



# The Wythenshawe Catholic Academy Trust

Journeying together with Jesus Christ, we learn to love and love to learn.

## FLEXIBLE WORKING POLICY

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Saint Paul's Catholic High School

St Elizabeth's Catholic Primary School

St Anthony's Catholic Primary School

SS John Fisher & Thomas More Catholic Primary School

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Title	Flexible Working Policy and Procedure
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Schools within the Wythenshawe Catholic Academy Trust:

- Saint Paul's Catholic High School
- St Anthony's Catholic Primary School
- SS John Fisher & Thomas More Catholic Primary School
- St Elizabeth's Catholic Primary School

This policy will be published on the Trust's web site under the staff section.

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## **1. Introduction**

- i. The Wythenshawe Catholic Academy Trust (referred to hereafter as the Trust) is committed to ensuring schools within the Trust provide a safe and secure environment which supports the welfare of its employees. This commitment reflects our approach as Catholic Schools and our beliefs in the dignity of the individual.
- ii. The Trust believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.
- iii. This policy details the rights and responsibilities of employees who wish to apply for flexible working and details the process to be undertaken by the employee and the school. It complies with the terms and conditions of service for teachers and support staff.
- iv. This policy and procedure is in accordance with the following employment legislation: Employment Rights Act 1996, Children and Families Act 2014 and Flexible Working Regulations 2014. It also takes into account the provisions of the Equality Act 2010 and the provisions of ACAS guidance document ACAS code of practice on “handling in a reasonable manner requests to work flexibly”. (The code will be taken into account by tribunals when considering whether or not an employer has handled a request in a reasonable manner).

## **2. Scope of the Policy**

- i. This policy applies to all employees who work at schools within the Trust. The schools in the Trust currently consist of St Paul’s Catholic High School, St Anthony’s Catholic Primary School, St John Fisher and St Thomas More Catholic Primary School and St Elizabeth’s Catholic Primary School.
- ii. This policy does not apply to self-employed staff, contractors, external consultants, agency staff or governors.
- iii. This policy should be read in conjunction with the Trust’s Maternity Leave Policy, Paternity Leave Policy, Adoption Policy, Shared Parental Leave Policy and Procedure, Leave of Absence Policy, Equality Policy and Health and Safety Policy.
- iv. Unless indicated otherwise, all references to “Governing Body” apply to school’s Local Governing Body or Interim Management Board.

## **3. Principles**

- i. The Trust is mindful of its obligations and duties under the Equality Act 2010 and will be mindful of the protected characteristics in the Equality Act (i.e. age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership) in the application of this policy and procedure.
- ii. While employment law provides the right for eligible employees to apply for flexible working, the law does not provide an automatic right to work flexibly. All requests will be carefully considered, weighing up the potential benefits to the employee and to the school against any adverse

impact on the high quality teaching and learning environment for students.

#### **4. Roles and Responsibilities**

- i. The Trust has delegated the overall responsibility for the effective operation of this policy to the school's Local Governing Body or Interim Management Board. The responsibility for the day to day management and operation of this policy has been delegated to the Headteacher.
- ii. The Governing Body is responsible for ensuring that this policy and all related policies are implemented in school.
- iii. The Headteacher is responsible ensuring the statutory rights and responsibilities of the employee are adhered to and applications for flexible working will be given serious consideration and dealt with in a reasonable manner.
- iv. Employees are responsible for complying with the obligations and requirements relating to applications for flexible working.

#### **5. Requests for flexible working**

- i. The right to request flexible working is available to all employees who have at least 26 weeks continuous service. Employees who have made an application in the previous 12 months must wait until the expiry of the date the request was submitted before submitting a new request.
- ii. A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.
- iii. All requests must be made in writing and a pro forma which is recommended for use by employees wishing to make a request for flexible working is attached to this policy at Appendix A.
- iv. Any request made under this policy must include:
  - the date of the application;
  - the changes that the employee is seeking to his/her terms and conditions;
  - the date on which the employee would like the terms and conditions to come into effect;
  - what effect the employee thinks the requested change would have on the school;
  - how, in his/her opinion, any such effect might be dealt with;
  - a statement that this is a statutory request;
  - whether or not the employee has made a previous application for flexible working; and
  - if the employee has made a previous request, when the employee made that application.

