

School's Flexible Working Policy

April 2024

Schools Procedure for Staff Requesting Flexible Working

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1. Introduction

1.1 All staff should follow this procedure if they wish to make a request for flexible working arrangements. Head Teachers should follow the procedure when responding to such requests.

1.2 The School will consider requests for flexible working favorably and try to accommodate these wherever practicable. However, staff do not have an automatic right to change their working arrangements and it should be noted that the School's first priority is the educational and welfare needs of the pupils and that some school posts are not suitable for certain types of flexible working.

For example, if a post requires a significant amount of face-to-face contact with pupils, parents or visitors to the school, or close supervision, or continual access to manual files and records, it would not be viable for the post holder to work from home.

1.3 If an employee has a disability and wishes to request flexible working arrangements as a reasonable adjustment in relation to their disability, they may do so at any time and do not need to follow this procedure.

An adjustment to working arrangements, hours etc. may be recommended by the School's Occupational Health Service, or in some cases the employee's GP. Reasonable adjustments may be temporary and should be reviewed regularly.

1.4 A request for flexible working is a request to change the employee's contractual terms and conditions of employment. Once this request has been accepted, the change will be permanent (unless specifically agreed as a temporary change - see section 6 below). Once the changes have been agreed and a new contract is issued, the employee has no automatic right to revert to their former terms and conditions.

1.5 Before confirming a permanent change to the employee's contractual terms and conditions of employment, the Head Teacher should consider implementing a trial period (see Section 9 below). This will enable the Head teacher to assess the impact on the School.

1.6 When considering requests for flexible working, the Head Teacher may seek advice from their Schools HR Support.

2. Scope

2.1 This procedure applies to all employees of the School where the Governing Body has adopted this procedure.

3. Definition and examples of flexible working

3.1 The term flexible working describes a type of working arrangement which gives some degree of flexibility on how long, where and when employees work. The flexibility can be in terms of working time, working location and the pattern of working.

3.2 Examples of flexible working available to employees include:

- Home-based working
- Remote working

- Job share
- Part time working or reduced hours
- Compressed hours (e.g. 36 hours worked over 4 days instead of 5)

4. The statutory right to request flexible working arrangements

- 4.1 All employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly. Employees gain the right to request flexible working arrangements from the start of their employment.
- 4.2 An employee can submit up to two requests in any 12 month period. If an application is approved, under the statutory right to request, an employee has a statutory right to request another variation in contractual terms within a 12 month period.
- 4.3 Employees should note that the change to their contractual terms and conditions of employment will be permanent, (unless specifically agreed as a temporary change - see section 6 below) and that, once agreed and a new contract is issued, they have no automatic right to revert to their former terms and conditions.

5. Temporary changes

- 5.1 If an employee is only seeking a temporary change to their working hours or conditions, (e.g. to manage a temporary domestic situation, such as additional caring responsibilities or to pursue a short course of study), Head Teachers may wish to consider allowing them to revert back to their old conditions after a specified period, e.g three months, or after the occurrence of a specific event, such as the end of a course of study.
- 5.2 If a temporary change is agreed, this must be indicated on the application form and start and end dates notified to Pay and Contracts accordingly. The temporary change should normally be for no more than six months maximum and must be reviewed regularly. After six months, the temporary changes should either be terminated or made permanent.
- 5.3 Employees should note that a temporary variation will still count as a statutory application and they may only make one other statutory application within a 12 month period. (see 4.2 above).

6. Business reasons to consider in a request to work flexibly

- 6.1 Employees have an automatic right to work flexibly upon employment. The Head Teacher must consider the needs of the School, the nature of the

work undertaken and assess each case on its own merits. Previous agreements will not be determined as a precedent.

6.2 Requests to work flexibly must be considered objectively and an employer can only refuse them if there are business reasons for doing so. [The ACAS Code of Practice on Handling Requests for Flexible Working](#) requires employers to do this and lists the following business reasons by which employers may refuse to grant a request. Requests may be refused on one or more of the following grounds:

- The burden of any additional costs is unacceptable to the School.
- An inability to re-organise work among existing staff.
- Inability to recruit additional staff.
- The Head Teacher/designated manager considers the change will have a detrimental impact on quality of work/educational provision.
- The Head Teacher/designated manager considers the change would have a detrimental effect on the School's ability to meet its needs.
- Detrimental effect on performance of the individual, the team or the whole School
- Planned structural changes, for example, where the School is facing a reorganisation the flexible working changes may not fit with these plans.
- Insufficiency of work during the periods the employee proposes to work

6.3 If the Head Teacher/designated manager, having considered a request, decides to refuse it, they should cite one or more of the business reasons listed above and explain how the business reason/s apply to the employee's application.

