

Oxford Diocesan Bucks Schools Trust (ODBST)

“Empowering our unique schools to excel”



Flexible Working Policy

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| ODBST Level 1 Statutory Policy: | ALL Schools require this policy with no changes allowed to core text. No changes are necessary to personalise this with school name and branding, as this is a Trust level policy for use, without change, by all schools. LGBs will note adoption in LGB meetings. Review will take place at Trust level, and schools will be notified of updates and review dates as necessary. |
| Other related ODBST policies and procedures: | ODBST Conduct and Discipline Policy and Procedure ODBST Grievance Policy and Procedure ODBST Anti-Harassment and Anti-Bullying at Work Policy and Procedure ODBST Health and Attendance Policy and Procedure <u>ODBST Equal Opportunities Policy</u> |
| Committee responsible: | FRAPP |
| Approved by: | FRAPP |
| Date Approved: | Summer term 2025 |
| Review date: | Summer term 2027 |

In reviewing this policy the Trust Board has had regards to the Equality act 2010 and carried out an equality impact assessment. It is satisfied that no group with a protected characteristic will be unfairly disadvantaged

1. Introduction

The aim of this policy is to support employees who wish to work flexibly and build on ODBST's commitment to work-life balance. The trust recognises that offering flexible working has the potential to:

- Improve staff's work-life balance and help them manage their work around other responsibilities
- Reduce staff stress and have a positive impact on wellbeing
- Raise morale and improve staff motivation, performance and productivity
- Reduce staff absence and help improve retention by creating new opportunities and ways of working
- Allow us to recruit from a wider pool of talent that includes people with different lifestyles, experiences and perspectives

We are an equal opportunities employer, and we recognise the contribution that flexible working makes to this ongoing commitment. The purpose of this policy is to give eligible staff an opportunity to formally request a change to their working pattern in accordance with statutory procedure for such request. This policy does not form part of an employee's contract of employment, and may be amended at any time.

This policy meets the requirements of:

- Employment Relations (Flexible Working) Act 2023
- Flexible Working Regulations 2014
- Equality Act 2010
- Employment Rights Act 1996

It also reflects best practice guidance set out in:

- The DfE's guidance for flexible working in schools
- Acas' code of practice on requests for flexible working

2. Scope

2.1 Eligibility

The policy and procedure set out in this document applies to all employees of ODBST, including teaching staff and non-teaching staff both in schools and centrally employed. It does not apply to agency staff, workers and self-employed contractors.

Staff members have the right to make a statutory request for a flexible working arrangement if they:

- Are an employee of ODBST (this is right that applies from the first day of employment)
- Have not already made 2 statutory requests for flexible working arrangements in the last 12 months

In addition, an employee is not eligible to make a formal request if a request made previously has not been concluded.

All final decisions regarding statutory flexible working requests (including appeal) must be made within a maximum of 2 months unless a longer period has been agreed with the employee.

All staff members can make a non-statutory request, whether or not the statutory route is available to them.

2.2 Exceptions

This policy does not apply to staff who are:

- Taking maternity, paternity, adoption or shared parental leave – please see the relevant Trust policy for this
- Taking sick leave – please see our Health and Attendance Policy regarding this

This policy will also not apply if our school/trust is subject to a temporary or time-limited arrangement to work from home due to public health advice – for example, in the case of a public health lockdown.

3. Types of flexible working

This policy covers the following types of flexible working arrangements:

- Part-time working where a staff member is contracted to work less than full-time hours. This may include:
 - Job sharing: where 2 or more people split a full-time post and share the overall duties and responsibilities
 - Phased retirement: where a staff member gradually reduces their working hours to transition from full-time work to full-time retirement
 - Term-time working: where a staff member takes time off during the school holidays, separate from their annual leave entitlement
 - Working off-site (Appendix A): where a staff member works some or all of their hours remotely and is not required to be on the school site (also known as working from home or working from an alternative location not currently specified in their contract of employment)
 - Varied hours, including:
 - Staggered start, finish and break times
 - Annualised hours: where a staff member's working hours are spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee
 - Compressed hours: where a staff member works full-time hours but over fewer days

4. Roles and responsibilities

Managers will:

- Consider seriously all applications for flexible working arrangements in accordance with this procedure and in line with the needs of ODBST or the school and its pupils.
- Make sure that the staff member knows about their right to be accompanied by a colleague or trade union representative to any appeal meeting.
- Communicate to the staff member any changes to holiday, pay allowance or other conditions that may result from a contractual change.
- Promote positive working arrangements.
- Giving due regard to equality legislation and taking any disability requirements into consideration.
- Ensure employees are given access to this policy so they are aware how to apply for the flexible working arrangements.
- Adhere to the time limits contained in this procedure.

