



# The STAR Multi Academy Trust

## Flexible Working Policy & Procedure

Date reviewed	September 2021
Changes made	EPM - review of 2018 policy
Date adopted by Trust Board	7 December 2021

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## **Purpose**

The STAR Multi Academy Trust is committed to the development of flexible working practices that ensure our workforce is effectively and efficiently deployed to support improvements to service and curriculum delivery, and the development of a flexible, motivated and high performing workforce. Flexible working practices benefit the organisation and the individual, and may improve work life balance and support the recruitment and retention of staff. Examples of this can be found DfE Flexible Working in Schools - <https://www.gov.uk/government/publications/flexible-working-in-schools>

## **Scope**

1. The flexible working procedure applies to all employees of the Trust. Staff are advised to consider how any changes in working hours may impact on their pension, and contact pensions for information.

## **The right to request flexible working (Flexible Working Regulations 2014)**

2. The right to request flexible working and is a statutory right if they:
  - have 26 weeks continuous service, (check the statement of particulars to ensure all relevant service is included, as this may include service with other schools/ local authority) before applying and;
  - have not made another application to work flexibly during the previous 12 months
  - This Trust has extended the right to request flexible working to all employees, including employees with less than 26 weeks continuous service,
  - Where two or more employees within one team submit a request, priority will be given to the employees with the statutory right.

An employee is entitled to additional requests if they relate to a statutory entitlement e.g. the Equality Act 2010 right to request reasonable adjustments, in which case this should be made clear in the application.

Managers have a duty to consider a request in a reasonable manner and can only refuse a request for flexible working for one of a specific number of reasons listed under 5.7. Where two or more employees within one team submit a request, priority will be given to the employees with the statutory right. The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt, unless there is an agreement to extend this period with the employee.

## Types of flexible working

### 3. Types of flexible working

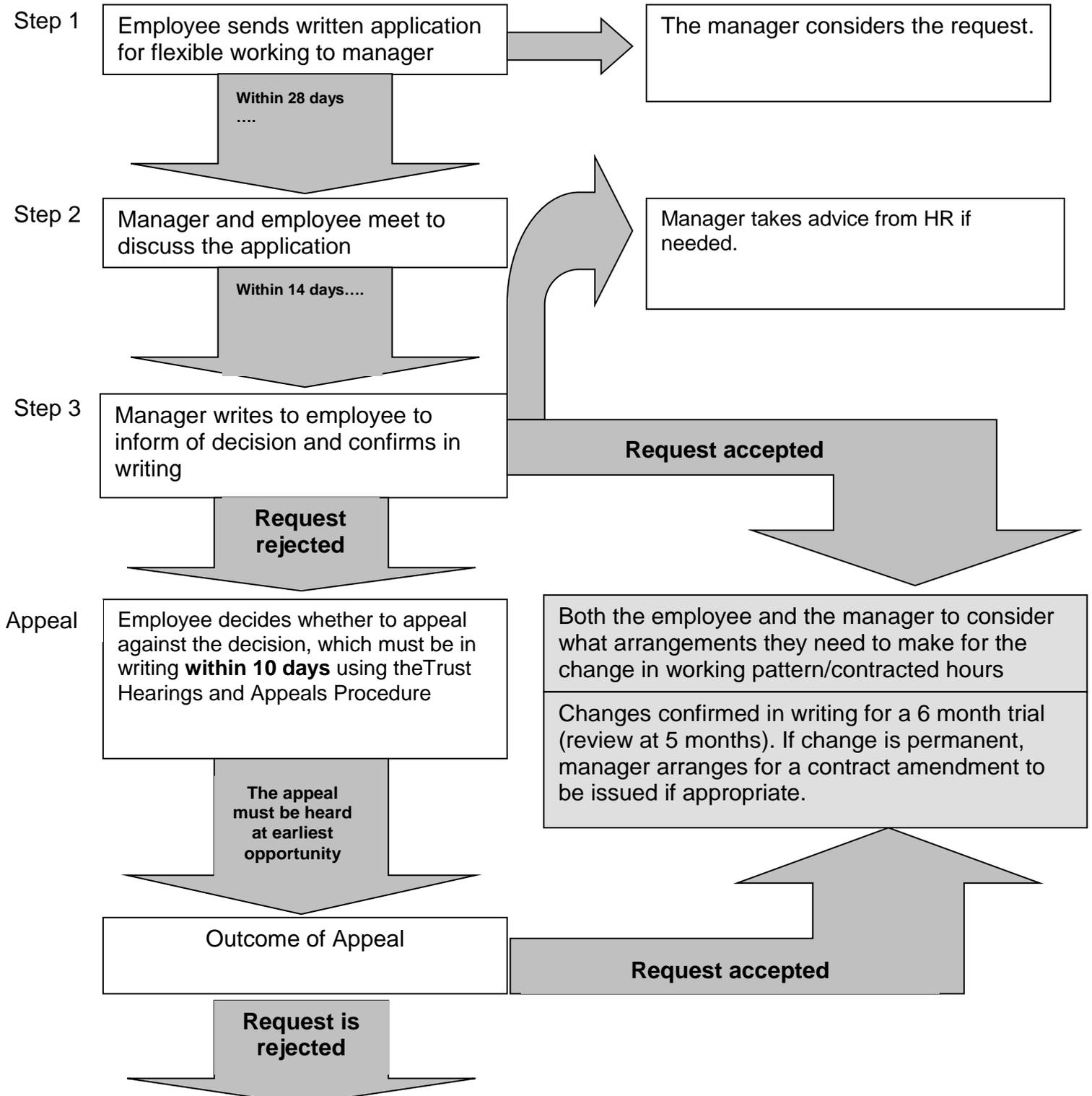
<b>Type of flexible working</b>	<b>STAR Multi Academy Trust is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.</b>
Part time working or a reduction in hours	A request to work part time, or a reduction of current contracted hours.
Job-sharing	<p>Two employees carry out the duties of a single post. Each job-sharer is employed on a part-time basis, but together they cover the whole post. There is flexibility as to the split of hours and working pattern within the job share arrangement. Some common examples include</p> <ul style="list-style-type: none"> <li>• Split day <ul style="list-style-type: none"> <li>• Weekly split- each job sharer works 2.5 days per week or one job sharer works 3 days and the other works 2 days</li> <li>• Overlap –both sharers work three short days per week</li> <li>• Alternating days- work alternate days over a fortnight</li> <li>• Alternating weeks</li> </ul> </li> </ul>
Term time working or term time plus # weeks	Employees who work during school term times, and all leave entitlement is taken outside of those weeks. Employees can work term time plus additional weeks.
Home-working or working from a different location	Employees who may work either all or some of their normal contractual hours from home or from a different location, where this does not impact upon the requirements of the role.

