



# **EDITH STEIN** **CATHOLIC ACADEMY TRUST**

## **FLEXIBLE WORKING POLICY**

<b>APPROVED BY TRUSTEES</b>	<b>February 2024</b>
<b>SCRUTINISED BY LOCAL GOVERNING BODY / LOCAL GOVERNING BODY SUB COMMITTEE</b>	<b>February 2024</b>
<b>DATE LAST REVIEWED</b>	<b>February 2024</b>
<b>MEMBER OF STAFF RESPONSIBLE</b>	<b>CEO/CFO</b>
<b>STATUTORY / NON-STATUTORY</b>	<b>Non-Statutory</b>



## Policy Amendments

Version Date	Section / Page	Amendments
February 2024	Throughout	Original policy version

## Table of Contents

Policy Amendments .....	2
1.0 Aims .....	4
2.0 Legislation and guidance.....	4
3.0 Our approach to flexible working .....	4
4.0 Scope.....	5
5.0 Roles and responsibilities.....	6
6.0 Requests for flexible working arrangements .....	7
8.0 Home Working Conditions.....	10
9.0 Trial period.....	10
10.0 Appeals .....	11
11.0 Withdrawing a request.....	11
12.0 Monitoring arrangements .....	11
Appendix A Flexible working application form for statutory and non-statutory requests.....	12

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## 1.0 Aims

- 1.1 The principles of Catholic Social Teaching underpin the employment and working policies adopted by the Trust. We know that earning a living is essential to living with dignity. For some employees within the Trust we accept that working practices may have to be altered and adopted, because we believe that the worker is always more important than the work.
- 1.2 This policy aims to:
- Outline our Trust's expectations for flexible working and how we will process and respond to staff requests
  - Set out the process by how staff can apply for flexible working arrangements, and appeal a decision if appropriate
  - Support our Trust's efforts to promote staff's health and wellbeing as detailed in the Trust's strategy document under strategic aims and objectives theme E2.

## 2.0 Legislation and guidance

- 2.1 This policy meets the requirements of:
- [Flexible Working Regulations 2014](#)
  - [The Flexible Working \(Amendment\) Regulations 2023](#)
  - [Equality Act 2010](#)
  - [Employment Rights Act 1996](#)
- 2.2 It also reflects best practice guidance set out in:
- [The DfE's guidance for flexible working in schools](#)
  - [ACAS's code of practice on handling in a reasonable manner requests to work flexibly](#)

## 3.0 Our approach to flexible working

- 3.1 The Edith Stein Catholic Academy Trust (ESCAT) is open to flexible working and the benefits it provides. We recognise that offering flexible working has the potential to:
- Improve staff's work-life balance and help them manage their work around other responsibilities
  - Reduce staff stress and have a positive impact on wellbeing
  - Raise morale and improve staff motivation, performance and productivity
  - Reduce staff absence and help improve retention by creating new opportunities and ways of working
  - Allow us to recruit from a wider pool of talent that includes people with different lifestyles, experiences and perspectives
- 3.2 We are an equal opportunities employer, and we recognise the contribution that flexible working makes to this ongoing commitment.

## 4.0 Scope

### 4.1 Eligibility

This policy applies to all staff employed by our Trust from day one, including part-time employees. It does not apply to agency staff and self-employed contractors. Staff members have the right to make a statutory request for a flexible working arrangement if they:

- Have been continuously employed by our Trust for 26 weeks or more at the time the request is made. This clause will cease to be a requirement from 6<sup>th</sup> April 2024 in accordance with [The Flexible Working \(Amendment\) Regulations 2023](#)
- Are an employee, and
- Have not made a statutory request for a flexible working arrangement in the past 12 months. From 6<sup>th</sup> April 2024, employees will be able to make 2 applications for flexible working in any 12 month period.

All staff members can make a non-statutory request, whether or not the statutory route is available to them (see section 6).

### 4.2 Exceptions

This policy does not apply to staff who are:

- Taking maternity, paternity, adoption or shared parental leave – please see our parental leave policy instead
- Taking sick leave – please see our staff sickness policy instead

This policy will also not apply if our Trust is subject to a temporary or time-limited arrangement to work from home due to public health advice – for example, in the case of a COVID-19 lockdown.

