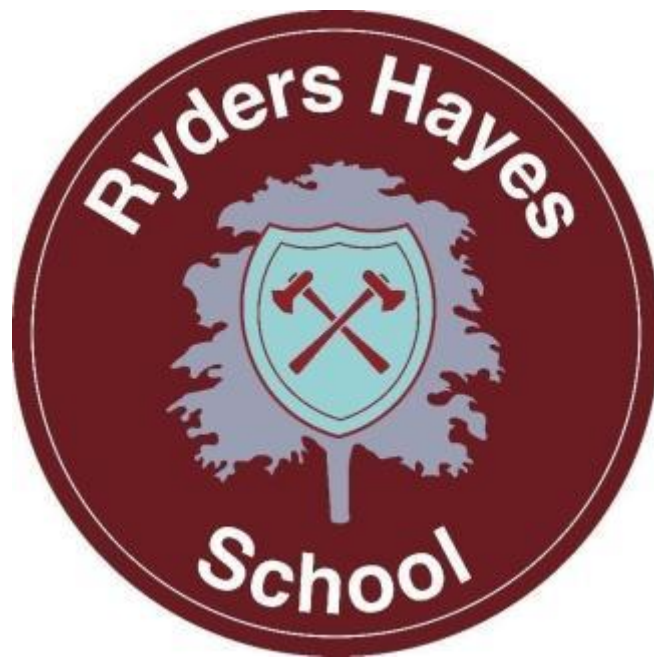


Ryders Hayes School

A Primary Learning Academy



Flexible Working Policy

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Mission: At Ryders Hayes School, children and staff will strive to:

'Do the right thing to be the best you can be' ... 

Vision: *To nurture and facilitate the growth of our pupils and their learning; equipping them with the skills and attributes to embrace the challenges of a rapidly changing world. To enjoy success for today and be prepared for tomorrow, by instilling the values of:*

Character: *qualities of the individual essential for being personally effective in a complex world including: grit, tenacity, perseverance, resilience, independence, reliability and honesty.*

Citizenship: *upholding British Values, thinking like global citizens, considering global issues based on deep understanding of diverse values with genuine interest in engaging with others to solve complex problems that impact human and environmental sustainability*

Collaboration: *the capacity to work interdependently and synergistically in teams with strong interpersonal and team-related skills including effective management of team dynamics, making substantive decisions together, and learning from and contributing to the learning of others.*

Communication: *entailing mastery of three fluencies: digital, writing and speaking tailored for a range of audiences, through early, high-quality back and forth interaction.*

Creativity: *having an 'entrepreneurial eye' for economic and social opportunities, asking the right questions to generate novel ideas and explore possibilities, demonstrating leadership to pursue those ideas into practice.*

Critical Thinking: *critically evaluating information and arguments, reflecting upon them, seeing patterns and connections, constructing meaningful knowledge and applying it in the real world.*

Ryders Hayes is a Gold Rights Respecting School and as such strongly believes in and promotes the United Nations Convention on the Rights of the Child. All our policies exemplify these rights, and our practice aims to ensure that the following rights are adhered to.

Article 3: The best interests of the child must be a top priority in all things that affect children.

Article 12: Every child has the right to have a say in all matters affecting them, and to have their views taken seriously.

Article 13: Every child must be free to say what they think and seek and receive all kinds of information, as long as it is within the law.

Article 14: Every child has the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights of parents to give their children information about this right.

Article 19: Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 28: Every child has the right to an education. Primary education must be free. Secondary education must be available for every child. Discipline in schools must respect children's dignity. Richer countries must help poorer countries achieve this.

Article 29: Education must develop every child's personality, talents, and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and their environment.

Article 30: Every child has the right to learn and use the language, customs, and religion of their family, regardless of whether these are shared by the majority of the people in the country where they live.

Article 36: Governments must protect children from all other forms of bad treatment.