- Only decline a flexible working application where there is a valid business reason why this request cannot be accommodated.

Employees will:

- Follow the procedures set out in this policy and adhere to the stated timescales when responding to or appealing the school's/trust's requests or decisions.

Responsibilities:

- The headteacher within the school environment is responsible for:
 - Ensuring that the flexible working policy is applied consistently within the equality legislation and should liaise with ODBST HR for support as required.
 - Promoting and leading an environment of inclusion, staff wellbeing and high-quality teaching throughout the school.
 - Approving requests for school based staff in line with this policy and the Trust Scheme of Delegation, for example (non-exhaustive) it would be expected that the Director of Education would be consulted with regards to requests in relation to Deputy Headteachers and Assistant Headteachers.
- In line with the scheme of delegation, requests from Headteachers should be made to the Chair of Governors who will make recommendations to the ODBST CEO. The LGB will be responsible for considering the request fairly and according to the needs of the school and pupils. The Chair of Governors (or a suitable nominated governor) will respond to the request within the agreed timescale and liaise with the ODBST CEO regarding the request. The ODBST CEO is responsible for approval of requests.
- Central Trust staff employees will submit their request to their manager. Managers will respond to the request within the agreed timescale and liaise with the ODBST CEO regarding the request. All requests will require approval from the ODBST CEO.

5. Application for flexible working

While ODBST welcomes applications and will consider all requests openly and fairly, we are not obliged to grant flexible working arrangements in all cases.

In all cases, we encourage staff to discuss flexible working arrangements with their line manager on an informal basis before making a request.

5.1 Non-statutory requests

A non-statutory request can be used to apply for any flexible working request, including but not limited to:

- Ad hoc or temporary flexible working arrangements for an urgent requirement
- Minor alternations of arrangements that don't involve altering the staff member's contract – for example, minor variations to start or finish times but maintaining the same number of working hours

All arrangements noted above will need to be mutually agreed with the individual's manager will not constitute a variation in contractual terms and conditions. The Trust may terminate any ad hoc agreement at any time and request you to revert to contractually agreed working arrangements.

If staff are submitting a non-statutory request that will constitute a variation in contractual terms and conditions including home working/working from other locations, all requests must be made using the form contained in this policy (Appendix B).

Staff should send their application to the headteacher / their line manager. If the headteacher is requesting flexible working, they should send their application to the Chair of Governors.

Non-statutory requests for flexible working can be made by staff that do not meet the criteria eligibility in 2.1.

5.2 Statutory requests

Employees should use a statutory request for flexible working if their proposal requires a permanent change to their contractual terms and conditions, including requests for home working/working from other locations not stated in the employee's contract. Only eligible staff members may use this route (see section 2.1 for the eligibility criteria).

An employee may make 2 requests in any 12 month period (rolling 12 months).

Staff must make a statutory request for flexible working arrangements in writing. They should use the application form attached in appendix B, and submit their application at least 2 months before the proposed change. Legally, all requests must include:

- Date of the application
- Statement to confirm that this is a statutory request
- Proposed changes to working hours or pattern, and when the staff member wishes to start the new arrangement
- Whether they've previously applied for flexible working arrangements and if so, when that was

The member of staff should also include whether they're making their request in relation to the Equality Act 2010 – for example, as a reasonable adjustment for an employee with a disability.

Staff should send their application to the headteacher / their line manager.

If the headteacher is requesting flexible working, they should send their application to the Chair of Governors.

An employee may, at any time before an agreement is reached, withdraw their application for flexible working. This should be submitted in writing. The Line Manager should then send an acknowledgement of the withdrawal.

6. Procedure

6.1 Consultation meeting to discuss an application

The employee must complete an application for Flexible Working Form (Appendix B) and forward it to their manager, ensuring that the application is made well in advance of the desired effective date (a minimum of 2 months before the change is desired).

The school/trust will consider all valid applications for flexible working openly and fairly.

On receipt of the application for flexible working, the Line Manager should forward an acknowledgement to the employee and either agree the request or arrange to meet the employee within 28 days of receipt of the application to discuss it.

Where the manager is unable to meet the employee within the 28 days, make the employee aware that all time periods can be extended by mutual agreement and any extensions must be confirmed in writing.