### 4.3 Types of flexible working arrangements

This policy covers the following types of flexible working arrangements:

- **Part-time working:** where a staff member is contracted to work less than full-time hours. This may include:
  - **Job sharing:** where 2 or more people split a full-time post and share the overall duties and responsibilities
  - **Phased retirement:** where a staff member gradually reduces their working hours to transition from full-time work to full-time retirement
- **Term-time working:** where a staff member only works during the term, is paid an annual leave entitlement and does not work during the school holidays. For example, an admin clerk may work 39 term time weeks a year plus one week and is paid for 45.62 weeks a year. The 5.62 weeks is their paid annual leave entitlement. The remaining weeks out of 52 are unpaid.
- **Working off-site:** where a staff member works some or all of their hours remotely and is not required to be on the school site (also known as working from home)
- **Varied hours,** including:
  - Staggered start, finish and break times
  - **Annualised hours:** where a staff member's working hours are spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee
  - **Compressed hours:** where a staff member works full-time hours but over fewer days

## **5.0 Roles and responsibilities**

### **5.1 The Chief Executive Officer (CEO)/Chief Financial Officer (CFO)**

The officials of the Trust are responsible for:

- Ensuring that this flexible working policy is applied consistently across our Trust and that it is in line with equality legislation
- Promoting and leading an environment of inclusion, staff wellbeing and high-quality teaching throughout the Trust

### **5.2 Headteachers**

Headteachers are responsible for:

- Ensuring that this flexible working policy is applied consistently across their school and that it is in line with equality legislation
- Promoting and leading an environment of inclusion, staff wellbeing and high-quality teaching throughout their school
- Considering all valid requests for flexible working arrangements equally, fairly, and according to the needs of the school and pupils
- Responding to requests within the agreed timescale (see section 7.1 for more on timescales)
- Making sure that the staff member knows about their right to be accompanied by a colleague or trade union representative to any appeal meeting
- Communicating to the staff member any changes to holiday, pay allowance or other conditions that may result from a contractual change
- Promoting positive working arrangements
- Giving due regard to equality legislation and taking any disability requirements into consideration

### **5.3 The Board of Directors**

The Board of Directors will approve this policy and hold the Local Governing Body of each school to account for its implementation.

### **5.4 Local Governing Bodies**

The Local Governing Body (LGB) of each school will hold the Headteacher to account for the implementation of this policy.

Where the Headteacher submits a flexible working request, the LGB will be responsible for considering that request fairly and according to the needs of the school and pupils. The LGB (or a suitable nominated governor) will respond to the request within the agreed timescale.

### **5.5 HR Function**

The Trust's HR Staff are responsible for:

- Advising the Trust's officials and Headteachers, liaising with HR Mentor for employment law advice as required.
- Issuing new contracts/letters to reflect any agreed changes to working patterns/hours

## 5.6 Other staff

Staff are expected to follow the procedures set out in this policy and adhere to the stated timescales when responding to or appealing the Trust's requests or decisions.

## 6.0 Requests for flexible working arrangements

6.1 In this section we set out the right for staff to apply for flexible working. While our Trust welcomes applications and will consider all requests openly and fairly, we are not obliged to grant flexible working arrangements in all cases (see section 7.3 to see when we may reject an application).

6.2 In all cases, we encourage staff to discuss flexible working arrangements with their line manager on an informal basis **before** making a request, covering:

- The potential impact on the school and pupils
- Different options for flexible working arrangements
- A trial period to test out a proposed arrangement

### 6.3 Non-statutory requests

A non-statutory request can be used to apply for any flexible working request, including but not limited to:

- One-off or temporary flexible working arrangements
- Arrangements which don't involve altering the staff member's contract – for example, varying start or finish times but maintaining the same number of working hours

The process for non-statutory requests is the same as for statutory requests, shown in the next section. The request should be clearly marked as to whether it is a non-statutory or statutory request. The DfE's flexible working guidance says that as far as possible, the staff member should identify ways of mitigating the impact of their request on the school and their colleagues.

Staff should send their application to the Headteacher via their line manager.

If the Headteacher is requesting flexible working, they should send their application to the chair of governors.

Non-statutory requests do not have to satisfy the eligibility requirements set out on Section 4.1.

### 6.4 Statutory requests

Staff should use a statutory request for flexible working if their proposal requires a permanent change to their contractual terms and conditions. Only eligible staff members may use this route (see section 4 for the eligibility criteria).

