

	<p style="text-align: center;">The TILIAN PARTNERSHIP <i>Inspire to achieve</i></p>	<p>Policy Document Agreed: Dec 24 Review: 4 years Date: Dec 28</p>
---	--	---

Flexible and Shared Working Policy

1. POLICY PURPOSE

The purpose of this policy is to enable the Tilian Partnership to support employee needs in reducing or changing their contracted hours whilst maintaining a focus on school performance by ensuring teaching and learning are not adversely affected

This policy applies to all employees within the Tilian Partnership. All employees may request formal flexible working arrangements providing they meet the eligibility criteria detailed in Section 3. This policy does not form part of an employee's terms and conditions of employment and the Tilian Partnership reserves the right to amend, replace or withdraw this policy at its discretion.

2. POLICY OBJECTIVES

- To define the procedure by which employees may apply for flexible/part-time working.
- To set the guidelines for deciding whether the request should be granted.
- To detail the administrative procedure surrounding the arrangement.

3. ELIGIBILITY

Employees can apply for flexible working arrangements if they have not made two formal flexible working requests in the 12 months immediately prior to the date of their application.

4. GENERAL CONDITIONS

Changes to Working Arrangements

The right to request flexible working is an individual right and the decision on whether to grant the request will be made on the basis of the circumstances of that request. Maintaining a focus on the Tilian Partnership's performance to ensure our pupils' requirements are consistently and adequately met will be a key consideration for any change to working arrangements.

Specifically, no precedent will apply so no previous decision on shared working will be relevant to the request for shared working by any employees. The Tilian Partnership may set priorities from time to

time that will guide the response.

Only two applications for flexible working may be made by an employee in any rolling 12 month period.

5. PRINCIPLES OF THE POLICY

Employees can request a change to the following:

- The hours they are required to work
- The times when they are required to work
- How work is to be carried out between home and the office (where appropriate)

6. CATEGORIES FOR CHANGE TO EMPLOYMENT

6.1 Flexible working ie Varying Working Hours

Taking into account the factors described above, revised start and finish times may be agreed between the employee and the Tilian Partnership which routinely allow an employee to begin work earlier/later than normal and to leave work at an earlier/later time than normal.

6.2 Part-Time Working

The Tilian Partnership will consider requests from employees who wish to work a reduced number of hours per week, either by reducing the number of working days in a week or the number of working hours in a day.

Such requests will be considered taking into account factors such as:

- The operational needs of particular roles
- The suitability of the employee's role with regard to part-time working
- The ability of the Tilian Partnership to re-distribute the tasks that would otherwise be performed if the role was continued on a full-time basis
- The need to maintain an appropriate balance between the numbers of full and part-time employees within a school/team for the purposes of continuity.

6.3 Job Share

Job sharing is the term used when 2 or more people are employed to undertake the duties normally encompassed within a full-time position. Each employee fully assumes the responsibilities associated with the job whilst they are at work but shares the employment benefits on a pro-rata basis proportional to the number of hours each is contracted to work.

The Tilian Partnership will consider written applications from employees who wish to embark upon a

job-sharing arrangement or who wish to apply for a vacancy on this basis.

Those employees who work on a job share arrangement will receive the salary and benefits which are appropriate to the role, pro-rated according to the proportion of the normal working week for the role that they undertake. Arrangements in respect of terms will be in accordance with those provided for other part time employees within the Tilian Partnership.

7. Consideration of the Request

The factors that will be considered by the Tilian Partnership when considering such a request will include:

- The operational needs of particular schools/teams and whether these may be impacted by such an arrangement.
- The suitability of the role to be efficiently and effectively fulfilled by employees with such an arrangement.
- The suitability of the job share applicants to perform the role in question.
- The practical arrangements including the compatibility of employees and communication arrangements that will be applied so that there is no disadvantage to the Tilian Partnership in allowing the job share.
- The need to maintain an appropriate consistency of approach and continuity of work in progress and the extent to which this can be achieved within the job share arrangement, including sickness or holiday absence.

All statutory applications will be seriously considered and will only be rejected if they are detrimental to the school or Trust in terms of the following criteria:

- An unacceptable burden of additional costs to the Tilian Partnership
- A detrimental effect on the Tilian Partnership's ability to meet schooling standards and expectations
- An inability to re-organise work among existing employees
- An inability to recruit additional employees
- A negative impact on quality of teaching
- A negative impact on performance
- Insufficiency of work during the periods the Employee proposes to work
- Planned structural changes

Operational requirements within certain positions may necessitate specific working practices such as completion of duties or handover period. Where these apply they will be fully explained and documented for the employee concerned.

8. APPLYING FOR SHARED/FLEXIBLE WORKING

Prior to submission of any formal request, employees are encouraged to discuss their requirements

informally with the Head.

The employee must make a formal flexible working request in writing to the CEO at least 14 working weeks prior to the date they would like the change to their working arrangements to take effect.

