variation sought.
- explore the effect of the proposed change on the academy and/or the Trust.

In this policy, "Manager" is taken to mean Principal/Headteacher/member of Trust CSEL; it may also mean the line manager where responsibility to consider and decide on requests for flexible working has been delegated to other senior managers by the Principal/Headteacher/Trust CSEL.

All requests to work flexibly (i.e., to change contracted working hours, days, or attendance times) made under this Policy, including any appeals, must be considered, and decided on within a period of three months from first receipt, unless an extension is agreed. The recommended timescales out in this policy are intended to help achieve this but are not a statutory requirement.

2. Informal Process

If agreement can be reached through discussion between the Manager and the employee, then the formal process set out in this document does not need to be followed. However, all requests should be:

- documented using the form at Appendix 1, even if this is after discussions have been concluded, and whether the request was agreed.
- confirmed in writing, with any resulting change to contractual terms & conditions of employment formally notified in the usual way.
- notified to the Trust HR Manager for recording purposes (see 6.5 below).

3. Introduction

Flexible working opportunities can provide benefits to everyone: employers and their organisations, and employees and their families. Many employers have found that it makes good business sense to provide flexible working opportunities for their staff.

The right to request flexible working is part of a series of legal rights initially introduced for parents under the Employment Act 2002. These rights were extended in April 2010, and again in June 2014 to extend the right to request flexible working to all staff.

Flexible working requests may also be made by reason of disability and would be considered in line with this policy, requirements of the Equality Act 2010, and the Trust's Sickness Absence Policy where appropriate.

Practical solutions that suit both the Trust and the employee are likely to increase motivation and commitment and to have positive effects on the quality of provision for pupils through improved attendance levels and effective stress management. However, it is acknowledged that there will always be reasons where, due to the needs of the

academy, applications cannot be accepted.

The aim of this policy is to ensure that managers and employees understand their rights and responsibilities under the procedure. This will ensure that employees are able to exercise their right to apply to work flexibly, and that a fair and consistent approach is exercised in respect of all requests.

The Trust recognises the importance of a good work/life balance, and this policy aims to help employees achieve this. However, it must be remembered that providing a high-quality education to our pupils and students is our main priority, and all requests to work flexibly will be considered in this context.

4. Scope

The right to request flexible working applies to all employees who have 26 weeks, or more, continuous service with the Trust (or transferred in continuous service) at the date of application. Agency workers do not have a right to request flexible working. Employees must not have made another application to work flexibly under the right during the past 12 months.

All eligible staff can request a range of changes to their hours of work. This not only includes job share and part-time working, but also compressed hours, or a move to term-time only.

It is important to note that where the change sought involves a reduction in hours worked there will also be a pro-rata reduction in salary, annual leave entitlement and any other pro-rata'd benefits. Where applicable, it is recommended that advice is sought by the employee from their pension provider if there is a reduction in hours worked.

Any changes to a colleague's terms and conditions of employment will normally be permanent. Where a temporary change is sought and agreed, this must be specifically confirmed in writing by the Manager.

5. Making a formal application to work flexibly

A formal application to work flexibly can be made at any time. Before submitting a formal application to work flexibly, employees should ensure they have read the information in this guide carefully and be certain they want to make a formal request.

It is important to remember that once a formal application for flexible working has been submitted you will not be able to submit another one for 12 months, even if your original request is turned down. Applicants may therefore find it helpful to have an informal conversation with their manager before making a formal request.

An informal conversation may help to identify any potential issues or problems with the proposed working arrangements and give you time to think through how you could overcome them.

Academy Councils and Managers determine staffing requirements based on the academic year. It would therefore be helpful if requests could take account of this and

be made to coincide with the natural breaks in the school year. For example, it may not be practical to accommodate a change in working hours mid-term because of the impact on the continuity of education for the pupils.

Applicants must specify a start date for the proposed change, giving reasonable time to consider the proposal and implement it, which may take up to 3 months.

Applications should be made to the Appropriate Manager (see 5.1 to 5.4) on the pro-forma in Appendix 1.

5.1 Applications from Employees in Schools

School employees should submit requests to the Headteacher or Principal for consideration, the Headteacher may designate an appropriate senior member of staff to consider the request.

5.2 Applications from Headteachers/Principals

Principals/Headteachers should submit requests to the CSEL, who will discuss the request with the Chair of the Academy Council.

5.3 Applications from Trust Central Staff

Centrally employed Trust Staff should submit requests to the Trust CSEL for consideration, the CSEL may delegate the responsibility to an appropriate senior member of staff.

5.4 Applications from the Trust CSEL

The Trust CSEL should submit requests to the Chair of the Trust Board.