Staff must make a statutory request for flexible working arrangements in writing. They should use the application form attached in appendix A, and submit their application at least 3 months before the proposed change. Legally all requests must include:

- Date of application
- Statement to confirm that this is a statutory request

- Proposed changes to working hours or pattern, and when the staff member wishes to start the new arrangement
- What effect they think the proposed changes would have on the school, department, pupils and/or the quality of work, and how they propose to address them
- Whether they've previously applied for flexible working arrangements and if so, when that was
- Whether they're making their request in relation to the Equality Act 2010 – for example a reasonable adjustment for an employee with a disability

Staff should send their application to the Headteacher via their line manager.

If the Headteacher is requesting flexible working, they should send their application to the chair of governors.

## **7.0 How we will consider applications**

### **7.1 Timescale**

Our Trust will respond to a statutory flexible working request within 3 months from receiving an application. This includes the conclusion of any appeal process.

The Trust may extend the response period if both parties agree to it – for example, in the case of an agreed trial period. Any extension to the timescale will be confirmed in writing.

### **7.2 Meeting to discuss an application**

The Trust will consider all valid applications for flexible working openly and fairly.

The Headteacher/line manager may arrange a meeting with the staff member to:

- Clarify the staff member's proposed flexible working arrangements
- Discuss any foreseen challenges regarding the proposed arrangements and how they can be overcome
- Consider alternative arrangements or compromises

The meeting will take place no later than 28 calendar days after the Trust receives the application. A member of HR may also attend the meeting.

The staff member may be accompanied by a colleague or trade union representative if they wish. Any companion will be entitled to speak during the meeting and confer privately with the staff member, but may not answer questions on their behalf.

### **7.3 Response**

The Headteacher/line manager will provide a response, in writing, as soon as possible after the application, and by no more than 14 calendar days following any meeting.

If the request is accepted, or an alternative arrangement is agreed, the Headteacher/line manager will write to the staff member laying out:

- Details of the new working arrangements
- Details of the trial period
- Any changes to the staff member's employment contract
- When the new working arrangements will start



The staff member will need to sign and return a copy of the document, which will be placed in their personal file to confirm the variation to their terms and conditions of employment.

If the Headteacher/line manager needs more time to make a decision – for example, time to investigate how to accommodate a request or to consult several members of staff – they will discuss this with the staff member as soon as possible.

If the request is rejected, the Headteacher/line manager will arrange a meeting with the staff member to inform them, including the reason for the rejection. The decision will also be confirmed in writing, and the staff member will also be advised of their right of appeal (see section 9).

Our Trust will only reject an application for flexible working on the following grounds:

- The burden of additional cost to our Trust
- A detrimental effect on the quality of work (for example, if, as a result, pupils risk not receiving high-quality teaching)
- A detrimental effect on performance (for example, if the staff member risks failing to meet important deadlines)
- A detrimental effect on the school's ability to deal with emergencies or issues relating to the sufficient supervision of pupils during the school day (for example, teachers on a free period or PPA time may be required for cover at short notice or to assist with the supervision of pupils during an emergency evacuation of the school)
- A detrimental effect on the ability to meet demand (for example, where an administrative assistant would not be present at busy periods with high workloads)
- Inability to reorganise work among existing staff
- Inability to recruit new staff
- Insufficient work during the proposed working period
- Planned changes to staffing structure

#### 7.4 **Contractual changes**

Once a flexible working arrangement has been agreed (and following a successful trial period – see section 8), the Trust will make appropriate changes to the staff member's contract of employment.

Unless otherwise agreed, these changes are permanent and cannot be changed unilaterally. There is no right for a staff member to revert to their original working arrangements, or for the Trust to force a staff member to revert to their original working arrangements, without agreement from both parties.

A staff member may not make another statutory request until 12 months after the date of their most recent statutory request. Although from 6<sup>th</sup> April 2024, employees will be able to make 2 applications for flexible working in any 12 month period.

Contractual changes may also include changes to pay and holiday entitlements, such as a pro-rata arrangement. The Headteacher/line manager will make sure that any staff member seeking a flexible working arrangement is aware of these changes before they agree to changes to their contract.

