

## Human Resources Policy

# Flexible Working Policy

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## **1. Introduction**

- 1.1 The Raleigh Education Trust is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our use and retention of staff.
- 1.2 This policy gives employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure and ACAS Code of Practice for Flexible Working, for such requests.
- 1.3 Through this policy we will accommodate flexible working where possible but the priority will be the effective running of the Trust / Academy for the benefit of the pupils and where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner.
- 1.4 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.5 This policy is contractual and has been agreed following consultation with the recognised trade unions.

## **2. Scope and Purpose**

- 2.1 This policy applies to all employees from the first day of their employment. An employee may make two statutory requests for flexible working within any 12 month period. The policy does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Any employee interested in flexible working can request an informal meeting with their line manager to discuss their application and the different options before submitting a formal request.

## **3. Responsibility for implementing the policy**

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework and the ACAS Code of Practice. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the CEO / Principals.

## **4. Forms of flexible working**

- 4.1 Flexible working can incorporate a number of possible changes to working arrangements:
  - a) reduction or variation of working hours;
  - b) reduction or variation of the days worked; and/or
  - c) working from a different location (for example, from home).
- 4.2 Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request.

- 4.3 Employees should be aware that changes to working hours will affect pay and other benefits, for example, pension and annual leave entitlement.

## 5. Job share

- 5.1 Job sharing may be described as an arrangement whereby two people “share the duties and responsibilities of one full time job”. All teaching and support staff posts should be potentially open to job share arrangements.
- 5.2 Existing employees have the right to share their current role / job and the other part of the post should be advertised as soon as possible. In view of notice periods, employees wishing to reduce hours on a job share basis should normally give at least 3 months notice, in writing, of their request to job share together with a proposed start date.
- 5.3 Where there are two employees in the same Academy who wish to job share then efforts must be made by Principals and line managers to facilitate this.

## 6. Phased retirement – teachers

- 6.1 Phased retirement enables employees who are aged 55 years or over whom, with the agreement of their employer, change the capacity in which they are working so that their pensionable salary is reduced by at least 20% compared to the average of the salary they have received during the preceding six months.
- 6.2 The reduction in salary, which must last at least twelve months, could be a result of moving from a part time position or taking up a post with less responsibility.
- 6.3 Should the salary of the teacher go above the 20% reduction required in the first twelve months then the application will be void and future pension payments will be suspended.
- 6.4 Teachers can take up to 75% of their pensions benefits that they have accrued in the Teachers' Pensions Scheme at the date the phased retirement begins. If taken before the normal retirement age, the benefits will be actuarially reduced to take into account the fact they have been receiving payments from an earlier date and therefore will be in receipt of payment for a longer period.
- a) To be eligible to make a request for phased retirement the teacher must:
  - b) Actively be making contributions to the Teachers' Pensions Scheme.
  - c) Be aged 55 years or over.
  - d) Be taking at least a 20% reduction in their hours and/or substantive salary.
  - e) Applying to take phased retirement within three months of taking up their new employment.
- 6.5 Have the agreement of the school for the new hours/grade (the appointment may be with a different school/employer).
- 6.6 Where phased retirement is agreed, it is on the understanding that a trial period for phased retirement will not be permitted due to the direct impact on pension benefits, business planning, management and

other staff. In addition, the employee accepts permanent variation of hours/salary and all terms and conditions of service will be adjusted accordingly.

- 6.7 Employees wishing to apply for phased retirement should do so in accordance with the procedure described in this policy.
- 6.8 The Principal will need to liaise with TPS and the Trust's payroll provider to ensure that there is a 20% reduction in salary.

## **7. Flexible retirement – support staff**

- 7.1 Employees may currently choose to retire and access their reduced pension from age 55 and receive their benefits immediately.
- 7.2 Flexible retirement enables eligible employees to retire partially by reducing their hours or moving to a less senior position at or after age 55 and with the Trust's agreement, they may draw all of their pension benefits, although there may be some reduction for early access.
- 7.3 To be eligible to make a request for Flexible Retirement under the LGPS regulations, an employee must:
  - a) Actively be making contributions to the LGPS.
  - b) Be aged 55 years or over.
  - c) Have at least 2 years or more pensionable service in the LGPS.
  - d) Be taking at least a 20% reduction in their hours and/or substantive salary.
- 7.4 Where flexible retirement is agreed, it is on the understanding that if agreed before the age of 60 and/or if the employee has not met the 85 year rule his/her pension will be actuarially reduced. The Trust will not normally bear the costs of the employee's actuarial reduction. The Trust will only agree that the full pension benefits can be withdrawn; part withdrawal of pension will not be permitted. In addition, a trial period will not be permitted due to the direct impact on pension benefits, business planning, management and other staff. The employee accepts permanent variation of hours/salary and all terms and conditions of service will be adjusted accordingly.
- 7.5 Employees wishing to apply for flexible retirement should do so in accordance with the procedure described in this policy.
- 7.6 The Principal will need to liaise with LGPS and the Trust's payroll provider to ensure that there is a 20% reduction in salary.

## **8. Eligibility for a formal right to request procedure**

- 8.1 Requests under the formal procedure set out in paragraph 6 to paragraph 9 of this policy can only be made by employees who meet the criteria set out below.
- 8.2 To be eligible to make a request under the formal procedure, you must:

- a) be an employee;
- b) not have made two formal requests to work flexibly during the last 12 months; and
- c) not make a formal request to work flexibly if a request you made previously has not been concluded.

## **9. Making a formal flexible working request**

- 9.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. Once we have received a request, we will consider it.
- 9.2 Your written and dated application should be submitted to your line manager / Principal and, in order to meet the requirements of the formal procedure and to help them to consider your request, should:
- a) state that it is a statutory flexible working request;
  - b) explain the reasons for your request, especially if you think our Equal Opportunities Policy may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
  - c) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times;
  - d) give the date from which you want your desired working pattern to start;
  - e) provide information to confirm that you meet the eligibility criteria set out in paragraph 8 of this policy;
  - f) state whether you have made a previous formal request for flexible working and, if so, when; and
  - g) be submitted in good time and ideally at least two months (the statutory decision period) before you wish the changes you are requesting to take effect.
- 9.3 If you are making a request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability, you should also state this in your request.
- 9.4 We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, your Line manager / Principal will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 9.5 Where it is considered necessary to consider your request further, you will be invited to a consultation meeting with your line manager / Principal to discuss your request, prior to a decision being made, including if it may be possible to agree some of the benefits sought in the original request.

## **10. Formal procedure – meeting**

- 10.1 Where consultation is necessary, your line manager / Principal will arrange to meet with you as soon as is possible after receiving your written application.. Your line manager / Principal may discuss your

request with your line manager and make any necessary enquiries regarding your proposals prior to the meeting.

- 10.2 You may bring a colleague to the meeting if you wish who may be your trade union representative or another work colleague. Your trade union representative or work colleague will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 10.3 The meeting will be used to discuss the working arrangements you have requested and for the Academy / Trust to carefully assess the effect of the requested change for the school and you including the potential benefits or other impacts of accepting or rejecting your request. The meeting also provides an opportunity to explore possible alternative working arrangements.
- 10.4 The Line manager / Principal may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team / department. We will set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working.

## **11. Formal procedure - decision**

- 11.1 Following the meeting, your line manager / Principal will consider your request carefully and notify you of the decision in writing as soon as possible, taking into account the statutory 2 month period for deciding requests including any appeal.
- 11.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, your line manager / Principal will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personal file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that line manager will discuss with you.
- 11.3 Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You should note that your right to make formal flexible working requests is limited to two in any 12-month period, however, you may only have 1 live request at any one time. Once a request has been made, it will remain live until a decision is made; the request is withdrawn; an outcome is agreed or the statutory 2 month period ends. A request continues to be live during any appeal or any extension to the statutory two month decision period that may have been mutually agreed between you and your line manager / Principal.
- 11.4 If your line manager / Principal needs more time to make a decision, they will discuss this with you and an extension period will be agreed. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.
- 11.5 There will be circumstances where, due to a genuine business reason, we are unable to agree to a request. In these circumstances, your line manager / Principal will write to you:
  - a) giving the business reason(s) for turning down your application;
  - b) explaining why the business reasons apply in your case; and
  - c) setting out the appeal procedure.
- 11.6 If we reject a request it will be for one or more of the following eight business reasons:

- a) the burden of additional costs;
- b) detrimental effect on ability to meet pupil and/or Academy / trust demand;
- c) inability to reorganise work among existing staff;
- d) inability to recruit additional staff;
- e) detrimental impact on quality;
- f) detrimental impact on performance;
- g) insufficiency of work during the periods that you propose to work; and
- h) planned changes.

## 12. Formal procedure - appeal

- 12.1 You may appeal against the decision if your request is rejected, or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if you feel your request was not handled reasonably in line with this policy.
- 12.2 Your appeal must:
- a) be in writing and dated;
  - b) set out the grounds on which you are appealing; and
  - c) be sent to your line manager / Principal within 14 days of the date on which you received the written rejection of your request.
- 12.3 Your line manager / Principal will arrange for a meeting to take place as soon as possible following receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a colleague who may be your trade union representative or another work colleague.
- 12.4 An Appeal Panel will be selected, specifically for the appeal, in accordance with the Trust's Scheme of Delegation.
- 12.5 You will be informed in writing of the Appeal Panel's decision as soon as possible following the appeal meeting.
- 12.6 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personal file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.



- 12.7 You should be aware that changes to your terms of employment will be permanent and unless and / or until you make a second formal request for flexible working within any 12 month period from the date of your original request.
- 12.8 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You should note that your right to make formal flexible working requests is limited to two in any 12-month period.

## 13. Timescales

- 13.1 Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.
- 13.2 As a guide and to help ensure that requests are dealt with within this timescale:
- a) a meeting will normally be held with you within 14 days of your request being received;
  - b) you will normally be informed in writing of the decision within 5 days of the meeting; and
  - c) where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 5 days of the meeting.
- 13.3 However, there will be exceptional occasions when it is not possible to complete the procedure within these timescales. Where an extension of time is agreed with you, your line manager / Principal will write to you confirming the extension and the date on which it will end.
- 13.4 If you withdraw a formal request for flexible working, that request will still be taken into account when determining if you have made two formal requests in a 12-month period. In certain circumstances, a formal request will be treated as withdrawn. This will occur if you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause. In such circumstances, your line manager/Principle will write to you confirming that the request has been treated as withdrawn.

## 14. Retention and data protection

- 14.1 As part of the application of this policy, the Academy / Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of the Data Protection Legislation (being (i) the General Data Protection Regulation ((EU) 2016/679 (unless and until the GDPR is no longer directly applicable in the UK,) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998). Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the Data Protection Legislation.

## 15. Review of policy

- 15.1 This policy is reviewed every two years by the Trust in consultation with recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.