1.0 Commitment & purpose of policy

- 1.1** Ryders Hayes acknowledges that flexible working opportunities can have a positive impact on employee engagement, motivation, and retention. Flexible working forms a core element of our People Strategy and the right to make a request is available to everyone who meets the eligibility criteria set out at section 2.1 of the policy, regardless of their reason for the request. Requests will be handled in a reasonable manner and appropriate consultation will take place with employees. Careful consideration will be given to, and assessment of the effect of the requested change, on the effective running of the Academy for the benefit of the pupils. Where the request is reasonable and not to the detriment of pupils; colleagues or the organisation, then everything possible will be done to accommodate the request. This procedure has therefore been ratified by the Board of Trustees of Ryders Hayes Academy Trust to help manage requests from employees to work flexibly under the Employment Rights Act 1996 and associated legislation.
- 1.2** This policy acknowledges that every employee from day one of their employment who meets the criteria as set out in 2.1 with Ryders Hayes Academy Trust has a statutory right to request to work flexibly.
- 1.3** Ryders Hayes Academy Trust will do all that it reasonably can to ensure that requests to work flexibly are dealt with reasonably, objectively, and fairly and in accordance with the ACAS code of practice, employment law and good practice. A request to work flexibly may include the following, although the list is not exhaustive:
- 1.3.1 A request to change working hours (for example to job-share, to work part-time or to go from all-year-round to term time only); or
 - 1.3.2 A request for compressed/staggered or annualised hours; or
 - 1.3.3 A request to change the times that the employee works (for example starting and finishing earlier).
- Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request but decisions will be made in consultation with employees. Employees should be aware that changes to working hours will affect pay and other benefits, for example, pension and annual leave entitlement.
- 1.4** In accordance with the legislation surrounding requests to work flexibly, Ryders Hayes Academy Trust will ensure that all requests, including appeals, made under this procedure are considered and decided on within two calendar months of first receipt. However, these timescales may be extended by mutual written agreement between the parties.
- 1.5** Throughout this procedure, the word “should” is used to indicate what ACAS considers to be good employment practice, rather than a legal requirement. The word “must” is used to indicate where something is a legal requirement.
- 1.6** References in this procedure to the employee’s “chosen companion” means a Trade Union representative or a co-worker at the same workplace chosen by the employee.
- 1.7** No-one who makes a request for flexible working or intends to make such a request will be subjected to any detriment or lose any career development opportunities as a result.

1.8 All requests will be handled appropriately and will not discriminate unlawfully against any employee in relation to any of the protected characteristics set out in the Equality Act 2010. Any requests for a reasonable adjustment relating to an employee's disability should be dealt with separately rather than as a flexible working request.

1.9 This policy has been agreed following consultation with staff and will be shared for consultation with recognised trade unions. The Full Trust Board adopted this policy on 14th March 2024 (subject to any amendments following feedback from consultation with the recognised trade unions), in preparation for The Flexible Working (Amendment) Regulations 2023, which come into force on 6th April.

1.10 This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

2.0 Eligibility

2.1 Ryders Hayes Academy Trust will only consider requests to work flexibly under this procedure if they have been made by eligible employees. An eligible employee is someone who:

2.1.1 Is an employee; and

2.1.2 Has not already made two formal requests to work flexibly during the last 12 months (unless it relates to a request to consider reasonable adjustments due to a disability under the Equality Act 2010). Each 12-month period runs from the date when the most recent request was made. Two flexible working requests are permitted in a 12-month period; and

2.2.3 Only has one live request for flexible working at any one time.

2.2 A request will be considered as live unless any of the following apply:

2.2.1 A decision on the request has been made by the employer.

2.2.2 the request has been withdrawn.

2.2.3 an outcome to the request has been mutually agreed by the employer and employee.

2.2.4 the statutory timeframe to respond to the request has expired without a decision, withdrawal, or a mutually agreeable outcome. It is envisaged this will only happen in rare and exceptional circumstances and the Trust will always endeavour to comply with statutory deadlines.

2.3 A request continues to be live during any appeal or any extension to the procedure that an employer and employee have agreed.

3.0 Making the request for flexible working.

3.1 Colleagues are encouraged to have an informal chat with their line manager before submitting a formal request to work flexibly to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

- 3.2** Those wishing to submit a request to work flexibly must make a request in writing as follows:

Person Requesting	Considered by* (appropriate manager)
Executive Headteacher	Chair of Trustees
Head Teacher	Executive Head Teacher
Senior Leader	Headteacher
Middle Leader	Headteacher
Member of Teaching Staff	Raise with Line Manager in first instance
Member of Support Staff	Raise with Deputy Head Teacher in first instance

- 3.3** To meet the requirements of the formal procedure and to help the person considering your request, the request should include the following information:

3.3.1 The date of the request and a statement that this is a statutory request under section 80F of the Employment Rights Act 1996;

3.3.2 The change to terms and conditions being requested including as much information as you can about your current and desired working pattern (including for example, working days, hours, start and finish times)

3.3.3 When they would like the change to come into effect.

3.3.4 If they have previously made any requests to work flexibly in the last 12 months and if so, the date when this previous request was submitted.

3.3.5 The reasons for your request, especially if you think our Diversity, Equity and Inclusion Policy may be relevant, for example, if your request concerns childcare or other family commitments, religious or cultural requirements, or adjustments because of a disability.

- 3.4 Requests should be submitted in good time and ideally, at least two months before they wish the changes they are requesting to take effect.

- 3.5 The request shall be taken as made on the day it is received, i.e. on the day on which an electronic communication is transmitted, or, if the request is sent by post, the day on which the application would be delivered in the ordinary course of post, or if the request is delivered personally, on the day of delivery.

