

# Viking Academy Trust



## Flexible Working Request Policy & Guidance

Approved by the Trust: Term 4 2020

Reviewed: April 2024

Signed

A handwritten signature in black ink, appearing to read 'A. Robb', is placed over a faint rectangular box.

Chair of Trust

# Flexible Working Policy & Guidance

## The Viking Academy Trust

Empowering Children Through Education: One Childhood One Chance

### Schools in the Viking Academy Trust (VAT)

Chilton Primary School  
Ramsgate Arts Primary School  
Upton Junior School

This '**Flexible Working Policy & Guidance**' is for all the aforementioned schools

#### CONTENTS

- 1.Scope
- 2.Introduction
3. Eligibility
4. The Right to Request Flexible Working
- 5.Trustee/Governing Body/Headteacher/Line Manager Responsibilities
- 6.The Employee's Responsibilities
- 7.Meeting to discuss the flexible working request
- 8.Outcome of a flexible working request
- 9.Where the request for flexible working is unsuccessful
- 10.Where the request for flexible working has been granted
- 11.Timescales
- 12.The Appeal Process
13. Requesting a Reasonable Adjustment
14. Complaints and Further Information
- 15.Pension Implications

#### Appendix 1 –Application for Flexible Working

##### 1. Scope

This Policy has been adopted by Viking Academy Trust Board of Trustees and applies to all staff employed to work at the Academies which form part of Viking Academy Trust (hereafter referred to as “the Trust”).

##### 2. Introduction

The Viking Academy Trust has a commitment to being an exemplary equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our Academies are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.

Viking Academy Trust strongly believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best workforce and utilising all the talent and



experience available within the community. We also appreciate that the workforce is becoming increasingly diverse and includes a high percentage of those with caring responsibilities, as well as those whose interests and aspirations impact upon their time. The Viking Academy Trust recognises the importance of helping its employees balance their work and home lives by offering flexible working arrangements. In turn, it recognises that staff levels must at all times remain in line with the demands of running the schools.

This policy applies to flexible working requests receive by Viking Academy Trust on or after the 6<sup>th</sup> April 2024. Requests received before that date which have not reached a conclusion will continue to be considered under our previous policy.

All employees have the right to make a request to work flexibly. The Trust is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and Trust/School.

A flexible working request is a request to change the employee's terms and conditions and must relate to:

- a) the number of hours that the employee works;
- b) the times that the employees works; or
- c) the employee's place of work.

Examples of flexible working are part-time; change in working hours, job share, term-time working and working from home – please refer to the Trust's Working from Home Guidance.

When advertising for new roles in our schools, consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.

This Policy gives employees a right to **apply** to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

The law prescribes a two-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The two-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

### **3. Eligibility**

All employees have a statutory right to request flexible working from the first day or employment. Although we recognise that not all of the flexible working patterns will be suitable for all sections of the Viking Academy Trust's workforce, there should be no arbitrary barriers. Employees in all areas and levels of the Trust will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, pregnancy, marital/civil partnership status, gender reassignment or disability. However, there is no automatic right for employees to change any of their flexible working patterns.

### **4. Right to request flexible working**

All employees can make a maximum of two statutory flexible working requests during a 12-month period. A request cannot be made until any previous request has been concluded in full.

A request will stay live until any of the following happen:

- The Viking Academy Trust makes a decision.
- The employee withdraws the request.
- The employee and organisation agree on an outcome.
- It's been 2 months since the date of the request.

While it is the Viking Academy Trust's policy to be flexible on working patterns for all of its employees, in order to ensure that we are complying with our legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

### **5. Trustee/Governor/Headteacher/Line Manager Responsibilities**

It is the responsibility of the Board of Trustees to ensure that this Policy is applied consistently, and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail.

In addition, the appropriate line manager (within the Trust Leadership Team) for the member of staff will ensure that:

- working patterns comply with the working time regulations;
- working patterns do not adversely impact on the level and/or quality of service;
- the contractual entitlements of any employee are not contravened;
- no employee's application is refused without due consideration of the feasibility of proposals.

### **6. The Employee's Responsibilities**

**6.1** Employees should submit their application in good time for it to be dealt with during the school term.

**6.2** The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request.

The employee must:

- a) lodge the request to complete an application for flexible working to the Head of School/Trust Leader (see appendix 1 for FWR application);
- b) date the request;
- c) state that they are making a statutory request for flexible working and the changes that the employee is seeking to their terms and conditions;
- d) state the date of which the employee would like the terms and conditions to come into effect;
- f) indicate whether they have previously submitted a request for flexible working and, if so, when;
- g) indicate whether you are requesting the variation as a reasonable adjustment under the disability discrimination provisions of the Equality Act 2010.

If a request does not contain all of the required information, the HR Team will advise the employee what else they need to provide and ask the employee to resubmit the request.

### **7. Meeting to Discuss a Flexible Working Request**

**7.1** Once the Head / Trust leader receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in the table below. The Head/Trust leader and the HR

Director will arrange a meeting to deal with the request. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting will not be necessary.

**7.2** The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic, then one further date will be proposed. This meeting will be in person or via Teams, or a telephone call if neither of those are possible.

**7.3** An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Academy/Trust.

**7.4** If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

## **8. Outcome of a Flexible Working Request**

**8.1** After the meeting, the Head/Trust Leader will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.

**8.2** The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in the table below. The request may be granted in full or in part: for example, the school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not granted or is granted in part.