## 8.0 Home Working Conditions

8.1 Where home working is approved certain conditions will need to be met by the employee as follows:

- Working hours will be the same as if working from school unless by prior written agreement with the Headteacher/line manager to allow flexibility in the hours worked. The total hours worked should be the same as the contracted hours.
- The same high standard of timekeeping and reporting to the line manager should be maintained by those working from home
- If working from home employees should be available to communicate with school colleagues or outside agencies in the same way as if they were working from school (for example they should be available to take a phone call from the school if they are contacted by phone or teams call)
- Home working will be subject to the same trial period review as any other form of approved flexible working
- Use of technology such as school laptops must be operated in the same way as if it was being used in school including the maintenance of the correct security procedures as laid down in the IT usage policies/agreements
- An ESCAT home working checklist must be completed and signed by all employees working from home during normal contracted hours and presented to their line manager for approval within one month of commencement of working from home
- The attendance of online meetings whether with school colleagues or outside agencies should follow the same high standard of etiquette, including dress code, expected as if working in school
- If flexible home working is agreed and this results in part day at home and part day at school, travel time between locations will not be included in the hours of work (Staff will not be paid for travel time) In addition, if it is agreed that an employee will have a later start time, travel time which would be in normal hours for other employees will be unpaid.

## 9.0 Trial period

9.1 Where a staff member's application is successful, they will be subject to a trial period of a school term. This period will form the basis of a final decision about whether the flexible working arrangement will work.

9.2 When informing the staff member that their application is initially successful, the Headteacher/line manager will set out in writing the details of the trial period. This will be considered an agreed extension to the statutory 3-month timescale for the Trust to respond to flexible working applications.

9.3 At the end of the trial period, the staff member and Headteacher/line manager will meet to discuss:

- Whether the trial period was successful
- What (if any) adjustments need to be made
- Whether to continue with the arrangement on a permanent basis
- Whether to extend the trial period – for example, to observe any adjustments to the arrangement or due to absence

9.4 In the case of disagreement, all decisions about the outcome of the arrangement rest with the Headteacher/line manager.

## 10.0 Appeals

- 10.1 Staff members can appeal any unsuccessful flexible working application.
- 10.2 They must make their appeal in writing, state the reason for appealing the decision, and submit their appeal to the chair of governors within 14 days of receiving a written rejection.
- 10.3 The appeals process is laid out in the ESCAT Staff Grievance policy and includes:
  - Who will hear the policy and decide the outcome
  - The process of considering the appeal, including any meetings
  - How and when the outcome of the appeal will be communicated
- 10.4 The outcome of the appeal is final, and there is no further right to appeal.

## 11.0 Withdrawing a request

- 11.1 A staff member can withdraw a request for flexible working, statutory or non-statutory, at any time after it has been made. However, if they have withdrawn a statutory request, they will not be able to make another statutory request for 12 months after their initial request. From 6<sup>th</sup> April 2024, employees will be able to make 2 applications for flexible working in any 12 month period.
- 11.2 Our Trust will treat an application as having been withdrawn by the staff member if the staff member fails to, without good reason:
  - Attend the first meeting and second rearranged meeting to discuss their flexible working request, or
  - Attend the first meeting and second rearranged meeting to discuss their appeal
- 11.3 Where our Trust treats a staff member's conduct as a withdrawal of their request, we will notify the staff member of this in writing.

## 12.0 Monitoring arrangements

- 12.1 This policy will be reviewed 3 yearly by the CEO/CFO of the Trust in consultation with Headteachers as appropriate.
- 12.2 At every review, this policy will be approved by the Board of Directors.

## 13.0 Links to other policies

- 13.1 This policy links to the following policies:
  - ESCAT Grievance policy
  - School Pay and Remuneration Policies
  - School Health and Safety Policies

# Appendix A

## Flexible working application form for statutory and non-statutory requests

Employee name:

Job title:

Date employment commenced:

Line manager:

Statutory / Non-Statutory\* Request

CURRENT WORKING PATTERN	
Days/hours	
Location	

PROPOSED NEW WORKING PATTERN	
Days/hours	
Location	
Any additional technology or resources required	
Proposed start date	

I ANTICIPATE THAT THIS CHANGE WILL HAVE THE FOLLOWING IMPACT ON THE SCHOOL AND MY COLLEAGUES	
Benefits	
Challenges	

I ANTICIPATE THAT THESE CHALLENGES CAN BE MANAGED AS FOLLOWS

IS THIS REQUEST IN RELATION TO THE EQUALITY ACT 2010?

If yes, please provide details and other supporting evidence

DECLARATION OF ANY PREVIOUS STATUTORY REQUESTS FOR FLEXIBLE WORKING ARRANGEMENTS

I confirm that:

- This is a statutory / Non-statutory\* request for flexible working
- I have not made a statutory flexible working request in the last 12 months

\* Delete as appropriate

Signed:

Date: