



GUIDANCE FOR THE RIGHT TO REQUEST FLEXIBLE WORKING

Responsible Trustees Committee:	Finance & Resources
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SMT Link:	Anita Frier
Author:	Arlene McLaughlin
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Review Completed	Amendments Y/N	Reason for Change



GUIDANCE FOR THE RIGHT TO REQUEST FLEXIBLE WORKING

INTRODUCTION

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period. Employees who have been employed for less than 26 weeks, agency workers and office holders do not have a statutory right to request flexible working.

TYPES OF FLEXIBLE WORKING

Types of flexible working that can be requested and may be considered include:

- Flexi-time
- Part-time working
- Job share
- Temporary work
- Shift working
- Annualised hours
- Term-time working

This list is not exhaustive.

PROCEDURE FOR REQUESTING FLEXIBLE WORKING

In order to make a request for flexible working the employee will need to complete a 'Flexible Working Request', which is then submitted to the HR Department who will forward to the Principal/Headteacher. The Principal will confirm receipt by returning a 'Flexible Working Request Receipt'.

The Principal/Headteacher is not required to meet the member of staff if they agree to the flexible working request. The employee will be notified accordingly in writing within **28** days

after the date on which the request was made. The notice must specify the flexible working arrangement (or the contractual variation) agreed to and the date when the flexible working arrangement (or the contractual variation) will begin.

If the Principal/Headteacher wishes to meet the employee to discuss the request, they must do so within a maximum period of **28** calendar days. The meeting is to be arranged at a time and place convenient to both parties.

There may be a number of reasons why the time limits specified are too short and an extension required. Time limits can be extended where both parties agree. A written record should be retained of any extensions that are agreed. Time limits will be automatically extended where the person who would ordinarily consider the Flexible Working request is absent when the application is received.

If the request is agreed, the Principal/Headteacher will send a letter which sets out the agreement, confirm any compromise offered at the meeting, and the date from which changes are to take effect. The decision must be given to the employee within **14** days after the date of the meeting. (However, both parties may agree to extend the **14**-day time limit because, for example, the Principal/Headteacher requires more time to examine the requested flexible working arrangement).

If a change is agreed (unless a trial period is in place), it will be a permanent variation of contract and there will be no right for the employee to revert back to the former arrangement. Staff should note that where the request is to reduce their working days, there will be no guarantee that these will be the same days every academic year. While the employer will endeavour to keep changes to a minimum, the working pattern will be determined by the curriculum and timetable model and associated staffing requirements. This is to minimize split classes and create the best possible learning environment and outcomes for all students. Where a change in working days becomes necessary due to timetable changes, staff will be given as much notice as possible and not less than **4** weeks. A subsequent request for a variation in the contract cannot be made for **12** months.

A trial period may be undertaken with both parties agreement. The letter setting out the agreement should clearly state that the trial period is a temporary change to their Terms and Conditions.

If the request is refused, a letter from the Principal will set out the grounds for refusal, explaining why they apply in the circumstances and also set out the appeal procedure. A subsequent request for a variation in the contract cannot be made for **12** months.

The only valid reasons for a request being refused include:

- Burden of additional cost to the school
- Detrimental effect on the schools' ability to meet customer demand
- Inability to re-organise work among existing staff

- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficient work during the periods the employee proposes to work
- Planned structural changes

PROCEDURE FOR APPEAL

An employee wishing to appeal should do so in writing within **14** days of receiving the written refusal. (The Principal/Headteacher and employee may agree to extend the 14-day limit). The letter should set out the grounds for appeal and be sent to the Clerk to Governors of the Local Governing Body.

A meeting must be arranged to hear the appeal within **14** days of receipt of the appeal letter. (The Principal and employee may agree to extend the 14 day limit). The appeal panel will comprise of a panel of Governors. An HR Adviser may also attend this meeting.

The employee must be notified in writing of the decision **14** days after the date of the meeting. (The Governors panel and employee may agree to extend the 14 day limit).

If, following appeal, the request is accepted the employee will be advised in writing and informed of the contractual changes agreed to and the date on which they are to take effect.

