

SCHOOLS RIGHT TO REQUEST FLEXIBLE WORKING POLICY

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Next Review: March 2027

Policy Family Work Life Balance

1. Policy Statement

Southampton City Council is committed to employee wellbeing and to developing work practices, policies and procedures that support work-life balance. All employees have the option to request flexible working arrangements that enable them to balance their working life with other priorities, including parental and other caring responsibilities, lifelong learning opportunities, charity work, leisure activities and other interests.

All requests for flexible working will be considered in a fair and consistent manner, in line with the procedure set out in this policy, and within the context of the operational requirements of the team and school.

2. Purpose

This policy sets out our approach to flexible working requests under the statutory procedure as provided for under the Employment Relations (Flexible Working) Act 2023.

3. This applies to:

This policy relates to all school employees, where the governing body has adopted this policy.

4. Roles and responsibilities

Head Teachers will:

- Consider any written flexible working requests reasonably and within 10 working days.
- Seek to approve requests where possible, giving consideration to any existing flexible working arrangements in place, and also any potential adverse impact of granting a specific request.

Employees:

- Should follow the procedure set out in order to make a request.
- Attend and engage with any consultation meeting required to consider your request, and if appropriate any appeal meeting.
- Submit no more than 2 requests within any 12-month period unless there is a substantial and extenuating change to your circumstances.

5 Definitions

There are various options available to employees who wish to request flexible working arrangements. Some of the most common options are described below:

5.1 Part-time working

Full-time employees may request to reduce their working hours, and part-time employees can request to change the pattern of their existing hours or reduce them further. Reductions in hours will normally be agreed on a permanent basis but can be requested on a short-term

temporary basis to assist an employee with a particular difficulty relating to work-life balance.

5.2 Job sharing

This occurs when a full-time post is divided between two employees, with each sharing the duties and receiving proportionate pay and conditions of service. Each employee receives a separate contract of employment. Job sharing involves a high level of co-operation and communication between the employees involved.

The council will consider applications for job-share where the members of staff have identified a potential job-sharing partnership or may, in certain circumstances, consider undertaking a recruitment process to appoint a job-sharing partner from either within or external to the organisation.

5.3 Term time working

Describes an arrangement where the employee works a specific number of hours per week during the academic year – commonly 39 weeks including 'inset' days, or 38 weeks excluding them. The number of weeks worked can vary from this standard pattern, for example where the employee agrees to work a number of additional weeks during the school holidays.

Employees will receive an annual leave entitlement based on the number of hours/weeks worked during the year, and their length of service. This entitlement is added to the pro rata salary which is averaged across the year and paid in 12 equal monthly instalments. Employees are considered to have taken leave during school holiday periods and there is no contractual entitlement to taken paid leave during term time.

5.4 Extended leave

Extended leave may be requested and granted for a variety of purposes. Extended leave is unpaid and will not normally be granted for more than 13 weeks in any leave year. Approval is subject to service requirements, and where there are a number of requests within one area, priority will be given to employees with childcare or eldercare needs and requests from employees with disabilities.

5.5 Home Working

Employees may work from home on an ad hoc basis with agreement from the Headteacher. This might be to undertake a specific piece of work, or where undertaking work at home for shorter periods in the working day (rather than returning to the office-base) is a more effective use of time.

As with other options there will be roles for which home working is not practical and an assessment of the role needs to be made before considering whether this option is viable for a particular post holder.

The health and safety, organisational and information technology implications of home working should be fully considered before any application is granted. Schools should consult their HR provider.

5.6 Flexible / Phased Retirement

Employees of the school aged 55 or over, who are members of the Local Government Pension Scheme (LGPS) or who are members of Teachers Pension Scheme (TPS) are eligible to apply for flexible retirement. Flexible retirement allows employees to reduce their contracted working hours, and/or take a “step down” in responsibility (i.e. grade) and access their accrued pension benefits. For more information, see the school’s Flexible Retirement Procedure.

5.7 Compressed hours

Under this arrangement, employees agree to work longer hours on some days in order to work shorter hours on another day, within the legal framework for compulsory breaks under The Working Time Regulations. For example, longer working hours on four days of the week can mean that an individual contracted to work 37 hours a week can work those hours over four and a half days or four days, or a nine-day fortnight. While such arrangements can offer flexibility for employees, Headteachers must bear in mind the times and days at which the post holders need to be available in school. It is important that any agreement which meets the needs of one, or a small number of employees does not inconvenience a larger number of other employees who are required to interact with them in order to do their job, or who will have to cover in their absence.

