




# The LETTA Trust

## Flexible Working Policy

<b>Approved and adopted on:</b>	Summer 2024	<b>To be reviewed:</b>	Summer 2027
<b>Reviewed by:</b>	Trust Board Resources Committee	<b>Signed:</b>	

## Contents

1.	Introduction	3
2.	Eligibility for the formal right to request procedure	3
3.	Forms of flexible working	4
4.	Making an Informal Flexible Working Request	4
5.	Making a formal flexible working request	4
6.	Formal procedure: meeting	5
7.	Formal procedure: decision	5
8.	Formal procedure: appeal	6
9.	Extending time under the formal procedure	7
10.	Responsibility for implementing, monitoring and review this policy	7
	Appendix A: Interpretation of 'Business Reasons'	8
	Appendix B: Form to Request Flexible Working:	11



## **1. Introduction**

- 1.1. The LETTA Trust is committed to providing equality of opportunity in employment and to developing work practices and policies that support staff wellbeing. We believe that flexible working can support morale, reduce absenteeism and improve our retention of employees.
- 1.2. This flexible working policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally.
- 1.3. This policy does not form part of any employee's contract of employment and it may be amended at any time.
- 1.4. The LETTA Trust promotes equality in all aspects of school life and is committed to complying with the Equality Act 2010. We monitor the impact of this policy, paying particular attention to any equality implications. When considering any amendments to this policy, the school will assure itself that appropriate arrangements are in place to enable the consistent application of the policy.
- 1.5. No-one who makes a request for flexible working is subjected to any detriment and will not lose any career development opportunities as a result.

## **2. Eligibility for the formal right to request procedure**

- 2.1. All employees of LETTA Trust have the statutory right to make a flexible working request from the first day of employment.
- 2.2. An employee may make two statutory flexible working requests within a 12 month period.
- 2.3. Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. For temporary changes, follow the informal procedure instead.
- 2.4. Employees may wish to explore flexible working with their managers on an informal basis before going through a formal process.
- 2.5. Any employee interested in flexible working may request an informal meeting with the Trust's HR Manager to discuss the different options and the effect of their proposed work pattern on pupils, colleagues and the quality of education before submitting a formal or informal request.
- 2.6. The law prescribes a two-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The two-month period includes the time taken to deal with and notify the employee of the decision and any subsequent appeal. The legislation provides for the employer and employee to agree to an extension of this time limit.



### **3. Forms of flexible working**

3.1. Flexible working can include a number of changes to working arrangements, such as:

- Reduction or variation of working hours
- Reduction of the number of days worked each week
- Working from a different location (for example, from home)
- For long service staff, sabbatical leave may be granted, at the discretion of the headteacher, unpaid for a maximum of one year.

### **4. Making an Informal Flexible Working Request**

4.1. Employees who wish to make an informal request for flexible working may make a request to the headteacher, who will consider it in relation to the school's educational and operational needs.

4.2. It will help the headteacher to consider your request if you:

- Make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent
- 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

### **5. Making a formal flexible working request**

5.1. You will need to submit a written application by completing Appendix B, if you would like your flexible working request to be considered under the formal procedure at least three months before you wish the changes you are requesting to take effect.

5.2. Your written and dated application should be submitted to the Headteacher and the Trust's HR Manager. The request should include:

- It would be helpful to include the reason for your request
- Information about your current and desired working pattern, for example working days, hours and start and finish times
- The date from which you want your desired working pattern to start



- Whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when
- If you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability

## **6. Formal procedure: meeting**

- 6.1. The Trust's HR Manager will arrange to meet with you and the Headteacher within 14 days of your application being submitted. They will ensure that the meeting is held at a time and place that is convenient to you.
- 6.2. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 6.3. The meeting will be used to discuss the working arrangements you have requested. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements. Some flexibility may be required to explore alternatives or a compromise, e.g., your request may be accepted with modifications. Any discussion should cover how and when any changes agreed might best be implemented. This should be confirmed in the written response.
- 6.4. The Headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the school.

## **7. Formal procedure: decision**

- 7.1. Following the meeting, the Headteacher will notify you of the decision in writing within 14 days.
- 7.2. If your request is accepted, or where we propose an alternative to the arrangements you requested, you will be informed of the details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. 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 will discuss with you.
- 7.3. You should be aware that changes to your terms of employment will be permanent.
- 7.4. If the Headteacher needs more time to make a decision, they will ask for your agreement to delay the decision. The two month period can be extended by mutual agreement in writing between the Headteacher and yourself. An extension could, for example, be used to trial new arrangements before the Headteacher makes a final decision. A request for an extension is likely to benefit you. For



example, they may need more time to investigate how your request can be accommodated or to consult several members of staff.

