**SOUTHWARK COUNCIL**

**MODEL SCHOOLS’ HR POLICY AND PROCEDURE**

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| Policy and procedure: | Flexible Working |
| Date of implementation: | 6th April 2024 |
| Reviewed and recommended by: |  |
| Signed by Chair: |  |
| School: |  |

**Employment and legal framework**

|  |  |
| --- | --- |
| The Flexible Working (Amendment) Regulations 2023 provides the statutory right to request flexible working a day one right from 6 April 2024. | [The Flexible Working (Amendment) Regulations 2023](https://www.legislation.gov.uk/uksi/2023/1328/regulation/1/made) |
| Employment Relations (Flexible Working) Act 2023 provides further changes to the rules on statutory flexible working requests. | [Employment Relations (Flexible Working) Act 2023](https://www.legislation.gov.uk/ukpga/2023/33/enacted) |
| ACAS updated code of practice | [ACAS code of practice on handling flexible working requests](https://www.acas.org.uk/about-us/acas-consultations/code-of-practice-flexible-working-requests-2023/draft-code) |
| DfE Flexible Working Ambassadors’ Project 2020-2021 - Resources | [DfE Flexible Working Ambassadors Project 2020-2021 Resources](https://www.flexibleworkingineducation.co.uk/dfe-toolkit) |

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# **Introduction**

*[Add school/ setting or trust name]* aims to be an employer of choice and recognise the key role flexible working plays in attracting, retaining, developing and rewarding teachers, support staff and multi-disciplined staff.

We recognise the positive impact of flexible working in:

* Supporting recruitment and retention.
* Promoting wellbeing and improving work-life balance.
* Reducing absences and improving productivity.
* Promoting an inclusive workplace and supporting equal opportunities and diversity.
* Creating attractive workplaces.
* Supporting pupil outcomes by promoting recruitment and retention of experienced staff.

As an employer, we encourage flexible working opportunities and will seek to support employees to enable successful requests for flexible working where possible, subject to the needs of the school.

# **Purpose**

The purpose of this policy is to support senior leaders and employees set out the process for making a flexible working request, which will be considered against the needs of the school.

# **Scope**

This policy applies to employees employed by the Governing Board of the school. It does not apply to workers, individuals who are self-employed, students or trainees on a work experience placement or casual workers.

# **What is flexible working?**

Flexible working can be defined as *“arrangements which allow employees to vary the amount, timing or location of their work”*.[[1]](#footnote-1)

# **Types of flexible working**

Types of flexible working include the below arrangements:

## **Part-time working**

* Part time: working less than full-time hours. Employees can work full time but still have flexible work arrangements in place.
* Job share: two or more people doing one job and splitting the hours.
* Phased retirement: gradually reducing working hours and/or responsibilities to transition from full-time work to full-time retirement.

## **Varied hours**

* Staggered hours: the employee has different start, finish and break times.
* Compressed hours: working full-time hours but over fewer days.
* 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.

## **In-year flexibility**

These types of flexible working are sometimes referred to as ‘informal’ flexibility.

* Lieu time: paid time off work for having worked additional hours.
* Home or remote working: the employee carries out work off-site.

There are also other examples of flexible working not included here and it is possible for an employee to have several flexible working arrangements in place simultaneously.

# **Process for requesting flexible working**

Note: where the Headteacher is making a request in line with this policy, the Governing Board will be responsible for managing the process.

## **Who is eligible to submit a request?**

All employees are eligible to submit a request, irrespective of their service.

## **How many requests can an employee make?**

Employees are able to make two statutory flexible working requests in every 12-month period.

## **How to make a request?**

All requests must be made by completing the flexible working request form, which is available (on the intranet or in the school office).

This should be submitted to the Headteacher.

## **What should the request include?**

* the date of the request;
* the changes that you are seeking to your terms and conditions of employment;
* the date on which you would like the change to come into effect;
* a statement that this is a statutory request;
* if and when you have made a previous application for flexible working; and
* if you have made a previous request, when you made that application.

If your request does not contain all the required information, you may be asked to resubmit it with the necessary additional information. In this instance, the timescales will recommence from the date you resubmit your request.

