St Helen's Primary School

Flexible Working Policy

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1. Policy Statement

1.1. St Helen's Primary School are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of employees.

1.2. This flexible working policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally.

1.3. No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.

1.4. This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Eligibility for the formal right to request procedure

2.1. To be eligible to make a request under the formal procedure set out in paragraph 6 and 8 you must:

a) be an employee;

b) have at least 26 weeks' continuous service at the date your request is made;

c) not have made a formal request to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).

2.2. Employees who do not meet the eligibility criteria for the formal procedure, but who want to make either permanent or temporary changes to their working arrangements, may make an informal request under the procedure set out in paragraph 10 to the Headteacher or Finance and HR Officer, who will consider the request according to the school's educational, business and operational needs.

2.3. Employees whose requests for flexible working are accepted under the formal procedure will have permanent changes made to their contracts of employment to reflect their new working arrangements. If they do not want changes to be permanent, they can follow the informal procedure instead.

2.4. Any employee interested in flexible working may request an informal meeting with the Headteacher or Finance and HR Officer to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues/pupils and curriculum/service delivery before submitting a formal or informal request.

3. Personnel Responsible for Implementing the Policy

3.1. The governing body has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The governing body has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Head Teacher.

3.2. All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Those involved in management or recruitment may request training and address any questions about the content or application of this policy to the Head Teacher.

4. Forms of Flexible Working

4.1. Flexible working can incorporate a number of changes to working arrangements, including but not limited to:

a) reduction or variation of working hours;

b) reduction of the number of days worked each week; and/or

c) working from a different location (for example, from home).

5. Making a Formal Flexible Working Request

5.1. You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure.

5.2. Your written and dated application should be submitted to the Headteacher or Finance and HR Officer and, in order to meet the requirements of the formal procedure and to help the Headteacher or Finance and HR Officer consider your request, should:

a) state the reason for your request,

b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;

c) address the effect the changes to your working pattern will have on the work that you do, that of your colleagues and on subject/service delivery. If you have any suggestions about dealing with any potentially negative effects, please include these in your written application;

d) provide information to confirm that you meet the eligibility criteria set out in paragraph 2 of this policy;

e) state whether this is a statutory formal request and whether you have made a previous formal or informal request for flexible working and, if so, when; and

f) state if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability;

g) ideally be submitted at least two months before you wish the changes you are requesting to take effect.

5.3. The Headteacher or Finance and HR Officer might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Headteacher or Finance and HR Officer will write to you, confirming the decision and explaining the permanent changes that will be made to your contract of employment.

5.4. If your proposal cannot be accommodated, discussion between you and the Headteacher or Finance and HR Officer may result in an alternative working pattern that can assist you.

6. Formal Procedure: Meeting

6.1. Where necessary, the Headteacher or Finance and HR Officer will arrange to meet with you within 28 days of your application being submitted. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.

6.2. In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.

6.3. The meeting will be used to consider the working arrangements you have requested. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and of your department. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.

6.4. Your Line Manager may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your department.

7. Formal Procedure: Decision

7.1. Following the meeting, the Headteacher or Finance and HR Officer will notify you of the decision in writing within 14 days.

7.2. If your request is accepted, or where we propose an alternative to the arrangements you requested, the Headteacher or Finance and HR Officer will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher or Finance and HR Officer will discuss with you.

7.3. You should be aware that changes to your terms of employment will be permanent and that you will not be able to make another formal request until 12 months after the date of your original application.

7.4. If the Headteacher or Finance and HR Officer needs more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, the Headteacher or Finance and HR Officer may need more time to investigate how your request can be accommodated or to consult several members of staff.

7.5. There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request. In these circumstances, the Headteacher or Finance and HR Officer will write to you:

a) giving the business reason(s) for turning down your application;

b) explaining why the business reasons apply in your case; and

c) setting out the appeal procedure.

7.6. The eight business reasons for which we may reject your request are:

a) the 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 periods that you propose to work; and

h) planned changes.

Appendix A gives a brief overview of the way in which the school will interpret and apply these business reasons.

8. Formal Procedure: Appeal

8.1. If your request is rejected, you have the right to appeal.

8.2. Your appeal must:

a) be in writing and dated;

b) set out the grounds on which you are appealing; and

c) be sent to the clerk to the governing body within 14 days of the date on which you received the written rejection of your request.

8.3. The clerk to the governing body will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague or trade union representative.

8.4. You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.

8.5. If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the Headteacher or Finance and HR Officer will discuss with you.

8.6. You should be aware that changes to your terms of employment will be permanent and you will not be able to make another formal request until at least 12 months after the date of your original application

8.7. If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will not be able to make another formal request until 12 months after the date of your original application.

9. Extending Time under the Formal Procedure

9.1. There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 3 months of first receiving the request. Where an extension of time is agreed with you, the Headteacher or Finance and HR Officer will write to you confirming the extension and the date on which it will end.

9.2. If you withdraw a formal request for flexible working, you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

a) you fail to attend two meetings under the formal procedure without reasonable cause; or

b) you unreasonably refuse to provide information we require to consider your request.

9.3. In such circumstances, the Headteacher or Finance and HR Officer will write to you confirming that the request has been treated as withdrawn.

10. Making an Informal Flexible Working Request

10.1. Employees who wish to make an informal request for flexible working may make a request to the Head Teacher, who will consider it according to school educational, business and operational requirements.

10.2. It will help the Headteacher or Finance and HR Officer to consider your request if you:

a) make your request in writing and confirm whether you wish any change to your current working pattern to be temporary or permanent;

b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;

Monitoring and Review of the Policy

10.3. The Headteacher is responsible for monitoring the implementation, use and effectiveness of this policy/procedure and will report on these matters annually or more frequently if necessary.

10.4. This policy/procedure will be reviewed by the Governing Body as necessary.

Appendix A: Interpretation of “Business Reasons”

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the school.

If a request to work flexibly is rejected then the school will provide a specific “business reason”, which must be one of the eight stated in the legislation:

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes

The school’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the specific circumstances in school.

1. Burden of additional costs

It may, in some circumstances, be more costly to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application.

2. Detrimental effect on the ability to meet customer demand

The school's customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Headteacher will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the employee is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

3. Inability to re-organise work among existing staff

In addition to 2 above, where the employee has leadership or management responsibilities, it is necessary to take into account the ability of the school to distribute these to other employees at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities. The school may wish to set a minimum contract for a Head of Department, or senior leader, for example. The school will also need to consider whether it is appropriate for a leader or manager to be absent for whole days in the week as a result of flexible working. Unless outstanding circumstances apply, it is expected that employees with leadership or management positions will have a minimum contract of 40%. In the case of support staff this relates to the percentage of the working week and is applied to the number of weeks contracted to work.

4. Inability to recruit additional staff

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the school will seek to recruit additional staff.

5. Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of learning and teaching.

6. Detrimental impact on performance

Timely marking of pupils' work is essential for their progress. Pupils' work must be marked on a regular basis in accordance with the school marking policy. The school recognises that it is potentially difficult for part time teachers to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part time job should the request be agreed, and this will be considered before a decision is reached.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of pupils and effective service delivery are paramount. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time teacher being absent from school for one day per week may be to pressurise the timetabler to allocate a predominance of non-teaching periods for others in the team on that day. The extent to which the proposed flexible/part time work pattern affects the work-patterns of the team will be considered before a flexible working application is agreed.

8. Planned structural changes

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

9. Such other ground as the Secretary of State may specify by the regulations

No such grounds are specified currently.

Appendix B: Form to Request Flexible Working

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law. Before completing this form, you should first read the Flexible Working Policy and Appendix A carefully and check that you are eligible to make a request.

You should note that it may take several weeks to consider your request and allow for discussion and meetings between us and further time for implementation where a flexible working pattern change is agreed to. You should therefore ensure that you submit your application to the headteacher well in advance of the date you wish the request to take effect.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to the Headteacher (you might want to keep a copy for your own records). We will then have 28 days after the day your application is received in which to arrange a meeting with you to discuss your request. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

1. Personal Details

Name:

Job Title:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under The Children and Families Act 2014. I confirm I meet each of the eligibility criteria as follows:

Either Please tick those which apply. If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under paragraph 11 of the policy.

[ ] I have worked continuously as an employee of the school for the last 26 weeks.

[ ] I have not made a request to work flexibly under this right during the past 12 months, or

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

2a. Describe your current working pattern (days/hours/times worked):

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

2c. I would like this working pattern to commence from:

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

[ ] I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

4. **Accommodating the new working pattern**

[ ] I have attached a statement explaining how I think this change in my working pattern will affect [pupils] [your work] and colleagues.

Signed: **Date:**

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