

# THE FEDERATION OF NETTLESTONE & NEWCHURCH PRIMARY SCHOOLS



## FLEXIBLE WORKING POLICY

Date Agreed: April 2015

Review Date: April 2016

*DMF Botlett*

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

Chairman Board of Governors

## The Federation of Nettlestone & Newchurch Primary Schools

Revision No.	Date Issued	Prepared By	Approved	Comments
1	April 2015	TJ		New policy as proposed by Leadership and Management Committee
2	November 2016	KJH	L&M	Annual Review of Policy

*All the governors and staff at Nettlestone Primary School are committed to sharing a common objective to help keep the children and staff of the school safe. We ensure that consistent effective safeguarding procedures are in place in order to support families, children and staff of the school. All policies should be read in conjunction with the Federation Child Protection Policy which can found in the Policies section on the school website.*

### **POLICY PURPOSE**

To enable the Federation to react to Employee needs whilst maintaining a focus on the Federation, its performance and teaching standards and pupils requirements by allowing Employees to change or reduce their contracted working hours.

### **POLICY OBJECTIVES**

- To define the procedure by which Employees may apply for flexible/part-time working.
- To set the guidelines for deciding whether the request should be granted.
- To detail the administrative procedure surrounding the arrangement.

### **SCOPE**

This Policy applies to all Employees within the Federation.

All Employees may request formal flexible working arrangements providing they meet the eligibility criteria detailed in Section 5.

This Policy does not form part of an Employee's terms and conditions of employment and the Federation reserves the right to amend, replace or withdraw this Policy at its discretion.

### **ASSOCIATED POLICIES/PROCEDURES**

- Maternity Leave Policy
- Parental Leave Policy
- Paternity Leave Policy
- Adoption Leave Policy
- Equal Opportunities Policy
- Dignity at Work Policy

## **ELIGIBILITY**

### *Statutory Entitlement*

Employees can apply for flexible working arrangements if they:

- Have been continuously employed by the Federation for at least 26 weeks up to the date of their application; and
- Have not made a formal flexible working request in the 12 months immediately prior to the date of their application.

## **GENERAL CONDITIONS**

### Changes to Working Arrangements

The right to request flexible working is an individual right and the decision on whether to grant the request will be made on the basis of the circumstances of that request.

Maintaining a focus on the Federation, its performance and teaching standards to ensure our pupils' requirements are consistently and adequately met will be a key consideration for any change to working arrangements.

Specifically, no precedent will apply so that it will not be relevant to the request that another Employee has previously made a successful identical request.

The Federation may set priorities from time to time that will guide the response where there are several requests from a given area, to try to ensure a fair balance. Qualifying for such priority will not be relevant other than where there are competing requests. It will not guarantee a request will be granted.

Only one application for flexible working may be made by an Employee in any rolling 12 month period.

## **PRINCIPLES OF THE POLICY**

Employees can request a change to the following:

- The hours they are required to work
- The times when they are required to work
- How work is to be carried out between home and the office (where appropriate)

Prior to submission of any formal request, Employees are encouraged to discuss their requirements informally with the Executive Headteacher or Head of School.

The Employee must make a formal flexible working request in writing to the Executive Headteacher ideally at least 3 months prior to the date they would like the change to their working arrangements to take effect. A formal flexible working request must contain the following details:

- A clear statement that it is an application for flexible working arrangements and the date on which the application is being made.
- The specific change applied for and the commencement date of the proposed change.

- Consideration of the effect of the proposed change on the Federation and the Employee's department.
- Whether a previous application for flexible working has been made and if so the date of that application.

For ease, any formal flexible working request should be made using the Flexible Working Application Form which is available from School Business Manager. All sections of the form should be completed.

Receipt of the request will be acknowledged by the Executive Headteacher.

Where necessary, the Executive Headteacher will arrange a meeting with the Employee to discuss the matter as soon as is reasonably practicable and, wherever possible, no later than 28 calendar days after the application has been received. The Employee will receive at least 48 hours' notice of the meeting. The Employee is entitled to be accompanied to the meeting by a trade union representative or a colleague. Should the trade union representative or colleague be unavailable on the date arranged, then the meeting may be postponed for up to 7 calendar days in order to enable their attendance.

The Executive Headteacher will consider the application actively and positively. However, an application may be refused should the proposal result in one or more of the following:

- An unacceptable burden of additional costs to the Federation
- A detrimental effect on the Federation's ability to meet schooling standards and expectations
- An inability to re-organise work among existing Employees
- An inability to recruit additional Employees
- A negative impact on quality of teaching
- A negative impact on performance
- Insufficiency of work during the periods the Employee proposes to work
- Planned structural changes

## **FLEXIBLE WORKING MEASURES**

### 1. Varying Working Hours

Taking into account the factors described above, revised start and finish times may be agreed between the Employee and the Federation which routinely allow an Employee to begin work earlier/later than normal and to leave work at an earlier/later time than normal.

### 2. Part-Time Working

The Federation will consider requests from Employees who wish to work a reduced number of hours per week, either by reducing the number of working days in a week or the number of working hours in a day.