<b>Type of flexible working</b>	<b>STAR Multi Academy Trust is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles.</b>
Annualised hours	The number of hours to be worked is calculated over a year and divided up to fit in with peaks and troughs of work. The basic pattern of work needs to be agreed in advance, with some scope for variation. Additional hours can be worked by agreement. The treatment of annual leave, bank holidays and sick pay needs to be built into the contract
Compressed hours working	An arrangement where employees work their contractual hours over a shorter number of days e.g. an employee may work longer hours on four days or work nine longer days over a fortnight.
Staggered Hours	The employee has different start, finish and break times from other workers (this would be dependent on each individual application and situation). Useful for teachers with caring/childcare responsibilities who may need to drop off or collect children but who don't want or need to work less than five days a week.

## Flowchart: requesting flexible working

4. This process must be completed within three months of receipt of the request, unless there is an agreement to extend this period with the employee. Recommended timescales within this period will keep this process on track.

Timescales are recommended, but process must be completed within three months



**An employee** can complain to an employment tribunal within 3 months of the request being refused, or of the manager failing to follow correct procedure.

## **Procedure for requesting flexible working**

### **Making the request**

5. Employees must make their request in writing on the request for flexible working application form, at the earliest opportunity to allow time for consideration and any required changes to be implemented.

### **Considering the request**

5.1 The manager should meet with the employee as soon as possible (recommended within **28 days**, this may be extended with the agreement of the employee and manager), to discuss the request and any possible options and alternatives if the original request cannot be granted. The employee may be accompanied by a trade union representative or colleague.

5.2 The manager has a legal duty to consider all applications and to decide whether the desired work pattern can be accommodated within the needs of the business, and must not discriminate unlawfully. The Trust HR Provider can offer advice to ensure consistency and fairness.

### **Confirming the outcome**

5.3 The manager must confirm their decision in writing to the employee, recommended within **14 days** of the meeting. This may be either to:

- accept the request;
- confirm an alternative solution discussed in the meeting and set a date for a response; or
- reject the request, explaining the business reasons for refusal (see below), and outline the employee's right to appeal against the decision within **10 days** of receipt of their notification.

