



FLEXIBLE WORKING POLICY

This Policy has been approved and adopted by Blessed Christopher Wharton Catholic Academy Trust.

Policy Details

Blessed Christopher Wharton Catholic Academy Trust (BCWCAT) has adopted the PACT HR recommended model procedure as agreed by the following Trade Unions;

- Unison
- GMB
- NASUWT
- NEU
- NAHT

**ASCL recognises that meaningful consultation took place prior to the adoption and implementation of this policy.*

Approved by: Finance, Resources and Audit Committee

Approved on: 19/10/2021

Reviewer: Finance, Audit and Resources Committee

To be reviewed on: 01/09/2024

NB. This policy/guidance will be retained for a period of 7 years from replacement.

Summary of Key Changes

- i. Removal of reference to the grievance procedure, as the Flexible Working Policy contains a right of appeal.
- ii. Added section entitled 'Data Protection'.

Terminology

Within the following document, the terms below represent the following;

The Board:	The Board of Trustees
Senior Leader:	Chief Executive Officer
Chair:	Chair of the Board of Trustees
Member:	Trustee

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Policy Statement

- 1.1 The Trust believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.
- 1.2 All employees with 26 weeks' continuous service are entitled to request flexible working and for their request to be given due consideration by the Trust. The purpose of this policy is to outline employees' rights to request flexible working, the considerations for the Trust and the timescales within which such requests should be dealt with.

Requests for flexible working

- 2.1 Requests for flexible working may include; changes to number of hours worked, changes to the pattern of hours worked, job share or requests to perform some or all of the work from the employee's home.
- 2.2 All requests must be made in writing by completing the requisite application form, which is available from the Trust. Any request made under this policy must include:
 - the date of the application;
 - the changes that the employee is seeking to their 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 organisation;
 - how, in their 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.
- 2.3 Where the request is being made by a person with a disability as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in the written application.
- 2.4 Senior Leaders should not reject out of hand a request that does not contain

the required information. The employee's line manager should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

Meeting to discuss a flexible working request

- 3.1 Once the Senior Leader receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The Senior Leader will usually arrange a meeting to deal with the request. Where a request can be accommodated without further discussion in line with the terms stated in the employee's written application, a meeting will not be necessary.
- 3.2 An employee should be given the right to be accompanied by a work colleague or a trade union representative at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept confidential. 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 Trust.

Outcome of a flexible working request

- 4.1 After the meeting, the Senior Leader will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the Trust 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 their working pattern.
- 4.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the Trust 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.

Reasons for turning down a flexible working request

- 5.1 The Senior Leader/Board Members 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.
- 5.2 The Senior Leader/Board Members must not reject a request for any other reason.

Flexible working requests that are granted

- 6.1 If the request is upheld, the employee and the Senior Leader will discuss how and when the changes will take effect. Any changes to terms and conditions will be issued in writing and sent to the employee as an amendment to their contract of employment/written statement of terms and conditions of employment as soon as is reasonably practicable.

Timescales

- 7.1 All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal. The Senior Leader should hold the meeting within 28 days of receiving the request and notify the decision to the employee within 14 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 14 days of the notification, with the appeal to be heard within 14 days. The employee will be informed of the outcome of their appeal within 14 days of the appeal meeting. These time limits may be extended where both the employee and school are in agreement. For example, the Senior Leader and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Data Protection

- 8.1 When managing an employee's flexible working request, the Trust processes personal data collected in accordance with its [GDPR/data protection policy]. Data collected from the point at which the Trust receives a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

Problems with a flexible working request

- 9.1 If an employee is dissatisfied or unclear at any stage throughout the process, they should seek clarification from the Senior Leader.
- 9.2 Senior Leaders who receive a request will have regard to the Equality Policy when considering the request.
- 9.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

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