



Flexible Working Policy for Schools and Academies

Effective from February 2017

1. Introduction

The school supports the principle of flexible working, in the interests of:

- promoting work/ life balance and staff wellbeing,
- promoting equality and diversity, and
- attracting and retaining quality staff.

Eligible employees have a statutory right to request flexible working. Whilst no guarantee can be given that requests will be approved, the school undertakes to sympathetically consider every request in line with this policy. Requests will be considered in light of the needs of the school and its pupils.

2. Scope

This policy applies to all employees with over 26 weeks continuous service within the local authority (maintained schools) or academy trust (academies).

Eligible employees may apply for flexible working under this policy no more than once in a 12 month period. Applications may relate:

- to their existing role, or
- to a new role they have been offered but not yet started.

3. Definitions

Manager

Under this policy manager means the Headteacher or the line manager who is considering the flexible working request.

Flexible Working

This is an agreement to something other than the standard working arrangements in terms of:

- hours of work;
- times of work; and/ or
- place of work.

Part-time hours

This is a working arrangement in which the working hours for an employee are less than the standard full-time hours for the post.

Compressed hours

This is a working arrangement in which an employee undertakes the hours for a post in a compressed period. Examples include working full time hours over 4 days, taking shorter meal breaks.

Job Share

Job sharing occurs where a conscious decision is taken to divide the duties and responsibilities of one post between two or more people with the full time salary being divided proportionately between the two. Salaries payable under a job share arrangement will not total more than 100% of a full time salary including any allowances.

Term Time Working

A term time working arrangement means the employee is contracted to work during school term time only.

Home Working

Home working is an arrangement through which the employee carries out some or all of their work from home.

4. Responsibilities

The Governing Body is responsible for the implementation and monitoring of this policy to ensure that standards of service provision are maintained.

Managers are responsible for making fair and reasonable decisions under this policy.

Employees are responsible for adhering to the requirements of this policy and making reasonable and considered applications.

5. Principles

5.1 Equality

The school is committed to equality of opportunity for all. It also recognises that offering flexible working arrangements can help to increase the diversity of the workforce.

Decisions made under this policy will be proportionate and justified according to legitimate reasons. The Equality Act 2010 gives employees the right not to be discriminated against in relation to any protected characteristic.

If flexible working is agreed, it should be noted that a part-time employee should have the same access to training, development and other opportunities as a full time employee.

5.2 Principles of decision making

An employee can make a request for flexible working for any reason.

Each application will be considered objectively and on its own merits, taking into account the needs of the employee as well as the needs of the school and its pupils.

The agreement to one flexible working request will not set a precedent for other applications.

5.3 Benefits of Flexible Working

The schools acknowledges the following benefits of flexible working.

- When there are skills shortages, by taking account of individuals' preferred working arrangements the school can recruit and retain the best staff.
- Being open to flexible working helps the school to attract a wider range of candidates and reduce recruitment costs.
- Research has revealed that flexible working can help to reduce absence and sickness, as absence can be caused by the conflicting demands between work and home life.
- Accommodating flexible working allows the school to retain valued, skilled and experienced employees.

- If an employee's needs outside of work are accommodated, employees can gain a greater sense of responsibility, ownership and control of their working life; leading to a greater sense of wellbeing and reduced stress levels.
- Flexible working also increases employee commitment, morale and loyalty; and therefore can improve performance.
- Flexibility can help to maintain good relations between employees and management.

5.4 Grounds for refusing a flexible working application

Flexible working applications will only be refused for one or more of the following reasons:

- the burden of additional costs;
- detrimental effect on the ability to meet customer demand;
- inability to re-organise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work; or
- planned structural changes.

5.5 Permanency of arrangements

Flexible working may be agreed on a permanent, temporary or trial basis.

If agreed as permanent, the flexible working arrangement will change the employee's conditions of employment, and will not be reversible without re-negotiation and the agreement of both parties.

Flexible working arrangements agreed on a temporary or trial basis may be as short or as long as the parties agree but must have a specified end date. When the end date is reached, the employee will revert to their contractual working arrangements (unless further flexible working arrangements are agreed.)

5.6 Issues for the employee to consider before making an application

Employees applying for flexible working are advised to take their own advice on issues related to pay, pensions, redundancy, sickness absences, maternity leave, leave of absence etc.

Issues that should be considered by employees before making a flexible working request include:

- the allocation of working hours and the pattern in which they are to be worked.
- the permanency of the arrangement (see 5.5 above) and the implications of this.
- the impact on their pay and other terms and conditions.
- that if a part-time employee undertakes additional hours, overtime rates (if applicable to the post) will not apply until the hours of work exceed the standard working week for a full-time employee.
- that a working day that is 6 hours or more in length must include at least a 20 minute rest break.

5.7 Issues particular to job share arrangements

The school supports the principle of job share but recognises that whether job sharing can be accommodated will depend upon circumstances relating to the post and the staffing position in the school.

Matters to be considered

If a job share arrangement is applied for, the employee and manager should consider the following before reaching an agreement:

- how the employee will communicate with their job-share partner.
- how communication will take place with management.

- attendance at staff and parents meetings; e.g. Headteachers may wish to vary when staff meetings are held so that each job sharer has the opportunity to attend staff meetings on a regular basis. It will be a joint management and job sharer responsibility to provide/obtain an update from staff meetings where the job sharer has not been able to attend.
- what happens if the job share partner is absent or leaves (see below).
- whether any overlap will occur and the arrangements for this.
- arrangements for covering hours of work, division of tasks, managing performance; e.g. for teachers, which teacher is going to be responsible for planning which parts of the curriculum and how reports are going to be agreed; or for administration staff who is going to lead on which duties.
- where applicable, how to ensure consistency.
- for teachers, whether both teachers should observe each other teaching to ensure consistency in lesson delivery and marking, expectation and behaviour management; or job sharers may want to ensure key decisions are jointly agreed.
- arrangements for ensuring the continuity of pupil education.
- arrangements for professional development and attendance at staff training days.

Absence of one job share partner

Where one part of the shared post is unoccupied due to sickness, maternity or other leave, the remaining job sharer may be invited, but should not be expected, to undertake additional hours up to the full time equivalent.

Where one party in the job share arrangement leaves the post

Where one party in the job share leaves, the Governing Body will decide whether the vacant part of the post needs to be filled. If the vacancy is not to be filled, the balance of the job share post that remains occupied will be converted to a part-time contract with the remainder of the job share hours being deleted from the establishment.

Where it is decided to appoint the vacant hours, the remaining post holder will normally be offered the balance of the post first. At the discretion of the governing body, it may be possible for the post holder to re-negotiate the hours of the post.

If an agreement with the remaining post holder cannot be reached, the school will advertise the vacant hours.

If a suitable applicant for the balance of the post cannot be found the school may need to review the job share arrangement in consultation with the employee (see reviewing a flexible working arrangement, 6.8 below). As a last resort this could result in the school terminating the employee's contract.

5.7 Issues particular to home-working arrangements

The manager will take advice in relation to IT equipment, and health and safety issues, before agreeing to an application for home-working. Occasional home-working arrangements, if agreed, will not be considered as contractual and therefore will be subject to review at any time by the school.

6. Procedure

6.1 Right to be accompanied

An employee may be accompanied by a trade union representative or colleague in any meeting held under this policy.

6.2 Attending meetings

If the employee fails to attend any meeting which has been arranged or rearranged to discuss the application (this includes any appeal meetings) without good reason, the request can be considered to have been withdrawn and the employee will be informed.

6.3 Timescales

The following procedure should be carried out promptly, and the whole process (including appeal if necessary) should be handled within a maximum period of 3 months of receipt of the written application, unless a longer timescale is mutually agreed.

6.4 Making an application

An employee may make one application for flexible working in a 12 month period. The 12 month period runs from the date on which the application was made.

The employee should put the request in writing (a form is available for these purposes).

The request should confirm that the application is made under the statutory right to request flexible working and that they are eligible to do so. The request should also identify:

- the type of flexible working applied for;
- the proposed working hours and the pattern in which they are to be worked;
- the proposed start date;
- the effect on the employer; and
- how the effect may be dealt with.

The employee should prepare a carefully thought out application well in advance of when they would like the desired working pattern to take effect. The employee should think carefully about their desired working pattern, making realistic proposals for how the arrangement may work in practice taking into account the needs of the school.

6.5 Considering the application

The manager will consider the request seriously. If the manager can agree to the request without further exploration, a meeting is not necessary. Otherwise, the manager will meet the employee to explore the desired work pattern in depth, discussing how the requested change might be accommodated.

As part of the meeting, the manager and the employee may explore any compromises or adjustments to the proposal that are considered appropriate.

If there is a delay in considering the application, the manager should explain to the employee that there is a delay, and when they anticipate that they will be able to inform the employee of the outcome.

6.6 Decision

The employee will be informed of the manager's decision as soon as possible.

If a flexible working arrangement is agreed, the details of the arrangement will be confirmed in writing (a Flexible Working Acceptance Form may be used for this purpose).

If the manager is unable to accept a flexible working application, the manager will confirm this in writing, advising the employee:

- which of the grounds for refusal apply;
- a sufficient explanation of why the grounds for refusal apply in the circumstances; and
- a statement that the employee has a right to appeal.

The Flexible Working Application Rejection form can be used for these purposes.

6.7 Appeal

An employee who is dissatisfied with a decision made under this policy may appeal, by setting out an explanation of their reasons for appeal in writing within seven calendar days of receipt of the original decision.

Appeals will normally be heard within 14 calendar days of receipt of the appeal, and the employee will be given at least seven calendar days' notice of the appeal meeting arrangements. Appeals will be heard by the Headteacher or (if the Headteacher has made the original decision) a Committee of one or more governors.

6.8 Reviewing a flexible working arrangement

This section applies to changing a permanent arrangement, or changing a temporary arrangement before its agreed review/end date.

If the employee wishes to change an existing flexible working arrangement, they should make an application under this policy and the above procedures will apply.

If the needs of the school change and the manager wishes to change an existing flexible working arrangement, the manager will invite the employee to a formal meeting, giving reasonable notice. Notes will be taken at this meeting.

At the meeting, the manager will explain the proposed changes and the rationale for them, and the proposed timescales for implementation. A discussion will take place with a view to reaching an agreement.

If an agreement cannot be reached, redeployment to another suitable role may be considered.

As a last resort, if an alternative solution cannot be reached, the school may give notice to dismiss the employee and offer to reengage them on the required working arrangements. This course of action would only be taken after exploring all reasonable alternatives, and if it is necessary in the interests of the school.