5.4 Where recruitment is taking place in an attempt to accommodate a request, the manager should write to confirm this to the employee indicating when a final response to the request is likely. A manager's record of flexible working should be completed and a copy should be retained on the employee's personnel e-file.

### **Agreeing a request**

5.5 Where a request of flexible working is agreed, the new working pattern will be a permanent change to their terms and conditions unless agreed otherwise. It is generally recommended that any agreed change to the working arrangements should be for a trial period of six months. A review of the working arrangements should take place after five months. The Trust reserves the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement, where the arrangement fails to meet the business needs as detailed in 5.7.

5.6 The agreement will be confirmed in writing describing the new working pattern/contracted time, the agreed start date and the date of the five month review. A copy of any agreement should be retained on the employee's personnel e-file and the manager /HR must ensure that permanent or temporary amendments can be made to the employee's terms and conditions of employment.

### **Refusing a request**

5.7 A request can be refused legally only for one of the eight business reasons outlined below. The reason(s) for refusal will be explained by the manager to the employee in person, and followed up in writing. An employee must wait 12 months from the date on which they made the last application, before making a further request should they wish to do so.

### **Business grounds for refusing a request**

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- A detrimental impact on quality
- A detrimental impact on performance
- The employer is unable to reorganise work among existing staff
- The employer is unable to recruit additional staff
- There is insufficient work for the periods the employee proposed to work
- A planned structural change of your business

### **Appeal**

5.8 Employees who are unhappy with a manager's reason(s) for refusing their request for flexible working with regard to the statutory criteria for refusal, or who believe the procedure has not been followed correctly may appeal against it.

5.9 The employee must set out, in writing, the grounds for appeal, within 10 working days of receipt of the letter confirming the refusal of the request. Appeals will be heard at the earliest available opportunity and reasonable written notice of the date and the arrangements will be given.

5.10 If the employee fails to attend a meeting to discuss the application, including any appeal, and then fails to attend a rearranged meeting without good reason, the employee will be notified that their application will be deemed to have been withdrawn.

Further information can be found in the following documents:

School Teachers Pay and Conditions document

<https://www.gov.uk/government/publications/school-teachers-pay-and-conditions>

DfE Flexible Working in Schools - <https://www.gov.uk/government/publications/flexible-working-in-schools>

## **Appendix 1**

### **Job Share Guidance**

**Access:** If you require this information in an alternative format, such as large type, audio-cassette or Braille, please contact the the Trust office.

Job sharing is the division of a single (generally full-time) job into two part-time jobs, with two post holders sharing responsibility for a single post. A job share contract is used where the contracts are inter-dependent, and contain an important clause which clarifies what will happen if one job share partner decides to leave. For example there is a statutory requirement for full time cover in the post of Headteacher/Executive Headteacher, and if one of the job share partners leaves the remaining job sharer will be offered the post on a full time basis, or the remaining vacant post will be advertised. If a suitable job sharing partner cannot be identified after reasonable efforts have been undertaken (usually two rounds of advertising), the job will be reviewed to decide whether to advertise on a full time basis.

This contrasts to part time contracts where two teachers share a class, one post holder may have additional leadership responsibilities and contract arrangements, and the combined hours may exceed a full time contact. When one person leaves the part time vacancy is advertised, but the posts are not inter dependent. If there is no specific requirement for a job share to be in place, then a manager may need to consider whether individual part time contracts would be sufficient.

All requests for job share arrangements will be considered in accordance with the Flexible Working Policy and Procedure. This guidance is to provide further information for managers and staff on the following areas:

- Determining the suitability of a job share arrangement
- Types of job sharing
- Applying to job share
- Considerations for recruitment and selection
- Reviewing job share arrangements

#### **Determining the suitability of a job share arrangement**

This Trust is committed to providing a range of appropriate working patterns. However employees and management need to be realistic and to recognise that not all flexible working options will be appropriate for all roles. Staff and managers will need to consider the following factors, in relation to the post and wider service area:

- The development of a flexible, high performing and agile workforce;
- The availability of a suitably qualified and/or experienced job share partner; and,
- Agreement between the manager and prospective job share partners about the most effective split of hours.

An important consideration is that whilst job share arrangements may differ in terms of the split of hours and working pattern, contractually the post cannot exceed 1 FTE as staff will be employed on a specific job share contract for a single post.