A formal flexible working request must contain the following details:

- A clear statement that the application is made under the statutory right to request a flexible working pattern.
- The specific change applied for and the commencement date of the proposed change ie give details of the flexible working pattern you are applying for, including the date from which you want it to start
- Whether a previous application for flexible working has been made and if so the date of that application

For ease, any formal flexible working request should be made using the Flexible Working Application Form which is available as an appendix to this policy. All sections of the form should be completed and the document should be emailed to the CEO and Headteacher. Receipt of the request will be acknowledged by the CEO.

If the required information is not completed by the employee then the employee will be asked to re-submit the completed application. The Trust is not obliged to consider the application until it is complete and resubmitted.

If the employee unreasonably refuses to provide the information needed to assess whether the change should be agreed to, the Trust will treat the application as withdrawn and this application will count as one of the two applications permitted within a 12 month period.

The CEO will arrange a meeting with the employee to discuss the matter as soon as is reasonably practicable. The meeting will, wherever possible, be scheduled for within 10 working days and the employee will receive at least 48 hours' notice of this meeting.

The CEO will consider the application actively and positively. However, an application may be refused should the proposal result in one or more of the following:

- An unacceptable burden of additional costs to the Tilian Partnership
- A detrimental effect on the Tilian Partnership's ability to meet schooling standards and expectations
- An inability to re-organise work among existing employees
- An inability to recruit additional employees
- A negative impact on quality of teaching
- A negative impact on performance
- Insufficiency of work during the periods the Employee proposes to work
- Planned structural changes

9. ARRANGEMENTS SHOULD A JOB SHARER LEAVE THE TILIAN PARTNERSHIP

Should an employee who is part of a job share arrangement leave the Tilian Partnership's employment, the Tilian Partnership may:

- Invite the remaining job-sharing partner to take on the role on a full-time basis; or
- Attempt to recruit a suitable job-sharing partner to fill the vacated element of the job share; or
- If no suitable job-sharing partner can be found, request that the remaining partner considers any alternative employment that may be available within the Tilian Partnership.

10. ACCEPTANCE OF APPLICATION

If the application for flexible working is accepted, the employee will be informed in writing, usually within 7 calendar days of the meeting, of the specific terms and conditions relating to the agreed working arrangement.

The employee will also receive an amendment to their contract of employment detailing the new terms. Written acceptance of these terms and conditions will be required prior to the working arrangements starting to operate.

Except where it has been agreed that the change to working arrangements is for a certain period of time or a trial period applies, agreed changes to working arrangements will be permanent and the employee is not entitled to revert back to any previous working arrangement without the agreement of the Tilian Partnership.

11. REJECTION OF APPLICATION

If the application is refused the employee will be notified in writing, usually within 7 calendar days of the meeting. The notification will:

- State the ground(s) for refusing the application.
- Provide an explanation as to why the ground(s) for refusal applies in the circumstances.
- Provide details of the employee's right to appeal.

12. TEMPORARY CHANGES TO WORKING ARRANGEMENTS

Where a formal application for a permanent change is made under the Flexible Working procedure, the Tilian Partnership may offer a temporary change/trial period to assess the impact. If the offer is accepted, the Flexible Working request will be suspended by agreement to the end of the temporary change/trial period.

13. TRIAL PERIODS

All variations which are agreed, whether in terms of location, working hours or part-time working, must be clearly documented in order for the appropriate contractual changes to be confirmed by the CEO.

In the majority of cases, any agreed new arrangements for an individual employee will be introduced for a trial period. Trial periods will be regarded as Temporary Changes to Working Arrangements as above. A trial period would normally last no longer than 6 months, but will be determined on a case-by-case basis, dependent upon the nature of the change and the role being performed by the Employee.

The Headteacher and/or CEO will organise regular meetings/discussions with the employee during and at the end of the trial period, to discuss the suitability of the revised working arrangements and to agree any necessary adjustments.

If on completion of the trial period, the CEO and/or the employee determine that the new arrangements are inappropriate and no suitable adjustments can be made to the arrangements, then the employee will be required to revert to the terms and conditions that previously applied. Such amendments to arrangements will also be confirmed in writing to the employee.

Any Employee shall have the right to appeal against any such decision and should do so using the Appeals procedure in Section 14. The revised arrangements will be subject to ongoing periodic review. The impact on an employee's job performance will also be monitored.

14. TERMS AND CONDITIONS

Pay and benefits will be pro-rated according to the proportion of the normal working week/time frame that it has been agreed that the Employee will work in the new working arrangement, including (as applicable) without limitation:

- Pay
- Sick Pay
- Pensions
- Holidays/Holiday Pay

Holiday and sick pay will be paid for the time the Employee is absent during what would otherwise be their normal working hours. For example, if their working arrangement is that they work 3 hours a day they will be paid holiday for 3 hours. All other terms and conditions will be as for full time employees.