- v. Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.
- vi. Where the request is being made by a Headteacher, responsibility for considering the request will fall to the Chair of Governors.
- vii. The Headteacher should not reject out of hand a request that does not contain the required information. The Headteacher should explain to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.

#### **6. Meeting to discuss a flexible working request**

- i. Once the Headteacher receives the request, it will be dealt with as soon as possible, but no later than the deadline set out in paragraph 10. The Headteacher will usually 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.
- ii. An employee will be advised of their right to be accompanied by a companion who will be either a work colleague or a trade union representative. Employees must make their own arrangements if they wish to be accompanied at meetings.
- iii. 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 school.

#### **7. Outcome of a flexible working request**

- i. After the meeting, the Headteacher will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the school against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis and 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.
- ii. The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out in paragraph 10. 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 upheld or is upheld in part.

#### **8. Reasons for turning down a flexible working request**

- i. The Headteacher will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
  - an inability to reorganise work among existing staff;
  - an inability to recruit additional staff;
  - a detrimental impact on quality;
  - a detrimental impact on performance;
  - a detrimental effect on ability to meet customer demand;
  - insufficient work for the periods the employee proposes to work;  
and
  - a planned structural change to the business.
- ii. The Headteacher must not reject a request for any other reason.

### **9. Flexible working requests that are granted**

- i. If the request is upheld, the employee and the Headteacher will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to his/her written statement of terms and conditions of employment as soon as is reasonably practicable.

### **10. Timescales**

- i. All requests will be dealt with within a period of 3 months from first receipt to notification of the decision on appeal. The Headteacher should hold the meeting within 20 working days of receiving the request and notify the decision to the employee within 10 working days of the meeting, so that there is enough time for any appeal to be concluded. Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 10 working days of the notification, with the appeal to be heard within 10 working days.
- ii. The employee will be informed of the outcome of his/her appeal within 10 working days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the Headteacher and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

### **11. Problems with a flexible working request**

- i. If an employee is dissatisfied or unclear at any stage throughout the process, he/she should contact the Trust's Strategic Resource Officer. If an employee is dissatisfied with the way in which his/her request has been handled, he/she should raise a grievance under the Trust's grievance procedure.
- ii. Headteacher's who receive a request will have regard to the Trust's equal opportunities policy when considering the request.
- iii. 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.

## Appendix A

### Request for Flexible Working Pro Forma

<b>Name:</b>	
<b>Job Title:</b>	
<b>Department:</b>	
<b>Date form submitted:</b>	
<b>Please state whether you have previously applied for flexible working and if so, state the date of your last request was submitted:</b>	
<b>Please confirm that you have at least 26 weeks continuous service with the Trust</b>	
<b>State your current working arrangements:</b>	
<b>State your proposed working arrangements:</b>	
<b>Are you seeking a permanent or a temporary change to your terms and conditions of employment? If temporary please state when from and to.</b>	
<b>State when you would like the change to come into effect:</b>	
<b>State any effect you think the proposed change may have on the school:</b>	

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**State how you believe the school may be able to deal with your proposed change:**

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**State your reason for the request, beginning with the following, “I wish to make a statutory request for flexible working” and continue on a separate paper if necessary. (You do not have to disclose the reason, however, if you believe this will assist your application, please supply a reason below. This is particularly relevant if your request is made in relation to the Equality Act 2010).  
You must, however, state that you are making a statutory request:**

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Please return this pro forma to the Headteacher as soon as possible. Please also retain a copy of this pro forma for your own records.

Once you have submitted this application for flexible working, your request will be considered by the Headteacher. You will be invited to attend a meeting to discuss the request within 20 working days following receipt of the application.

**Employee  
Signature:**

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**Date:**

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