## **Applying to job share**

All new requests to job share should be made using the request for flexible working application form, and will be considered via the Flexible Working Policy and Procedure. Requests to job share can be put forward on an individual or joint basis.

Where an individual request is made, the manager will need to decide whether to undertake recruitment to identify a job share partner. If the decision is taken to proceed with recruitment the manager should write to confirm this to the employee and indicate when a final response to the request is likely taking into account the recruitment timeline. Following the recruitment process, the manager will need to revisit the flexible working request with the employee to confirm the outcome, and undertake the relevant actions outlined in the Flexible Working Policy and Procedure.

Joint requests for job sharing can be considered when the posts of the applicants are of the same grade and type. In this scenario each applicant will need to submit a separate flexible working request.

## **Considerations for recruitment and selection**

All vacancies can be advertised as suitable for job sharing unless the Trust can demonstrate that a particular post is unsuitable for job sharing.

Usual recruitment and selection procedures apply to both internal and external job share applicants. Managers will ensure that the skills and experience of prospective job sharers meet the requirements of the job. Each short listed candidate will be interviewed separately.

Throughout the selection process all prospective applicants are considered equally regardless of whether they have expressed an interest in job share or not. If there is only one person requesting job share they are considered alongside all other candidates. If the applicant who has expressed an interest in job share is the most suitable candidate, the manager will discuss their preferred working hours and notify the applicant of the intention to seek to recruit a job share partner, prior to making an offer of employment. If it is not possible to recruit a job share partner, the applicant should be informed and offered the full post. If this offer is rejected the recruiting manager will need to recommence the recruitment process.

If at the short listing stage one half of a joint job share application is rejected, the other candidate will continue to be considered in line with the Recruitment and Selection Policy and Procedure.

All staff members entering into a job share arrangement will be employed on a job share contract and it is important that job share applicants are fully aware of the associated conditions outlined in this guidance. The employee's statement of terms and conditions of employment will state that "appointment to this post is on a job share basis, and is in accordance with the Flexible Working Policy and Procedure,

## **Reviewing job share arrangements**

When one job sharer leaves the remaining job sharer will be offered the post on a full time basis. If the job sharer does not wish to undertake the full post the remaining vacant post will be advertised. If a suitable job sharing partner cannot be identified after reasonable efforts have been undertaken (usually two rounds of advertising), the job will be reviewed to decide whether to advertise on a full time basis.

The options available will then need to be considered and discussed with the remaining job share partner. Firstly, the option to undertake the full post will be re-offered. If the job sharer confirms they do not wish to change their working pattern they will be considered for redeployment to a suitable alternative vacancy if available, in line with the Redeployment Policy and Procedure.

In the scenario that a suitable redeployment opportunity cannot be identified, further advice should be sought from HR. All staff members entering into a job share arrangement should be aware that it may need to be reviewed, for example if a job share partner cannot be replaced, or a suitable alternative post cannot be identified for redeployment. The Academy Trust may be required to take steps to terminate a contract of employment depending on the specific circumstances relating to each case.

## **Right of appeal**

The appeal mechanism for an employee dissatisfied with any matter under this scheme is the Trust Resolving Issues at Work Policy & Procedure, or if the request to work as a Job Share was made as part of a Flexible Working request then it would be dealt with by the appeal procedure indicated in the Flexible Working Policy & Procedure.

## **Conditions of service**

A job sharer who works a 'week on/week off' arrangement retains continuous service during the 'off week' and a job sharer with one years' continuous service has equivalent rights to a full time employee.

## **Pay**

Job sharers are paid pro-rata for the hours worked in accordance with existing procedures for determining salaries, and are eligible for Statutory Sick Pay, Occupational Sick Pay, Statutory Maternity or Paternity pay, as appropriate, according to their usual salary and length of service.

## **Annual Leave/Statutory Holidays**

Job sharers receive the standard annual leave entitlement and entitlement to Statutory Public Holidays pro-rata to their average contractual hours.

## **Displacement from post**

If, as a result of a job share partner leaving and no suitable replacement being available, or a review of the job sharing arrangement a job sharer is displaced from the job share post, and is subsequently redeployed elsewhere in the Trust, the Trust arrangement for pay protection in such circumstances applies.

**Further information**

If you are in any doubt about the interpretation of a particular statutory requirement or condition of service as it applies to job sharers, you should normally apply the principle of 'pro-rata' entitlement of a full time employee in an identical position.

Advice is available from the Trust HR Provider