

# Flexible Working Policy for School Staff

**August 2023 Version 3.0**  
**Human Resources**



## Contents

<b>Section</b>	<b>Title</b>	<b>Page</b>
1.0	Policy statement	3
2.0	Scope	3
3.0	Legal Framework	3
4.0	Qualifying Conditions	3
5.0	Applying for Flexible Working Arrangements	3
6.0	Headteachers Response	4
7.0	Business Considerations	4
8.0	Where the Request is Agreed	5
9.0	If a Request is Declined	5
10.0	Appeal procedure	5
11.0	Extension of timescales	5
12.0	Version Control and RAG status	6
Appendix 1	Flexible Working Request Application Form	7

## 1.0 Policy Statement

Under this policy, an application to work flexibly can cover:

- hours of work
- times of work

This policy covers working patterns such as annualised hours, compressed hours, job-sharing, shift working, part-time working, flexitime, staggered hours, term-time working and school hours working.

## 2.0 Scope

This policy applies to all school employees.

## 3.0 Legal Framework

3.1 In April 2003 the Employment Act introduced the right for parents of young and disabled children to apply to work flexibly.

3.2 From April 2007 this right was extended to cover carers of qualifying adults and in April 2009 to cover children under the age of seventeen.

3.3 From 30th June 2014 the right was extended to all employees.

## 4.0 Qualifying Conditions

4.1 To qualify for the right to request flexible working arrangements, employees must:

- have worked for the employer for 26 weeks continuously at the date the application is made.
- not have made another application to work flexibly under this right during the past 12 months.

## 5.0 Applying for Flexible Working Arrangements

5.1 Employees wishing to request flexible working must put their request in writing to the headteacher, by completing the 'Flexible Working Request Form', which can be found at Appendix 1. In order for an application to be considered, it is the employee's responsibility to provide sufficient information on the application form. The employee must specify a start date for the proposed change giving their headteacher reasonable time to consider the proposal and implement it (if authorised).

5.2 The application should include:

- The date of their application, the change to working hours/patterns they are seeking and when they would like the change to come into effect.

- What effect, if any, they think the requested change would have on the department and team and, how, in their opinion, any such effect might be dealt with.
- A statement that this is a statutory request and a statement which maintains if and when they have made a previous application for flexible working.
- Whether they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disabled employee.

5.3 Within 28 days of receiving the request, the headteacher must arrange a meeting with the employee to discuss the request. The purpose of the initial meeting is to explore the desired working hours/pattern of work and discuss how it might be accommodated. It will also be an opportunity to consider suitable alternative working arrangements.

5.4 All employees have the right to be accompanied by a work colleague or trade union representative at this meeting.

5.5 If, however, the headteacher agrees to the employee's request to change their working hours/pattern of work this meeting is not required, as long as the headteacher notifies the employee accordingly in writing, within 28 days of receiving the application.

5.6 The headteacher must then ensure that the school's payroll provider is notified of the change and, that the HR Provider is notified so that a contract variation can be issued.

Note: for the purposes of this policy, the headteacher will consider the request; however, where the Headteacher is the applicant, the request must be made and considered by the Chair of Governors.

## 6.0 Headteacher's Response

Following on from the above meeting (if required), the headteacher has 14 days to respond to the individual in writing. The headteacher must either:

- accept the request and establish a start date; or
- confirm a compromise agreed at the meeting; or
- reject the request and set out clear business reasons for the rejection (see below), together with notification of the appeal process.

## 7.0 Business Considerations

Applications for flexible working arrangements can only be refused on the following grounds:

- the burden of additional costs;
- detrimental effect to meet customer demand;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes.