Such requests will be considered taking into account factors such as:

- The operational needs of particular roles

- The suitability of the Employee's role with regard to part-time working
- The ability of the Federation to re-distribute the tasks that would otherwise be performed if the role was continued on a full-time basis
- The need to maintain an appropriate balance between the numbers of full and part-time Employees within a department/section for the purposes of continuity.

### 3. Job Share

Job sharing is the term used when 2 or more people are employed to undertake the duties normally encompassed within a full-time position. Each Employee fully assumes the responsibilities associated with the job whilst they are at work but shares the employment benefits on a pro-rata basis proportionate to the number of hours each is contracted to work.

The Federation will consider written applications from Employees who wish to embark upon a job-sharing arrangement or who wish to apply for a vacancy on this basis. In such situations the Employees will be required to submit their plan regarding the way in which they are considering sharing a role, e.g. including how they would propose to allocate duties, maintain effective communication and continuity, how they will cover sickness and holiday absence, whilst distributing the workload between them.

*Job shares will be considered on a Monday to Friday morning/afternoon basis only to ensure no detrimental impact on pupil progress. This job share principle ensures consistency and accountability for literacy and numeracy teaching. In addition behaviours for learning can be managed on a consistent basis.*

The factors that will be considered by the Federation when considering such a request may include:

- The operational needs of particular departments/sections and whether these may be impacted by such an arrangement.
- The suitability of the role to be efficiently and effectively fulfilled by Employees with such an arrangement.
- The suitability of the job share applicants to perform the role in question.
- The practical arrangements including the compatibility of Employees and communication arrangements that will be applied so that there is no disadvantage to the Federation in allowing the job share.
- The need to maintain an appropriate consistency of approach and continuity of work in progress and the extent to which this can be achieved within the job share arrangement, including sickness or holiday absence.

Those Employees who work on a job share arrangement will receive the salary and benefits which are appropriate to the role, pro-rated according to the proportion of the normal working week for the role that they undertake. Arrangements in respect of terms will be in accordance with those provided for other part time Employees within the Federation.

There may be a requirement for job share Employees to cover any pre-booked and/or pre-notified absence of the person with whom they share the job. This requirement will be

explained and detailed in writing in their revised contracts of employment. Employee should ensure that necessary arrangements are in place to accommodate these arrangements. Operational requirements within certain positions may necessitate specific working practices such as completion of duties or handover period. Where these apply they will be fully explained and documented for the Employee concerned.

#### Arrangements Should a Job Sharer Leave the Federation

Should an Employee who is part of a job share arrangement leave the Federation's employment, the Federation may:

- Invite the remaining job-sharing partner to take on the role on a full-time basis; or
- Attempt to recruit a suitable job-sharing partner to fill the vacated element of the job share; or
- If no suitable job-sharing partner can be found, request that the remaining partner considers any alternative employment that may be available within the Federation.

If alternative employment is not available or not accepted by the remaining job share partner their employment with the Federation may be terminated.

#### **ACCEPTANCE OF APPLICATION**

If the application for flexible working is accepted, the Employee will be informed in writing, usually within 14 calendar days of the meeting, of the specific terms and conditions relating to the agreed working arrangement. The Employee will also receive an amendment to their contract of employment detailing the new terms. Written acceptance of these terms and conditions will be required prior to the working arrangements starting to operate.

Except where it has been agreed that the change to working arrangements is for a certain period of time or a trial period applies, agreed changes to working arrangements will be permanent and the Employee is not entitled to revert back to any previous working arrangement without the agreement of the Federation.

#### **REJECTION OF APPLICATION**

If the application is refused the Employee will be notified in writing, usually within 14 calendar days of the meeting. The notification will:

- State the ground(s) for refusing the application.
- Provide a sufficient explanation as to why the ground(s) for refusal applies in the circumstances.
- Provide details of the Employee's right to appeal.

#### **TEMPORARY CHANGES TO WORKING ARRANGEMENTS**

Where a formal application for a permanent change is made under the Flexible Working procedure, the Federation may offer a temporary change/trial period to assess the impact. If the offer is accepted, the Flexible Working request will be suspended by agreement to the end of the temporary change/trial period.

#### **TRIAL PERIODS**

All variations which are agreed, whether in terms of location, working hours or part-time working, must be clearly documented in order for the appropriate contractual changes to be confirmed by the Executive Headteacher.

In the majority of cases, any agreed new arrangements for an individual Employee will be introduced for a trial period. Trial periods will be regarded as Temporary Changes to Working Arrangements as above.

A trial period would normally last no longer than 6 months, but will be determined on a case-by-case basis, dependent upon the nature of the change and the role being performed by the Employee. The Head of School and/or Executive Headteacher should hold regular meetings/discussions with the Employee during and at the end of the trial period, to discuss the suitability of the revised working arrangements and to agree any necessary adjustments. If on completion of the trial period, the Executive Headteacher and/or the Employee determine that the new arrangements are inappropriate and no suitable adjustments can be made to the arrangements, then the Employee will be required to revert to the terms and conditions that previously applied. Such amendments to arrangements will also be confirmed in writing to the Employee. Any Employee shall have the right to appeal against any such decision and should do so using the Appeals procedure in Section 14.

