

B3 - FLEXIBLE WORKING FOR SCHOOLS

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The Governing Board of _____ School

adopted this Policy on _____ [insert date]

Version	Author	Last Updated	Review Date
1.0	Tom Alexander	September 2016	September 2018
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Appendix B3

FLEXIBLE WORKING FOR SCHOOLS

Introduction

The Authority believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity. All employees have the right to request flexible working and to have their request considered seriously by their employer from day one of their employment.

An employee is entitled to submit two flexible working requests in a 12-month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example the Equality Act 2010 right to request reasonable adjustments).

However, while it is our policy to be flexible on working patterns for all its employees, in order to ensure that it is complying with its legal obligations concerning the right to request flexible working, there may be situations where precedence has to be given to those who are eligible for this right.

What is flexible working?

The following flexible working options are considered to be the typical arrangements that employees will request but the school recognises that there may be alternatives or a combination of options which are suitable to both the school and the employee:

- Compressed hours
- Home-working
- Job-sharing
- Part-time working
- Term-time working
- Hybrid working
- Change of the pattern of hours worked

Requests for flexible working

All requests must be made in writing by email or letter. Any request made under this policy must include:

the date of the application;

the changes that the employee is seeking to his/her terms and conditions;

the date on which the employee would like the terms and conditions to come into effect;

a statement that this is a statutory request;

whether or not the employee has made a previous application for flexible working; and

if the employee has made a previous request, when the employee made that application.

Where the request is being made by a disabled person as part of a request for a reasonable adjustment to his/her working arrangements, the employee should state this in the written application.

The School will not reject out of hand requests that do not contain the required information. It will be explained to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.

Meeting to discuss a flexible working request

Once the school receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below. The headteacher will usually arrange a meeting to deal with the request. Where a request can without further discussion be approved in the terms stated in the employee's written application, a meeting will not be necessary.

An employee should be given the right to be accompanied by a union representative or work colleague at any flexible working meeting. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and school.

Outcome of a flexible working request

After the meeting, the headteacher will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the school against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to his/her working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below. The request may be granted in full or in part: for example, the school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if request is not upheld or is upheld in part.

On what grounds can applications be refused?

Flexible working arrangement can be refused for the following reasons:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;

a detrimental effect on ability to meet customer demand;
insufficient work for the periods the employee proposes to work; and
a planned structural change to the business.

Flexible working requests that are granted

If the request is upheld, the employee and the headteacher will discuss how and when the changes will take effect. Any changes to terms and conditions will be put in writing and sent to the employee as an amendment to his/her contract of employment as soon as is reasonably practicable.

Timescales

All requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal. The headteacher should hold the meeting within 28 school days of receiving the request and notify the decision to the employee within 14 school days of the meeting, so that there is enough time for any appeal to be concluded.

Appeals

Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 school days of receiving the notification, with the appeal to be heard within 28 school days or as soon as a panel committee can be convened. The employee will be informed of the outcome of his/her appeal within 14 school days of the appeal meeting. These time limits may be extended where both the employee and employer are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

All appeal arrangements are set out in Appendix 1.

What can an employee do if an employer refuses an application for flexible working?

Wherever possible it is better to reach agreement on flexible working within the workplace. There are a number of options open if the employer refuses the application at the appeal stage of the procedure including:

- Informal discussions with the employer - there may be some simple misunderstanding of the procedure or facts which can be resolved by an informal route
- Use of the employer's internal grievance procedure. Assistance from a third party such as a trade union representative or some other suitably experienced person
- Ask ACAS to help find a solution - by providing information or where appropriate through a process of conciliation.

Procedure for hearing an appeal against a flexible working request

1. All appeals will be heard by the panel committee of the Governing Board. The headteacher, the aggrieved employee and their representative shall be entitled to attend and be heard. Both parties are allowed to call witnesses as part of their evidence.
2. The committee will be accompanied by a designated Employee Relations Advisor to advise on policy and procedure.
3. The employee (or their representative) shall put their case forward and the headteacher will have the opportunity to ask questions. The committee may ask questions of the employee (or their representative).
4. The headteacher shall put their case forward and the employee (or their representative) shall have the opportunity to ask questions. The committee may ask questions of the headteacher.
5. Both sides will have the opportunity to sum up without introducing further new evidence if they so wish, with the employee going first.
6. At the conclusion of the appeal, the committee shall adjourn to consider the evidence given and make their decision.
7. The employee shall be advised in writing of the committee's decision within 5 working days of the appeal hearing and a copy sent to their representative.
8. The panel's decision shall be final and no other further appeal is allowed under the internal procedures.