Schools should consult their HR provider before granting a request for compressed hours.

5.8 Staggered hours

Employees may request different start, finish and break times in order to achieve flexibility to assist with their personal circumstances.

6 Principles

6.1 Legal right to request flexible working

All employees can make flexible working requests from their first day of service.

6.2 Consideration of requests

The purpose of this policy is to set a framework within which employees can benefit from a greater degree of flexibility, but it is acknowledged that the options available to an individual or group of employees may be limited by the nature of their work and the school within which they work, the location of the school, the size of the team within which they work, and the existing working arrangements of the team.

Where the application has cost implications for the school, this must be discussed with the Headteacher.

6.3 Duration of changes to working arrangements

Where a flexible working request is approved, the change to working arrangements can either be permanent or temporary. **There will be no automatic right to revert to the previous working arrangements if the change is permanent.** Where the arrangement amends the terms of the contract of employment, the employee will be issued with a revised contract/contract variation letter. A temporary change may be requested but it needs to be clear on the application form the reason for the temporary nature of the proposed change and the duration.

If an employee subsequently wishes to revert to a previous work pattern, this would need to be considered as a further request for flexible working, under this Policy and will only be granted subject to the budgetary and operational requirements of the School.

Where there is some doubt that a change of working arrangements can be accommodated, and/or the impact of a change is not fully understood, the headteacher may agree with the employee to trial the arrangements for a period of up to a maximum of 8 weeks before arrangements are made permanent. Where the trial is unsuccessful the employee will revert to their pre-existing working arrangements.

Where it is mutually agreed that a permanent change to working arrangements is not the best solution to the employee's circumstances (i.e. the reason for the request is a short-term need), a flexible working request may be approved for a temporary period subject to approval by the Headteacher.

6.4 Compliance with Working Time Regulations

Flexible working arrangements must conform to the working time regulations and minimum rest periods must be adhered to. If the proposed working arrangements fail to meet these requirements, the request will not be approved.

6.5 Reasons for declining an application

All requests for flexible working arrangements will be considered objectively. The school may refuse to agree a request where there is a business reason for doing so. The business reasons are set out in legislation and are:

- The burden of any additional costs to the service.
- A detrimental impact on quality, performance, or the ability to meet customer demand (for example, where work volumes or deadlines mean a request cannot be agreed).
- Insufficient work available at the time the employee wishes to work.
- The inability to recruit additional staff, and/or to reorganise work amongst existing employees.

- Planned structural change (this would be proposed changes affecting the service area which would preclude the Headteacher from approving the request)

Where a Headteacher is considering declining a request, advice should be sought from their HR provider before any decision is formalised. Any decision to decline a request must be on the basis of one or more of the above reasons.

6.6 Understanding the Impact of Contract Changes

Prior to submitting an application for flexible working, it is important that the employee understands any financial implications of a change in working arrangements. A reduction in hours will reduce salary and annual leave entitlement, reduce accrued pension benefits, and affect any subsequent redundancy payment calculation. Guidance can be sought from the HR and payroll provider or the employee's trade union in the first instance.

7 Procedure

For guidance or support in implementing this procedure, please contact your HR provider.

7.1 The application

- The employee should complete the Flexible Working Application Form see Appendix 1 and pass it to their line manager at least 2 months in advance of when they would like the proposed change to take effect.
- If the employee's request is linked to a protected characteristic under the Equality Act 2010, this should be clearly stated on the application.
- It should be noted that it may take several weeks from an initial application to work flexibly to when it can be implemented (accommodating any appeal). For straight forward applications, the time scale may be fairly short.
- For employees due to go on maternity/adoption or statutory additional paternity leave, it is recommended that they speak to their Headteacher before commencing leave if they are interested in applying to work flexibly on their return. Where employees plan to submit an application during their period of leave, it is important to provide sufficient notice (as above) so that an application can be dealt with prior to the anticipated date of return.

7.2 The Consultation Meeting

A meeting may not be required if the request is straightforward and can be accommodated and has been the subject of local, informal discussion. Where a meeting is required, if the request is not straightforward or needs further discussion the Headteacher will arrange to meet with the employee within 10 working days of receipt of the

Flexible Working Request. The employee must be given 5 working days' notice of the meeting and may be accompanied by their trade union representative or a work colleague.

- A meeting will provide the opportunity to discuss the desired work pattern in depth and to consider how best it might be accommodated.
- It will also provide an opportunity to consider other alternative working patterns should there be problems accommodating the desired work pattern outlined in the employee's application.

7.3 Notification of outcome

The Headteacher should inform the employee of their decision within 10 working days of the date of the meeting, using the template Appendix 2.

If a request is accepted, the notification will:

- Include a description of the new working pattern.
- State the date the new working pattern will start.
- Confirm any compromise agreed at a meeting.

If a request is rejected, the notification must:

- State the business reason(s) for refusing the application (see 6.5 of the policy).
- Provide a brief explanation as to why the business reason(s) for the refusal apply in this situation.
- Provide details of the right of appeal.

It is not necessary for the Headteacher to provide a detailed explanation, but there should be information/evidence to support the decision should it subsequently be disputed.

If an agreement on revised working arrangements results in a change of working hours or other contractual term, the Headteacher must inform their Payroll and HR providers so that the necessary changes to salary and contract can be made.

7.4 Appeal

- If the application is unsuccessful an employee has 10 working days to submit an appeal in writing, from the date the outcome notification was received in writing. The appeal notice should state the grounds for appeal and be signed and dated.
- An appeal will be heard by the governing body appeals committee, at an appeal meeting which must be arranged within 10 working days of receiving notice of the appeal.
- The employee must be given 5 working days' notice of the appeal meeting and may be accompanied by their trade union representative or a work colleague.
- The employee must be notified of the outcome of the appeal in writing within 5 working days of the appeal meeting.

If the appeal is upheld the written decision must:

- Include a description of the new working pattern.
- State the date from which the new working pattern is to take effect.

If the appeal is dismissed, the written decision must:

- State the reasons for the decision and an explanation of those reasons.

A written notice of the appeal outcome represents the school's final decision and is effectively the end of the formal procedure within the workplace.

7.5 Extensions to Time Scales

Where it is not possible to complete the procedure within two months, for example if either party is on annual leave or off sick or due to school closure period, or if a trial period for amended working arrangements is agreed, the time limits may be extended, where both parties agree to this.

7.6 Application withdrawals

If an employee decides to withdraw an application part-way through the process, they should advise the Headteacher in writing. The Headteacher will confirm the withdrawal in writing.

Where an employee fails to attend two scheduled meetings to discuss their application or fails to provide additional information when requested; the application will be treated as having been withdrawn. The Headteacher will advise the employee of this potential outcome where an initial meeting is missed or requested information is not forthcoming.

8 Review

This policy does not form part of the employee's contract of employment and the council retains the right to change the policy at any time following consultation with trade unions.

This policy will be reviewed as necessary to ensure that it complies with current employment legislation and the requirements of the council.

Appendix 1

Request for Flexible Working Application

Name: _____ Job Title: _____

Current working arrangements: _____

Date of previous application (if any): _____

Are you making this request under a protected characteristic as detailed in the Equality Act 2010, namely:

- Age*
- Disability*
- Gender reassignment*
- Marriage and civil partnership*
- Pregnancy and maternity*
- Race*
- Religion or belief*
- Sex*
- Sexual orientation*

** Please delete as appropriate.*

Please give details of the working pattern you wish to adopt (you may request a change to your hours and/or working times – and whether this is a permanent or temporary request and the reasons for it - see policy):

Please include a statement that this is a statutory request _____

Please state your preferred start date: _____

(Please leave time for the school to consider the request, two months is suggested)

Signed: _____ Dated: _____

Please submit this form to your headteacher.

Appendix 2

Request for Flexible Working – Decision

Section 1 – Consideration of Application

The request was received by (name): _____ On (date): _____

A meeting was not arranged to discuss the application as I agreed to the terms of the application*.

A meeting was arranged to discuss the application*:

Date of Meeting: _____ Attendees: _____

Section 2 – Decision

The request was discussed in depth and the following decision has been made:

The request has been agreed from (date) _____ to (date if applicable) * _____

The employee's working arrangements will be as follows:

The request has been discussed, amended and agreed* by both parties to commence from (date) _____

The employee's working arrangements will be as follows:

The request has been declined*, and the reason for refusing the application was on the following grounds:

** Delete as appropriate*

Note for the employee: Any appeal must be submitted within 10 working days of receipt of this decision notification,

Signed: _____ Dated: _____
(Line Manager)