7. Application and approval process

7.1 School staff who wish to apply for flexible working should discuss this informally with the Head Teacher in the first instance.

7.2 The employee must then complete Section 1 of the Flexible Working Application Form and submit this to the Head Teacher.

7.3 The Head Teacher/ should acknowledge receipt of the application and meet with the employee to discuss the application.

7.4 If the employee fails to attend an arranged meeting and any subsequent rearranged one without a reason, then the the application is withdrawn. The Head Teacher should find out and consider the reasons for the employee failing to attend both meetings before reaching any decision to close their application. The Head Teacher must then notify the employee of the decision.

7.5 All requests should be acknowledged and considered promptly. The outcome must be decided upon within a period of two months from first receipt of the employee's written application, unless this has been extended by mutual agreement.

Note: this period of two months includes any agreed trial periods and appeals.

7.6 When deciding whether to grant a request for flexible working, the Head Teacher should consider the following:

- The nature of the employee's duties and how the proposed arrangements would fit in with job requirements, workload etc.
- The impact on the School, pupil welfare etc.
- Any impact on the supervision requirements of the employee
- The impact on other staff members and colleagues

- How the arrangements will be monitored
- Any additional costs that might be incurred and whether these outweigh any potential benefits or efficiency savings
- Whether any similar requests have been received from other staff and the response given (each case should be dealt with on its own merits but the manager must be seen to be fair and consistent)

7.7 The Head Teacher may suggest a variation to or compromise with the employee's request if they feel that this is more feasible. In this case, the Head Teacher should meet with the employee to discuss this before completing Section 2 of the form.

7.8 The Head Teacher may decide to implement a trial period for the flexible arrangements, before confirming them as permanent. If so, this must be indicated on the form together with a review date. The Head Teacher and employee should meet on the review date to discuss how the arrangement is working and the manager should then either confirm or terminate the arrangement, notifying Pay and Contracts accordingly. If the Head Teacher decides to terminate the arrangement, this should be for one of the business reasons listed in 8.10 below.

7.9 The Head Teacher must complete Section 2 of the form to confirm whether or not they approve the employee's application (or a variation of it).

7.10 If the Head Teacher approves the employee's application they must indicate the new arrangements on the form and should return this to the employee, normally within 10 school days of the manager/employee meeting).

7.11 The Head Teacher must notify Pay and Contracts of changes to the employee's terms and conditions of service, including start and end dates where appropriate. Pay and Contracts will then issue an amended contract details or a new contract to the employee accordingly.

7.12 If the Head Teacher does not support the employee's application, they must indicate on the form the business reasons for not supporting the application, which may fall in one or more of the following:

- Impact of additional costs
- Detrimental effect on ability to meet the needs of the School
- Capacity to re-organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality of work/educational provision
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

The Head Teacher/ must then explain how the business reason/s apply to the employee's request.

7.13 The form should then be returned to the employee, within 10 school days of the meeting and a copy retained on the employee's personal file. The Head Teacher should then meet the employee to explain the reasons for the refusal.

8. Trial periods

- 8.1 Before confirming a permanent change to the employee's contractual terms and conditions of employment, the Head Teacher should consider implementing a trial period, and should indicate this, and the duration of the trial period when returning Section 2 of the request form to the employee.
- 8.2 The Head Teacher should discuss details of the trial period with the employee and confirm this in writing, including:
- The start and duration of the trial period
 - How and when the revised working arrangements will be reviewed
 - Expected service delivery or other conditions to be met during the trial period
- 8.3 The Head Teacher should review the revised work arrangements and any impact on work performance, service delivery etc. regularly during the trial period and discuss any issues of concern with the employee.
- 8.4 Note: a final decision on whether or not to confirm or refuse a statutory request for flexible working arrangements must be made and confirmed in writing to the employee within 2 months of receipt of the request (inclusive of any trial period). However, by mutual agreement, the Head Teacher/designated manager and employee may extend this period in order to accommodate the trial period if they wish.

9. Handling multiple requests

- 9.1 There may be some occasions, when a The Head Teacher receives more than one request to work flexibly from different employees. Where this happens it may be possible to grant all of the requests received. However, before doing so the Head Teacher should look closely at the impact this would have on the School before coming to a decision.
- 9.2 Having considered and approved a request, the business context may have changed and the Head Teacher should take this into account when considering subsequent requests, referring to the business reasons given in 7.10 above.
- 9.3 If the Head Teacher receives more than one request, they should consider each request on its merits, looking at the business case and the possible impact of refusing a request. The Head Teacher may wish to discuss requests with each member of staff to see if there is any room for adjustment or compromise before coming to a decision.
- 9.4 The Head Teacher should also carefully consider whether there is a risk of discrimination by refusing a request or by favoring one request over another and may seek advice from an Schools HR Support as appropriate.