7.5. There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request. In these circumstances, you will be informed of the following:

- Giving the business reason(s) for turning down your application
- Explaining why the business reasons apply in your case
- Setting out the appeal procedure

7.6. Appendix A gives an overview of the way in which the school will interpret and apply the eight business reasons for which we may reject your request which are:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the period the employee proposes to work
- Planned structural changes

## **8. Formal procedure: appeal**

8.1. If your request is rejected, you have the right to appeal.

8.2. Your appeal must:

- Be in writing and dated
- Set out the grounds on which you are appealing
- Be sent to the Trust's Executive PA within 14 days of the date on which you received the written rejection of your request

8.3. The Executive PA will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague or trade union representative.



- 8.4. The appeal panel will consist of two governors who will be advised by a HR Advisor. The Headteacher who made the decision to refuse the request will attend the appeal.
- 8.5. You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 8.6. If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. 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 will discuss with you.
- 8.7. You should be aware that changes to your terms of employment will be permanent.
- 8.8. If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. The decision of the appeal is final and there is no further right of appeal.

## **9. Extending time under the formal procedure**

- 9.1. There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 2 months of first receiving the request. When an extension of time is agreed with you in writing, the Headteacher and/or the HR Manager will write to you confirming the extension and the date on which it will end.
- 9.2. If you withdraw a formal request for flexible working, this will be treated as one of your statutory submissions from the date of your original request and therefore, you will only be able to make one further request within that year.
- 9.3. If you fail to attend two meetings under the formal procedure without reasonable cause, your request will be automatically considered as withdrawn.

## **10. Responsibility for implementing, monitoring and review this policy**

- 10.1. The Trust Board Resources Committee has overall responsibility for this policy and for ensuring compliance with the relevant statutory framework. Trustees have delegated day-to-day implementation, monitoring and review of the policy to the Chief Finance Officer (CFO).
- 10.2. This policy will be reviewed by the Trust Board Resources Committee as necessary.



## Appendix A: Interpretation of 'Business Reasons'

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the school.

If a request to work flexibly is rejected then the school will provide a specific "business reason", which must be one of the eight stated in the legislation:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the period the employee proposes to work
- Planned structural changes

The school's interpretation of the "business reasons" are set out below in order to provide a clearer understanding of the specific circumstances in school.

### **1. Burden of additional costs**

It may, in some circumstances, cost more to employ part time staff rather than full time staff.

### **2. Detrimental effect on the ability to meet customer demand**

The school's customers are their pupils and parents. It is important that the quality of education is not adversely affected by agreeing to flexible working. In particular, the HR Manager will consider the impact on pupils with special educational needs and/or disabilities and other vulnerable pupils. The need to spread the teaching of individual classes over more than one teacher and the pressure on the timetable to fix particular lessons on a reduced number of days in the week will also be considered. This is particularly the case where the employee is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.





### **3. Inability to re-organise work among existing staff**

In addition to 2 above, where the employee has leadership or management responsibilities, it is necessary to take into account the ability of the school to distribute these to other employees at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities. The Trust may set a minimum contract for a senior leader, for example. The school will also need to consider whether it is appropriate for a leader to be absent for whole days in the week as a result of flexible working. Unless outstanding circumstances apply, it is expected that employees with leadership positions will have a full-time contract.

### **4. Inability to recruit additional staff**

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake the role. Where necessary and appropriate, the school will seek to recruit additional staff.

### **5. Detrimental impact on quality**

See section 2 above in relation to the possible impact on the quality of education.

### **6. Detrimental impact on performance**

Timely feedback is essential for pupil progress. The school recognises that it is potentially difficult for part time teachers to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs, it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part time job should the request be agreed, and this will be considered before a decision is reached.

### **7. Insufficiency of work during the period the employee proposes to work**

If more than one member of part time staff requires the same working period, it would be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of pupils and the smooth running of the school are paramount. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time teacher being absent from school for one day per week may put pressure on other staff. The extent to which the proposed flexible/part time work pattern affects the



work-patterns of the team will be considered before a flexible working application is agreed.

**8. Planned structural changes**

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

**9. Such other ground as the Secretary of State may specify by the regulations**

No such grounds are specified currently



## Appendix B: Form to Request Flexible Working

### **Note to the employee**

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy including Appendix A carefully.

You should note that it may take several weeks to consider your request and allow for discussion and meetings between us and further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to the Headteacher and the Trust's HR Manager well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions. Once you have completed the form, you should immediately forward it to the Headteacher and the Trust's HR Manager (you might want to keep a copy for your own records). They will then have 14 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.



**Impact of the new working pattern,  
i.e. how I think this change in my working pattern will affect pupils and colleagues**

**Confirmation of Receipt** (to be completed and returned to the employee)

Dear

I confirm that I received your request to change your work pattern on:

I shall be arranging a meeting to discuss your application within 28 working days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.

Signed:

Date:

### **Flexible Working Application form**

<b>Personal Details</b>	
<b><u>Name</u></b>	
<b><u>Job Title</u></b>	
<b><u>School</u></b>	
<b>Current Working Pattern (<i>Should include details of hours/days per week, location etc.</i>)</b>	



Proposed new working pattern (Should include details of hours/days per week, location, job share, part time, technology required etc)

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**I would like this working pattern to commence from:**

--

Please explain any previous statutory requests with dates and arrangements if any were made

--

Is this request in relation to the Equality Act 2010? Please explain

--

Will you need to change your working practices? If so, how?

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How will you communicate effectively when (if) you are away from the school?	
I confirm that the above details are accurate and I have read, understood, and accepted the LETTA Trust Flexible working policy.	
Signature	
Date	