15. APPEALS PROCEDURE

If the application is refused, and the employee wishes to appeal, they must do so in writing to the

Chair of the Governors setting out their reasons for appeal, within 7 calendar days of receiving the notification. The appeal meeting will usually be held within 14 calendar days of the appeal being received and the employee should be informed of the outcome of the appeal in writing within 7 calendar days of the meeting.

The appeal panel will consist of at least three Governors. The employee will be invited to attend with a Trade Union representative, if requested. The CEO and the employee will present their cases and the panel will be able to question both parties. Any documentation provided to the panel must be copied to both parties at least 24 hours prior to the appeal panel. No documentation produced on the day will be admissible.

If the appeal is upheld the employee will be informed in writing of the specific terms and conditions relating to the agreed flexible working arrangement. The terms will also be set out in the amendment to the contract of employment the employee receives. Signed acceptance of these terms and conditions will be required prior to the flexible arrangements starting to operate.

If the appeal is not upheld the employee will be informed in writing of the grounds for the decision, with an explanation as to why the grounds for refusal apply in the circumstances.

Written notice of the appeal outcome is the Tilian Partnership's final decision and is the end of the formal procedure under this right to request flexible working.

16. WITHDRAWING A REQUEST

An employee who withdraws their application will not be eligible to make another formal request for flexible working for 12 months from the date on which their application was made. Any withdrawal must be confirmed in writing. In cases where an employee fails to attend a meeting on two occasions without reasonable cause, or where the employee unreasonably refuses to provide the Tilian Partnership with sufficient information for the Tilian Partnership to consider a request for flexible working, the Tilian Partnership may treat their request as having been withdrawn and shall confirm this in writing to the employee.

17. RESPONSIBILITIES

The employee is responsible for:

- Submitting a fully completed Flexible Working Request to the Tilian Partnership in writing, at least 14 weeks prior to the date they would like the contract variation to start.
- Not submitting more than two requests in a 12 month period.
- Attending any training necessary if a change in position has been necessary in order to accommodate their new working arrangements.
- Signing and returning their revised terms and conditions (if applicable) promptly and in good time prior the proposed change.

The Head is responsible for:

- Acknowledging receipt of the request on behalf of the Tilian Partnership.
- Discussing it the employee's application with the employee
- Arranging any training the employee may require if a request has been accepted.
- Checking that all health and safety requirements, if applicable, have been satisfied prior to the start of the new working arrangement.

The CEO is responsible for:

- Assessing that the application meets the criteria defined within this policy.
- Arranging a meeting with the employee to discuss the request
- Ensuring that the decision on the request is communicated in writing to the Employee no later than 7 calendar days after the above meeting has taken place.
- If necessary, ensuring a statement of revised terms and conditions such as holiday entitlement, salary, hours worked and break entitlements is issued to the Employee.
- Where appropriate, ensuring an amendment to the contract with revised terms and conditions is issued to the Employee. A signed copy must be returned from the employee prior to the start of the new working arrangement.
- Ensuring a copy of the initial written request, Tilian Partnership decision and, where appropriate, new contract are held in the employee's personal file.
- Ensuring that, if the request is refused that it is documented appropriately and is for one of the reasons listed under 'Principles Of The Policy' above.
- Ensuring compliance with this policy, in particular the appeals procedure if it is initiated.

18. PROTECTION AGAINST DETRIMENT OR DISMISSAL

No Employee will be penalised, victimised or dismissed for making an application to work flexibly under this policy or for having their application granted. Employees who believe that they are being subjected to any unfair treatment or detriment as a result of having made a request for flexible working or having had such a request granted, should use the Tilian Partnership's grievance procedure to take the issue forward.

19. TIME LIMITS

Whilst the Tilian Partnership's intention is to always ensure that applications are dealt with without unreasonable delay, the time limits referred to in this Policy are given as guidance only and may be varied depending on the circumstances, save that the overall time frame for dealing with an application (including any appeal) shall not exceed 3 months from the date of the Employee's initial application unless a time extension has been agreed by the Employee and the Tilian Partnership.

Appendix 1

Flexible/Shared working request form

This form is to be used by eligible employees requesting flexible working in conjunction with our Flexible/Shared Working Policy.

Please refer to our Flexible/Shared Working Policy prior to making an application, to determine if you are eligible.

Please complete this form well in advance (3 months) of the date that you wish the change to take effect from and ensure you complete this form in full.

Please provide as much information as you can about your requested working pattern to assist us in the decision making process.

Name:

Job Title:

Start date:

Date of application:

Date of any previous application (s):

Describe your current working pattern (days/hours/times worked/location):

Describe the work pattern you would like to work in the future (days/hours/times worked/location):

I would like the above change(s) to my working pattern to take effect
on..... (Enter date, giving as much notice as possible.)

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

· I am an employee

- I have not made two requests to work flexibly under this right during the past 12 months.

Employee's signature:

Please email this form to the CEO and Headteacher