

FLEXIBLE WORKING POLICY

Approving Body	Trust
Date of Last Review	July 2024
Statutory (Y/N)	N
Responsible Officer	BMAT CEO for and on behalf of the Trust

I. INTRODUCTION – PURPOSE AND SCOPE

1. BMAT is committed to the growth and success of a flexible workforce; its objective will always be to find an arrangement which works for all parties.
2. At the same time, it is important that BMAT can still meet the demands of the organisation and so inevitably, the full range of flexible options may not be appropriate for all roles across all areas of the organisation. For obvious reasons, members of teaching staff are more likely to be required to remain on 'traditional' working patterns than (some) members of support staff.
3. The success of a flexible working arrangement will in large part depend on open communication.
 - a. Flexibility is required from both the individual and the organisation.
 - b. In making a decision as to whether any proposed arrangements might be feasible, BMAT will take into account a range of factors, such as the different elements of an individual's role, the nature of an individual's workload, the level of supervision and/or teamwork that an individual role requires, the need for continuity and any specialist skills required.
 - c. BMAT will also take into account the wider effects of the proposal such as any impact on work quality and performance, client service, employment and cost implications, as well as the impact of the new working arrangement on others in a team and/or department.
4. Common kinds of flexible working include:
 - a. Part-time working;
 - b. Job-sharing;
 - c. Term-time working;
 - d. Staggered hours;
 - e. Annual hours
 - f. Compressed working hours
 - g. Shift-working
5. Scope: From 6 April 2024, the Employment Right Act 1996 and The Employment Relations (Flexible Working) Act 2023 will extend the right to request flexible working to all employees (not just those with parental responsibility for a child or caring responsibility for an adult). An application to work flexibly must be taken seriously by the employer and can cover:
 - a. Hours of work;

- b. Times of work;
- c. Place of work

The policy has been drafted in accordance with the relevant legislation that will come into force on 6 April 2024.

This Policy applies to employees only (including permanent and fixed term employees). It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

6. The applicant making a request for flexible working must be an employee with a contract of employment and the following must apply:
 - a. Employees can make a flexible working request from the first day of their employment with BMAT.
 - b. An employee may make two requests for flexible working within any 12-month period (unless an existing application is still under consideration).
7. Status: This policy does not form part of your terms and conditions of employment and whilst BMAT will generally follow this policy it may be departed from or varied if it is considered appropriate to do so. It will be reviewed from time to time to ensure that it reflects legal obligations and organisational need. BMAT reserves the right to change, supplement, replace or withdraw this policy from time to time.
8. Please contact HR for any clarification or guidance about this policy. The following documents (which are appended to this policy) are also helpful:
 - a. Requesting Flexible Working: Guidelines for Employees (Appendix A)
 - b. Flexible Working Application Form (Appendix B)

II. **MAKING A REQUEST**

9. To make a request to work flexibly, an employee must submit an application in writing to HR (Flexible Working Application Form at Appendix B) setting out their proposal.
10. An application:
 - a. Must specify a start date for the proposed change which provides the trust with a reasonable amount of time to consider the proposal and, if necessary, implement it. This may take up to two months;
 - b. Must specify the change that the employee is seeking and when they wish the change to take effect. Any suggestions about dealing with any potentially

negative effects on BMAT, the department and/or colleagues may be included (see Appendix A for further guidance);

- c. Must state this it is an application made under the statutory procedure;
- d. Should explain if our Equal Opportunities Policy may be relevant, for example if the request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability;
- e. Must be dated and state whether a previous application has been made and if so the date on which it was made.

