

SPTA Flexible Working Policy

Key points

- This policy has been drawn up to comply with the changes to legislation on 30th June 2014 and with the associated “ACAS Code of Practice on handling in a reasonable manner requests to work flexibly”
- The main change in the legislation means that ALL employees now have the statutory right to work flexibly after 26 weeks employment service. This does not extend to agency workers or employees who have not been employed for 26 weeks.
- An employee can only make one statutory request in any 12 month period
- A request to work flexibly involves changing the terms and conditions of employment on either a permanent or temporary basis. Where there is a permanent change agreed, there is no automatic right to return to pre-existing working arrangements at any time
- A request under this policy and regulations must be made in writing by the employee and must include the change to working conditions they are seeking, the date they would like the change to be effective from, what effect they think the requested change would have on the academy/department and how this could be mitigated against and details of any previous application they have made under these regulations
- SPTA has a duty to consider reasonable adjustments for disabled employees under the Equality Act 2010 and flexible working may be one way to help to keep a disabled employee in work.
- Flexible working can also provide the time needed for periods of rehabilitation for an employee who has just developed an impairment or a disabled employee whose condition has changed such that they require treatment or training to enable them to return to work effectively.
- The law requires all requests, including any appeals, must be considered and decided on within a period of three months from receipt of the written application, unless it is agreed with the employee to extend this period.
- The line manager should arrange to meet with the employee as soon as possible after receiving the written request and invite them to attend the meeting in writing and providing ten working days’ notice of the date of the meeting. The meeting must be held in a private room where the discussion can be confidential and the employee is entitled to be accompanied by either a work colleague or trade union representative.
- The meeting will involve a discussion around the benefits of the requested changes in working conditions for the employee, the academy/department and weighing these against any adverse business impact of implementing the changes. There is also the opportunity to discuss any alternative variations which would be mutually acceptable. A trial period may also be considered.
- A request may only be refused in accordance with the statutory permitted grounds for refusal, these are:
 - The burden of additional costs
 - An inability to reorganise work amongst existing staff
 - An inability to recruit additional staff
 - A detrimental impact on quality
 - A detrimental impact on performance
 - A detrimental effect on the ability to meet customer demand
 - Insufficient work for the periods the employee proposes to work
 - A planned structural change to the business
- Managers may consider agreeing to a request on a temporary basis or for a trial period, where appropriate, rather than rejecting the refusal outright. In such cases, an appropriate extension to the decision period / timescales should be agreed with the employee to review the arrangements and make any adjustments before finalising the agreement.
- If the employee’s request is accepted, or accepted with modifications, this should be discussed with the employee regarding how and when the changes might best be implemented.
- The employee will be informed in writing of the decision. Where a request has been accepted, this will result in a permanent variation of the employee’s contract. There is no statutory right to revert to previous terms and conditions of employment. The manager must complete a change of contract form and send this through to ELT for authorisation.
- An application is considered withdrawn under the statutory provisions where the employee has notified their manager that it is withdrawn, failed to attend a meeting or appeal meeting on more than one occasion and/or refused to provide their manager with information required in order to assess whether the contract variation should be agreed to

- An employee may appeal against a refusal to grant a flexible working request if there is new information that was not available to the manager at the time they made their original decision or they think the application was not dealt with in a reasonable manner.
- An appeal must be lodged in writing to SPTA HR within ten working days of the receipt of the written confirmation of the decision regarding their request for flexible working.
- An appeal will be heard by two SPTA Directors (“the appeal panel”). If the appeal is lodged by the Principal / Senior Leader, the appeal will be heard by two SPTA Directors alongside the Chair of the EAB. If a Director was involved in the decision making process, they must not be involved at the appeal stage. SPTA HR will be present in all cases.
- The employee will be invited in writing to a meeting to discuss their appeal providing at least ten working days’ notice.
- The appeal panel may decide to uphold the appeal or dismiss the appeal. Where upheld, the outcome letter will specify the contract variation agreed and the date on which it will take effect. Where dismissed, the outcome letter will state the grounds for this decision and an explanation as to why they apply.
- The decision of the appeal panel is final and there is no further right to appeal.

Process overview

