

# Eastwood Park Academy Trust (EPAT)

EPAT

Believe Succeed Together

## Flexible Working Policy

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## 1.0 Definition

Flexible working is defined as ‘arrangements which allow employees to vary the amount, timing, or location of their work’. Examples are provided in the table below.

Type of Flexible Working	Examples	Description
Part-time	Part-time	Working less than full-time hours.
	Job share	Two or more people doing one job and splitting the hours.
	Phased retirement	Gradually reducing working hours and/or responsibilities to transition from full-time work to full-time retirement.
Varied hours	Staggered hours	The employee has different start, finish and break times.
	Compressed hours	Working full-time hours but over fewer days.
	Annualised hours	Working hours spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee.
In-year flexibility	Personal or family days	Days of authorised leave during term time to which all employees in a school are entitled.
	Lieu time	Paid time off work for having worked additional hours.
	Home or remote working	The employee carries out work off site.

## 2.0 Requesting Flexible Working

### 2.1 Non-statutory

A non-statutory request for flexible working can be made whether or not the statutory route is available. This is often the route used to request one-off or temporary flexible working arrangements, or arrangements which do not involve altering an employee’s contract.

When making a non-statutory request, the Trust and employee can agree to a permanent change of the employee’s contractual terms and conditions, although this is not a requirement of the non-statutory route.

### 2.2 Statutory

The Employment Rights Act 1996 introduced the formal right of employees to request flexible working following 26 weeks of continuous employment. This is known as [Making a Statutory Application](#).

### 3.0 Eligibility

To qualify for the statutory right to request flexible working an employee must meet the following conditions:

- Have at least 26 weeks continuous service at the date of application.
- Have not made another application to work flexibly during the past 12 months, regardless of whether a previous application was made in respect of a different caring responsibility.
- Be a parent of a child aged 16 or under or a disabled child aged 18 or under and be making the application in order to care for the child(ren) **OR** be caring or be expecting to care for a person over the age of 18 who is married to or is the partner or civil partner of the employee or is a 'near relative' of the employee and be making the application in order to be able to care for the adult.

The Trust has a responsibility to provide a response to a statutory flexible working request within **3 months**, including the conclusion of any appeal.

### 4.0 Application

Using the [Standard Application Form](#) the employee should submit a written application to the Principal of the constituent academy at least **3 months** in advance of the requested change.

The application should include the following:

- The date.
- A statement that is a statutory request.
- Details of how the employee wants to work flexibly and when they want to start.
- An explanation of how they think flexible working might affect the Academy and ways of mitigating the impact on the Academy and the employee's colleagues.
- A statement saying if and when they've made a previous application.

**In all cases, the employee cannot make another request for flexible working within 12 months of the date of the original application.**

### 5.0 Withdrawing an Application

Employees should inform the Trust, in writing, if they want to withdraw their application.

The Trust will treat an application as 'withdrawn' if the employee misses two meetings to discuss an application, without good reason, or the employee unreasonably refuses to provide information to support their application.

## **6.0 Decision**

Ultimate decision-making on flexible working requests resides with the Trust.

Where the Trust supports a flexible working request, this will result in a permanent change to the employee's terms and conditions. It is therefore recognised that in some circumstances a trial period is beneficial, with an agreed end date, to review the new working arrangements.

Where a request cannot be accommodated and no compromise can be reached, the Trust will write to the employee giving the business reasons for the refusal. Refusal can only be made on the 8 permitted reasons as follows:

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

## **7.0 Appeal**

The employee has a right to appeal against the decision. Any appeal must be made in writing and clearly state the grounds for appeal within 14 days of the decision being made.

The appeal hearing must be held within 14 days of the appeal being lodged.

The appeal will be heard by a panel of governors and the employee may be accompanied to the appeal hearing by a trade union representative or work colleague.

The Principal must submit a written case outlining the procedure/timescale/events which have led to the decision and why, with reference to the 8 statutory business grounds, the requested arrangements are not suitable and what (if any) alternatives have been considered.

All paperwork must be submitted to the Company Secretary at least two days before the appeal is due to be held.

The outcome of the appeal must be communicated to the employee, in writing, within 14 days of the appeal hearing.

If the appeal is successful, the notification must specify the new working pattern and start date.

If the appeal is unsuccessful, the notification will state the reason(s) for the decision and an explanation of the refusal.

The written outcome of the appeal constitutes the Trust's final decision and is effectively the end of the formal procedure.