III. CONSIDERING A REQUEST

- 11. The timescales below provide a guideline for how long each step will take. All requests (including any appeals) will be dealt with within two months from the date the request is received, unless an extension is agreed.
- 12. This is the statutory requirement and requests will always be dealt with as soon as is reasonably possible.
- 13. Following submission to HR, the employee's line manager will hold an informal consultation meeting with the relevant employee, without unreasonable delay, to discuss the proposed changes to the work pattern in more detail.
- 14. The line manager will consider with the employee how a request may be accommodated and discuss possible alternatives if appropriate. The employee will have the opportunity to explain how the arrangements will accommodate their needs and what impact the proposal may have on their work and the business.
- 15. The purpose of the meeting is to discuss the request, consider alternatives and whether the request needs updating or reviewing in light of the consultation meeting.
- 16. The request form will then be completed by the line manager, signed and submitted to HR.
- 17. The Flexible Working Request will be reviewed by the Trust Executive Pay Review group.
- 18. Employees will be informed of BMAT's decision in writing.
- 19. If more time is needed to reach a decision, or it is considered that it may be appropriate to hold a trial period (see below) or look at alternative options, BMAT will seek agreement to extend the two-month deadline.

20. If the varied working arrangement is accepted (without the need for a trial period) the employee will receive a variation of contract letter confirming their new terms and conditions of employment.
21. If a request for flexible working cannot be accommodated, BMAT's decision and the business reasons for this will be confirmed to the employee in writing. The reason for turning down a request must comply with one of the eight fair reasons for refusal:
- 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 the employee proposes to work;
 - h. Any planned structural changes.
22. Employees will also be given details of their ability to appeal against the decision (as detailed below).
23. Trial period: BMAT may consider it appropriate to ask an employee to agree to a trial period before making a decision on whether or not to accept a request for flexible working:
- a. A trial period can often be beneficial as both parties will have an opportunity to review how the arrangements work in practice.
 - b. As indicated above: in order to accommodate a trial period BMAT will seek consent to extend the timescale for reaching a decision on a flexible working application.
 - c. BMAT will also seek to agree the length of the trial period and the temporary variation to the employee's terms and conditions of employment.
 - d. Trial periods normally last for between three and six months, with an interim review halfway through, but which may be extended further.
 - e. During the trial period, or at any time during a flexible working arrangement, the employee should raise any concerns as soon as possible with their line manager or HR. Similarly, performance managers should raise concerns informally, and seek advice from HR where necessary and appropriate.
 - f. BMAT will inform employees in writing of its decision regarding a request for flexible working at the end of the trial period.

24. Changes to terms and conditions of employment:

- a. If a flexible working request is accepted, this will result in a change to an employee's terms and conditions of employment for the duration of the agreed period.
- b. Where a flexible working request was subject to a trial period, BMAT will have agreed to a temporary change to the employee's terms and conditions for the duration of the trial period. Should BMAT decide to formally accept the request at the end of the trial period, the terms and duration of the agreement will be set out in writing.
- c. If at any time after a request has been accepted (either with or without a trial period first taking place) it appears that the new arrangements are not meeting business needs, BMAT may ask you to revert to your original working pattern. If this is the case, BMAT will consult with you and you will be given at least three months' advance notice of any proposals.
- d. Similarly, if an employee wishes to return to their original working pattern, they must give their manager three months' notice in advance of the date that they wish to return to their original working pattern (although a shorter period may be agreed). Whilst BMAT cannot guarantee that such a request will be approved, it will give all such requests full consideration.
- e. Employees with a flexible working arrangement have the same pay and benefit entitlement as that of full-time employees fulfilling the same role on a standard working pattern, but this will be on a pro-rata basis.
- f. Varying working arrangements will not have any impact on statutory rights.
- g. Flexible working arrangements will be reviewed annually by the trust. However, changes to current arrangements can only be made bilaterally (i.e. following agreement between the employer and employee).

IV. SUBMITTING AN APPEAL

25. If a request for flexible working cannot be accommodated and the employee believes that their request has not been properly considered, they may appeal in writing within 14 days of receiving written notice of BMAT's decision.
26. Employees must submit their appeal in writing to HR, who will schedule an appeal meeting with a member of SLT and/or the Trust Executive, and a member of the HR department. The employee must set out grounds for their appeal based on this policy and the desired outcome of their appeal.
27. An appeal meeting with an appropriate member of Senior Leadership or the Trust Executive will normally be held within ten school/working days of the request for an appeal being received, and employees may be accompanied by a fellow employee or trade union representative, following a reasonable request. If a chosen employee or representative is unable to attend on a specified date, the date may be postponed by up to five school/working days.
28. The purpose of the appeal meeting is not to re-state the flexible working application, but for the employee to set out why they believe their flexible working application was not appropriately considered, to present new evidence for consideration or to provide evidence that an incorrect decision was made.
29. Employees will be advised of the appeal decision in writing, normally within fifteen school/working days of the appeal meeting.