## **9. Where the Request for Flexible Working is Unsuccessful**

It will not be possible for a Head / Trust Leader to agree to a new working pattern in every circumstance. The reason why a request cannot be granted should be made clear to the employee and give clear reasons justifying the rejection of a request based on one or more of the following reasons:

- a) Burden of additional costs to the Academy/Trust;
- b) Inability to meet service needs, organisation and delivery;
- c) Inability to organise work within the staffing available;
- d) Detrimental impact on performance and quality of service;
- e) The effect of the proposed arrangements on other staff
- f) Insufficiency of work during the periods the employee proposes to work;
- g) Inability to recruit additional staff;
- h) Planned structural changes;
- i) Detrimental effect on ability to meet users demand.
- j) Health and safety issues arising from the proposed changes.

## **10. Where the Request for Flexible Working is Granted**

If the request is upheld, the employee and the Head of School / Trust Leader will discuss how and when the changes will take effect. Where flexible working practices are agreed as a

permanent change, any variation to the terms and conditions will be confirmed in writing and sent to the employee as an amendment to his/her contract of employment.

Heads of School / Trust Leaders should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

### 10.1 Trial Period

Where there is some uncertainty about whether the flexible working arrangement is practical for an employee or the organisation, a trial period may be agreed.

A trial period will allow enough time to implement and get used to the new arrangement before making any decisions on its viability.

The Viking Academy Trust will put any trial arrangements in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.

The employee will be informed in writing of the start and end dates of the trial period. The organisation may reduce or lengthen the trial period where necessary, with the agreement of the employee.

The Viking Academy Trust will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, the Viking Academy Trust will provide contractual notice.

### 10.2 Rejection of Request

At the end of a trial period, if the arrangement has not been successful, both parties should discuss what compromises will need to be made for a further trial period to take place. If the application is turned down, the Head of School / Trust Leader must state the reason(s) why in writing.

## 11. Timescales

**11.1** All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.

**11.2** These time limits may be extended where both the employee and Trust/School agree. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Within 14 days of receiving the request for flexible working	Within 7 days of the meeting	Within 7 days of the notification	Within 14 days after receiving the appeal	Within 7 days of the appeal meeting.
The Head of School / Trust Leader should hold the meeting	Notify the employee of the decision	Employees who are dissatisfied can lodge an appeal	The appeal to be heard	The employee will be informed of the outcome of his/her appeal

		Refer to 12 below for the Appeal process	Refer to 12 below for the Appeal process	Refer to 12 below for the Appeal process
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## 12. The Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by the Head / Trust Leader, they can lodge an appeal.

**12.1** Within 7 calendar days of receipt of the notification of the Head of School / Trust Leader's decision the employee may if they wish, appeal in writing to the Chair of Trustees/Chair of Governors. They should set out their grounds for making the appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the Head / Trust Leader may not have been aware of or it may be to challenge a fact that the Head / Trust Leader has failed to explain the rationale for the decision.

**12.2** Within 14 calendar days after receiving the appeal the Chair of Trustees /Chair of Governors will designate a panel of Trustees/Governors not previously involved with the application to arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union official at the appeal meeting. If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date.

**12.3** Within 7 calendar days of the date of the appeal meeting, the panel of Trustees/Governors must inform the employee of the outcome of the appeal in **writing**.

If the appeal is upheld, the written decision must:

- a) Include a description of the new working pattern;
- b) State the date from which the new working pattern is to take effect, including any trial period; and
- c) Be dated.

If the appeal is dismissed, the written decision must:

- a) State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal;
- b) Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
- c) Be dated.

A written notice of the appeal outcome constitutes the Trust's/Academy's final decision and is effectively the end of the formal procedure.

## 13. Requesting a reasonable adjustment

The Viking Academy Trust is committed to reducing and removing disadvantages for disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010.

## 14. Complaints and further information

An employee should raise any concerns with the HR Team if they:



- Are not satisfied with any stage of the flexible working request process.
- Feel they have been treated unfairly because they've made a flexible working request.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the Viking Academy Trust's grievance procedure.

### **15. Pension Implications**

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice. Please note that flexible retirement can only be considered once a request for flexible working has been agreed.

*The Local Government Pension and Teachers' Pension Schemes are subject to change and therefore guidance should be sought from the appropriate pension teams' prior to making any retirement request.*



# Appendix 1: Flexible Working Request Application

## APPLICATION FOR FLEXIBLE WORKING

TO: Executive Headteacher: Mrs M Lewis

<b>Personal details</b>	
Name:	Payroll Number:
Address:	Telephone Number:
Job title:	Name of School:
Start date:	

I confirm that I meet each of the eligibility criteria as follows:

I have not made two requests to work flexibly under this right during the past 12 months

Dates of any previous requests to work flexibly under this right:

I would like to apply to work a flexible working pattern which is different to my current terms and conditions, under the Flexible Working Policy for the following reasons:

Describe your current working pattern (days/hours/times worked):

Describe the working pattern you would like to work in the future (days/hours/times worked):

I would like the flexible working changes to commence on:

PLEASE TICK IF APPLICABLE

- I would like this request to become a permanent change to my terms and conditions of employment.
- I would like this change to be temporary, please specify dates  
\_\_\_\_\_
- I would like this request to commence on my return from maternity leave.
- I confirm I meet the eligibility criteria outlined in the procedure (please specify)  
\_\_\_\_\_  
\_\_\_\_\_
- I have not made more than two requests for flexible working within the last 12 months.
- I have made previous requests for flexible working within the last 12 months (please specify)  
\_\_\_\_\_  
\_\_\_\_\_
- Dates of any previous flexible working requests \_\_\_\_\_

I am making this request in relation to the reasonable adjustments duty in the disability discrimination provisions of the Equality Act 2010. YES/NO

If you are unsure whether you meet any of the criteria, please seek advice from the Head of School / Trust Leader.

Signed .....

Date .....

