



## Flexible Working and Flexible Retirement Policy

Approved via Governorhub

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1. Policy Statement
  - 1.1. Soke Education Trust is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can enable an inclusive environment, raise staff morale, reduce absenteeism and have a positive impact on the retention of our employees.
  - 1.2. This flexible working policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally.
  - 1.3. No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
  - 1.4. This policy does not form part of any employee's contract of employment and it may be amended at any time.
2. Equality and Diversity
  - 2.1. The Trust will ensure that all flexible working requests are considered fairly and consistently, in accordance with our legal obligations under the Equality Act 2010 and relevant employment legislation. Flexible working arrangements will not be refused or restricted on the basis of any protected characteristic.
  - 2.2. The Trust are committed to:
    - a) Ensuring that access to flexible working is free from discrimination and bias
    - b) Making reasonable adjustments for employees in line with our duty under the Equality Act.
    - c) Monitoring and reviewing flexible working practices and outcomes to ensure they support inclusion and do not result in adverse impact on any group.
    - d) Encouraging open communication between managers and employees to support individual needs and circumstances
3. Eligibility for the formal right to request procedure
  - 3.1. To be eligible to make a request under the formal procedure you must:
    - a) be an employee and have commenced employment;
    - b) have not already made two formal requests to work flexibly during the last 12 months.

- 3.2. Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 11.1 to their Headteacher or Line Manager, who will consider the request according to the school's educational, business and operational needs.
- 3.3. Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.
- 3.4. Any employee interested in flexible working may request an informal meeting with their Headteacher or Line Manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery before submitting a formal or informal request.

4. Personnel Responsible for Implementing the Policy
  - 4.1. The Trust Board has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust Board has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head Teachers.
  - 4.2. All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the Chief Operations & Financial Officer.
5. Forms of Flexible Working
  - 5.1. Flexible working can incorporate a number of changes to working arrangements, including but not limited to:
    - a) reduction or variation of working hours;
    - b) reduction of the number of days worked each week; and/or
    - c) working from a different location (for example, from home)
6. Making a Formal Flexible Working Request
  - 6.1. You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

6.2. Your written and dated application should be submitted to your Headteacher or Line Manager and, in order to meet the requirements of the formal procedure and to help your Headteacher or Line Manager consider, your request should:

- a) state the reason for your request;
- b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- c) provide information to confirm that you meet the eligibility criteria set out in paragraph 3 of this policy;
- d) state whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when; and
- e) state if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability;
- f) ideally be submitted at least two months before you wish the changes you are requesting to take effect.

6.3. The Headteacher or your Line Manager might be able to agree to your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, your Headteacher or Line Manager will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

6.4. If your proposal cannot be accommodated, discussion between you and your Headteacher or Line Manager may result in an alternative working pattern that can assist you.

## 7. Formal Procedure: Meeting

7.1. Unless an agreement is reached without the need for a meeting as per paragraph 6.3, your Headteacher or Line Manager will arrange to meet with you within 28 calendar days of your application being submitted. The meeting may also be attended by any other individual, such as your Line Manager, whose input may be deemed by the Headteacher, CEO or Chair of Trustees to be supportive to the decision-making process and a notetaker. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

- 7.2. In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.
- 7.3. The meeting will be used to consider the working arrangements you have requested. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 7.4. Your Headteacher or Line Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the school.
- 7.5. Where a request is made in relation to the Equality Act 2010 (e.g. as a reasonable adjustment), decision-makers must consider the school's legal duty to make reasonable adjustments and consult Occupational Health or relevant advice where appropriate.

8. Formal Procedure: Decision
  - 8.1. Following the meeting, your Headteacher or Line Manager will notify you of the decision in writing within 14 calendar days.
  - 8.2. If your request is accepted, or where we propose an alternative to the arrangements you requested, your Headteacher or Line Manager will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your Headteacher or Line Manager will discuss with you.
  - 8.3. You should be aware that changes to your terms of employment will be permanent and that you can make one further formal request within 12 months from the date of your original application
  - 8.4. If your Headteacher or Line Manager needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 calendar days, in cases of further investigation required, providing that any extension does not exceed a two-month period since your application was first made.