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APPENDIX A – REQUESTING FLEXIBLE WORKING: GUIDELINES FOR EMPLOYEES

1. BMAT will consider all flexible working applications that it receives and will always seek to facilitate flexible working arrangements where they are compatible with business/organisational needs. BMAT's aim is to find a mutually acceptable arrangement for the employee and the organisation. The guidelines in this appendix should be read in conjunction with the Flexible Working Policy as above.
2. Employees are advised to read the policy above very carefully in order to guide the completion of their flexible working request.
3. Summary of Policy:
 - a. 'Flexible working' is a phrase that describes any working pattern that is adapted to suit an individual's needs.
 - b. Common types of flexible working are listed in Section I of the Flexible Working Policy. That list is not exhaustive and there may be other forms of flexible working that are better suited to particular employees and to BMAT.
 - c. All employees have the legal right to apply to work flexibly from day one of their employment with BMAT.
 - d. All employees are able to make two requests only for flexible working in any 12 month period (unless an existing application is still under consideration).
 - e. The Flexible Working policy aims to make the decision-making process as objective as possible.
 - f. BMAT may request that employees undertake a trial period before deciding whether or not to formally accept a request. This trial period will enable both the employee and the organisation to determine how the proposed arrangement is working in practice.
4. Key stages in the flexible working request process:
 - a. Submitting a request for flexible working. Employees should submit a request using the Flexible Working Application Form at Appendix B to HR.
 - b. When completing the form, employees should be very clear about the working arrangements they are proposing in respect of their current role and provide as much detail as possible.
 - c. BMAT recommends that you consider the following factors:
 - i. The nature of your role and how you think you will be able to carry it out successfully under your proposed working arrangements;

- ii.** The extent to which your work is driven by client/customer/student/team demand (both external and internal) and whether these demands and/or deadlines can still be met to the same standard under your proposed working arrangements. For obvious reasons, it is more likely that the work of members of teaching staff will be driven by a need to be present in school during normal working hours, for students, their team/department, and the wider school community.
- iii.** How you propose to deal with critically busy times;
- iv.** How flexible you can be under your proposed arrangements. For example, will you be able to take telephone calls and check e-mails when you are not in the office? Are you prepared to work outside the agreed standard pattern on occasions, i.e. to attend meetings?
- v.** Whether there will be any impact on the way that you are supervised, or the way that you supervise others and if there is an impact, how this will be dealt with;
- vi.** Whether there will be any change in the type of work that you undertake under your proposed working arrangements;
- vii.** Whether you would consider a change to another role if your current role cannot be fulfilled under your proposed working arrangements;
- viii.** Whether there are other working patterns you would consider;
- ix.** Your IT equipment requirements.
- x.** The impact on your salary if you intend to reduce your hours/days worked.

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APPENDIX B – FLEXIBLE WORKING APPLICATION FORMS

*In order for BMAT to consider your request for flexible working, please complete this form **in full**.*

PART A – THE FLEXIBLE WORKING APPLICATION FORM

1. Employee details	
Name	
Job Title	
Department	
2. Describe your current working arrangements (days/hours, times, locations worked)	
3. Describe the working arrangements you would like to have in the future (days/hours, locations, times worked) and why. Any suggestions about dealing with any potentially negative effects on BMAT, the department and/or colleagues can be included here (see Appendix A for further guidance).	

4. I would like this working arrangement to commence on: (Note: all flexible working arrangements should commence on the 1 st day of a month)			
5. I would like this new working arrangement to end on: (where applying for a fixed period)			
Signature:		Date:	

NOW SEND THIS REQUEST TO HR@BEACONACADEMYTRUST.CO.UK

PART B - ACKNOWLEDGEMENT OF RECEIPT

HR - complete and return to employee to confirm receipt of their formal request.

Human Resources confirmation receipt	
To:	
I confirm that I have received your request to change your working arrangements on: (date)	
Your line manager will arrange an informal meeting with you to discuss your request.	
From:	

PART C - MANAGER COMMENT

1. Manager details		Name:	
Job Title:		Department:	
Tel. Ext:		Date	
2. Has the employee made more than two requests within the last 12 months or has a current request that is already being dealt with?			
<input type="checkbox"/>	No		
<input type="checkbox"/>	Yes, (the employee is not eligible to apply)		
3. Has a trial taken place?			
<input type="checkbox"/>	No		
<input type="checkbox"/>	Yes, (please complete a review of the trial below)		
5. Do you support this request?			
<input type="checkbox"/>	I support this request.		
<input type="checkbox"/>	I support this request with changes.		
<input type="checkbox"/>	I do not support this request		

6. Grounds for refusal (only fill in this section if you do not support the request)

I do not support the request on the following business ground(s): (tick all that apply)

- burden of additional costs
- detrimental effect on ability to meet customer / operational demand
- the inability to reorganise work among existing staff
- an inability to recruit additional staff
- detrimental impact on quality or performance of the employee, work or the team
- insufficiency of work during the periods proposed to work
- planned structural changes

The grounds apply in the circumstances because:

Request discussed with: Name: _____ Date _____

Comments:

Manager – forward this to HR along with a completed management review where a trial has taken place.

PART D - TRUST EXECUTIVE PAY REVIEW GROUP DECISION

To:		Date:	
Following receipt of your request, dated:			
Your request for a flexible working arrangement has been reviewed by the Trust Executive Pay Review group			
<input type="checkbox"/>	The trust is able to accommodate your request.		
<input type="checkbox"/>	The trust is unable to accommodate your original request. However we are able to offer the flexible arrangement / fixed time period which has been discussed with you.		
Your new working arrangement will be as follows:			
Your new working arrangement will commence on: (Note: all flexible working arrangements should commence on the 1 st day of a month)		(date)	
Your new working arrangements will end on (where agreed for a fixed period):		(date)	
Authorising Manager:		Date:	
If you have any questions about the information provided on this form, please contact your manager or HR to discuss them ASAP. If you are unhappy with this decision you may appeal against it. Appeals should be sent to HR for the attention of the Chief Executive Officer.			

Please send a copy of the entire form to hr@beaconacademytrust.co.uk

PART E - TRUST EXECUTIVE PAY REVIEW GROUP DECISION

This section should be used if it is not possible to accommodate the requested working arrangement and no other suitable alternatives can be found.

<input type="checkbox"/>	The trust is unable to accommodate your request on the following business ground(s): <i>(tick all that apply, and explain why any other work arrangements discussed at the meeting are also inappropriate.)</i>		
<input type="checkbox"/>	burden of additional costs		
<input type="checkbox"/>	the inability to reorganise work among existing staff		
<input type="checkbox"/>	an inability to recruit additional staff		
<input type="checkbox"/>	detrimental impact on quality		
<input type="checkbox"/>	detrimental impact on performance		
<input type="checkbox"/>	detrimental effect on ability to meet customer demand (student/parent/staff etc.)		
<input type="checkbox"/>	insufficient work for the periods the employee proposes to work		
<input type="checkbox"/>	a planned structural change to our business		
The grounds apply in the circumstances because:			
Name:		Role:	
			For and on behalf of Trust Executive Pay Review Group
Date:			
If you have any questions about the information provided on this form, please contact HR to discuss them ASAP. If you are unhappy with the decision you have the right of appeal. Appeals should be submitted to HR for the attention of the Trust Executive Pay Review Group			

Please send a copy of the entire form with all responses to hr@beaconacademytrust.co.uk