6. Considering applications

6.1 Initial Request

A meeting should be held within 28 days of the receipt of the application to discuss the details of the request. Meetings should be at a time and place convenient to both parties, and reasonable notice of the meeting should be given.

The Applicant has the right to be accompanied by a trade union representative or a work colleague of their choosing. The trade union or the work colleague has the right to address the meeting and confer with the applicant they are accompanying but is not permitted to answer questions on the colleague's behalf. HR may attend the meeting to provide procedural advice but are not required to do so.

The outcome of this meeting may be to:

- Agree a date for implementation.
- Agree variations of the request and a date of implementation
- Consider the application and, where it is not possible to agree, identify the reason(s) for not accepting the application.

6.2 Giving Proper Consideration

It is important for the Manager to properly consider the application and how it might be accommodated. To do this, it may be necessary for further investigations/discussions to take place following the meeting.

6.3 Confirming a Request

Within 14 days of this meeting the acceptance should be confirmed in writing, along with details of the change to the terms and conditions of employment.

It should be noted that any change agreed will constitute a permanent change to the colleague's terms and conditions. If mutually agreed, changes can be on a temporary basis, for example for one term, either as a trial of new arrangements or because the colleague does not wish to have a permanent change. This must be stated clearly in writing.

Payroll must be informed of the duration of the change to terms and conditions. If the change is temporary, it is the responsibility of the Manager to notify payroll to change the terms & conditions again at the end of the agreed period.

6.4 Refusing a Request

It is acknowledged that there will always be reasons where, due to the needs of the school/the Trust, the application cannot be accepted. However, to be valid the reason must be one provided for in section 80G of the Employment Rights Act 1996. These are as follows:

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to re-organise work amongst existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the colleague proposes to work.
- Planned structural changes.

In this event Managers are strongly advised to take HR advice on the reasons for rejection.

Where it is not possible to agree revised arrangements, a meeting should be arranged to discuss the reasons for the refusal and talk about other options. Within 14 days of the meeting, the Manager should write to the colleague rejecting the proposal.

The appropriate business grounds must be stated in the written reply. A couple of paragraphs will suffice, containing key facts of how the business case applies, ensuring that they are accurate and clearly relevant to the application in this case.

7. Procedural Issues

7.1 Timescales

Applications will be treated as made on the day they are received. Those sent by e-mail will be treated as received on the day of transmission.

Where the person who would ordinarily consider the application is absent at the date of application an automatic extension applies. The 28-day period within which the meeting should take place will commence after 28 days, or from the date on which that individual returns to work, whichever is sooner. There are no other circumstances in which there can be an automatic extension, though an extension may be mutually agreed.

7.2 Extending Timescales

Throughout the process there may be several reasons why the timescales need to be extended. Time limits can be extended by written agreement between the Manager and colleague. In this event a written record of the agreement reached must be kept which states the period of the extension and the date the extension is to end. It is vital that this record is kept. In the event of a dispute arising on timescales between employer and employee it may need to be produced at an Employment Tribunal.

7.3 Withdrawal of Application

The Manager may treat the application as having been withdrawn where the employee has indicated either orally (in which case the Manager should confirm this in writing) or in writing that they are withdrawing the application.

The application may also be considered to have been withdrawn if the employee fails to attend either the meeting with the Manager, or the appeal meeting, without reasonable cause. Sufficient information must be provided by the colleague to enable due consideration of the proposed contract variation; if the reasonable information necessary to enable a decision to be reached is not given, the Manager may inform the colleague that the application has been deemed to have been withdrawn.

8. Recording

Headteachers / Principals (or their designate) must notify the Trust HR Manager of all flexible working requests, and whether they have been agreed, at the conclusion of the process (if the Trust HR Manager is not already involved). This is necessary to enable reporting to the Trust Board.

9. Appeals

9.1 Making an Appeal

Applicants will be given 14 days after the date on which they are notified of the decision to turn down their application to appeal in writing. The appeal should set out the grounds on which they are appealing using the form at Appendix 3 and should be submitted to the manager who made the decision, to be forwarded to the appropriate

appeal manager.

A meeting will be arranged for the appeal to be heard. A written notification advising of the arrangements for the appeal hearing should be sent within 14 days after receiving the colleague's written appeal. Meetings should be at a time and place convenient to both parties, and reasonable notice of the meeting should be given.

Employees have the right to be accompanied by a trade union representative or a work colleague of their choosing. The trade union or the work colleague has the right to address the meeting and confer with the colleague they are accompanying but is not permitted to answer questions on the colleague's behalf.