10. Appeal process

- 10.1 If an employee's request is refused, they may appeal using the following procedure. If the original request was made to the Head Teacher, the appeal will be heard by the Governing Body. In all other cases the appeal will be heard by the Head Teacher.
- 10.2 The employee must appeal in writing, within 10 school days of receipt of the decision and must clearly state the grounds for their appeal.

10.3 Employees may appeal on the following grounds:

- If there is new information that was not available to the Head Teacher at the time they made their original decision.
- To challenge a fact the Head Teacher used in applying their business grounds for rejection.
- If the employee thinks the application was not handled reasonably in line with the School's procedure.

An employee cannot appeal if they simply disagree with the decision or the business grounds for refusing their request.

10.4 The Head Teacher/Governing Body should arrange the appeal meeting within 10 school days of receiving the employee's written appeal.

10.5 The employee may be accompanied by a work colleague, a Trade Union Representative or a Professional Association Representative at the appeal hearing.

10.6 Following the meeting, the Head Teacher/Governing Body should notify the employee of their decision, in writing, within 10 school days of the appeal hearing. This will be either:

- to uphold the employee's appeal **or**
- to uphold the Head Teacher's/designated manager's decision to refuse the request.

In some cases, the Head Teacher/Governing Body may wish to offer a compromise or variation to the employee's request which satisfies all parties.

Flexible Working Application Form

Section 1 - to be completed by School Employee

Name:	
Job title:	
School	
Payroll no.	Ext:
What type of flexible work are you applying for? <input type="checkbox"/> Home Based Working <input type="checkbox"/> Job sharing <input type="checkbox"/> Reduced/changed hours <input type="checkbox"/> Other Please give specific details of the changes (e.g. days, hours to be worked) below: If you would like to give your reason for this request, please do so (this is optional)	
From what date would you like the proposed changes to become effective? Is this a request for a change on a temporary basis? If no, then this will constitute a permanent change to your contractual terms and conditions of service and there is no automatic right to revert to your previous employment terms and conditions. If yes, please indicate the date when you would like the arrangements to cease:	
Have you made a request for flexible working within the last 12 months? If so, please state the date this request was submitted:	
Signature: Date:	

Please submit the completed and signed form to the Head Teacher/

Flexible Working Application Form

Section 2 – to be completed by Head Teacher/designated manager (please send a copy of the completed form to school employee.)

Decision (Please complete one section only)

1. Approval of flexible working

Following our meeting on (insert date) and after considering your application, I have decided to approve your new flexible pattern of work as follows: `

Your new working pattern will begin from the following date:

This will be subject to a trial period Yes No (If yes please specify trial period end date)

Note: If there is a trial period, the arrangements will be reviewed regularly and if your request is not approved following the trial period, you will revert to your substantive employment terms and conditions.

You will be notified separately of these changes to your employment terms and conditions and leave arrangements.

2. Non approval of flexible working

Following our meeting on and after considering your application, I have decided **not** to recommend flexible working, on the following grounds (please tick one or more – and give further details below)

- | | |
|---|---|
| <input type="checkbox"/> Impact of additional costs | <input type="checkbox"/> Detrimental effect on ability to meet pupil/School needs |
| <input type="checkbox"/> Capacity to reorganise work among existing staff | <input type="checkbox"/> Inability to recruit additional staff |
| <input type="checkbox"/> Detrimental impact on quality of work | <input type="checkbox"/> Detrimental impact on performance |
| <input type="checkbox"/> Insufficiency of work during the periods the employee proposes to work | <input type="checkbox"/> Planned structural changes |

Further details/explanation of how the reason/s indicated above apply to your request:

You will therefore remain under the terms and conditions of your existing employment contract.

Name of Head Teacher/designated manager:

Signature:

Date:

If you wish to appeal against the decision to refuse a request for flexible working you must do so in writing, within 10 school days of receipt of the decision and must clearly state the grounds for your appeal .You may only appeal on the following grounds:

- If there is new information that was not available to your manager at the time they made their original decision.
- To challenge a fact the Head Teacher/designated manager used in applying their business grounds for refusing your request
- If you think the application was not handled reasonably in line with the Schools procedure.

If the original request was made to the Head Teacher, the appeal will be heard by the Governing Body. In all other cases the appeal will be heard by the Head Teacher.