At the meeting to consider the application, the Line Manager will:

- Clarify the staff member's proposed flexible working arrangements
- Seek to establish (if not clear from the application form) whether the request relates to a reasonable adjustment for a disability
- Discuss any foreseen challenges regarding the proposed arrangements and how they can be overcome
- Consider any potential modifications to the original request, or any alternative flexible working options that may be available and suitable for all sides

A member of ODBST HR may also attend the meeting.

The staff member may be accompanied by a colleague or trade union representative if they wish. Any companion will be entitled to speak during the meeting and confer privately with the staff member, but may not answer questions on their behalf.

Where the employee fails to attend the meeting without notification, they should contact the manager as soon as possible to explain their absence, and to allow the manager to rearrange the meeting at the next mutually convenient time. If the employee fails to attend the meeting more than once and does not provide a reasonable explanation the manager may treat the application as having been withdrawn. In such circumstances the manager should write to the employee confirming that the application is considered withdrawn.

6.2 Response

The Line Manager should write to the employee within 14 calendar days of the meeting giving the decision ensuring that the employee is aware of their right of appeal against the decision within 5 calendar days' of receiving the manager's letter. The decisions could be to accept, partially accept or reject the request.

If the application is successful, the manager will provide the employee with a variation to contract letter including:

- a description of the new working arrangement agreed
- state the date from which the new working arrangement will take effect
- details of any trial period if appropriate
- confirming that the changes will form a contractual change to their terms and conditions.

The employee will need to sign and return a copy of the letter which will be placed on their employee file to confirm the variation to the terms and conditions of their contract.

If the application is unsuccessful (rejected) the manager should arrange a meeting with the staff member to inform them of the decision and the reason for the rejection of the request.

The reasons should be based on factual evidence where there is a genuine business reason to reject the request. The explanation does not have to be lengthy and complex, but it should be clear and easy to understand for the employee. The decision will also be confirmed in writing to the employee and staff member will be advised of their right to appeal.

The ODBST considers the following grounds (non-exhaustive) for rejection of requests for flexible working:

- The burden of additional cost to our schools/trust
- A detrimental effect on the quality of work (for example, if, as a result, pupils risk not receiving high-quality teaching)
- A detrimental effect on performance (for example, if the staff member risks failing to meet important deadlines)
- A detrimental effect on the ability to meet demand (for example, where an administrative assistant would not be present at busy periods with high workloads)
- Inability to reorganise work among existing staff
- Inability to recruit new or additional staff
- Insufficient work during the proposed working period
- Planned changes to staffing structure

7. Appeal

If the employee wishes to appeal, they should appeal in writing to their Line Manager within 5 calendar days of receiving the decision letter.

When appealing against a request to work flexibly, the employee must set out the grounds for making the appeal and the date the appeal is being made. The appeal should be submitted to the Chair of Governors for all school based staff apart from Headteachers. The appeal hearing will be held by a governor, senior manager, Headteacher or Officer who has not been involved in the initial request process. Appeals from Headteachers or members of the central Trust staff should be sent to the Director of HR who will arrange for the appeal to be heard by other Trust Officers or by the Trustees who have not been involved in the initial request process.

The appeal hearing should be arranged within 14 calendar days of the appeal being received. The employee will be provided with the opportunity to be accompanied at the appeal hearing by a work colleague or union representative. The Appeal Hearing Manager should comply with any reasonable request to postpone a meeting in order for their chosen companion to attend. Any requested postponement should be no later than 5 working days. Only one postponement will be permitted.

The Appeal Hearing Manager will inform the employee of the outcome of this appeal hearing within 5 calendar days of the date of the hearing, giving a response which will indicate any steps being taken to progress or resolve the situation.

If the appeal is upheld, the employee should be notified in writing stating the new working arrangement and its effective date.

Where the appeal is dismissed, the written decision must include the grounds for the decision, appropriate to the employee's own grounds for making the appeal and provide an explanation as to why the grounds for refusal apply in the circumstances. The employee should also be made aware that there is no further right of appeal.

A statutory request for flexible working will be concluded within **2** months of the date of the application. This includes the conclusion of any appeal process. The school/trust may extend the response period if both parties agree to it – for example, in the case of an agreed trial period. Any extension to the timescale will be confirmed in writing.

8. Withdrawal of application by employee

The employee can withdraw their application at any stage before agreement. The employee should write to their line manager stating they wish to withdraw their application. However, if they have withdrawn a statutory request, and the withdrawn request was their second statutory request in a 12-month period, they will not be able to make another statutory request for 12 months after their first request.

Where the employee fails to attend a meeting or appeal meeting on more than one occasion or they refuse to provide reasonable information to allow their application to progress, without reasonable excuse, the Trust will treat the application as withdrawn. The school/Trust will confirm the withdrawal of the application to the employee in writing.

APPENDIX A: WORKING OFF SITE & HOMEWORKING GUIDELINES

Where agreement is reached for an employee to work from home or an alternative location, either permanently or on an occasional or temporary basis the following guidelines should be adhered to and the homeworking checklist, including DSE assessment completed, if relevant.

1. Homeworking/off-site working arrangements

ODBST may agree for an employee to work from home or from an alternative location for a variety of reasons, including but not limited to:

- when a dependant becomes unwell or arrangements for their care break-down at short notice and the employee has work that can be completed effectively from home;
- when, despite being fit to work, travelling to the workplace is difficult (for example, due to recovery from an injury such as a broken leg);
- when public transport has been disrupted (for example by the weather or by a strike, that affects your travel arrangements); or
- when a quiet, uninterrupted work environment will assist in dealing with a backlog of administrative tasks or in writing reports to a deadline; or
- when government guidance recommends homeworking where possible, for example due to a large scale health pandemic such as Coronavirus.

In these circumstances working at home can be authorised by the line manager where, in their opinion:

- the employee has sufficient appropriate work that can be effectively undertaken at home;
and
- working at home is cost-effective and any increase in work that may be passed to colleagues as a result is kept to a minimum.

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

You may be asked to agree to a home/location visit by your line manager, a senior manager, a member of our HR team, IT provider or Health and Safety Officer in order to carry out a risk assessment, install or service equipment, or to reclaim equipment.

You agree to attend the office/site or other reasonable location for meetings, training courses or other events which we expect you to attend. Where applicable for the individual's circumstances, a risk assessment may be completed. You understand that when you do attend our workplaces, you may have to work in a different way as a result of the circumstances prevailing at the time and any other necessary changes in the workplace.

Working at or from home may affect your home and contents insurance policy, mortgage, lease or rental agreement. It is your responsibility to make any necessary arrangements with your insurers, bank, mortgage provider or landlord.

2. Equipment

Where possible, we will provide any equipment that we consider you reasonably require to work off site which will remain our property. Where equipment is provided it is covered under the Acceptable Use of IT policy and you must:

- use it only for the purposes for which we have provided it;
- take reasonable care of it and use it only in accordance with any operating instructions and our policies and procedures; and
- make it available for collection by us or on our behalf or return it to our workplace when requested to do so

- undertake a Display Screen Equipment (DSE) Awareness Check when asked to do so
- It is your responsibility to ensure that you have sufficient and appropriate equipment for working from home. We are not responsible for the provision, maintenance, replacement, or repair in the event of loss or damage to any personal equipment used by you when working for us. We are not responsible for associated costs of you working off site including the costs of heating, lighting, electricity or telephone calls but may cover some of these expenses if required to do so as a result of national guidance from Her Majesty's Revenue and Customs.

3. Data security and confidentiality

All equipment and information must be kept securely. You should take all necessary steps to ensure that private and confidential material is kept secure at all times. Your line manager must be satisfied that all reasonable precautions are being taken to maintain confidentiality of material in accordance with our requirements.

You may only use equipment which has been provided by or authorised by us for accessing drives and work emails. You agree to comply with our instructions relating to software security and to implement all updates to equipment as soon as you are requested to do so.

You confirm that you have read and understood our data protection policy and code of conduct for staff and that you will regularly keep yourself informed of the most current version of these policies.

If you discover or suspect that there has been an incident involving the security of information relating to the any aspect of the trust or its work, you must report it immediately to your manager and the data protection officer.

4. Health and Safety

When working at home you have the same health and safety duties as when in the workplace. You must take reasonable care of your own health and safety and that of anyone else who might be affected by your actions and omissions. We may ask you to complete a working from home risk assessment. You must undertake the usual office health and safety courses, keep up to date with our health and safety policy and procedures and undertake to use equipment safely as applicable to your role.

We retain the right to check home working areas for health and safety purposes. The need for such inspections will depend on the circumstances including the nature of the work undertaken. You should not have meetings in your home and should not give out your home address or telephone number unless authorised by your line manager.

