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 Registered in England & Wales

**THE BLESSED EDWARD BAMBER CATHOLIC MULTI ACADEMY TRUST
 FLEXIBLE WORKING ARRANGEMENTS POLICY AND PROCEDURES**

Introduction & Scope

The Blessed Edward Bamber Catholic Multi Academy Trust is committed to providing flexible working arrangements to recruit and retain staff and in its role as a reasonable employer. This policy will operate in accordance with the Trust's duties to promote equality and eliminate discrimination, as required under the Equality Act 2010

This procedure shall apply to all staff employed by the Blessed Edward Bamber Catholic Multi Academy except those on agency/supply contracts or who have been employed by the Trust for less than 26 continuous weeks. Any changes to working patterns under this procedure will be permanent. An employee may only make one application for flexible working in any twelve month period commencing on the date the previous application was submitted to the academy's head teacher.

Qualifying employees will be able to apply to the academy/Trust to change certain terms and conditions of employment relating to:

- hours they are required to work,
- their pattern of working, including the days and times they are required to work,
- their place of work.

Any application for flexible working must:

- be in writing, signed and dated and confirming that this is a statutory request (an application form is attached to this procedure)
- indicate whether you are making your request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability
- state that it is a request to change terms and conditions of employment;
- specify the change applied for and the date on which it is proposed the change should become effective;
- explain what effect, if any, the employee thinks making the change applied for would have on the academy/Trust and how, in their opinion, any such effect might be dealt with;
- state whether any previous applications have been made, with dates.

Contractual Effect of Accepted Applications

Accepted applications will mean a permanent change to the employee's own terms and conditions of employment. It is important therefore that, before making an application, the employee gives careful consideration to which working pattern will help them best and to any financial implications it might have on them, in cases where the desired working pattern will involve a drop in salary.

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1. Making a Determination

A meeting will be called between the employee and his / her Head teacher to discuss the application within 28 working days (days on which pupils are required to attend the academy) from the date the application is received. The date of receipt will be taken as the date on which it would be delivered in the ordinary course of post – 2 days after posting. If the request is hand-delivered to the head teacher in person, the date of delivery will be the date of receipt. At this meeting, both parties will explore any potential issues with the request and if appropriate consider alternative work patterns.

Employees may be accompanied at any meetings under this procedure by a work colleague or Trade Union representative if they wish so long as the head teacher is informed at least 24 hours in advance of the meeting. If the employee's companion cannot attend a meeting on a proposed date, the employee must suggest an alternative time and date that should normally be no more than five working days after the original date

Where employees are accompanied the work colleague or Trade Union representative may address the meeting but may not answer questions on behalf of the employee. They may confer with the employee during the meeting. The companion is entitled to time off during working hours to attend the meeting. Employees are encouraged to seek advice from their Trade Union representative if applicable for assistance in making the written application at the initial or appeal stage.

Head teachers may be accompanied by a HR representative or senior colleague at any meeting held under this procedure.

The head teacher must consider each request on its own merits in light of its current service requirements.

The head teacher should give a decision in writing within 10 working days of that meeting. This should:

- be dated;
- accept the request, outline the contract variation and establish a start date or;
- confirm any compromise agreed in the meeting; or
- reject the application, providing a business grounds and an explanation as to why the business ground is relevant in the circumstances, together with details of the appeal process. There are eight business grounds on which an application may be reasonably refused:
 1. The burden of any additional costs is unacceptable to the Academy/Trust.
 2. An inability to re-organise work amongst existing staff
 3. An inability to recruit additional staff
 4. The employer considers the change will have a detrimental impact on the quality of education provided to the children or young people/quality of business support provided
 5. The employer considers the change would have a detrimental effect on the business ability to meet customer demand
 6. Detrimental impact on performance of the individual or team.
 7. There is insufficient work during the periods the employee proposes to work.
 8. Planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans.

Where flexible working arrangements are agreed, they may take time to implement, e.g. for recruitment of a Job Share partner and may be conditional on such arrangements.

Effective date: January 2019

Version 1.2

Blessed Edward Bamber Catholic Multi Academy Trust

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2. Right of Appeal

Whilst employees do not have a statutory right of appeal against the decision of the first determinant; where requests are refused the Trust will employ the following appeals process to ensure a just decision has been reached.

Any appeals must be submitted in writing to the Clerk to the Board within 10 working days of being notified of the original decision stating the grounds for appeal.

Employee Level	First Determinant	Appeal Manager
CEO	Board Director appointed by the Chair of the Board	Trust Appeal Panel
Headteacher	CEO	Chair of the Board
All other employees	Headteacher	CEO

An appeal meeting will be arranged within 10 working days of receiving the letter of appeal. At the meeting the Appeal Manager will receive advice from a HR representative.

The employee may be accompanied by a Trade Union representative or work colleague.

The Appeal Manager will inform the employee of the outcome of the appeal in writing within 10 working days after the date of the hearing. Where the Appeal Manager upholds the appeal and thus agrees to the implementation of the desired working pattern, they must specify the agreed change and the date from which the change will take effect. Alternatively, where the Appeal Manager dismisses the appeal, they must set out the grounds on which the refusal is based.

3. Withdrawal of a Request to Work Flexibly

A request will be considered as withdrawn if:

- The employee submits written notification to their head teacher that they wish to withdraw their request.
- The employee twice fails, without reasonable cause or explanation, to attend the meeting to discuss the application or a meeting to hear an appeal.;
- The employee unreasonably refuses to provide the Headteacher with sufficient information required in order to assess whether the request can be granted.

4. Extension of Time Periods

Extensions to any deadlines given within these procedures may be agreed between the head teacher/CEO and the employee making the request. Details of such agreements should be confirmed in writing to the employee.

These extensions are permissible as long as the overall process from submission of an application to work flexibly to a determination being made does not extend beyond three calendar months excluding academy/Trust holidays.

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Flexible working Request Application Form

Please complete this application form in full if you wish to make a formal flexible working request. Please continue onto a separate sheet if you require additional space.

Name:		Date:
<p>I would like to apply to work a flexible working pattern under my statutory right to request flexible working. By submitting this request, I confirm that I am eligible to make a flexible working request because I have been employed by the Trust for the last 26 weeks and I have not exercised my statutory right to request flexible working during the past 12 months.</p>		
Address:		
Job Title:		
Previous formal request to work flexibly was made on: (If none, please mark N/A)	____/____/____ DD/MM/YYYY	
Current Working Pattern: (Please detail your current working pattern, including where based (e.g. days, hours and times of work))		

Proposed Working Pattern

I would like to work flexibly because:
(Please provide information about the reasons for the request)

I propose the following changes to my current working pattern:
(Please detail your proposed working pattern, including where based (e.g., days, hours and times of work))

I wish for my proposed working pattern to start on:

____/____/____

DD/MM/YYYY

Impact and Suggested Accommodation of New Working Pattern

<p>I think this change in my working pattern will affect School and my colleagues as follows: (Please include details of potential impact of the change on colleagues, School, pupils and parents)</p>		
<p>I think the effect on School and my colleagues can be dealt with as follows: (Please include details of any suggestions as to how to deal with the potential impact of the change as identified above)</p>		
<p>Signed:</p>		<p>Date:</p>

Flexible Working Appeal Submission Form

Name:			
Trade Union (if appropriate)		Name of your representative	

Please set out below fully the grounds of your Appeal (Continue on a separate sheet of paper if necessary):	
(1)	
(2)	
(3)	
The name of the Manager who made the decision being appealed?	
On what date was the decision made?	
What was the decision?	