



The Schools HR Co-operative
Every School Matters

Flexible Working Policy

Model HR Policies and Procedures for Schools and Academies

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| Policy created: | May 2011 |
| Policy reviewed and updated: | January 2019 |
| Date of next review: | August 2021 |
| This policy will be subject to ongoing review and may be amended prior to the scheduled date of the next review in order to reflect changes in legislation where appropriate. | |

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1. Scope

This Flexible Working Policy (“the Policy”) applies to all employees employed by schools and academies.

For academies, all reference to the Headteacher should, where appropriate, be replaced with Principal/Head of School, and all reference to the Governing Body should, where appropriate, be replaced with the Academy Trust, and all reference to the School should, where appropriate, be replaced with Academy.

The recognised trade unions have been consulted.

2. Policy statement

This policy outlines the school’s commitment to consider flexible working arrangements for eligible employees.

The school recognises the contribution of all its employees and also understands that at times in their working lives employees may find it difficult to fulfil domestic, family and working commitments. Where this occurs, the school will always consider practical help through this policy.

Flexible working is about considering the way work is organised to see whether it is possible to have different working arrangements: the result must always be, however, that the school achieves its core activities as efficiently and effectively as is possible.

Employees should also be aware that if they request and are given agreed flexible working conditions in accordance with this policy, this is a variation of their terms and conditions of employment and is a permanent change. If an employee’s circumstances change in relation to the need for flexible working there is no statutory right for a return to the original terms and conditions that applied to them prior to flexible working being granted.

No employee will be treated less favorably, suffer detriment or be dismissed because they request, or take, flexible working.

3. Principles

- The initial onus of making an application for flexible working lies with the employee
- The school will consider requests for flexible working in a ‘reasonable manner’ as defined by Acas
- The school will follow the correct procedure as outlined in this policy
- The school can decline an application where it is for any one of the specified business reasons
- All requests for flexible working, including any appeal, will be considered and decided upon within a period of 3 months from first receipt unless otherwise agreed between the employee and employer

- An employee's application for flexible working will be considered withdrawn if they fail to attend the arranged and rearranged meeting/s to discuss their application, including an appeal. The school will issue a letter to the employee confirming this to be the case (confirmation of withdrawal of application).

4. Types of flexible working

There are different ways of working flexibly:

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| Job sharing | two people do one job and split the hours |
| Working from home | it might be possible to do some or all of the work from home or anywhere else other than the normal place of work |
| Part time hours | working less than full-time hours (can usually be by working fewer days) |
| Compressed hours | working full-time hours but over fewer days |
| Flexi time | the employee chooses when to start and end work (within agreed limits) but works certain 'core hours', eg 10am to 4pm every day |
| Annualised hours | the employee has to work a certain number of hours over the year but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work |
| Staggered hours | the employee has different start, finish and break times from other workers |

5. Eligibility

All employees have the statutory right to request flexible working after 26 weeks' continuous service with the employer. This right is to request flexible working - not the right to have it.

An employee is allowed to make no more than one application for flexible working in a 12 month period.

6. Procedure

Step 1: Applying for flexible working

An employee wishing to apply for flexible working completes the Statutory Right to Request Flexible Working Application form at Appendix A.

Step 2: Meeting to discuss the application for flexible working

Following a request for flexible working from the employee, the Headteacher or the designated line manager will invite the employee to a meeting within 2 working weeks of the application to discuss the request. You should allow the employee to be accompanied to this meeting by a work colleague.

If the request for flexible working is approved, the school should write to the employee within 2 working weeks confirming the agreed changes and the start date for flexible working. The school should also change the employee's contract of employment (or send a letter of variation) to include the new terms.

In the event that the request for flexible working request is refused, the school should write to the employee, no later than 2 working weeks after the meeting, giving reasons for refusal. These reasons might include:

- Burden of additional costs to the school
- Inability to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the period when the employee proposes to work
- Planned structural changes
- Any other justifiable reason

Step 3: Appeal

Where a request for flexible working is refused, the employee will be granted the right of appeal if there is new information that was not available to the employer at the time they made their original decision or if the employee thinks the application was not handled reasonably in line with this policy.

