

Date ratified at
Directors Meeting
15 July 2024



Review
Resources Committee

FLEXIBLE WORKING POLICY

THE TRUST MISSION STATEMENT

Inspired by the life of Christ we provide an exceptional education in our Catholic schools which enables our children:

- to fully embrace all possibilities
- to flourish
- to develop their faith

and therefore to choose a path that enables them to be a positive influence upon our world.

‘Prepare the Way’ *Mark 1:3*

St John the Baptist Catholic Multi Academy Trust

Company No: 7913261

Registered Office: Surrey Street, Norwich NR1 3PB



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1. Aims

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 for 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.

2. Legislation and guidance

This policy meets the requirements of:

- [Employment Relations \(Flexible Working\) Act 2023](#)
- [Flexible Working Regulations 2014](#)
- [Equality Act 2010](#)
- [Employment Rights Act 1996](#)

It also reflects best practice guidance set out in:

- [The DfE’s guidance for flexible working in schools](#)
- [Acas’ code of practice on requests for flexible working](#)

3. Our approach to flexible working

St John the Baptist Catholic Multi Academy Trust 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
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- › 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

We are an equal opportunities employer, and we recognise the contribution that flexible working makes to this ongoing commitment.

4. Scope

4.1 Eligibility

This policy applies to all staff employed by our school, 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:

- › Are an employee at the Trust
- › Have not already made 2 statutory requests for flexible working arrangements in the last 12 months (each 12 month period runs from the date when the most recent application was made).
- › In regard to sabbatical leave requests have at least two years continuous service at the date your request is made.

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

4.2 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
- › **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. Roles and responsibilities

5.1 The CEO

The CEO is 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 school

5.2 The line manager or Headteacher

The line manager or Headteacher is responsible for:

- › 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 Trust Board

The Trust board will approve this policy and hold the CEO to account for its implementation.

Where the CEO submits a flexible working request, the Trust board will be responsible for considering that request fairly and according to the needs of the Trust, its schools and pupils. The board (or a suitable nominated Trustee) will respond to the request within the agreed timescale.

5.4 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. Requests for flexible working arrangements

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).

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

- › The potential benefits to the individual and the school
- › Different options for flexible working arrangements
- › A trial period to test out a proposed arrangement

6.1 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 that don't involve altering the staff member's contract – for example, varying start or finish times but maintaining the same number of working hours

Staff should send their application to their line manager.

If the headteacher is requesting flexible working, they should send their application to the CEO.

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

6.2 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 ideally at least 2 months before the proposed change. Legally, all requests must include:

- › Date of the 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
- › Whether they've previously applied for flexible working arrangements and if so, when that was

The member of staff should also include whether they're making their request in relation to the Equality Act 2010 – for example, as a reasonable adjustment for an employee with a disability.

Staff should send their application to their line manager.

If the headteacher is requesting flexible working, they should send their application to the CEO.

7. How we will consider applications

7.1 Timescale

Our Trust will respond to a statutory flexible working request within **2 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.

The Trust may be able to agree to the request without the need for a meeting, if that is the case, your line manager or headteacher will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

7.2 Consultation meeting to discuss an application

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

The line manager or Headteacher may arrange a consultation meeting with the staff member:

- › Clarify the staff member's proposed flexible working arrangements
- › Make it clear whether the request relates to a reasonable adjustment for a disability
- › Discuss any foreseen challenges regarding the proposed arrangements and how they can be overcome
- › Consider any potential modifications to the original request, or any alternative flexible working options that may be available and suitable for all sides

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

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

- › Details of the new working arrangements
- › Details of any 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 line manager or headteacher 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 and ask for agreement to delay the decision for up to a further 14 days, providing any extension does not exceed a two month period since the request was first made.

If the request is rejected, the line manager or headteacher 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 (“business reasons”):

- › 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 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

The Trust's interpretation of the “business reasons” are set out in Appendix C in order to provide a clearer understanding of the specific circumstances in schools.