8.5. There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request. In these circumstances, your Headteacher or Line Manager will write to you:

- a) giving the business reason(s) for turning down your application;
- b) explaining why the business reasons apply in your case; and
- c) setting out the appeal procedure.

You will be offered evidence relating to the specific reasons specified

8.6. The eight business reasons for which we may reject your request are:

- a) the burden of additional costs;
- b) detrimental effect on ability to meet customer demand;
- c) inability to reorganise work among existing staff;
- d) inability to recruit additional staff;
- e) detrimental impact on quality;
- f) detrimental impact on performance;
- g) insufficiency of work during the periods that you propose to work; and
- h) planned changes.

*Appendix A gives a brief overview of the way in which the Trust Board will interpret and apply these business reasons.*

## 9. Formal Procedure: Appeal

9.1. If your request is rejected, you have the right to appeal.

9.2. Your appeal must:

- a) be in writing and dated;
- b) set out the grounds on which you are appealing; and
- c) be sent to our HR team within 14 calendar days of the date on which you received the written rejection of your request.

9.3. The HR team will arrange for a meeting will take place within 14 calendar days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague or trade union

representative. The appeal will be heard by a manager who was not involved in considering the original flexible working request – usually a more senior manager. At the meeting you will have the opportunity to state your case and present any new information, if there is any. The Chair of the meeting will consider your points of appeal and any new information presented and will decide whether to uphold or reject the appeal.

- 9.4. You will be informed in writing of the Appeal Panel's decision within 14 calendar days of the date of the appeal meeting.

9.5. If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your Headteacher or Line Manager will discuss with you.

- 9.6. You should be aware that changes to your terms of employment will be permanent and that you can make one further formal request within 12 months from the date of your original application.
- 9.7. If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You can make one further request within 12 months from the date of your original application.

## 10. Extending Time under the Formal Procedure

- 10.1. There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 2 months of first receiving the request. Where an extension of time is agreed with you, your Headteacher or Line Manager will write to you confirming the extension and the date on which it will end.
- 10.2. If you withdraw a formal request for flexible working, you can make one further formal request within 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
  - a) you fail to attend two meetings under the formal procedure without reasonable cause; or

- b) you unreasonably refuse to provide information we require to consider your request.

10.3. In such circumstances, your Headteacher or Line manager will write to you confirming that the request has been treated as withdrawn.

**11. Making an Informal Flexible Working Request**

- 11.1. Employees who wish to make an informal request for flexible working may make a request to their Headteacher or Line Manager, who will consider it according to school educational, business and operational requirements.
- 11.2. It will help your Headteacher or Line Manager to consider your request if you:
  - a) make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;
  - b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;

**12. LGPS Flexible Retirement for Support Members of Staff**

- 12.1 The Trust supports flexible working across our workforce, and as part of that commitment Support staff who are members of the Local Government Pension Scheme (LGPS) may wish to put in a flexible retirement application.
- 12.2 Eligibility

There are additional areas to consider for flexible retirement requests, in addition to the Trust's Flexible Working Policy.

In order to qualify for flexible retirement from the LGPS an eligible staff member must:

  - a) Currently be aged at least 55 (increasing to 57 from 6 April 2028);
  - b) Been an active member of the LGPS for at least 2 years;
  - c) Have agreement from the Trust, including financial agreement for any associated pension strain costs (see section 12.6).
- 12.3 Financial Implications of Flexible Retirement for the Employee

If an eligible scheme member takes their pension prior to their ordinary pension age the annual and lump benefits they receive are likely to be reduced (actuarial reductions). The Trust recommends any member of staff considering accessing their pension seeks independent financial advice to assist with this decision making.