If an employee wishes to appeal they must submit the appeal in writing within 10 working days of the written notification of the decision and state grounds for appeal.

The Headteacher/designated manager will arrange for an appeal meeting to be held as soon as possible following receipt of the written appeal bearing in mind the 3 month statutory time limit which applies to flexible working requests. The parties must endeavour to conclude the whole application process within that time unless otherwise agreed.

The Headteacher/designated manager should arrange a meeting of the Governing Body Appeal. The Governing Body Appeal Committee will consist of 3 governors who have not previously been involved in the case, and who are not staff governors and, ideally, not parent governors.

The manager whose decision is being appealed will be required to prepare a management statement of case and present the management case at the Appeal Meeting. A copy of the management statement and if relevant supporting evidence will be sent to the employee and members of the Governing Body Appeal Committee together with notice of the meeting (giving 10 working days' notice of the meeting).

You should allow the employee to be accompanied to this meeting by a work colleague.

During the Appeal Meeting, the employee will present their case and may be asked questions by the panel and/or the manager relating to their statement. This will be followed by the manager presenting the management case who may be asked questions by the panel and/or the employee.

Having heard from both parties, the panel will make a decision which can be to:

- a. Uphold the appeal and grant the flexible working request
- b. Dismiss the appeal and reject the flexible working request
- c. Consider any other arrangement

The employee and the manager will be informed of the decision and the reasons for it in writing within 5 working days of the Appeal Meeting.

There will be no further right of appeal and no further application can be made within a 12 month period.

**Statutory Right to Request Flexible Working
(Application under s80F Employment Rights Act 1996)**

Note to the Employee:

You can use this form to make an application to request flexible working under the right provided in law to eligible employees. Before completing the form please read the Flexible Working Policy to check that you are eligible to make a request.

It will help the school to consider your request if you provide as much information as you can about your desired working pattern. It is important that you think about what effect your change in working pattern will have both on the work that you do, your colleagues and pupils.

Once you have completed the form please forward it to the Headteacher (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions.

The law requires that the request for flexible working including any appeal should be dealt with within the prescribed three month period (which commences upon receipt of the application) unless the parties have mutually agreed an extension. Any such agreement must be recorded in writing.

You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

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| Employee to complete | |
| Name: | Payroll number: |
| Job Title: | Contact Number: |
| Start date with the School (must have 26 weeks continuous employment): | |
| Have you made a request for flexible working during the last 12 months: *Yes: <input type="checkbox"/> No: <input type="checkbox"/> | |
| *Please state date of application: | |
| a) Describe your current working pattern (days/hours/times worked) | |
| b) Describe the working pattern you would like to work in future (days/hours/times worked) | |
| c) State the date you would like this working pattern to commence from | |
| <i>(extend as necessary)</i> | |

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| Reason for requesting a change of working pattern |
| <i>(extend as necessary)</i> |
| Impact of the new working pattern. Please indicate what the impact of the new working pattern will be on the school/work colleagues/pupils and how in your opinion any such impact might be dealt with |
| <i>(extend as necessary)</i> |
| Signed (Employee) Date |

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| Manager to complete |
| I have considered this application in line with the Flexible Working Policy. <i>(complete as appropriate)</i> |
| The impact of this request is as follows: |
| <i>(extend as necessary)</i> |
| I <u>approve</u> the following change in working pattern <input type="checkbox"/> |
| This will be a permanent change to your contract of employment |
| I <u>have not approved</u> a change in working pattern (Reasons given below) <input type="checkbox"/> |
| |
| Signed by Manager Date |

The Headteacher must ensure that any changes are notified to Payroll/Schools HR.

This form must be placed on the employee's personal file and a copy given to the employee.