You must ensure that your working patterns and levels of work both over time and during shorter periods are not detrimental to your health and wellbeing. Employees should contact their manager immediately if they have concerns regarding their wellbeing when working from home or other locations.

You must use your knowledge, experience and training to identify and report any health and safety concerns to your line manager.

Employees are responsible for ensuring they complete their working hours as defined in their contracts of employment. Employees are responsible for ensuring they take their rest breaks as defined in their contracts of employment. Working time should be monitored and rest breaks of at least 20 minutes for every six hours of working should be taken.

Employees are covered under the Trust's accident insurance policy in their home. Accidents must be reported immediately to the line manager.

5. Employee conduct

When working off-site, staff are expected to be available as per their usual contractual hours. If a staff member is unable to work for any reason when they would be working off-site, e.g. due to sickness or caring for a dependent, they will report this using the school's normal absence procedures outlined in our Health and Attendance Policy and Leave Policy.

You will be subject to the same performance measures, processes and objectives that would apply if you worked at our premises.

If homeworking/working off site becomes unsuitable due to employee conduct or performance, the homeworking arrangement may be terminated immediately, or alternative measures introduced. Further disciplinary action may also be taken in line with the ODBST Conduct and Discipline policy and procedure.

The ODBST policies with regards to Code of Conduct, Safeguarding and E-Safety apply to all employees working in any location.

APPENDIX B: FLEXIBLE WORKING APPLICATION FORM

Flexible Working Application Form

| | |
|---------------------|--|
| Name | |
| School Name | |
| Job Title | |
| Manager Name | |

Please detail below your current working pattern:

| | Mon | Tues | Wed | Thurs | Fri |
|---|------------|-------------|------------|--------------|------------|
| Indicate the days worked | | | | | |
| Please state the hours worked per day e.g. 4 hours 9am – 1pm | | | | | |

Please detail below any other specific arrangements that you would like to highlight around your current arrangement below:

| |
|--|
| |
|--|

Please detail below the working pattern you are proposing under this flexible working request:

| | Mon | Tues | Wed | Thurs | Fri |
|---|------------|-------------|------------|--------------|------------|
| Indicate the days worked | | | | | |
| Please state the hours worked per day e.g. 4 hours 9am – 1pm | | | | | |

Please detail below any other specific arrangements that you would like to highlight below:

| |
|--|
| |
|--|

Please briefly outline your thoughts on how this change will impact your role/the school/Trust:

When would you like this new arrangement (if agreed) to start – a minimum of 2 months’ notice will be required:

Is this request in relation to the Equality Act 2010? If so, please state below and provide any supporting evidence:

Please confirm if you are making a statutory or non-statutory request (see policy section 5 for the definition):

| | |
|--|--|
| <input type="checkbox"/> Statutory Request | <input type="checkbox"/> Non-statutory Request |
|--|--|

Please state below any other statutory requests for flexible working that you have made within the last 12 months (employees can make a maximum of 2 statutory requests in a rolling 12 month period):

| | | |
|------------------------------|-------------------|-------------|
| | | |
| Signature of employee | Print Name | Date |

Manager Checklist (to be completed and filed with this application form):

Please note that all final decisions regarding statutory flexible working requests (including appeal) must be made within a maximum of 2 months from receipt of the request. Please liaise with the Trust HR team for any support or guidance.

| | |
|--|--|
| Date flexible working request received | |
|--|--|

| Checklist | Completed |
|---|-----------|
| Confirmation of receipt of flexible working request is sent by email. | |
| Diarise the date when the final decision must be made regarding the request to ensure that this is not missed. | |
| Meeting arranged with employee to discuss request within 28 days of receipt of request. The employee has the right to be accompanied. | |
| If the meeting is postponed or cannot be arranged within the required timescale – please liaise with the employee to mutually agree a delay. | |
| If the request is withdrawn: please ensure that the employee confirms this in writing. | |
| If request is agreed: confirm to the employee via email that the request has been agreed and ensure that a contract variation letter is sent the employee. This must be signed, dated and returned to confirm the arrangement. | |
| If the request is denied: arrange a meeting to explain the decision to the employee. The reasons and the decision should be confirmed in writing. The employee has a right to appeal within 5 calendar days of receipt of the letter. | |
| Ensure all paperwork is filed on the employee personnel file. | |

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| <p>Date decision regarding flexible working request is communicated (must be within 2 months of receipt of the request including any appeals).</p> <p>If a mutually agreed extension to this timescale has been agreed, please ensure that the employee's written confirmation of this agreement is filed together with the application</p> | |
|---|--|