



Lydiate Learning Trust

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 1 of 6</i>	<i>Date</i>
AJ	LLT BOARD	1		SEPT 15

CONTENTS

- 1. INTRODUCTION**
- 2. PURPOSE, SCOPE AND PRINCIPLES**
- 3. FLEXIBLE WORKING**
 - 3.2 WHO CAN EXERCISE THE RIGHT TO FLEXIBLE WORKING**
 - 3.3 WHAT KIND OF CHANGE CAN BE APPLIED FOR**
 - 3.4 HOW DOES AN EMPLOYEE MAKE A REQUEST**
 - 3.5 HOW WILL LYDIATE LEARNING TRUST DEAL WITH THE REQUEST**
 - 3.6 REASONS WHY A REQUEST MAY BE REJECTED**
 - 3.7 APPEAL PROCESS**
- 4. SHARED PARENTAL LEAVE- MATERNITY/ADOPTION LEAVE**
 - 4.1 HOW DOES IT WORK**
- 5. SHARED PARENTAL LEAVE-AFTER ONE YEARS SERVICE**
 - 5.1 HOW DOES IT WORK**

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 2 of 6</i>	<i>Date</i>
AJ	LLT BOARD	1		SEPT 15

1. INTRODUCTION

The Lydiate Learning Trust recognises that many of our staff have caring responsibilities within their families. The Trust acknowledges that these staff will work best against a background of working for an employer who is aware of the legal obligations and has considered procedures which comply with, and compliment, these obligations.

2. PURPOSE, SCOPE AND PRINCIPLES

This policy is designed to give clear guidance on what staff can expect of the Lydiate Learning Trust as their employer and what the Lydiate Learning Trust expects of its employees in return.

This policy applies to:

- all staff who are employed by the Trust, including the Head teacher;
- all staff that are attached to the Trust schools.

The policy does not apply to:

- peripatetic/other staff who are centrally employed by the LA or are self-employed;
- employees of external contractors and providers of services (e.g. contract cleaners).

3. FLEXIBLE WORKING

3.1 Who can exercise the statutory right to request flexible working?

The following eligibility criteria apply to flexible working requests

- The employee must have at least 26 weeks' continuous service
- Only one statutory request can be made in any 12 month period.

3.2 What kind of change can be applied for?

Employees can apply for:

- A change to the hours they work
- A change to the times they are required to work
- A change to the place of work (as between their home and any of the employer's workplaces)

3.3 How does an employee make a request?

An employee's application must:

- Be in writing and dated
- State it is an application under the statutory procedure
- Specify the change sought and when they wish the change to take effect

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 3 of 6</i>	<i>Date</i>
AJ	LLT BOARD	1		SEPT 15

- Explain what effect the employee thinks the change would have and how it could be dealt with
- State whether the employee has previously made an application to the employer and if so, when

3.4 How will the Lydiate Learning Trust deal with a request?

The Lydiate Learning Trust will

- Deal with the request in a reasonable manner
- Discuss the request with the employee (employees will be offered the opportunity to be accompanied by a colleague or union representative during the discussion)
- Notify the employee of the Trust's decision within 3 months from the date of the request unless a longer decision period is agreed between both parties.
- Issue a new fixed term or permanent contract for the employee to sign based on any agreed changes (employees cannot insist on a trial period but if the employer is unsure about a request, they can offer a trial period).
- Schedule a review to ensure the change is working.

3.5 Reasons why a request may be rejected

The Lydiate Learning Trust may refuse a request on the following grounds:

- The burden of additional costs
- Detrimental effect on ability to meet student's needs
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficient work when the employee proposes to work
- Planned structural changes

3.6 Appeal process

If the employee is not satisfied with the written explanation and is not satisfied that the grounds the request has been rejected on apply to their case, then the employee has the right of appeal against the Trust's decision.

- An appeal must be submitted to the Clerk to the Governors within 14 days of receipt of the written decision.
- An appeal hearing will be arranged and the meeting will take place within 14 days of receipt of the appeal submission. Where this timescale cannot be met all parties must be advised.
- The Governors' Appeals Committee will be advised at the appeal hearing by a member of the school's HR Team.

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 4 of 6</i>	<i>Date</i>
AJ	LLT BOARD	1		SEPT 15

- Prior to the appeal hearing the Governors’ Appeal Committee will be provided with a copy of the original request and the school’s written response.
- At the appeal hearing the employee will outline his/her grounds of appeal and highlight why he/she feels the school’s grounds for refusing the request are flawed. The Headteacher will outline the reasons for his/her decision.
- The Governors’ Appeal Committee will consider the case and confirm their decision in writing. The Governors’ Appeal Committee may:
 - uphold the school's decision;
 - make proposals/recommendations and refer the matter back to the school/employee for further consideration;
 - reject the school's decision and uphold the request;
- No further right of appeal exists.

4. SHARED PARENTAL LEAVE-MATERNITY/ADOPTION LEAVE

The Children and Families Act 2014 introduced new provisions (which came into force from 1 December 2014), which allow for employees to take Shared Parental Leave (SPL) in the first year of their child’s life/ placement for adoption.

- A mother or primary adopter will be able to end their maternity/ adoption leave and share the untaken leave with the other parent as SPL.
- Parents are allowed to share up to 50 weeks of SPL and 37 weeks of Shared Parental Pay (SPP).

4.1 How does it work?

- SPL is only available after 2 weeks post birth/adoption compulsory maternity/ adoption leave has been taken.
- The mother or primary adopter must either return to work or curtail maternity/ adoption leave.
- A curtailment notice must be given at least 8 weeks before the date on which maternity/ adoption leave will end. At the same time, the mother or primary adopter must serve either notice of entitlement and intention to take SPL (opt-in notice) or a declaration that their partner has
- Once opted in to SPL, an employee must issue the Trust with a period of leave notice setting out the start and end dates of their SPL. This can be given at the same time as the opt-in notice but must be 8 weeks before the start of their intended SPL.
- Employees can make three period of leave notices. This includes notice to vary/ cancel a period of SPL.
- Employees can request split periods of SPL and work in between. However, the minimum block of SPL must be one week.
- Both parents can be on SPL at the same time.

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 5 of 6</i>	<i>Date</i>
AJ	LLT BOARD	1		SEPT 15

- An employee may be absent on SPL in relation to a child at the same time that another employee is:
 - Absent on maternity, paternity, adoption, parental or SPL in relation to the same child.
 - In receipt of statutory maternity pay, maternity allowance, statutory paternity pay, statutory adoption pay or SPP in relation to the same child.
- The father can be on SPL whilst mother is still on maternity leave (provided she has served notice to curtail her maternity leave).
- Each parent may request additional Keep in Touch (KIT) days in addition to the mother's 10 KIT days during statutory maternity leave. Please be aware that pay for KIT days is offset against any other pay you are in receipt of at that time from the Lydiate Learning Trust.

5. SHARED PARENTAL LEAVE-AFTER ONE YEARS SERVICE

After one year's employment each parent (including adoptive and anyone with parental responsibility for a child) is entitled to 18 weeks' unpaid parental leave per child to be taken between the child's birth and their 18th birthday.

5.1 How does it work?

- No more than 4 weeks' leave is allowed per year
- Leave must be taken in one-week blocks

<i>Origination</i>	<i>Authorised by</i>	<i>Issue No.</i>	<i>Page 6 of 6</i>	<i>Date</i>
AJ	LLT BOARD	1		SEPT 15