## **Consultation meeting**

The Headteacher, (or other leader/manager as delegated by the Headteacher), will arrange a consultation meeting to discuss the flexible working request.

The consultation meeting will be held within twenty-eight days of receipt of the request.

Where this is not possible, you will be informed of the reason for any delay.

At the consultation meeting, you may, if you wish, ask a fellow employee or a trade union official to attend with you.

The consultation meeting is an opportunity for you to explain how the proposed working arrangements would benefit you and for us to consider and discuss any alternative flexible working options that may be available and suitable for you and the school.

## **Considering the request**

The Headteacher (or other leader/manager as delegated by the Headteacher) will consider the proposed flexible working arrangements carefully, considering the following:

* the potential benefits to both you and the organisation; and
* any adverse impact of implementing the changes such as the impact on the school, pupils, team members, colleagues, supervisory arrangements, personal development for example.

Each request will be considered on a case-by-case basis - agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working patterns.

## **Notification of the decision**

The Headteacher (or other leader/manager as delegated by the Headteacher) will write to you within 5 working days of the consultation meeting to confirm their decision. They will outline their reasons for the decision.

# **Options**

## **Your request is granted in full.**

## **Your request is granted in part.**

The school is unable to accommodate your request in full, however the school could propose a modified version of your request, which they will put to you.

## **Your request is not granted.**

The school is unable to accommodate your request on the basis of the school needs.

# **Changes to contract**

The school can agree to the request on the following basis:

* Permanent change.
* Temporary change
* Trial period.

Any changes to your terms and conditions, whether permanent or temporary, will be put in writing and sent to you as an amendment to your contract of employment.

# **Implementing the changes**

Where the request is granted in full or in part, the Headteacher or manager will meet with you to discuss how and when the changes might be implemented.

# **Reasons for rejecting a request**

The school will carefully consider all flexible working requests. In some cases, it may not be possible to accommodate the request because of any of the following reasons:

* the burden of additional costs;
* an inability to reorganise work among existing staff;
* an inability to recruit additional staff;
* a detrimental impact on quality of Teaching and Learning;
* a detrimental impact on performance;
* a detrimental effect on ability to meet pupil need;
* insufficient work for the periods the employee proposes to work;
* a planned structural change to the school.

# **Right of appeal**

You have the right of appeal if your request for flexible working is rejected or only agreed in part.

Your appeal should be sent in writing to the Clerk of the Governors within five working days of receiving the decision.

Your letter should set out the grounds on which you are appealing. This could be on the basis that there is new information you wish to be considered or you believe the employer has not handled your request in a reasonable manner.

Your appeal will be considered by a panel of three governors.

An appeal meeting will be held within 10 working days of receiving your appeal letter.

You may, if you wish, ask a colleague or a trade union official to attend the appeal meeting with you.

Following the appeal meeting, the relevant manager will inform you in writing, usually within five working days, of the outcome. The outcome of the appeal is final.

The appeal process is designed to be in keeping with the overall aim of the right of encouraging both parties to reach a satisfactory outcome at the workplace.

# **Timescales**

Please note that unless an extension is mutually agreed, the whole process including the outcome of the appeal must be completed within two months.

An example of when an extension may be necessary is when there have been school holidays during this timescale. We would ask employees to bear this in mind when making their application and when considering the timescales for their requests.

For instance, if you are returning from maternity leave and wish to start flexible working when you return, you will want to have made this request at least two months in advance.

# **Treating your application as withdrawn**

If you fail to attend and/or take part in the process and the meetings arranged as part of this process, without good reason, we will treat your application as withdrawn. You will be informed of this in writing and this will count as one of your two yearly flexible working requests.

# **Data protection**

When managing your flexible working request, we process personal data collected in accordance with our data protection policy. Data collected from the point at which we receive a flexible working request is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working.

1. De Menzes, L.M> and Kelliher, C. (2011) Flexible working and performance: a systematic review of the evidence for a business case. International Journal of Management Reviews. Vol 13, No 4. Pp 452-74. [↑](#footnote-ref-1)