If, following appeal, the request is refused a letter setting out the grounds for the refusal and explaining why they apply will be sent to the employee.

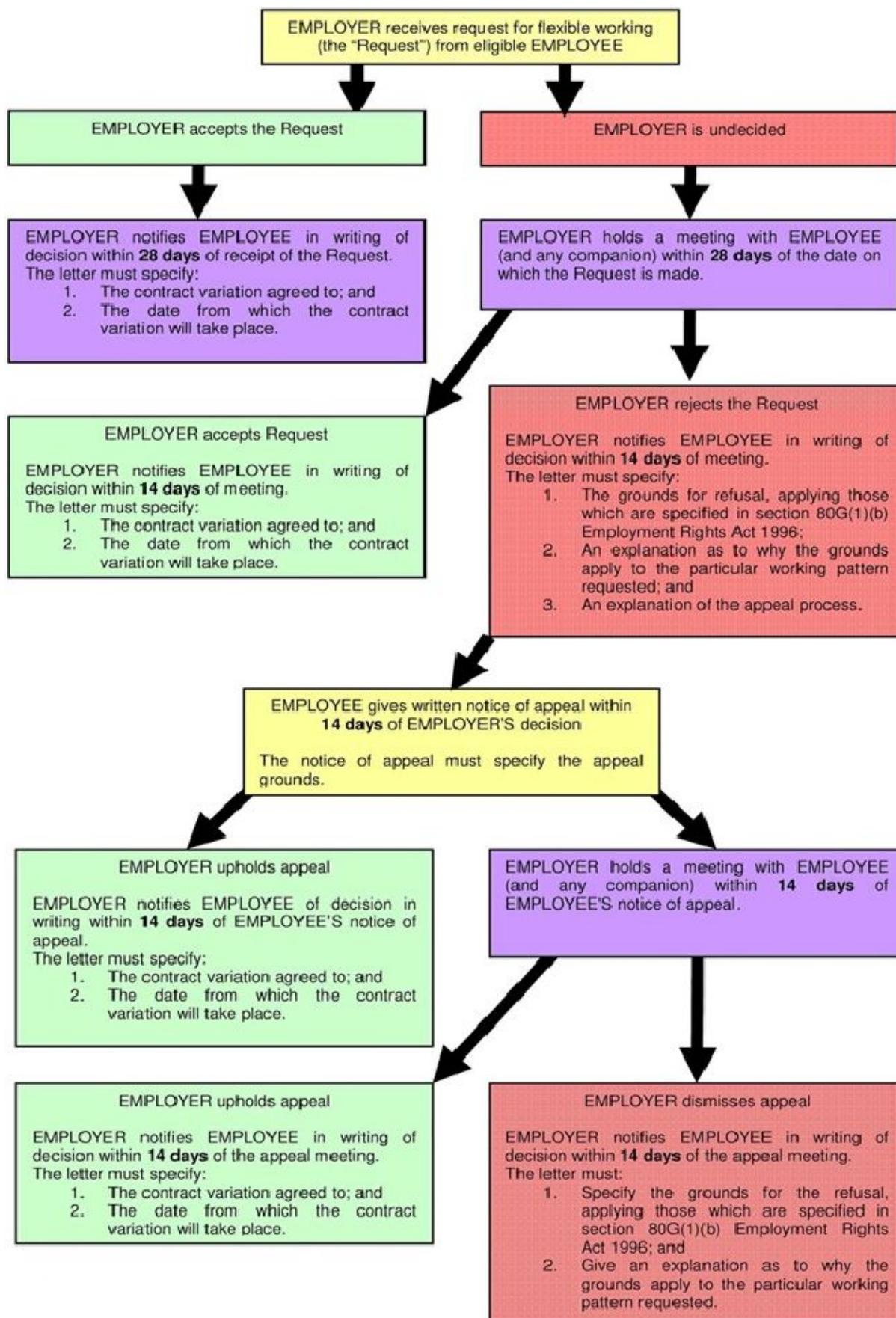
WITHDRAWAL OF REQUEST

Inspiring Schools Partnership will treat the request as withdrawn if the employee:

- Indicates verbally or in writing that the request is withdrawn.
- Fails to attend a meeting (without giving a reason). A meeting will only be rearranged once.
- Unreasonably refuses to provide relevant information.

