

THE
TOWER TRUST



Flexible Working Policy for Schools

Date amended: 22/6/2018
Date Reviewed November 2019



CONTENTS

1. Introduction.....	3
2. Policy	3
3. Types of Flexible Working.....	3
4. Eligibility	4
5. Application Procedure	4
6. Timescales	5
7. Declined applications and delays in reaching decisions.....	8
8. Right of appeal against refusal of the request.....	9
9. Handling Requests in a Fair Way.....	9
10. Additional Considerations.....	10
11. Further Information.....	11

Flexible Working Policy For Schools

1. Introduction

1.1 This model policy has been drawn up following consultation with the recognised trade unions.

1.2 Under the Children & Families Act 2014, all employees who have at least 26 weeks' continuous service have the right to make a request to work flexibly. The school is required by law to consider the request in a reasonable manner and to consider the benefits to both the employee and school.

1.3 This policy applies to all employees working in schools. The term 'relevant body' has been used throughout this policy. In maintained schools this is the governing body.

2. Policy

2.1 The school recognises that people work more effectively when they are able to strike a healthy balance between their work responsibilities and other aspects of their lives.

2.2. Flexible working opportunities benefit both the School and its employees through:

- Promoting equalities in employment
- Increasing productivity and effectiveness
- Achieving a better work-life balance, for example with respect to childcare responsibilities, care of elderly dependants, furthering of outside interests or voluntary work
- Protecting the environment by reducing commuting times and reducing the impact of car usage
- Improving staff recruitment, retention and motivation
- Improving employment opportunities for staff with disabilities or health problems.

2.3 The school should consider all requests for flexible working, ensuring that the needs and priorities of the school can be met before agreeing to any new arrangements.

2.4 The nature of the work in schools means there can be limited flexibility in some roles, but head teachers will work with employees to try and identify solutions, where possible, that suit both the individual and the school.

2.5 This policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

2.6 The law prescribes a three-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The three-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

3 Types of flexible working

There are many different types of flexible working arrangements

- Part Time working
- Term Time working - getting paid for the 38 or 39 weeks of term time worked, plus annual leave entitlement. The employee is paid monthly with pay spread evenly over the twelve months.
- Work times and patterns different from the standard school working hours.
- Compressed hours - where an employee works their normal contractual hours over fewer days than the standard work pattern.
- Annualised Hours - the employee is contracted to work a certain number of hours over the year but has 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.
- Job Sharing Scheme - a full time job is split between two people, each sharer working half the hours, undertaking a proportion of the duties and receiving proportionate pay and benefits. Job sharing requires a high level of co-operation and communication between the sharers.
- Home Working - it may be possible for employees to achieve more flexibility and a better work/life balance by working some of their time from home.

4. Eligibility

4.1 In order to make a request under the statutory provisions any employee with 26 weeks continuous service with the employer can make a request. All requests for flexible working arrangements will be considered by the Head teacher

4.2 Employees can make one application a year. Each year runs from the date when the application was made.

5. Application Procedure

5.1 There is no legal obligation to agree to requests for flexible working but the law does require Head teachers to objectively consider all requests.

5.2 To apply for flexible working employees must fill in a flexible working application form setting out:

- The change to working arrangements they are seeking and when they would like the change to come into effect.
- The effect they think the requested change would have on the school and how, in their opinion, any such effect might be dealt with.
- That the request is a statutory request and if they have made a previous application for flexible working the date of that application.

5.3 Requests for flexible working cannot be considered without this information being provided in writing.

5.4 The application form must be sent to the head teacher and the employee's line manager. Requests from head teachers should be sent to the CEO.

6. Timescales

6.1 By law, requests must be dealt with within three months from receipt, including any appeal. The three month period can be extended by mutual agreement between the Head teacher and the employee. An extension could, for example, be used to trial new arrangements before the manager makes a final decision.

6.2 Within 28 days of receiving the application, the employee's manager will arrange to meet with them to discuss the request. This discussion may be held on the phone if a meeting is not practical.

