



Flexible Working Policy 2016-2019

Adopted by Symphony Learning Trust on	Spring 2018
Next Review Due	Spring 2021

For the purpose of this policy, the 'Head teacher' refers to the Executive Head teacher, Head teacher or Head of School.



Right to Request Flexible Working

Purpose

This policy should be used in conjunction with the [Right to Request Flexible Working Policy for Schools, Colleges and Academies](#).

Definition of 'Flexible Working'

The term 'flexible working' describes a range of working patterns (e.g. job sharing, part-time working, home working, etc.).

Under the Flexible Working Regulations, an employee can request to change:

- The number of hours they work;
- The times that they work; and/or
- Their place of work (i.e. to work from home, as long as where the duties of the job will permit this type of working).

The request could be, for example, to work on a part-time or job share basis, have a shorter working week, or permission to work from home during part of their working week.

Any change to the employee's terms and conditions will be on a permanent basis unless agreed otherwise.

Further information on applying for a co-headship can be found in the [Co-Headship Guidance](#).



Eligibility Criteria - Statutory Right to Request

According to the Children's and Families Act 2014, the statutory right to request flexible working has been extended to all employees and is no longer limited to dependents. Therefore as long as an employee fulfils the following criteria, they will be entitled to apply for flexible working;

At the time the application is made, the employee must:

- Have been continuously employed for at least 26 weeks;
- Not have submitted an application to work flexibly under the statutory scheme within the previous 12 months;

Application Process

Employees may wish to discuss their interest in a change of working pattern informally with their manager. Where such a change can be agreed, the process and timescales detailed below do not necessarily need to be followed. In this situation, the manager will however still need to issue the employee with a variation to contract letter.

To formally request a change of working arrangements under the statutory scheme, an employee should provide the following information in writing, using the Flexible Working Application Form ([Appendix 1](#)):

- The date of the application being submitted and that it is an application under the statutory right to request flexible working;
- The change in working arrangements they are seeking (including whether the change is requested on a permanent or temporary basis);
- The date on which the employee would like the proposed change to become effective;
- What effect the employee thinks the new working pattern might have on the School/College/Academy and how in their opinion this might be dealt with;
- Whether the request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability);
- Whether a previous flexible working application has been made by the employee and, if so, when.



The application should be submitted to the Head Teacher/ Principal or other delegated person. A copy should be placed on the employee's personal file.

For statutory requests, if an employee's application does not contain all of the required information they should be advised that their request will not be progressed until this has been provided.

Continual failure to provide this information can result in the employee's application being deemed to be withdrawn. If this decision is made, the employee should be advised of this in writing. . A copy should be placed on the employee's personal file. Where this occurs, the employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.

Applications not covered by the Statutory Right to Request

The School/Academy may also wish to consider requests from employees who are not covered by the statutory right.

Employees who would like to make such a request should do so in writing, ideally using the Flexible Working Application Form and submit this to the Head Teacher / Principal or other delegated person. The request will be considered within a reasonable timescale and the employee advised of the outcome. In order for the request to be fully considered, it may be appropriate to meet with the employee to discuss their request and if applicable, possible alternative arrangements to be put into place.

Any agreed change in working pattern will result in a variation to the employee's contract of employment.

Further information on applying for a co-headship can be found in the [Co – Headship Guidance](#).

Timescales and Considering a Request



On receipt of the employee's request, a written acknowledgment should be sent and the employee invited to attend a meeting to discuss the request as soon as possible but usually within 28 days. This discussion does not necessarily need to be face-to-face and can take place by telephone if the employee is in agreement.

This meeting will be conducted by the person who has been given delegated authority to consider the request.

The meeting should be held at a mutually agreeable time / date. The employee has the right to be accompanied at the meeting by a work colleague or Trade Union representative. If the employee is unable to attend on the arranged date, an alternative should be proposed. A letter inviting the employee to this meeting should be sent to the employee with a copy placed on the employee's personal file.