ADDITIONAL INFORMATION

Copies of all correspondence relating to the request must be retained on the employee's personal file.



FREQUENTLY ASKED QUESTIONS

1. Do employees have an automatic right to work flexibly?

No. The legislation gives eligible employees the right to request flexible working; however it also places a duty on employers to consider such requests seriously.

2. Can management refuse a request?

Yes, management must demonstrate to an employee that the application has been considered properly and provide a sound business reason why a request cannot be accepted.

3. Is the change permanent?

While the reduction in hours can be considered permanent, working patterns are not guaranteed and will be reviewed annually. This is to ensure that staffing requirements meet the curriculum model to enable the school to provide the best possible learning experience and outcomes for all students.

4. Can management request evidence that they have caring responsibilities?

It should not be necessary to request proof of an employee's eligibility to request flexible working.

5. What happens when an employee's child reaches the age of 17 or circumstances change?

Unless agreed otherwise for example where an employee has been the primary carer and this is no longer required, once a request for flexible working has been agreed it results in a permanent change to the employee's terms and conditions. The employee has no right to revert back to their previous working pattern, nor can the employer insist on such a reversion. If individual circumstances change, a return to the original hours may be considered but only after a period of no less than 12 months from the original request.

6. Can an employee ask if a colleague can attend the meeting to discuss their request? Is it wise to agree to this?

The law allows an employee to be accompanied at both the meeting to discuss the request, and to any further meeting to discuss a subsequent appeal. The companion must be a worker employed by ISP and can include a colleague or trade union official.

The role of the companion is to support the employee. For example, if the employee has not attended many meetings before, it is possible that s/he may be nervous. The presence of a colleague can therefore make the meeting more productive for the employer and the employee. The companion is permitted to address the meeting, and to confer with the employee during it, but they may not answer questions on behalf of the employee.

7. What should be taken into consideration when deciding whether the person can work flexibly?

Undertake an analysis of the job;

- Are all the tasks necessary?
- Could some of the tasks be allocated to another team member?
- Is the job description up to date?

Consider how you could manage the new working arrangements:

- How will the new arrangements i.e. home working, be supervised and performance measured?
- What will be the impact on other people?
- Will the long-term benefits of flexible working (i.e. staff retention and saving on recruitment) outweigh the short-term costs of implementing change?
- Will there be insurance or health & safety considerations (i.e. for home workers).
- Will there be an impact on the team/school?
- Ensure that other team members are informed about changes in working hours.
- Is there an action plan for dealing with any problems that may arise out of the change?
- Hold regular reviews to ensure that the new arrangements are working for everyone.
- Use team meetings or other ways of ensuring that flexible workers remain involved and informed members of the team.

FLEXIBLE WORKING REQUEST



CURRENT EMPLOYEE DETAILS

Name

Department

Job Title

Eligibility – caring for a child

Age of Child

Relationship to Child

Eligibility – caring for an adult

What is the nature of your caring responsibilities

Relationship to dependent

Health & wellbeing – variation to working hours

Reason for request

Have you made a previous application for flexible working

No

Yes

Date of previous application

Current working pattern

Detail your current working pattern (days / hours / times worked):

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Monday	Tuesday	Wednesday	Thursday	Friday		

Detail your requested working pattern (days/hours/times worked);

Monday	Tuesday	Wednesday	Thursday	Friday		

Requested date of change

Impact of the new working pattern

Detail how you believe the proposed change in working pattern will affect the school and colleagues:

Detail how you believe the effect on the school and colleagues can be dealt with

Are you making this request in relation to the Equality Act 2010 i.e. as a reasonable adjustment for a disability? Please see the guidance that accompanies this form or further details are available at

<http://m.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf>

Yes	Please provide details	No
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Name

Signed

Date