6.3 The meeting provides an opportunity to consider the employee's request and explore how it may be accommodated. Some flexibility may be required to explore alternatives or a compromise.

6.4 Employees can be accompanied to the meeting by a work colleague or trade union representative if they wish.

6.5 The Head teacher will write to the employee to notify them of their decision within 14 days of the date of the meeting. Where a request is rejected the reasons will be given and the employee will be reminded of their right of appeal.

7. Declined Applications

7.1. Head teachers can only refuse requests for the following reasons:

- The burden of additional costs is unacceptable for the school
- Work can't be reorganised amongst existing staff
- An inability to recruit additional staff
- The new arrangements would have a detrimental impact on quality
- The new arrangements would have a detrimental impact on the performance of the individual, team or school
- A detrimental effect on ability to meet pupil/student needs or work demand
- There is insufficient work for the periods the employee proposes to work
- The school is planning structural changes to the workforce

7. Approved Applications

7.1 A four week trial period for the new arrangements can be agreed.

7.2 Where flexible work arrangements are approved they will normally constitute a permanent change to the contract of employment, with no automatic right to change back to the previous work pattern.

7.3 Agreement can be given for flexible work arrangements to be for a temporary period, allowing the employee to return to their normal working pattern or hours on an agreed date.

7.4 In some cases schools may approve a reduction in hours which may become permanent but the working arrangement of those hours across the week may have to be annually reviewed to enable timetabling. For example, if a school agrees to a teacher's reduction in hours (from 1 fte to 0.6) and for the first year they work Monday – Wednesday, it maybe that the following year for timetabling purposes, they are required to work Tuesday to Thursday.

8. Declined Applications

8.1 Where an application is refused employees should speak with their head teacher to understand the reasons. There may be some simple misunderstanding which can be resolved.

9. Right of Appeal against refusal of the request

9.1. Employees have the right to appeal against a decision to refuse an application. The grounds for appeal must be set out in writing within 10 days of receiving the decision. The appeal will be dealt with within 21 days. The employee has the right to be

accompanied by a work colleague or trade union representative to any appeal meeting.

10. Dealing fairly with multiple or competing requests for flexible working

10.1 Requests will be considered in the order they are received. Having considered and approved one request, it does not follow that subsequent requests will be agreed. Head teachers will consider each application in the context of the school at the time.

10.2 Where multiple requests are received at the same time, priority will be given to employees whose request is due to:

- Ill health or disability where flexible working would help the employee attend or remain in work.
- Caring responsibilities - the school recognises that many staff, in addition to work, have unpaid caring responsibilities for relatives, children, and friends who need support due to illness, disability or frailty.
- Child care arrangements.

10.3 Where these factors do not exist, requests will be treated on their own merits looking at the business case, the impact on the school and the possible impact of refusing a request.

11. Other options

Other policies are available that may help employees to achieve the flexibility they need in the short term.

- Parental Leave Scheme
- Emergency and Special Leave Scheme
- Unpaid Leave

12. Additional Considerations

12.1 Where a request is agreed and the employee's working pattern has changed, the Head teacher may need to consider how to maintain communication with the employee and ensure that performance management principles are consistently applied. It may be necessary to amend the frequency or timing of performance management reviews, one to one meetings, team meetings and learning and development opportunities to reflect the new working arrangements.

- 12.2 Successful requests will result in permanent changes to the employee's contract of employment unless, exceptionally, such changes are agreed to be for a time-limited period.
- 12.3 The employee's salary, tax, and National Insurance Contributions may be affected by changes to their working times/hours.
- 12.4 Reducing working hours will have an effect on subsequently accrued pensionable service for those in the Local Government Pension Scheme and should be considered before take-up. The LGPS changes that took place with effect from 1st April 2014, meant that all entitlements from that date onward are based on a proportion of actual earnings. Any procedure that reduces pay in any year (such as reduce hours) will therefore reduce the amount of pension entitlement accrued in that year. It has no effect on previously accrued benefits. Further advice is available from the CFO of the Trust.
- 12.5 Staff in other pension schemes (for example the Teachers' Pension Scheme) should seek advice from their Payroll provider.