



# REQUESTING FLEXIBLE WORKING POLICY

[applies to all Trust employees]

## 1. Introduction

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The Trust is required to comply with the statutory regulations under which all employees have a statutory right to ask for a change to their contractual terms and conditions of employment to work flexibly, provided they have worked for the Trust for 26 weeks continuously at the date the application is made. In response, the Trust has a duty to consider these requests seriously.

## 2. Scope

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This policy applies to all employees of Birmingham City University Academies Trust (BCUAT), including employees working in academies operating as part of the Trust and all Head office employees. Only employees with a minimum of 26 weeks service will be eligible to submit an application for flexible working.

## 3. Principles

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- The Trust will consider requests seriously and where requests are refused a clear explanation will be provided
- All requests will be considered, taking into account the genuine needs of the individual, and the business and operational needs of the Trust
- Only one application per year will be considered from each employee, unless there are exceptional circumstances, in which case the Trust has the discretion to allow the request to be considered if appropriate
- Requests for flexible working via this policy are agreed on either a fixed term or permanent basis. However, in some circumstances it may be appropriate to implement a short trial period, not exceeding three months, before either a fixed term or permanent change is implemented
- Changes to working patterns or hours required only to accommodate very short term or emergency situations are usually agreed informally at a local level

Owner of Policy	Human Resources
Legislation Status (Statutory / Non-Statutory)	Non-Statutory
Date Ratified and Version Number	29.11.2016 v2.0
Date to be reviewed	September 2017

- There are elements of some job roles that are less appropriate for flexible working and this will be taken into account when considering any request
- The time limits detailed in this policy comply with the statutory requirements. In accordance with the statutory obligations, all requests and appeals must be considered and decided on within a period of three months from first receipt. However, the Trust has determined that staff have 14 days to make any appeal (see section 4 'General Requirements' point 6). However, the Trust and the employee can agree to extend any of the time limits for notification periods referred to in this policy. Such agreements should be confirmed in writing
- In line with other Trust procedures, where there is a need to meet with an employee to discuss their application for flexible working, the Academy Principal or line manager with delegated authority will conduct such meetings and the Human Resources Consultant will also be present
- This policy is not intended to apply in cases where flexible working is recommended by Occupational Health for a member of staff following a referral in accordance with Trust procedures. Recommendations of this nature will be considered in accordance with the appropriate Trust Sickness Absence Policy

#### **4. General Requirements**

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- An application for flexible working must be made in writing to your line manager, with a copy to the Human Resources Consultant. Your application must specify the following:
  - The details of the flexible working pattern being requested
  - The date on which it is proposed that the flexible working pattern you are requesting should become effective and the reason you are making the specified working pattern
  - You must also explain what effect you think the proposed flexible working pattern would have on your post, the department and how, in your opinion, any such effect might be satisfactorily dealt with
  - You need to state that this is a statutory request and whether a previous application has been made, and if so, the date it was made and the final outcome
- Your line manager will consult with the Human Resources Consultant to consider your request. If the application is agreed then this will be confirmed to you in writing by the Human Resources Consultant within 28 calendar days of receiving the written application. No request can be granted without consultation with the Human Resources Consultant.
- If the written request cannot be agreed as detailed in 4.2 above, a meeting will then be arranged by your line manager within 28 calendar days of the receipt of your written application to provide the opportunity for you to explore your request in depth and to discuss how best it might be accommodated. The Human Resources Consultant will also attend this meeting. If there are any problems associated with accommodating your request, possible alternatives will also be explored during this meeting.
- You have a right to be accompanied to this meeting by a fellow employee or a trade union representative

- You will receive written confirmation from the Human Resources Consultant within 14 days of the meeting to confirm whether your request can be accommodated and the date it will become effective, or to provide an explanation as to why your application cannot be accepted
- Should you fail to attend any scheduled meetings or subsequent re-arranged meetings to discuss your application, your request will be considered as withdrawn and you will be notified of this in writing
- You have the right to appeal against any decision within 14 days of it being notified to you. From this stage of the process, appeals must be made in accordance with the individual Grievance Procedure. Example grounds for an appeal are:
  - there was a material procedural irregularity
  - there were mitigating circumstances that could not have been known at the time the decision was taken
  - the decision was unreasonable in the circumstances

## **5. Grounds for refusing a request for flexible working**

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In rejecting a request for flexible working, the Trust will provide an explanation for the decision which has been made. Grounds for rejecting a request may include the following:

- the burden of additional costs to the Trust
- a detrimental effect on the ability to meet customer demand
- an inability to re-organise work among existing staff
- the creation of unmanageable workload for existing staff
- inability to recruit additional staff
- detrimental impact on quality or performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

This list is not intended to be exhaustive.

Further information regarding flexible working can be obtained from the Human Resources Consultant.

When making a request for flexible working you may choose to complete and submit the attached form.



Please complete the questions below giving as much information as possible to support your request (please attach additional pages if necessary).

1. Please give details of the flexible working arrangement you are requesting (e.g. part time hours of 18.5 per week worked over 5 mornings, on a permanent basis):
2. On what date do you wish this flexible working arrangement to start?
3. Please explain your reason(s) for requesting this flexible working arrangement:
4. Please specify if you are making the request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disability.

5. Please explain what effect you think your proposed flexible working arrangement will have on your post/department and how any such effect might be satisfactorily dealt with if your request is agreed:

6. Have you made a previous application for flexible working and if so, on what date was this made and what was the final outcome of your request?

Please confirm any additional information in support of your application:

<b>Signed:</b>		<b>Date:</b>	
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*When completed please send this form to your line manager with a copy to the Human Resources Consultant.*