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 only make 2 statutory flexible working requests within 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. Trial period

Where a staff member's application is successful, they may be subject to a trial period of 3 months, or other appropriate period – for example, a full school term. This period will form the basis of a final decision about whether the flexible working arrangement will work.

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 2-month timescale for the Trust to respond to flexible working applications.

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

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

9. Appeals

Staff members can appeal any unsuccessful flexible working application.

They must make their appeal in writing, state the reason for appealing the decision, and submit their appeal to Trust Compliance Manager within 14 days of receiving a written rejection.

The Trust Compliance Manager will arrange for a meeting to take place within 14 days of receipt of your appeal, the meeting will be heard by Headteacher or a Director. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague or trade union representative.

At the meeting you will be asked to outline your appeal and the original decision maker will be asked to outline their reasons for declining the request.

You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.

The outcome of the appeal is final, and there is no further right to appeal.

10. Withdrawing a request

A staff member can withdraw a request for flexible working at any time after it has been made. However, if they have withdrawn a statutory request, and the withdrawn request was their second statutory request in a 12-month period, they will not be able to make another statutory request for 12 months after their first request.

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

Where the above applies we will notify the staff member of this in writing.

11. Monitoring arrangements

This policy will be reviewed by the Trust Board as necessary.

At every review, this policy will be approved by the Trust Board.

12. Links to other policies

This policy links to the following policies:

- › Maternity Leave and pay policy
- › Paternity Leave and pay policy
- › Sickness Absence policy and procedure
- › Shared Parental leave policy
- › Adoption policy

Appendix A: Flexible working application form for statutory requests

Employee name:

Job title:

Date employment commenced:

Line manager:

CURRENT WORKING PATTERN	
Days/hours	
Location	

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

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 request for flexible working
- This request does not bring my total number of statutory flexible working requests in the last 12 months to more than 2

Signed:

Date:

Appendix B Formal Sabbatical Leave Requests

1. Making a Formal Sabbatical Request
 - 1.1. You will need to submit a written application if you would like your sabbatical request to be considered under the formal procedure.
 - 1.2. Your written and dated application should be submitted to the Headteacher and, in order to meet the requirements of the formal procedure and to help the Headteacher consider your request, should:
 - a) state the reason for your request,
 - b) give the date from which you want your sabbatical to start;
 - c) the length of your sabbatical;
 - d) state how the school/Trust might be affected by your proposed absence on sabbatical leave and how any potential problems might be overcome;
 - e) ideally be submitted at least three months before you wish the changes you are requesting to take effect.
 2. Terms and Conditions during a Sabbatical:
 - 2.1. Any agreed period of sabbatical leave will be unpaid but the Employee will continue to be employed and their continuous service will be preserved.
 - 2.2. The Employer will not contribute pension contributions into the employee's pension scheme during their period of sabbatical leave. It will be the responsibility of the Employee to make separate arrangements with their pension scheme to cover any periods of unpaid service.
 - 2.3. The Employer will not pay any benefits such as Childcare Vouchers during the sabbatical leave.
 - 2.4. The Employee will be required to keep in contact with the School/Trust whilst on sabbatical leave, usually on a monthly basis, to be agreed with the line manager before sabbatical leave begins. This contact should ideally be by telephone or e-mail, but could alternatively be by post, depending on the Employee's access to communications technology whilst they are away on sabbatical leave. The Employee will indicate whether they want to be informed of any promotional opportunities during their sabbatical.
 - 2.5. During the period of the Employee's sabbatical, the Employee remains employed by the Employer on their terms and conditions of employment, save as amended hereby. Therefore, the Employee will not be permitted to take up alternative employment or provide any consultancy services to any third party except with the Employer's consent.
 - 2.6. The Employee will usually take any outstanding leave accrued for the annual leave year before the sabbatical leave commences. During the sabbatical, the Employee will accrue annual leave based on the statutory entitlement and this will be paid shortly before their return to work.
 - 2.7. If the Employee decides not to return to work following a period of sabbatical leave, they must give notice of their resignation as soon as possible and in accordance with the terms and conditions of their contract of employment.
 - 2.8. If the employee wishes to end their sabbatical leave early, they must make a written request to the Headteacher to do so, giving at least eight weeks' notice wherever possible. If the employee wishes to return to work earlier than the eight week notice period, it is at the Headteacher to consider such requests and decide whether or not it can be approved subject to business needs.
 - 2.9. School/Trust property may need to be returned or retained for the duration of the sabbatical, such as laptops, mobiles, or security passes.
 - 2.10. Upon return from sabbatical, the Employee will be able to return to the same role or where this is not possible, a job of equivalent status and on terms no less favourable than before.
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- 2.11. Where the Employee's role is affected by organisational changes during their sabbatical leave, the Employer will involve them in any consultation process.
 - 2.12. No performance increments or inflationary increases to salary will apply during the sabbatical leave. An appraisal / performance review will be undertaken upon the Employee's return to work.
3. Formal Procedure
 - 3.1. Within 14 calendar days of receiving a written request for sabbatical leave, the Headteacher will respond in writing to confirm whether or not the request has been granted. This will include the reasons for the decision and any appeal procedure, where your request hasn't been agreed upon.
 - 3.2. If the Headteacher needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, they may need more time to investigate how your request can be accommodated or to consult several members of staff.
 - 3.3. If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher will write to you with details of the terms that have been agreed.
4. Formal Procedure: Appeal
 - 4.1. If your request is rejected, you have the right to appeal.
 - 4.2. Your appeal must:
 - a) be in writing and dated;
 - b) set out the grounds on which you are appealing; and
 - c) be sent to the Company Secretary within 5 days of the date on which you received the written rejection of your request.
 - 4.3. An Appeals Panel will review the documents associated with your request and the decision. Should they require additional information from either party then they can request this.
 - 4.4. You will be informed in writing of the Appeal Panel's decision within 5 days of the date of their meeting.
 - 4.5. If your appeal is upheld, you will be advised of this in writing will write to you with details of the terms that have been agreed.
 - 4.6. If your appeal is rejected, the written decision will give the reason for the decision. There is no further right of appeal.

Appendix C Interpretation of “Business Reasons”

1. Burden of additional costs

It may, in some circumstances, be more costly to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application.

2. Detrimental effect on the ability to meet customer demand

The school’s customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Headteacher will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the employee is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

3. Inability to re-organise work among existing staff

In addition to 2 above, where the employee has leadership or management responsibilities, it is necessary to take into account the ability of the school to distribute these to other employees at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities. The school may wish to set a minimum contract for a Head of Department, or senior leader, for example. The school will also need to consider whether it is appropriate for a leader or manager to be absent for whole days in the week as a result of flexible working. Unless outstanding circumstances apply, it is expected that employees with leadership or management positions will have a minimum contract of yy%. In the case of support staff this relates to the percentage of the working week and is applied to the number of weeks contracted to work.

4. Inability to recruit additional staff

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the school will seek to recruit additional staff.

5. Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of learning and teaching.

6. Detrimental impact on performance

Timely marking of pupils’ work is essential for their progress. Pupils’ work must be marked on a regular basis in accordance with the school marking policy. The school recognises that it is potentially difficult for part time teachers to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part time job should the request be agreed, and this will be considered before a decision is reached.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of pupils and effective service delivery are paramount. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time teacher being absent from school for one day per week may be to pressurise the timetabler to allocate a predominance of non-teaching periods for others in

the team on that day. The extent to which the proposed flexible/part time work pattern affects the work-patterns of the team will be considered before a flexible working application is agreed.

8. Planned structural changes

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

9. Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.