## **8.0 Where the Request is Agreed**

- 8.1 If the employee's request is agreed, this will be for a trial period of three months in the first instance. At the end of the three-month period, the headteacher will meet with the individual to discuss the success, or not, of the new working arrangements. If either party is finding the new working arrangements unworkable, a new agreement will be reached. If both the employee and the headteacher consider the new arrangements to be successful, the change will become permanent from this point.
- 8.2 An employee has no automatic right to change back to their previous pattern of work unless the application seeks the variation for a specified time period only and the temporary change of hours was agreed by the headteacher. If an employee chooses to revert back to their previous hours or further change their flexible working arrangements, they will need to complete another 'Flexible Working Request Form.'

## **9.0 If a Request is Declined**

If a request is declined an employee can make a further request at a later date, but they must wait 12 months from the date on which their last request was made before making any further requests.

## **10.0 Appeal procedure**

- 10.1 If an employee wishes to appeal against a decision, they must write to the headteacher within 10 days of the formal response being received in writing. The appeal must set out the grounds of the appeal and it must be dated.
- 10.2 A meeting of the governing body's Appeal Committee must be convened to hear the employee's appeal within 14 days of being informed of the employee's decision to appeal.
- 10.3 All employees have the right to be accompanied by a work colleague or trade union representative at this meeting.
- 10.4 The employee must be notified of the outcome of the appeal in writing within 14 days of the meeting. The notification will either:
- uphold the appeal, specify the agreed variation and start date; or
  - dismiss the appeal, state the grounds for the decision and a sufficient explanation of the refusal.

## **11.0 Extension of timescales**

If a headteacher (or Appeal Committee in the case of an appeal), requires more time to consider an employee's request, the headteacher and employee can agree to extend the aforementioned time limits. The headteacher/Appeal Committee must record this agreement

in writing, specifying the period to which the extension relates and the date on which the extension is due to end. A copy of this record must be sent to the employee.

## 12.0 Version Control & RAG status

Version	Date	Updated by	Comments
1.0	September 2008	MKC HR	Policy Introduced
2.0	June 2016	MKC HR	Revision in line with legislative change.
3.0	August 2023	MKC HR	Revised onto new MKCC policy template.

## RAG Status



This policy is not intended for use by non-maintained schools. If extracts are used they should be attributed.



Foundation and Voluntary Aided Schools can adapt and adopt this policy or use an alternative.



This policy is for use by Community and Voluntary Controlled schools. Governing Bodies are asked to adopt this policy. Should a Governing Body wish to adopt an alternative policy please ensure that a copy is supplied providing assurance that it is legally compliant.

## Appendix 1 - Flexible Working Request Form

1. Personal Details:	
Employee Name:	
School:	
Job Title:	
Headteacher's Name::	

2. Have you previously made an application under this right?
<input type="checkbox"/> No <input type="checkbox"/> Yes*      * Please state when your last application was made:

3. Is the reason for this application related to the Equality Act 2010 (i.e., a reasonable adjustment as a result of a disability)?
<input type="checkbox"/> No <input type="checkbox"/> Yes*      * If so please explain in more detail the nature of your request:

4. Describe your current working arrangements: (days/hours/times/place)

5. Describe the working arrangements that would like to work in the future: (days/hours/times/place)

**6. I would like this working arrangement to commence with effect from (insert date):**

**7. Impact of the new working arrangements:**

I think this change in my working hours/pattern of work will affect the school and my colleagues as follows:

**8. Accommodating the new working arrangements:**

I think the effect on the school and my colleagues can be dealt with as follows:

**9. Employee Declaration:**

I can confirm that:

- I am making this application under the statutory right to apply for flexible working.
- I have worked continuously for MKCC for the last 26 weeks.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**NOW PASS THIS REQUEST TO THE HEADTEACHER**



**School use:**

**Meeting arranged with employee to discuss request (within 28 days of application)**

☐ Date: ..... ☐ Not applicable because request agreed **and** employee informed in writing within 28 days of application.

**Employee notified of outcome of request (within 14 days of meeting)** Date: .....

**Where request approved, Payroll and HR Provider notified:** Date: .....

**Appeal received (appeal meeting to be held within 14 days)** Date: .....

**Outcome:**