If the employee fails to attend a meeting to discuss the request without reasonable cause on two occasions then the application can be treated as withdrawn. If this decision is made, the employee should be advised of this in writing. A copy should be placed on the employee's personal file. The employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.

When considering whether or not a request can be accommodated, a number of factors will need to be taken into account. This may include:

- Are there any existing arrangements in place as a result of previous flexible working requests which have been agreed?
- Does a precedent already exist in the School/Academy? If so, this may make it more difficult to refuse a request (unless there are a number of flexible working arrangements already in place which means that the situation has become unmanageable or the post is of a different nature).
- Does someone need to be present in the post during all hours of work?
- Could all of the work be done in the hours requested?
- Will the post be covered on a job share basis (i.e. two people sharing the established hours of the post) or by two part-time employees (who combined could be working more than the established hours of the post)?
- Could the post be filled on a job share basis?
- Is there a suitable job share candidate in the School/Academy or could one be recruited?



- What benefits would the School/Academy get from the arrangement (e.g. increased commitment, retention of experienced employees, reduction of salary costs, etc.)?
- If a class is shared by two part-time Teachers, who is in charge of the class? Who attends staff meetings, parent evenings, teacher days, etc? Who will be responsible for planning and preparation? Who will be responsible for producing reports?
- If there is no overlap between job sharers, how will work issues be discussed/resolved, information shared, etc?
- How will consistency of issues such as pupil discipline, work planning, teaching style be addressed?
- How will the new arrangements be supervised and performance management undertaken?

Further information on job sharing can be found in the [Job Sharing Policy](#).

During the meeting, any concerns regarding the operation of the flexible working request should be explored and the employee's response to these issues obtained. It may also be appropriate to discuss alternative arrangements which could be accommodated. It is not necessary to advise the employee of the outcome of their request during the meeting as further consideration of the points discussed may be required.

Potential Outcomes

The potential outcomes of the meeting are:

- The employee's request is agreed and implemented on a permanent or temporary basis;
- An amended version of the employee's original request is agreed and implemented on a permanent or temporary basis;
- The employee's request is refused.

The employee must be notified, in writing, of the outcome of the meeting **as soon as possible**. A copy should be placed on the employee's personal file.

The consideration process, including any appeal, **must be completed within 3 months of the request being received** by the manager.



The time limits can be extended by mutual agreement. Any such requests must be made in writing to the employee. A copy should be placed on the employee's personal file.

Applications approved under the statutory scheme will result in a permanent variation to the employee's contract. However, subject to mutual agreement, a temporary change in working arrangements may be beneficial to both sides for an initial trial period (e.g. over two terms). Details of any agreed trial periods or monitoring arrangements should be included in the letter confirming the outcome of the employee's application.

The School/Academy may also find it useful to agree a good practice protocol to ensure that there are clear systems in place relating to communication, planning, etc. A copy should be placed on the employee's personal file.

Trial Period

Where a trial period has been agreed, a meeting should be held at the end of any trial period to consider whether or not it has been successful.

If successful, the employee should be issued with a permanent variation to their contract, which is put in writing. A copy should be placed on the employee's personnel file.

If unsuccessful, the employee should be advised in writing of the business reason(s) on which their request cannot be accommodated on a permanent basis. This letter should also provide the employee with the right of appeal. A copy should be placed on the employee's personal file

Agreeing a Request



A letter to agree an employee's flexible working request should be sent to the employee after the meeting to discuss the agreed working arrangements. A copy should be placed on the employee's personal file.

The letter must confirm the contract variation that has been agreed and the date the change is due to take effect. It should also include details of any monitoring arrangements that have been agreed. If the change in working pattern has been agreed on a temporary basis, this should also be confirmed in the variation to contract letter.

The timescale for confirming the outcome of the meeting can be extended by mutual agreement. Any such requests must be made in writing to the employee. A copy should be placed on the employee's personal file. If the employee does not agree to the extension then the original timescales must be adhered to (e.g. if an employee refuses to agree to an extension that has been requested to cover the school's closure for the summer break then the outcome will need to be provided to the employee within 3 months of the application being received by the manager even if this means that it is provided to them during the school closure period).