The Trust will not consider making payments to the LGPS in order to reduce the actual reductions a member of staff receives. This policy is in line with the Trust's Local Government Discretionary Policy.

#### 12.4 Flexible retirement options

There are two options available for employees wishing to apply for flexible retirement.

##### **Option 1 – Reduction in working hours:**

Eligible Trust employees can request to reduce their working hours to trigger flexible retirement.

The Trust shall only consider requests that reduce working hours by an equivalent of 20% of hours (0.2 FTE). The employee can request working fewer days as part of the 20% reduction but the Trust shall not consider moving from a reduction in working weeks as an appropriate reduction in hours.

##### **Option 2 – Reduction in grade/reduced responsibilities:**

Any eligible employee can apply for a lower graded post. If there are no roles currently vacant the school may agree to a flexible retirement in principle, subject to the flexible retiree applying and being successful in being awarded a lower graded post. The date following the last day of employment in the higher graded post shall be the date of the flexible retirement. Note, no overlap of these posts is permitted.

#### 12.5 Future Pension Scheme Contributions

If your flexible retirement is agreed you can keep paying into the LGPS on reduced hours or grades to build up more pension. If you plan to opt out once your flexible working request is agreed we need to know about this prior to you taking flexible retirement.

## 12.6 Financial implications on the School

No school finances are unlimited, therefore as part of the request the school must consider any pension strain costs that the scheme identifies. The actual cost will depend on:

- number of years the member retires early
- value of their unreduced pension

The Trust will not consider making any additional payments to the LGPS other than required strain costs, for example to waive any early payment reductions.

On receipt of the flexible working request the school will complete the LGSS Employer Estimate form to ensure the costs of the application can be considered as part of the application. As part of this application the school will need to know whether the member of staff intends to continue making contributions should their application be successful, see section 12.5.

Where the school cannot support any application on the basis of cost, the flexible working request without access to the pension can still be considered should the employee wish to continue with that element of their application.

## 12.7 Timescales

Where employees are applying for a job at a lower grade which is subject to the availability of an appropriate role the Trust cannot give timescales for implementation as it will depend on the availability of suitable jobs.

Sometimes it can be difficult to place a timescale on changes to working hours therefore it is recommended that employees ensure they make their requests well in advance of when they would like to implement any changes.

## 12.8 Effective date of implementation of flexible retirement policy

Any requests for reduction in hours or grade must be done at the same time as requesting any access to pensions. Employees will not be able to request a reduction in grade or hours at one point then make a later request to access pensions.

## 12.9 Appeals shall be undertaken in line with the process detailed in section 9 of this policy.

The Appeals Panel, for eligible school-level staff requests, shall consist of:

- Chair of Audit, Finance and Risk Committee (or nominated deputy)
- Chief Operations and Financial Officer
- Chief Executive Officer

Where a request pertains to trust level staff the Appeals Panel shall consist of:

- Chair of Audit, Finance and Risk Committee (or nominated deputy)
- Chair of Soke Education Trust Board
- An independent external advisor with appropriate finance or pensions experience (if appropriate)

### **13. TPS Flexible Retirement for Teaching Members of Staff**

The Trust supports flexible working across our workforce, and Teaching staff who are members of the Teaching Pension Scheme (TPS) may wish to put in a flexible working application to enable them to access the scheme's phased retirement option. Further details can be found at

<https://www.teacherspensions.co.uk/members/planning-retirement/types-of-retirement/phased-retirement.aspx>

#### 13.1 Eligibility

To be eligible for phased retirement a staff member must:

1. Currently be aged at least 55 (increased to 57 from 6 April 2028);
2. Reduce their overall earnings by 20%. This reduction can be achieved by either reducing working hours or moving to a role with less responsibility

The purpose of phased retirement is so members who are reducing their earnings due to part time work or a reduction in responsibilities will be able to withdraw part of their pension to substitute their loss of income. The maximum a person can withdraw from the Scheme is up to 75% of pensionable benefits.

