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Flexible Working Procedure Teaching and Support Staff

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Please note further changes to the flexible working regulations are expected from the Government in the near future. This document will then be updated accordingly.

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1. Introduction

- 1.1 Offering flexible working arrangements can help to ensure that teaching and working in education suits employees at different stages of their life, such as those:
 - a. With caring responsibilities.
 - b. Planning a phased retirement.
 - c. Returning from a career break.
 - d. Combining work in a school with professional development or work in their field of study.

- 1.2 There are benefits to flexible working, for example:
 - a. Retaining high quality experienced staff.
 - b. Recruiting from a broader pool of teachers and other staff.
 - c. Promoting wellbeing
 - d. Improving work-life balance.
 - e. Increase staff motivation.

The school aims to promote flexible working for staff, school and pupils.

- 1.3 This procedure sets out the steps employees need to take should they wish to request flexible working. It also outlines the process the Head Teacher will follow in considering such requests and the grounds upon which a request may be declined. It is recommended that advice is sought from Kirklees HR when dealing with a flexible working request.

- 1.4 The Head Teacher is responsible for considering flexible working requests. Where the Head Teacher is referred to in the document, this includes anyone with management responsibility.

- 1.5 Where the request for flexible working is made by the Head Teacher, the Chair of Governors (acting on behalf of the Governing Body) will take the place of the Head Teacher. The Chair of Governors should seek advice from the Learning Service on options available to ensure the school has a Head Teacher in post across the whole week.

- 1.6 This procedure applies in all Kirklees Maintained Schools and Academies who have adopted this model.

2. Purpose

- 2.1 Provides a clear process for employees and Head Teachers to understand what is required of them when they are either submitting or considering a flexible working request.
- 2.2 Ensures all parties understand their statutory responsibilities in relation to flexible working, including timescales.
- 2.3 Ensures that a fair, transparent, and consistent procedure is applied which takes account of factors that are relevant to each individual case.
- 2.4 Provides a fair and consistent approach to decision making, which considers the circumstances of each individual case when employees make a request for flexible working.
- 2.5 Outlines the grounds on which a request could be declined and informs the employee of their appeal rights for a statutory request.

3. Principles

- 3.1 The school is committed to flexible working in the context of achieving the aim of providing a high-quality teaching and learning environment to ensure the best outcomes for children. The school recognises that flexible working can raise staff morale, reduce absenteeism, and improve productivity and retention of experienced and skilled employees.
- 3.2 Although not a requirement, employees may wish to give consideration to when they make a flexible working request, aligning it to the timetabling process.
- 3.3 The school will respond constructively and sensitively to all requests for flexible working arrangements.
- 3.4 Whilst employment law provides the right for eligible employees to make a request for flexible working, the law does not provide an automatic right to such working. The school will consider all formal (statutory) requests within the statutory time period.
- 3.5 All employees who have been employed by the employer for a minimum of 26 weeks have a statutory right to make an application for flexible working arrangements. The employee is entitled to submit one formal (statutory) flexible working request in a 12-month period (an employee is entitled to additional requests if they relate to a statutory entitlement, for example under the Equality Act, whereby there is a right to request reasonable adjustments).

- 3.6 Employees who do not meet the eligibility criteria to make a formal (statutory) flexible working request, but who want to make changes to their working arrangements, may make an informal request to the Head Teacher, who will consider the request according to the business and operational requirements of the school.
- 3.7 All formal (statutory) requests for flexible working, including any appeal, must be dealt with within an overall period of three months from the date the flexible working application is received. This period may be extended by mutual agreement by all parties. Any agreement to extend the period for consideration of a flexible working request should be confirmed in writing.
- 3.8 The school's ability to approve flexible working requests will vary according to the responsibilities of the post, and the potential impact of the working arrangement on the pupils and the school's business or operational needs at the time the flexible working application is received.
- 3.9 At any formal meeting relating to an employee's formal (statutory) flexible working request, the employee has a right to be accompanied by a trade union representative or work colleague.
- 3.10 If a request for flexible working is declined, this must be based on one or more of the eight business grounds prescribed in employment law and which are detailed in section 11 of this procedure.
- 3.11 All employees who apply for or undertake flexible working, will not be subjected to any detrimental treatment because of making a flexible working application.
- 3.12 All employees have equality of opportunity at work and the school will be mindful of its obligations and duties under the Equality Act 2010 in the application of this procedure and when considering flexible working requests.

4. Flexible working options

- 4.1 Employees can request a wide range of changes to their working arrangements which allow employees to vary the amount, timing, or location of their work. This could be but not limited to:
- a. **Part time:** this covers any arrangement where an employee is contracted to work anything less than typical full-time hours. This may be linked to subject and timetabling requirements.
 - b. **Term-time working:** a pattern of work where the employee works and is paid on a pro rata basis according to the school holiday pattern, usually 38 or 39 weeks of the academic year. Employees work as normal during term time and during school holidays they do not go into work but are still employed during those periods.
 - c. **Flexi time:** a working pattern whereby employees work a standard core time but may vary their start and finish times each day within agreed limits.
 - d. **Compressed hours:** this allows employees to work their total number of contracted weekly hours in fewer than the usual number of working days each week by working longer individual days. For example, sometimes a five-day week is compressed into four days.
 - e. **Annualised hours:** working hours spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee.
 - f. **Home working:** employees work all or part of their contracted hours from home.
 - g. **Phased retirement:** gradually reducing working hours and/or responsibilities. This can enable the school to maintain key skills which may otherwise be lost.
- 4.2 Not all these options may be appropriate in a school environment, and some forms of flexible working may not be suitable for certain roles in a school depending upon the duties and responsibilities, and the impact on pupils, colleagues, and the school.
- 4.3 Where a change in an employee's working arrangement involves a reduction in the number of hours worked, the employee should be aware that this will result in a pro-rata reduction in their salary.
- 4.4 Any agreed changes to an employee's terms and conditions of employment will be permanent unless otherwise agreed.
- 4.5 If an employee requests a temporary change to their terms and conditions of employment, the Head Teacher may agree to this subject to the employee reverting to their original terms and conditions of employment after a specified period.
- 4.6 All agreed changes to an employee's terms and conditions of employment (whether permanent or temporary), including the date when the change will come into effect, must be confirmed in writing by the Head Teacher to the employee as soon as possible.

5. Making an informal (non-statutory) flexible working request

- 5.1 All employees, whether or not they meet the eligibility criteria to make a formal (statutory) request, can make an informal request for flexible working.
- 5.2 An informal request is often the route used to request a one-off or temporary flexible working arrangements, or arrangements which do not involve altering an employee's contract, for example varying start or finish times but maintaining the same number of hours worked per week, perhaps to support a change in the employee's circumstances, or as a reasonable adjustment in line with the Equality Act.
- 5.3 All employees may make an informal request for flexible working to the Head Teacher who will consider it according to the business and operational requirements of the school.
- 5.4 Requests should be in writing and provide the Head Teacher with as much information as possible including if this is a temporary or permanent change, the current and desired working pattern, including working days, hours and start and finish times, and give the preferred effective date for the change. Employees should also include any thoughts or suggestions they have about what effect the changes will have on the work they do and how any negative effects may be overcome.
- 5.5 Employees are not required to state the reasons for their flexible working request, but they may choose to do so if they feel this will support their application. Employees should however, state if they are making their request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.
- 5.6 The Head Teacher will consider the effect the changes will have to the business and operational needs, for example the working pattern, the work undertaken and the impact on pupils and colleagues, as well as the benefit to the employee and their work/life balance.
- 5.7 The Head Teacher will advise the employee of the steps that will be taken to consider their informal request for flexible working. This may include having a meeting to discuss the request and seek further information / clarification. Before a request is agreed, the Head Teacher should explain any impact on the employee's contract of employment with them.
- 5.8 If the informal flexible working request can be approved, the Head Teacher is advised to follow section 10 of this procedure.
- 5.9 If the request for flexible working cannot be approved, the Head Teacher is advised to follow section 11 of this procedure. Please note there is no appeal right in circumstances where an informal flexible working request is declined.
- 5.10 In cases of an informal flexible working request, it should be noted that the school is not bound by the statutory requirements detailed in the formal process below.

6. Making a formal (statutory) flexible working request

- 6.1 All flexible working applications must be in writing and must be dated. The written application must be submitted to the Head Teacher. A recommended proforma is attached at Appendix 1.
- 6.2 If an employee does not wish to use the attached pro forma, their written and dated flexible working application must include the following information:
- a. Confirmation that they have at least 26 weeks' continuous service.
 - b. A statement confirming whether a previous application within the last 12 months for flexible working has been made and if so, the date of that application.
 - c. The current working pattern.
 - d. The proposed new working pattern they are seeking.
 - e. When they would like the change(s) to their terms and conditions to come into effect.
 - f. What effect they think the requested change(s) would have on the school, their colleagues, the pupils etc.
 - g. How, in their opinion, the school may be able to deal with the proposed change(s).
- 6.3 Employees should apply well in advance of the proposed effective date for the change to give the school time to consider the flexible working request. Employees should not make any arrangements which are dependent upon their request being approved until they receive written notification of the Head Teacher's decision, as the request may be declined.
- 6.4 The Head Teacher will normally acknowledge receipt of a request to confirm the date the application is deemed to have been made.
- 6.5 If employees fail to provide all the required information in their request, they will be asked to resubmit their application. A flexible working request will not be considered by the Head Teacher until it contains all the required information.
- 6.6 Employees are not required to state the reasons for their flexible working request, but they may choose to do so if they feel this will support their application. Employees should however, state if they are making their request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.

7. Discussing the formal (statutory) flexible working request

- 7.1 Once a written request is received, the Head Teacher must consider it. The Head Teacher may be able to agree to the employees request without the need for a meeting. If this is the case, the Head Teacher should notify the employee verbally and confirm the decision in writing, explaining the changes to the contract of employment.
- 7.2 Where a meeting is required the Head Teacher will normally arrange this within 28 days of receiving the employee's flexible working application. The employee has a right to be accompanied by a union representative or work colleague. The Head Teacher may be supported by Kirklees HR.
- 7.3 The purpose of the meeting is to establish exactly what changes are being sought by the employee, to consider the impact of the proposed changes on the school, its pupils and on other members of staff and to discuss how the changes might benefit both the employee and the school. The employee will also be able to explain how they consider the arrangements will benefit their work/life responsibilities. If the requested working arrangement cannot be accommodated, the discussion will be an opportunity to see if an alternative working arrangement may be appropriate or whether a trial period is appropriate (see section 8 below).
- 7.4 If an employee does not attend the meeting arranged to discuss their flexible working request, then another date and time for the meeting will be arranged. If the employee does not attend the rearranged meeting, the school should try to establish the reasons for the employee's non-attendance and if the employee does not have a reasonable explanation, the school may consider the employee's application for flexible working as withdrawn (see section 13 below).
- 7.5 Once the Head Teacher has gathered all the required information to fully consider the request, they will establish whether it is possible to accommodate the changes to the working arrangements sought.

8. Trial Periods

- 8.1 If the Head Teacher is unsure about the potential impact of the employee's proposed flexible working arrangements, they may consider a trial period. This will allow the Head Teacher to assess the impact of the working arrangement on the pupils and the school's business or operational needs and whether the proposed arrangement is workable and/or sustainable.
- 8.2 If a trial period is agreed by the Head Teacher, they will write to the employee to confirm the terms of the trial period including the objectives to be achieved, details of review dates to discuss the arrangements. At the end of the trial period, the Head Teacher will meet with the employee to discuss the position and to confirm their decision in relation to the employee's flexible working application.
- 8.3 The length of any trial period will be at the Head Teacher's discretion but will normally be for no more than one academic term. Where a trial period is agreed, it will usually be necessary for the parties to agree an extension in writing to consider the final decision of the employee's flexible working request.

9. Dealing with multiple requests/prioritising competing requests

- 9.1 Where the school receives a flexible working request from more than one employee it may be unable to accommodate every request due to the impact this would have on the school. If more than one request is received, then they may be considered in the order that they were received by the Head Teacher or in consideration of a request made in accordance with the Equality Act.
- 9.2 If the same request is made by different employees, then approval will be based on whether the school can support the change for business and operational reasons. A request that has been approved in the past will not necessarily result in a subsequent approval of a similar request.

10. Accepting a request

- 10.1 If an employee's request is accepted, or accepted with modifications, the Head Teacher will notify the employee of their decision in writing as soon as possible.
- 10.2 The Head Teacher and the employee should discuss the arrangements that need to be put in place for when the employee's working pattern is changed and discuss how and when the agreed changes might best be implemented.
- 10.3 The Head Teacher will confirm the following in writing to the employee:
 - a. the details of the new working arrangements,
 - b. any changes to the employee's terms and conditions of employment,
 - c. the start date from which the changes will take effect.
- 10.4 The Head Teacher's written notification to the employee should be dated.
- 10.5 The Head Teacher and the employee should discuss the arrangements that need to be put in place for when the employee's working pattern is changed and discuss how and when the agreed changes might best be implemented.
- 10.6 The Head Teacher will confirm the agreed changes to the school's payroll provider and to any other relevant parties as appropriate.

11. Declining a request

- 11.1 There will be circumstances where, due to the school's business and operational needs and requirements, the Head Teacher will be unable to agree to an employee's request for flexible working.
- 11.2 An application can be declined only on the following business ground(s):
 - a. The burden of additional costs.
 - b. Detrimental effect on ability to meet customer demand.
 - c. A planned structural change to the business.
 - d. Inability to reorganise work amongst existing staff.
 - e. Inability to recruit additional staff.
 - f. Detrimental impact on quality.
 - g. Detrimental impact on performance.
 - h. Insufficiency of work during the periods the employee proposes to work.
- 11.3 If the application is declined the Head Teacher will write to the employee as soon as possible:
 - a. Giving the business ground(s) for declining the application.
 - b. Explaining why the business ground(s) apply in this particular case.
 - c. Setting out the right to appeal for a formal (statutory) request.

12. Appeals against declining a formal (statutory) request

- 12.1 If an employee believes that their formal (statutory) request has not been properly considered or there is new information available that was not available at the time the original decision was made, they can appeal the flexible working decision. The Appeal must be received within 10 working days of receipt of the decision letter.
- 12.2 To submit an Appeal the employee must put this in writing, to the Chair of Governors and specify:
 - a. Their job title, place of work and the school in which employed.
 - b. The grounds of their appeal.
 - c. The name of their trade union representative or work colleague supporting them.
- 12.3 If insufficient information is provided to understand the grounds of appeal, the Appeal might not proceed. Any vexatious or misconceived grounds will be rejected.
- 12.4 The appeal must be dealt with as soon as possible bearing in mind the whole request process (including the appeal) must be completed within three months of the flexible working application being received unless otherwise agreed in writing by both parties.
- 12.5 The Chair of Governors, on behalf of the Governing Body, will conduct a paper based review of the flexible working case. This will include the employees request, their grounds of appeal and the business rationale upon which the decision to decline the flexible working request was made.
- 12.6 Only where the Chair of Governors feels they require additional information to make their decision, will they arrange an appeal discussion with the employee and/or Head Teacher. This does not have to be in person and if all parties agree, this can be done virtually or by telephone. The employee has a right to be accompanied by a union representative or work colleague. The Chair of Governors may be supported by Kirklees HR.
- 12.7 The employee will be advised of the outcome of their appeal in writing.
- 12.8 If the employee's appeal is successful, they will receive written confirmation of the outcome and arrangements agreed.
- 12.9 If the employee's appeal is not successful, the written confirmation of the outcome will:
 - a. Be dated.
 - b. Confirm the reason for the decision (as related to the grounds of the employee's appeal).
 - c. Provide an explanation as to why the business grounds for declining apply in the particular case.

- 12.10 There may be circumstances where the Chair of Governors considers it appropriate that a trial period should take place before a final decision is made in relation to the employee's appeal. Please refer to section 8. This will not include circumstances where there has already been a trial period. If a trial period is considered appropriate, the terms relating to the trial period (including provisions relating to review of the arrangement) will be confirmed by the Chair of Governors to the employee. At the end of the trial period, the Chair of Governors will arrange to discuss with the employee the position and to confirm the final decision in relation to the employee's appeal. Please refer to section 12.8 or 12.9.
- 12.11 The appeal decision is final. There is no further right of appeal.
- 12.12 No further request for flexible working can be made until 12-months has lapsed following the date of the original request. An employee is entitled to additional requests if they relate to a statutory entitlement, for example under the Equality Act, whereby there is a right to request reasonable adjustments.

13. Withdrawal of applications

- 13.1 An employee's flexible working application may be treated as having been withdrawn where the employee has indicated either verbally or in writing that they are withdrawing their flexible working application.
- 13.2 An employee's flexible working application may also be considered to have been withdrawn if the employee fails, without good reason, to attend two consecutive meetings to discuss their flexible working request or appeal.

Appendix 1. Formal request for flexible working

This proforma is recommended as an alternative to an employee's letter of application for flexible working.

Please provide as much information as you can on this form, as it will help the Head Teacher to deal with your request. Your request will not be considered until it contains all the required information.

Name	
Job Title	
Date of Request	

Eligibility Criteria

I confirm that I meet both of the following eligibility criteria:

- I have 26 weeks continuous service.
- I have not made a formal request to work flexibly during the past 12 months.

YES

NO*

* If you do not meet this criteria, you are not able to make a formal (statutory) flexible working request.

Previous requests for flexible working

Have you made any previous requests for flexible working?

YES*

NO

* If yes, when did you submit your last flexible working request?

Current and proposed working arrangements

What is your current working pattern?
(days/hours/times worked)

What is the new proposed working pattern that you are requesting?
(days/hours/times worked)

Are you seeking a permanent or temporary change to your terms and conditions of employment?

PERMANENT

TEMPORARY*

** If you are seeking a temporary change, please give further details

What date would you like the proposed change(s) to your terms and conditions to come into effect?

What effect do you think the requested changes will have on the school, colleagues and pupils?

How, in your opinion, may the school be able to deal with your proposed change(s) / how your request could be accommodated?

Reasons for your request

Please detail below the reason for your request for flexible working

Please note that employees are not required to state the reasons for their flexible working request, but they may choose to do so if they feel this will support their application. Employees should however, state if they are making their request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability.

Please return this completed proforma to the Head Teacher, for your request to be considered.

Signed

Date