4.0 Responding to the flexible working request

- 4.1** On receipt of the request the appropriate manager should share with the Head Teacher (Exec HT/Chair of Trustees).
- 4.2** The request might be able to be agreed without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Head Teacher (Exec HT/Chair of Trustees) will write to you as soon as reasonably possible (and within the 2-month limit), confirming the decision and explaining the changes that will be made to your contract of employment. (If the appropriate manager is agreeing to a request, a meeting may take place with the employee to discuss it, but this is not obligatory).
- 4.3** It is good practice, (but not a legal requirement), for RHAT to allow employees to be accompanied at formal meetings under this procedure. This includes one single companion who is either a work colleague or trade union representative. They may address the meeting and confer with the employee during the meeting (but not answer questions on behalf of the employee). If the chosen companion will not be available at the time proposed for the meeting and the employee proposes an alternative time within 5 working days of the initial date suggested, then the manager considering the request will postpone the meeting once to an alternative date.
- 4.4** Where necessary, we will:
- 4.4.1** Acknowledge the request in writing within a reasonable period and provide the employee with a copy of this procedure; and
 - 4.4.2** Arrange to discuss the request with the employee in a private place as soon as possible after the request is received, bearing in mind that the whole process including any appeal and notification of that outcome needs to be finalised within 2 months of receipt of the initial request. The meeting will take place in private and can be held in person or remotely via online video conferencing, or where neither are possible, via telephone call. The content of the meeting and the way it is conducted should allow a reasonable discussion and consideration of the request. An accurate record of the discussion will be kept in writing.
- 4.5** The person considering the employee's request may discuss the request with their line manager/Head Teacher and make any necessary enquiries regarding the employee's request prior to or after the meeting.
- 4.6** The meeting will be used to discuss the working arrangements you have requested. During the meeting we will also jointly consider and discuss any alternative flexible working options that may be available and suitable for both the employee and the organisation if the original request cannot be met.
- 4.7** 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 patterns.
- 4.8** If the decision is to agree to the request or to propose an alternative to the arrangements requested, the appropriate manager/HT/EHT/Chair of Trustees will discuss with the employee how and when the change might best be implemented and will confirm these in writing. The letter shall specify the contract variation agreed, details of any trial period (if applicable) and the date on which the variation is to start. 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 your line manager or Head Teacher will discuss with you.
- 4.9** Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will be able to make one other formal request within the

12 months after the date of your most recent request.

- 4.10 The Head Teacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team. (See paragraph 6 for further information.)
- 4.11 If the Head Teacher needs more time to make a decision, they will discuss this with you. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.
- 4.12 The line manager/Head Teacher will consult with you if they are considering rejecting a request. There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the outcome letter from the appropriate manager/HT/EHT/Chair of Trustees must:
 - 4.12.1 State which of the business grounds at 4.13 below are being used to justify the refusal; and
 - 4.12.2 Explain why those business grounds apply; and
 - 4.12.3 Set out the appeal procedure.
- 4.13 A request to work flexibly may be turned down on one or more of the eight business grounds below:
 - 4.13.1 The burden of additional costs.
 - 4.13.2 Detrimental effect on ability to meet customer demand (pupils and/or parents)
 - 4.13.3 Inability to re-organise work amongst existing staff.
 - 4.13.4 Inability to recruit additional staff.
 - 4.13.5 Detrimental impact on quality.
 - 4.13.6 Detrimental impact on performance.
 - 4.13.7 Insufficiency of work during the periods the employee proposes to work; and/or
 - 4.13.8 Planned structural changes.
- 4.14 We will also set out such additional information as is reasonable to help explain the decision.
- 4.15 If the appropriate manager rejects the request, the employee must be allowed to appeal against this decision (see paragraph 7). The decision letter will include information relating to the appeal process, namely to whom the employee should submit an appeal and the timescale in which any appeal should be submitted.
- 4.16 A request to work flexibly from the Head Teacher or Executive Head Teacher shall be dealt with in the same way as for all other staff under this procedure, except that the initial request should be addressed to the Executive Head Teacher/Chair of Trustees respectively, with any subsequent appeal being dealt with by a committee of 3 impartial trustees not previously involved in the earlier decision.

5.0 Timescales:

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

5.2 As a guide and to help ensure that requests are dealt with within this timescale:

5.2.1 a meeting will normally be held with you within 14 days of your request being received;

5.2.2. you will normally be informed in writing of the decision within 14 days of the meeting; and

5.2.3 where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 14 days of the meeting.

5.3 However, there may be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with you, the appropriate manager will write to you confirming the extension and the date on which it will end.

5.4 If you withdraw a formal request for flexible working, you will only be eligible to make one other formal request for 12 months from the date of your original request.

5.5 In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

5.5.1 you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause; or

5.5.2 you unreasonably refuse to provide information we require to consider your request, without good cause.

In these circumstances, the appropriate manager must notify the employee in writing of this.

6.0 Trial Periods

6.1 If the appropriate manager is unsure whether an employee's request to work flexibly is sustainable in the long term or is concerned about the impact that the arrangement could have on the organisation e.g. parents, fellow colleagues and/or pupils, they may agree to vary an employee's contract on a temporary basis for a fixed period under an initial trial period. This will give both parties a trial period to test the suitability of the arrangement without commitment by either side to agree the arrangement on a permanent basis.

6.2 It is good practice for the manager to hold regular review meetings with the employee during the trial period to assess whether the arrangement is working for both parties. The appropriate manager will also set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working. If the arrangement is working for the team or academy, the appropriate manager may wish to make the contract variation permanent in consultation with the employee. Alternatively, if it is not working for the team or Academy, the manager should discuss this with the employee in good time

before the end of the trial period in question, to avoid any surprises, and confirm before the end of the trial period, whether management wish them to go back to their original working pattern or whether they are happy for the contract variation to be made permanent.

7.0 Appeals

- 7.1 If the appropriate manager turns down an employee's request to work flexibly, or an alternative arrangement from the one they requested is offered, they are entitled to appeal against this decision within 10 working days of receiving the written outcome.
- 7.2 The appeal shall either be based on the grounds of perceived procedural errors; perceived unfairness surrounding the decision reached by the appropriate manager or that new information is now available that was not available to be considered. The appeal is not an opportunity for the original request to work flexibly to be re-heard.
- 7.3 The appeal letter should be emailed to The Head Teacher (unless it relates to the Head Teacher) and should clearly state what the grounds of appeal are, enclosing any relevant supporting evidence.
- 7.4 The appeal must be heard, and a decision reached and communicated to the employee in writing within two months from the date that the initial request to work flexibly was received (unless the employee and the appropriate manager agree to an extension of the statutory period).
- 7.5 Appeals will be heard by a panel of up to 3 trustees (non-staff members, with exception of Executive Head Teacher if not involved in the initial request).
- 7.6 The appeal would be arranged as soon as reasonably practicable, ensuring that the employee is kept updated and that a bundle is compiled setting out the policy, format for the appeal and supporting paperwork. The original decision maker will normally be invited to attend or will be asked to provide a statement clarifying their involvement and their rationale for turning down a request to work flexibly.
- 7.7 An invitation letter will accompany the paperwork and the employee will be given at least 5 working days' notice of the appeal. A minute taker will be present to keep a confidential note of the meeting. The employee will have a right to be accompanied by a work-place colleague or trade union representative.
- 7.8 The role of the person or persons hearing the appeal will be to consider the employee's appeal letter and any relevant supporting evidence, together with representations from the original decision maker and to decide whether to:
 - 7.8.1 Agree with the original decision not to grant flexible working as requested (i.e. to dismiss the employee's appeal); or
 - 7.8.2 Grant the flexible working request (i.e. to uphold the employee's appeal).
- 7.9 An outcome letter which summarises the decision will be provided to the employee within 5 working days of the appeal unless there are exceptional circumstances. If the decision is to uphold the appeal, the letter shall specify the contract variation agreed and the date on which it is to start. 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 your line manager/ Head Teacher will discuss with you. You

should be aware that changes to your terms of employment will be permanent, and you will be able to make one other formal request within 12 months after the date of your original application.

- 7.10 Where the decision is to dismiss the appeal, the letter shall state the reasons for that decision ensuring that sufficient explanation is provided including the business reason(s) for the decision and explain why the reason(s) apply in your case. The appeal decision will be final. You will only be able to make one other formal request until 12 months after the date of your original application.

8.0 Making an informal flexible working request

8.1 Employees who are ineligible to make a formal request as they have already made two requests within the last 12 months, and who wish to make an informal request for flexible working may make a request to their line manager who will consider it according to our business and operational requirements.

8.2 It will help your line manager to consider your request if you:

8.2.1 make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent.

8.2.2 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.

8.3 Your line manager 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 and the impact on your contract of employment.

9.0 Retention and data protection

9.1 As part of the application of this policy, The School may collect, process and store personal data in accordance with our Data Protection Policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations, and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the Data Protection Legislation.

10. Outcome

Where a discussion or meeting is held under paragraph 4 onwards the appropriate manager/HT/EHT/Chair of Trustee will consider the request carefully following the meeting and shall give the employee written notification of the decision as soon as possible and having regard to the timescales in paragraph 5.

11. Review

This policy will be reviewed every 12 months by The Trust in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.