Flexible Working Policy

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"Learning together, to be the best we can be"

1. Scope

1.1. This Policy has been adopted by Nexus Multi Academy Trust Board of Directors and applies to all staff employed to work at the Academies, Services or Business Units which form Nexus MAT (hereafter referred to as "the Trust").

1.2. This policy has been amended in line with the Employment Relations (Flexible Working) Act 2023.

2. Principled

2.1. The Trust has a commitment to being an exemplary equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our Academies are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.

2.2. All employees have the right to request flexible working from day one of a new job.

2.3. The Trust is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and Trust/Academy.

2.4. A flexible working request is a request to change the employee's terms and conditions and must relate to:

2.4.1. the number of hours that the employee works;
2.4.2. the times that the employee works; or
2.4.3. the employee's place of work.

2.5. Examples of flexible working are part-time; change in working hours, job share, term-time working, working from home or hybrid working.

2.6. Where a role can be delivered flexibly (i.e. without fixed hours), then individuals who aren't on School Teacher Pay Conditions must keep a flexible working timesheet. A full-time employee can carry forward **no more than 15 hours flexi in credit or deficit from one month to the other, and this must be agreed in advance by a line manager before it can be carried forward**.

2.7. When advertising for new roles, consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.

2.8. A request for flexible working may be made twice in any 12-month period. This Policy gives employees a right to apply to work flexibly but that does not mean that an application is guaranteed to be agreed. The law prescribes a time limit of two months, starting with the date on which the application is made, within which the employer must make a final decision about the request. A request is for a permanent change to contract, unless there are specific circumstances which would allow for a temporary change to be made. If so, this has to be agreed by both parties in advance of the change being made.

2.9. The two-month period includes the time taken to deal with, and notify the employee of the decision, and any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

3. Employer Responsibilities

3.1. The Board of Directors are accountable for ensuring that this Policy is applied consistently via delegated responsibility to the Chief Executive Officer, and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail.

3.2. In addition, the appropriate Headteacher or responsible executive leader for the member of staff will ensure that:

3.2.1. working patterns comply with the working time regulations;
3.2.2. working patterns do not adversely impact on the level and/or quality of service;
3.2.3. the contractual entitlements of any employee are not contravened;
3.2.4. no employee's application is refused without due consideration of the feasibility of proposals.

4. Employee Responsibilities

4.1. The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The employee must:

4.1.1. a) lodge the request in writing to the responsible Headteacher/ executive leader (email is acceptable);
4.1.2. date the request;
4.1.3. state that they are making a statutory request for flexible working and the changes that the employee is seeking to their terms and conditions;
4.1.4. state the date of which the employee would like the terms and conditions to come into effect;
4.1.5. indicate whether they have previously submitted a request for flexible working and, if so, when; and
4.1.6. confirm their start date within the Trust.

5. Step 1 - Meeting to Discuss a Flexible Working Request

5.1. Once the responsible Headteacher/executive leader receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in section 9. The responsible Headteacher/executive leader will usually arrange a meeting to consult with the employee regarding their 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.

5.2. An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. 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 for the line manager to ascertain how they could be of benefit to both the employee and the school/Trust.

5.3. 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.

6. Step 2 - Outcome of Flexible Working Request

6.1. After the meeting, the responsible Headteacher/executive leader will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation 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. HR advice should be sought before a decision is reached.

6.2. The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in this policy. 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 granted or is granted in part.

7. Where a Request is Declined

7.1. It will not be possible for a responsible Headteacher/executive leader to agree to a new working pattern in every circumstance. Following consultation with the employee, the reason why a request cannot be granted should be made clear and give clear reasons justifying the rejection of a request based on one or more of the following reasons:

7.1.1. Burden of additional costs to the Academy/Trust;
7.1.2. Inability to meet service needs, organisation and delivery;
7.1.3. Inability to organise work within the staffing resource available;
7.1.4. Detrimental impact on performance and quality of service;
7.1.5. Insufficiency of work during the periods the employee proposes to work;
7.1.6. Inability to recruit additional staff;
7.1.7. Planned structural changes;
7.1.8. Detrimental effect on ability to meet users' demand.

8. Where a Request is Granted

8.1. If the request is granted, the employee and the responsible Headteacher/executive leader will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent (unless agreement is reached with both parties on an alternative arrangement) and confirmed in writing and sent to the employee as an amendment to their contract of employment, no later than 28 days following agreement of the change(s).

8.2. The responsible Headteacher/executive leader should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

8.3. **Trial Period**

8.3.1. Consideration should be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an agreed extension to the statutory time frame.

8.3.2. At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is turned down, the Headteacher/line manager must state the reason(s) why in writing.

9. Appealing a decision

9.1. Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by the responsible Headteacher/executive leader, they can lodge an appeal.

9.2. Within 7 calendar days of receipt of the notification of the responsible Headteacher/executive leader decision, the employee may appeal in writing to the Chief Executive Officer. They should set out their grounds for making the appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the responsible Headteacher/executive leader may not have been aware of or it may

be to challenge a fact that the responsible Headteacher/executive leader has failed to explain in the rationale for the decision.

9.3. Within 14 calendar days after receiving the appeal the Chief Executive Officer will arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union representative at the appeal meeting. The Chief Executive Officer may delegate an appeal hearing to an appropriate senior leader (i.e. other Headteacher or other executive leader).

9.4. If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date.

9.5. Within 7 calendar days of the date of the appeal meeting, the Trust must inform the employee of the outcome of the appeal in writing.

9.6. If the appeal is upheld, the written decision must:

9.6.1. Include a description of the new working pattern;
9.6.2. State the date from which the new working pattern is to take effect, including any trial period; and
9.6.3. Be dated.

9.7. If the appeal is dismissed, the written decision must:

9.7.1. State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal;
9.7.2. Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
9.7.3. Be dated.

9.8. A written notice of the appeal outcome constitutes the Trust's final decision and is effectively the end of the formal procedure.

10. Timescales

10.1. All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.

10.2. These time limits may be extended where both the employee and Trust are in agreement. For example, the relevant responsible Headteacher/executive leader and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

11. Pension Implications

11.1. Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice.

12. Flexi-time

12.1. The Trust may operate flexible hours for Central Trust employees. Any flexi-time arrangements are at the discretion of the Trust's Chief Executive Officer. Any authorised arrangements may be subject to core time hours.

12.2. Employees must ensure that for any flexi-time undertaken an electronic timesheet is completed. This must be completed daily.

12.3. All employees must record 30 minutes' rest break during each day.

13. Homeworking

13.1. The Trust promotes flexible working for employees and, where appropriate and at its absolute discretion, will agree to an employee working wholly or partly from home, provided always that such an arrangement is suitable to the Trust and is likely to achieve effective and efficient working by the employee. Homeworking arrangements can only be approved where they can be operationally justified and are at the discretion of the Trust's/Academy's senior leadership team.

13.2. Please note that Homeworking is not a contractual right. An employee who wishes to request a homeworking arrangement should apply using a Flexible Working Application Form in accordance with the application procedure set out in this flexible working policy.

13.3. Table of responsibilities

Within 14 days of receiving the request for flexible working	Within 14 days of the meeting	Within 7 days of the notification	Within 14 days after receiving the appeal	Within 7 days of the appeal meeting
The responsible Headteacher/executive leader should hold the meeting	Notify the employee of the decision	Employees who are dissatisfied can lodge an appeal	The appeal to be heard	The employee will be informed of the outcome of their appeal