#### 13.2 Future Pension Scheme Contributions

The remaining benefits left in the Scheme continue to grow as you carry on working and contributing on a reduced salary.

#### 13.3 Flexible requests

To comply with the 20% reduction, staff can request a reduction in their working days and any requests will be considered in line with the main part of this policy, including if necessary the appeals process. Where employees are applying for a job at a lower grade which is subject to the availability of an appropriate role the Trust cannot give timescales for implementation as it will depend on the availability of suitable jobs.

#### **13.4 Effective date**

The application for phased retirement must be received by Teachers' Pensions within 3 months of the salary reduction taking place.

#### **14. Monitoring and Review of the Policy**

14.1 The CEO is responsible for monitoring the implementation, use and effectiveness of this policy/procedure and will report on these matters annually or more frequently if necessary.

14.2 This policy/procedure will be reviewed by the Trust Board as necessary.

## Appendix A: Interpretation of “Business Reasons”

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the school.

If a request to work flexibly is rejected then the school will provide a specific “business reason”, which must be one of the eight stated in the legislation:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes

The school’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the specific circumstances in school.

### 1. Burden of additional costs

It may, in some circumstances, be more costly to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application.

### 2. Detrimental effect on the ability to meet customer demand

The school’s customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Headteacher will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the employee is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

### 3. Inability to re-organise work among existing staff

In addition to 2 above, where the employee has leadership or management responsibilities, it is necessary to take into account the ability of the school to distribute these to other employees at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities. The school will also need to consider whether it is appropriate for a leader or manager to be absent for whole days in the week as a result of flexible working.

4. Inability to recruit additional staff

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the school will seek to recruit additional staff.

5. Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of learning and teaching.

6. Detrimental impact on performance

Timely marking of pupils' work is essential for their progress. Pupils' work must be marked on a regular basis in accordance with the school marking policy. The school recognises that it is potentially difficult for part time teachers to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part time job should the request be agreed, and this will be considered before a decision is reached.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of pupils and effective service delivery are paramount. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time teacher being absent from school for one day per week may be to pressurise the timetable to allocate a predominance of non-teaching periods for others in the team on

that day. The extent to which the proposed flexible/part time work pattern affects the work-patterns of the team will be considered before a flexible working application is agreed.

8. Planned structural changes

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

9. Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.

## Appendix B: Form to Request Flexible Working

### Note to the employee

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy and Appendix A carefully and check that you are eligible to make a request.

You should note that it may take several weeks to consider your request and allow for discussion and meetings between us and further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to your Headteacher or Line Manager well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. Once you have completed the form, you should immediately forward it to your Headteacher or Line Manager (you might want to keep a copy for your own records). We will then have 28 days after your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

<b>1. Personal Details</b>			
<b>Name</b>		<b>Job Title</b>	
<b>2. Request Details</b>			
I would like to apply to work a flexible working pattern under my right provided under The Children and Families Act 2014. I confirm I meet each of the eligibility criteria as follows:			
Please tick the box below if it applies to you. If you are unable to tick the box, then you do not qualify to make a formal request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under paragraph 11 of the policy.			
<input type="checkbox"/>	Including this, my current application, I have not made more than two formal requests to work flexibly under this right during the past 12 months		
Date of previous request to work flexible under this right:			

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

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

**I would like this working pattern to commence from:**

**Potential impact of the new working pattern:**

<b>Potential ways to accommodate the new working pattern</b>			
<b>Signed</b>		<b>Date</b>	

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**Return Slip**

Confirmation of Receipt (to be completed and returned to the employee)
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Dear

I confirm that I received your flexible working request.

I shall be arranging a meeting to discuss your application within 28 working days following this date. In the meantime, you might want to consider whether you would like a

workplace colleague or trade union representative to accompany you to the meeting

Signed:

Date: