



SPARKEN HILL
ACADEMY

FLEXIBLE WORKING POLICY

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SPARKEN HILL ACADEMY
SPARKEN HILL
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FLEXIBLE WORKING POLICY

Introduction

The governing board of Sparken Hill Academy recognises that under the amended Employment Rights Act 1996 and under the new Employment Relations (Flexible Working) Act 2023, any employee has the right to request a flexible working pattern from day one of their employment.

Employees who do not meet the eligibility criteria identified below, but who wish to make changes to their working arrangements, may submit an informal request following the same procedure. The request will be considered according to the academy's operational needs.

Entitlement

Any member of staff who fulfils the criteria below will be entitled to consideration under the terms of this policy. They shall:

- Be an employee of the academy.
- Not have made more than one other application to work flexibly under the statutory right during the previous 12 months, because employees are entitled to make two statutory requests per year.
- Only have one live request at a time. A request will stay live until one or more of the following happen:
 - The academy makes a decision.
 - The employees withdraws the request.
 - The employee and the academy agree an outcome.
 - It has been two months since the date the request was submitted in writing.

Employee rights

Employees fitting the above criteria can request:

- A change to the hours or days they work.
- A change to the times when they are required to work.
- A distribution of the hours over a shorter period.
- A job share.
- Flexitime.
- Annualised hours.
- Staggered hours.
- Term time working.
- Phased retirement.

- To work from home or an alternative location.

Procedure

The procedure set out below will be followed in all cases, except where the request is made by the principal, in which case the chair of governors will give first consideration.

Any employee exercising their statutory right as detailed above is encouraged to arrange a meeting with her/his line manager or the principal before making their application in writing, in order to first consider:

- Which working pattern they would like to request.
- Any potential financial implications on themselves.
- Any potential effects on the functioning of the academy, and other colleagues, and how these might be met.

Written application

The written application for flexible working under the formal procedure should be submitted to the principal, stating that it is a statutory request for flexible working, and including:

- The date of application.
- The reason for the request.
- As far as possible, details of the changes being requested to the employee's working arrangements, for example desired working hours or days.
- The date the employee would like the change to come into effect.
- Information on how the employee meets the eligibility criteria.
- Details of whether any previous application for flexible working has been made.
- Whether the application is being made as a reasonable adjustment request in relation to the Equality Act 2010.

The academy will make a decision on the request, including any appeal, within a maximum period of two months. This time limit may be extended with the agreement of the employee and the academy.

The employee shall recognise that any changes made to their working arrangements are permanent. Employees are reminded that they are entitled to make only two statutory requests for flexible working in any 12-month period. Should the employee wish to make a request for a temporary change, it is suggested that an informal request is made to the principal, rather than the employee submitting a formal request.

Consultation Meeting

On receipt of a formal request the principal, on behalf of the governing board, shall arrange to meet with the employee as soon as reasonably practicable, and within 14 calendar days, to explore the proposed work pattern in depth and to discuss the possibilities of accommodating the request.

The principal and employee shall discuss other alternative work patterns if appropriate.

The employee may be accompanied by a trade union representative or workplace colleague from within the academy who may contribute to the meeting, but not answer questions on behalf of the employee.

Outcome

The principal shall respond in writing to the employee on behalf of the governing board within 14 calendar days of the meeting, unless it is not reasonably practicable, either agreeing the changes and setting out a start date, or stating the reasons why the proposed changes cannot be agreed.

To comply with the Employment Relations (Flexible Working) Act 2023, the entire decision making process, including any appeal, must be conducted within two months of the original written request, unless both parties agree to an extension in writing.

Where the proposed changes are agreed, the written decision may include dates to review how the arrangement is working. Where the proposed changes cannot be agreed, an alternative arrangement may be offered to assist the employee where this can be accommodated within the academy's operational requirements.

Where the request is agreed, the employee will be required to sign a copy of the new arrangement and this will be retained on the employee's personnel file as a record of the agreed variation in the terms of the contract. It is possible that the academy may suggest an implementation of the proposed changes for a trial period, and this will be discussed with the employee should this be considered a helpful way forward for both the employee and the academy.

Any refusal notice shall be in writing and shall be dated, stating the business reasons, as defined in section 80G of the Employment Rights Act 1996 for such refusal, and setting out the appeals procedure. Business reasons in these circumstances may include the following:

- Burden of additional costs.
- Detrimental effect on ability to meet pupils' requirements.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality of service.
- Detrimental impact on performance of duties.
- Insufficiency of work during the period the employee proposes to work.
- Planned structural changes.

Appeal

The employee shall give notice of appeal to the clerk to the governing board, dated and in writing within seven calendar days of being notified of the decision. The notice of appeal shall set out in writing the grounds for appeal.

The employee shall be offered a meeting within seven calendar days of receipt of the appeal notice, in order to discuss the appeal with the chair of the governing board or a non-staff governor nominated by the chair.

If the companion of the employee is not available on the arranged date for the discussion or appeal, the employee shall propose an alternative date within seven days of that originally proposed date.

Where an appeal meeting is held, the employee shall be notified in writing of the decision within seven calendar days following the meeting. This notice shall be dated and, where the appeal is upheld, shall specify the contract variation agreed to and its start date. The employee will be required to sign the notice and return a copy. If the appeal is dismissed, the notice shall detail grounds for the dismissal and contain sufficient explanation as to why those grounds apply.

All time limits in this procedure may be extended by agreement between the two parties and any changes agreed must be confirmed in writing.

A work colleague or trade union representative from within the academy may represent the employee at the appeal.

Withdrawal

The governing board will consider any application for flexible working to be withdrawn if the employee has:

- Informed them that the application is being withdrawn.
- Failed to attend two scheduled meetings without reasonable cause, despite being given reasonable opportunities to reschedule.
- Refused to provide the academy with the information needed in order to assess whether the contract variation should be agreed to, despite being given reasonable opportunity to do so.

Where an application is considered withdrawn, the principal will confirm this in writing, ensuring the employee is aware that they are still entitled to submit one further statutory request within the 12-month period.