The employee will not be eligible to make another flexible working application under the statutory scheme for at least 12 months.

Declining a Request

If the decision is made to decline a flexible working request, the employee must be notified of this outcome, in writing as soon as possible after the meeting to discuss the application.

The notification must state the business reason(s) (set out below) on which the application is being declined and a detailed explanation as to how these apply to the employee's request. A copy should be placed on the employee's personal file. The employee should also be offered the right to appeal the decision. The employee must submit their appeal, in writing, **within 5 days** of receiving their decision letter.

When considering whether to decline a request it is important to remember that this should only be done where there is evidence available to support this decision. This



evidence will need to be provided as part of any appeal process. HR Services are available to discuss the potential risks of declining a request.

Applications can only be refused for one or more of the following business reasons:

- Burden of additional cost (e.g. substantial training costs);
- Detrimental effect on the School/Academy's ability to meet 'customer' demands (e.g. if arrangements result in insufficient classroom cover);
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality (e.g. on teaching and learning);
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

The timescale for confirming the outcome of the meeting can be extended by mutual agreement. Any such requests must be made in writing to the employee.. A copy should be placed on the employee's personal file. If the employee does not agree to the extension then the original timescales must be adhered to (e.g. if an employee refuses to agree to an extension that has been requested to cover the school's closure for the summer break then the outcome will need to be provided to the employee within 3 months of the application being received by the manager even if this means that it is provided to them during the school closure period).

The employee will not be eligible to make another flexible working application under the statutory scheme for at least 12 months from the date this request was submitted.

Appeal Meeting

An employee has the right to appeal if their request for flexible working is rejected. The appeal must be submitted in writing **within 5 days** of them receiving written notification of the decision and should include the grounds for the appeal. A copy should be placed on the employee's personal file.

Only in exceptional circumstances will appeals still be considered if submitted outside of the above timescale.



A meeting should then be arranged, with the employee and a panel of Governors, to discuss the appeal **within** 3 months of the flexible working application being submitted.

Employees have the right to be accompanied at this appeal meeting by a work colleague or Trade Union representative. The meeting should be held on a day and time when the employee normally works so that it does not interfere with childcare or other commitments. If the employee is unable to attend on the arranged date, an alternative should be proposed.

The appeal should be heard in line with the Appeal Policy for Schools, Colleges and Academies. HR Services are available to discuss the potential risks of declining a request and can attend the appeal meeting if required.

The employee must also be notified, in writing, of the outcome of the appeal **within 3 months of the flexible working application** being submitted. Copies of these letters should be placed on the employee's personal file.

The timescales for scheduling and confirming the outcome of the appeal meeting can be extended by mutual agreement. Any such requests must be made in writing to the employee. . A copy should be placed on the employee's personal file. If the employee does not agree to the extension then the original timescales must be adhered to (e.g. if an employee refuses to agree to an extension that has been requested to cover the school's closure for the summer break then the meeting will need to take place within the original 3 months of the application being received by the manager even if this means that it is during the school closure period).

If the employee fails to attend a meeting (or appeal) to discuss the request without reasonable cause on two occasions then the application can be treated as withdrawn. In this circumstance, the employee should be advised in writing. A copy should be placed on the employee's personal file. The employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.

Withdrawal of Requests



There are situations where the School/Academy can treat an employee's application as withdrawn:

- If the employee unreasonably refuses to provide the information required to consider their application;
- If the employee fails to attend a meeting to discuss the request (or an appeal) without reasonable cause on two occasions;
- If the employee chooses to withdraw their application (this must be done in writing). A copy should be placed on the employee's personal file.

In all of the above circumstances, the employee should be advised in writing that their application will be treated as withdrawn. A copy should be placed on the employee's personal file. The employee will not be eligible to make another application under the statutory scheme for at least 12 months.

Monitoring and Review

All types of working arrangements will be subject to monitoring and periodic review. Where working arrangements are found not to be effective or efficient it may become necessary to negotiate changes with the employee(s) concerned. Please contact HR Services for further advice in these circumstances.