



**The King's (The Cathedral) School**

**Flexible Working Policy and Procedure**

Responsibility:	HR Manager
Ratified By:	Governing Body
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## **Flexible Working Policy**

### **1. Policy Statement**

- 1.1 The King's (The Cathedral) School 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 absence and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally.
- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time.

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

- 2.1 This policy applies to all employees, including part time employees. It does not apply to agency workers, consultants or self-employed contractors.
- 2.2 Employees have a statutory right to request flexible working under the formal stage of the procedure. The criteria for deciding who is eligible to follow the formal procedure are set out in paragraph 5.
- 2.3 Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 11 to the Headteacher who will consider the request according to the School's educational, business and operational needs.
- 2.4 Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.
- 2.5 Any employee interested in flexible working is advised to request an informal meeting with the Headteacher to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery before submitting a formal or informal request.
- 2.6 An employee does not have a right to work flexibly but has a right to request to do so.

### **3. Personnel Responsible for Implementing the Policy**

- 3.1 The Board of Governors has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board of Governors has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Headteacher.
- 3.2 All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the Headteacher.

### **4. Forms of Flexible Working**

4.1 Flexible working can incorporate a number of changes to working arrangements:

- a) reduction or variation of working hours;
- b) reduction or variation of the number of days worked each week; and/or
- c) working from a different location (for example, from home).

## **5. Eligibility for the Formal Right to Request Procedure**

5.1 Requests under the formal procedure of this policy can only be made by employees who meet the eligibility criteria set out below.

5.2 To be eligible to make a request under the formal procedure, you must:

- a) be an employee;
- b) not have made 2 flexible working requests during the last 12 months (including requests that have been withdrawn) (each 12-month period runs from the date when the most recent application was made).
- c) not make a formal request to work flexibly if a request you made previously has not been concluded.

## **6. Making a Formal Flexible Working Request**

6.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure, using the application form in Appendix A.

6.2 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 that it is a flexible working request
- b) state whether you are making your request in relation to the Equality Act 2010 – for example as a reasonable adjustment due to 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 and give the date from which you want your desired working pattern to start;
- d) provide information to confirm that you meet the eligibility criteria set out in paragraph 5 of this policy; state whether you have made a previous formal request for flexible working and, if so, when; and
- e) ideally be submitted at least two months before you wish the changes you are requesting to take effect.

6.3 The Headteacher 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, the Headteacher will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

## **7. Formal Procedure: Meeting**

7.1 Where necessary, the Headteacher will arrange to meet with you within 28 days of your application being submitted. The meeting will also be attended by the Headteacher's HR Representative. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

7.2 In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to everyone.

7.3 The meeting will be used to consider the working arrangements you have requested. You will be able to explain how the arrangements will accommodate your needs. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and of your department. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

7.4 The Headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your department.

## **8. Formal Procedure: Decision**

8.1 Following the meeting, the Headteacher will notify you of the decision in writing within 14 days.

8.2 If your request is accepted, or where we propose an alternative to the 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 personnel 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, the Headteacher will discuss with you.

8.3 You should be aware that 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.

8.4 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. The extension will allow time to consult with other staff, if necessary, to explore how the request may be accommodated.

8.5 There will be circumstances where, due to educational, business and operational Requirements, we are unable to agree to a request. In these circumstances, the Headteacher 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.

8.6 The eight business reasons for which we may reject your request are:

- a) the burden of additional costs;
- b) detrimental effect on ability to meet customer 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.

## **9. Formal Procedure: Appeal**

9.1 If your request is rejected, you have the right to appeal.

9.2 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 Clerk to the Board of Governors within 14 days of the date on which you received the written rejection of your request.

- 9.3 The Clerk to the Board of Governors will arrange for a meeting to take place within 14 days of receipt of your appeal. 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. The appeal meeting will not be held with the Senior Leadership Team (SLT) but instead with a panel of Governors, as it is the Headteacher who makes the decision regarding flexible working. The appeal will be conducted by a Governor panel that has not been previously involved in the making of the request.
- 9.4 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 9.5 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 personnel 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 an SLT member or Headteacher will discuss with you.
- 9.6 You should be aware that 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.
- 9.7 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.

## **10. Extending Time under the Formal Procedure**

- 10.1 There will be exceptional occasions when it is not possible to complete a stage of the procedure within the expected time limits. Where an extension of time is agreed with you, the Headteacher will write to you confirming the extension and the date on which it will end.
- 10.2 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 request made under the formal procedure will be treated as withdrawn. This will occur if:

- a) you fail to attend two meetings under the formal procedure without reasonable cause; or
- b) you unreasonably refuse to provide information we require to consider your request.

- 10.3 In such circumstances, the Headteacher will write to you confirming that the request has been treated as withdrawn.

## **11. Making an Informal Flexible Working Request**

- 11.1 Employees who wish to make an informal request for flexible working may make a request to the Headteacher who will consider it according to school educational, business and operational requirements.
- 11.2 It will help the Headteacher to consider your request if you:
- a) make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
  - b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;

c) think about what effect the changes to your working pattern will have on the work that you do and, on your colleagues, as well as on our subject/service delivery [and that of your department. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application. The Headteacher can consider whether they are workable; and

11.3 The Headteacher will advise you what steps will be taken to consider your request, which may include inviting you to attend a meeting, before advising you of the outcome of your request.

## **12. Monitoring and Review of the Policy**

12.1 This policy is reviewed regularly by the Board of Governors.

## Appendix A

### Form to Request Flexible Working

#### Note to the Employee

You can use this form to make a formal statutory application to work flexibly. Before completing this form, you should first read the Flexible Working Policy carefully and check that you are eligible to make a request.

You should note that under the right it may take up to 8 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. You should therefore ensure that you submit your application to the Headteacher well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern.

It is important that you complete all the questions as otherwise your application may not be valid. Once you have completed the form, you should immediately forward it to the Headteacher (you might want to keep a copy for your own records).

We will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

#### 1. Personal Details

Name:

Job Title:

I would like to apply to make a formal flexible working request. I confirm I meet each of the eligibility criteria as follows:

<input type="checkbox"/>	I am an employee
<input type="checkbox"/>	This request does not bring my total of statutory flexible working requests in the last 12 months to more than two

2a. Describe your current working pattern (days / hours / times worked):
2b. Describe the working pattern you would like to work in the future (days / hours / time worked):
2c. Any additional technology or resources required:
2d. I would like this working pattern to commence from:

3. Is this request in relation to the Equality Act 2010? If Yes, please provide details and other supporting evidence.
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4. Details of any previous statutory requests for flexible working arrangements:

Signed: .....

Date: .....

**Return Slip**

Confirmation of Receipt (to be completed and returned to the Headteacher)

Dear:

I confirm that I received your request to change your work pattern on:

(date received)

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime, you might want to consider whether you would like a workplace colleague or trade union representative to accompany you to the meeting.

Signed:

Date: