

Flexible Working Policy

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Flexible Working – Policy & Procedure

1. Policy Statement

- 1.1 This policy sets out the provisions and rights for employees who wish to request flexible working. This therefore follows legislation on flexible working in accordance with the Employment Rights Act 1996, Employment Rights Act 2002, Work and Families Act 2006 and Flexible Working (Eligibility, Complaints, and Remedies) (Amendment) Regulations 2006.
- 1.2 The Council and more specifically schools recognise that flexible working opportunities can benefit everyone in the workplace and at home. It is recognised that not all positions within schools will be suitable for all types of flexible working, however schools must recognise that flexible working opportunities enable schools to retain skilled staff, reduce recruitment costs, raise staff morale, decrease absenteeism and react to changing conditions.

2. What Is Flexible Working?

- 2.1 Flexible working is a request to change an existing work pattern. This can include one or more of the following:
 - Part time working
 - Flexitime
 - Job sharing
 - Term time working
 - Homeworking
 - Annualised hours
 - Shift working
 - Teleworking
 - Compressed hours (e.g. hours normally worked over 5 days are worked over 4 days)
- 2.2 If the request will result in fewer working hours, prior to making a request, the employee should consider carefully any financial implications e.g. the effect on pay or pension contributions.
- 2.3 An accepted application will mean a permanent change to an employee's terms and conditions. It is therefore recognised that in some circumstances a trial period is beneficial, with an agreed end date, to review the new working arrangements.
- 2.4 Where an employee has requested to work from home, guidance should be sought from the Schools' Health and Safety Team.

Consideration will also be given to risk assessments and insurance issues.

3. Eligibility

3.1 To qualify for the statutory right to request flexible working an employee must meet the following conditions:

- 26 weeks continuous service at the date of application
- have not made another application to work flexibly under this policy during the past 12 months, regardless of whether a previous application was made in respect of a different caring responsibility.

3.2 Applicants must either

- be a parent of a child aged 16 or under or be a parent of a disabled child aged 18 or under.
- be making the application in order to care for the child(ren).

3.3 Or

- Be caring or be expecting to care for a person over the age of 18 who is married to or is the partner or civil partner of the employee or is a 'near relative' of the employee (the definition of 'near relative' includes adoptive relationships & step relationships), or who is residing at the same address as the employee.
- Be making the application in order to be able to care for the adult.

3.4 Agency workers are specifically excluded from the scope of the regulations.

3.5 Due consideration will be given to requests from those not eligible under the law as it currently stands. For example, employees who have caring responsibilities for a relative at a different address.

4. Application Procedure

4.1 The initial onus will be on the employee to make a considered application in writing. The application must:

- (where applicable), state that the application is being made pursuant to the statutory right to request flexible working
- if applying under the statutory rights confirm that the employee has responsibility for the upbringing of the child and clarify the capacity in

which the application is made, i.e. mother, father, adopter, married to or partner of the mother etc.

- if applying as a carer, state the caring responsibilities that the employee has.
- explain the likely effect the proposed change would have on the employer and how this can be dealt with.
- set out the flexible working pattern being applied for.
- state the date on which the proposed change is to take effect.
- outline whether and when a previous application was made.
- be signed and dated.

4.2 Eligible employees who wish to apply for flexible working should complete a flexible working application form (Appendix 1). Once completed the form should be forwarded to the Headteacher.

4.3 A meeting to discuss the request will be held within 28 days of the application being received (Appendix 2). The employee is entitled to be accompanied by a trade union representative or a work colleague. The Headteacher/line manager may have a Schools' HR Advisor present if they wish.

4.4 Should the employee or their representative be unable to attend the meeting then it must be rearranged and held within 5 days of the original date.

4.5 The meeting is an opportunity for both parties to discuss the requested flexible working pattern. The employee should come to the meeting prepared to expand on any points in their application. They should also be prepared to be flexible, as should the request be unable to be met in full, both parties should do their utmost to ensure a compromise be reached.

4.6 There may be occasions when it is advantageous to both the school and the employee to agree a trial period of the new working pattern to see how it suits both parties.

5. Where An Application Is Accepted

5.1 The Headteacher should confirm this in writing (Appendix 3) and send it to the employee within 14 days of the meeting. Where a trial period has been agreed this should also be detailed on the form.

6. Where An Application Is Refused

6.1 Where a request can not be accommodated and no compromise could be reached at the meeting, the Headteacher should confirm this in writing (Appendix 4). Refusal can only be made on the 8 permitted reasons as follows:

- Burden of additional costs
 - Detrimental effect on ability to meet customer demand
 - Inability to reorganise 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
 - Planned structural changes
- 6.2 It should be noted that it is not sufficient to just state the above reason(s) for refusal. A more detailed explanation is required.
- 6.3 It is recommended that the Schools' HR team be consulted before any refusal is made.

7. Appeals Procedure

- 7.1 The employee has a right to appeal against the decision. Any appeal must be made in writing and clearly state the grounds for appeal, to the Chair of Governors within 14 days of the decision being made.
- 7.2 The appeal hearing must be held within 14 days of the appeal being lodged.
- 7.3 The appeal will be heard by a governing body sub-committee and the employee may be accompanied to the appeal hearing by a trade union representative or work colleague.
- 7.4 The Headteacher must submit a written case outlining the procedure/timescale/events which have lead to the decision and why, with reference to the 8 statutory business grounds, the requested arrangements are not suitable and what (if any) alternatives have been considered.
- 7.5 All paperwork must be submitted to the governing body sub committee at least two days before the appeal is due to be held.
- 7.6 The outcome of the appeal must be communicated to the employee in writing within 14 days of the appeal hearing.
- 7.7 If the appeal is successful the notification must specify the new working pattern and start date.
- 7.8 If the appeal is unsuccessful the notification will state the reason(s) for the decision and an explanation of the refusal.
- 7.9 The written outcome of the appeal constitutes the schools final decision and is effectively the end of the formal procedure.

8. Extension Of Timeframes

- 8.1 There may be occasions when it is not possible to complete a particular part of the procedure within the specified time limit. This may be due to annual leave or further investigations required to investigate the request made.
- 8.2 If this applies to any request the employee will be informed of the reason for the delay and every effort should be made to resume proceedings as soon as is possible.

9. When An Application Can Be Treated As Withdrawn

- 9.1 An application will be considered as withdrawn for the following reasons:
- 9.2 **The employee withdraws the application.** Where a member of staff withdraws an application they must complete a flexible working notice of withdrawal form (Appendix 5).
- 9.3 **The employee fails to attend two meetings.** Where an employee misses two meetings to discuss the flexible working request without good reason the Headteacher can treat the application as withdrawn. The employee should be advised after the first occasion of non attendance that if they miss a second meeting, without good reason, their application will be treated as withdrawn.
- 9.4 **The employee unreasonably refuses to provide information to support their request.** There maybe occasions where the Headteacher is willing to accept a request for flexible working however, requires the employee to provide certain information before they do so (e.g. evidence of a child's disability or birth certificate). If the employee unreasonably refuses to provide certain information on request then the Headteacher can treat the application as being withdrawn.
- 9.5 In all cases the employee cannot make another request for flexible working within 12 months of the date of the original application.

Application for Right to Request Flexible Working

Please read the Right to Request Flexible Working Policy to help you complete this form. The Right to Request Flexible Working Policy is available on the intranet.

Please complete the form in **BLOCK CAPITALS**.

First Name: _____ Surname: _____

School: _____ Job Title: _____

Line Manager:

I would like to apply to work a flexible working pattern, that is different to my current working pattern, under my statutory right. I confirm I meet each of the eligibility criteria as follows;

I have responsibility for the upbringing of either;

- A child aged 16 or under; or
- A disabled child under 18

I am;

- The mother, father, adopter, guardian, special guardian or foster parent of the child; or
- Married to, or the partner or civil partner of, the child's mother, father, adopted, guardian, special guardian or foster parent

I am making this request to help me care for the child.

OR

I am, or expect to be, caring for an adult.

I am;

- The spouse, partner, civil partner or relative of the adult in need of care; or
- Live at the same address as the adult in need of care.

I am making this request to help me care for the adult in need of care.

AND

I have worked continuously as an employee for 26 weeks or over.

I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right: _____

NB: If you do not meet all the above criteria, you do not qualify to make a request under the statutory procedure.



1. Describe your current working pattern (days/hours/times worked)

2. Describe the working pattern that you would like to work in the future (days/hours/times worked)

3. When would you like this working pattern to start from ?

4. **Impact of the new working pattern**

I think this change in my working pattern will affect the work that I do, the school and colleagues as follows;

5. **Accommodating the new working pattern**

I think the effect on the work that I do, the school and colleagues can be dealt with as follows;

Please use a separate sheet if necessary

DECLARATION

I have read and understood the Right to Request Flexible Working Policy, and understand that I will be invited to a meeting with my manager to discuss my request.

Signed: _____ Date: _____

**NOW PASS THIS APPLICATION TO YOUR HEADTEACHER/LINE
MANAGER**

Flexible Working Request – Meeting Letter Template

Name
Address

Date

Dear

Further to your flexible working application made on *(DATE)*. I am writing to confirm that a meeting has been arranged for *(DAY, DATE)* at *(TIME)* in *(VENUE)*.

I have arranged for *(NAME)*, HR Advisor to be present at this meeting. You are entitled, if you wish, to be accompanied by a trade union representative or work colleague. It is your responsibility to arrange this.

During the meeting the following will be discussed:

- Your current work pattern
- The working pattern you would like to work in future
- The date you would like the new working pattern to commence
- The impact of the new working pattern on the school
- Any other issues you would like to raise regarding your application

Yours sincerely

Headteacher

Flexible Working – Agreement Of Request Letter Template

Name
Address

Date

Dear

Re: Flexible Working Application

Following receipt of your application and our meeting held on (*DATE*). I have considered your request for a new flexible working pattern.

I am pleased to confirm that I am able to accommodate your application.

Your new working pattern will be as follows:

The new working arrangements will begin from (*DATE*)

OR: (delete as applicable)

I am unable to accommodate your original request. However I able to offer the alternative pattern which we have discussed and you agreed would be suitable for you.

Your new working pattern will be as follows:

The new working arrangements will begin from *DATE*

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

If you have any queries regarding the contents of this letter please do not hesitate to contact me.

Yours sincerely

Headteacher

**Flexible Working – Request Declined
Letter Template**

Name
Address

Date

Dear

Re: Flexible Working Request

Following receipt of your application and our meeting held on (*DATE*), I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request for the following business ground(s):

	Reason for refusal	Please tick as many as apply
A	Burden of additional costs	
B	Detrimental effect on ability to meet customer demand	
C	Inability to reorganise work among existing staff	
D	Inability to recruit additional staff	
E	Detrimental impact on quality	
F	Detrimental impact on performance	
G	Insufficiency of work during the period the employee proposes to work	
H	Planned structural changes	

The grounds apply in the circumstances because:

If relevant any alternative working patterns that were discussed during the meeting that were also not suitable should be detailed here.

You have a right to appeal this decision. If you wish to appeal you should write to the chair of governors within 14 days of the date of this letter, clearly stating the grounds on which you are basing your appeal.

Yours sincerely

Headteacher

FLEXIBLE WORKING NOTICE OF WITHDRAWAL FORM

This form provides notification to your Headteacher that you wish to withdraw your application to work flexibly. Once you have withdrawn your application, you will not be able to make another application until 12 months from the date your original application was made

Please complete the form in **BLOCK CAPITALS**.

First Name: _____ Surname: _____

School: _____ Job Title: _____

Line Manager/Headteacher:

I confirm that I wish to withdraw my application to work flexibly.

I understand that I will not be able to make another application until twelve months from the date that I made the original application.

Signed:

Date:

Now return this form to your Headteacher/Line Manager