9.2 Hearing an Appeal

The appeal should be heard by the Principal/Headteacher (where the initial decision was taken by another manager), or the Chair of the Academy Council (or their delegate) in the case of academy-based staff where the original decision was taken by the Principal/Headteacher.

In the case of central Trust staff, the appeal will be heard by the Trust CSEL (if the original decision was taken by another manager) or the Chair of the Trust Board (or their delegate).

Appeals by Headteachers/Principals/ the Trust CSEL would be heard by someone with HR expertise, external to the Trust and its governance structures.

It is recommended that HR advice is sought by the person hearing the appeal. HR may attend the appeal meeting to provide procedural advice.

9.3 Communicating the Outcome

The outcome of the appeal should be communicated to the colleague no more than 14 days after the hearing. If the appeal is upheld and the request to work flexibly agreed, the colleague must be notified in writing documenting the change to terms and conditions.

If the appeal is denied the person hearing the appeal must notify the colleague in writing stating the grounds of refusal.

10. Policy Review

At the date of drafting this policy (January 2023) the Government have proposed several changes to legislation around flexible working. These are as follows:

- The right to request flexible working will become a day-one right, removing the current requirement for employees to have at least 26 weeks' employment.
- Employers will be required to consult with their employees, as a means of exploring the available options, before rejecting a flexible working request.
- Employees will be allowed to make up to 2 flexible working requests in any 12-month period. At present employees can only make one request per 12-month period.
- The time limit for employers to respond to requests will be reduced from 3 months to 2.
- There will no longer be a requirement for employees to set out how the effects of their flexible working request might be dealt with by their employer.

This policy will be reviewed when these, or any other, changes are introduced via legislation, or in three years' time.



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All policies are written in line with our Trust Mission Statement:

Within the St Gregory the Great Catholic Academy Trust, our academies are communities where our children and young people are given a clear vision for life, a vision which is rooted in the person and teachings of Jesus Christ and which is faithful to the mission of the Catholic Church.

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Diocese of Leeds
Vicariate of Education

Appendix 1 – Application Form

Section 1: Applicant Details

Name	
Role	
School/Place of Work	

Note to Applicant

You can use this form to make an application to change your contracted working hours, days or attendance times under the right provided in law to help eligible colleague balance work and life. Before completing this form, you should first read the policy and check that you are eligible to make a request.

You should note that it may take up to 14 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your Principal/Headteacher/Line Manager to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to your Principal/Headteacher/Line Manager (you might want to keep a copy for your own records). The Trust will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the Manager

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications seriously. You have 28 days after the day you received this application in which to either agree to the request or arrange a meeting with your colleague to discuss their request.

You should confirm receipt of this application using the attached confirmation slip, or by email using the text in the confirmation slip.

Section 2: Application for Flexible Working	
To the Principal/Headteacher/Manager	
I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet each of the eligibility criteria as follows:	
I have worked continuously as an employee of the Trust for the last 26 weeks.	
I have not made a request to work flexibly under this right during the past 12 months	
Section 2a: Current working pattern (days/hours worked)	
Section 2b: Working Pattern Requested (days/hours worked)	
Section 2c: Dates	
I would like this working pattern to commence from	
If temporary, I would like this to be temporary until	
Section 2d: Impact of the new working pattern	
I think this change in my working pattern will affect my service delivery and colleagues as follows	
Section 2e: Accommodating the new working pattern	
I think the effect on service delivery and colleagues can be managed as follows	

Signed		Date	
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This application should be submitted to your Headteacher/Principal or Line Manager.

Appendix 2: Confirmation of Receipt

Confirmation of Receipt	
Name of Applicant	
I confirm receipt of your flexible working application on	
I shall be arranging a meeting to discuss your application within 28 days following the date stated above. In the meantime, you might want to consider whether you would like a fellow work colleague or trade union representative to accompany you at the meeting.	
Name of Manager	

This form, or an email with similar wording, should be sent to the employee on receipt of a flexible working request.

Appendix 3 – Appeal Form

Appeal Form	
Name	
Role	
School/Place of Work	

Note to Applicant

If your application has been refused, you may appeal against your manager's decision. You should use this form to make your appeal. You should set out the grounds on which you are appealing and do so within 14 days of receiving written notice that your application for flexible working has been turned down.

Note to the Manager

This is a formal appeal made under the legal right to apply for flexible working. You have 14 days following your receipt of this form in which to arrange a meeting for your colleague's appeal to be heard

Grounds for Appeal

I wish to appeal against the decision to refuse my application for flexible working. I am appealing on the following grounds

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Signed		Date	
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This appeal should be submitted to the manager who considered your request who will forward it to the appropriate appeal manager.