The revised arrangements will be subject to ongoing periodic review. The impact on an Employee's job performance will also be monitored.

#### **TERMS AND CONDITIONS**

Pay and benefits will be pro-rated according to the proportion of the normal working week/time frame that it has been agreed that the Employee will work in the new working arrangement, including (as applicable) without limitation:

- Pay
- Sick Pay
- Pensions
- Holidays/Holiday Pay

Holiday and sick pay will be paid for the time the Employee is absent during what would otherwise be their normal working hours. For example, if their working arrangement is that they work 3 hours a day they will be paid holiday for 3 hours.

All other terms and conditions will be as for full time Employees.

#### **APPEALS PROCEDURE**

If the application is refused, and the Employee wishes to appeal, they must do so in writing to the Chair of Governors setting out their reasons for appeal, within 7 calendar days of receiving the notification.

The appeal meeting will usually be held within 14 calendar days of the appeal being received and the Employee should be informed of the outcome of the appeal in writing within 14 calendar days of the meeting.

If the appeal is upheld the Employee will be informed in writing of the specific terms and conditions relating to the agreed flexible working arrangement. The terms will also be set

out in the amendment to the contract of employment the Employee receives. Signed acceptance of these terms and conditions will be required prior to the flexible arrangements starting to operate.

If the appeal is not upheld the Employee will be informed in writing of the grounds for the decision, with an explanation as to why the grounds for refusal apply in the circumstances.

Written notice of the appeal outcome is the Federation's final decision and is the end of the formal procedure under this right to request flexible working.

### **WITHDRAWING A REQUEST**

An Employee who withdraws their application will not be eligible to make another formal request for flexible working for 12 months from the date on which their application was made. Any withdrawal must be confirmed in writing.

In cases where an Employee fails to attend a meeting on two occasions without reasonable cause, or where the Employee unreasonably refuses to provide the Federation with sufficient information for the Federation to consider a request for flexible working, the Federation may treat their request as having been withdrawn and shall confirm this in writing to the Employee.

### **UNRESOLVED REQUESTS**

Disputes about requests should be resolved through the procedure detailed in the Grievance Policy.

### **RESPONSIBILITIES**

The Employee is responsible for:

- Submitting a fully completed Flexible Working Request to the Federation in writing ideally at least 3 months' prior to the date they would like the contract variation to start.
- Not submitting more than one request in a 12 month period.
- Attending any training necessary if a change in position has been necessary in order to accommodate their new working arrangements.
- Signing and returning their revised terms and conditions (if applicable) promptly and in good time prior the proposed change.

The Head of School is responsible for:

- Acknowledging receipt of the request on behalf of the Federation.
- Considering the Employee's application and discussing it with any relevant representatives before making a decision.
- Arranging a meeting with the Employee within a reasonable time which, wherever possible, will be within 28 calendar days of the request being received.
- Obtaining approval for the request at the appropriate level .



- If necessary, raising relevant paper work detailing revised terms and conditions such as holiday entitlement, salary, hours worked and break entitlements.
- Arranging any training the Employee may require.
- Ensuring that the appeals procedure is followed when necessary.
- Checking that all health and safety requirements, if applicable, have been satisfied prior to the start of the new working arrangement.

The Executive Headteacher is responsible for:

- Assessing that the application meets the criteria defined within this Policy.
- Attending a meeting with the Employee arranged by the Head of School within a reasonable time which, wherever possible, will be within 28 calendar days of the application being received.
- Ensuring that the Federation's decision on the request is communicated in writing to the Employee no later than 14 calendar days after the above meeting has taken place.
- If necessary, ensuring a statement of revised terms and conditions such as holiday entitlement, salary, hours worked and break entitlements is issued to the Employee.
- Where appropriate, ensuring an amendment to the contract with revised terms and conditions is issued to the Employee. A signed copy must be returned from the Employee prior to the start of the new working arrangement.
- Ensuring a copy of the initial written request, Federation decision and, where appropriate, new contract are held in the Employee's personal file.
- Ensuring that, if the request is refused that it is documented appropriately and is for one of the reasons listed under 'Principles Of The Policy' above.
- Ensuring compliance with this Policy, in particular the appeals procedure if it is initiated.

#### **PROTECTION AGAINST DETRIMENT OR DISMISSAL**

No Employee will be penalised, victimised or dismissed for making an application to work flexibly under this Policy or for having their application granted.

Employees who believe that they are being subjected to any unfair treatment or detriment as a result of having made a request for flexible working or having had such a request granted, should use the Federation's grievance procedure to take the issue forward.

#### **TIME LIMITS**

Whilst the Federation's intention is to always ensure that applications are dealt with without unreasonable delay, the time limits referred to in this Policy are given as guidance only and may be varied depending on the circumstances, save that the overall time frame for dealing with an application (including any appeal) shall not exceed 3 months from the date of the Employee's initial application unless a time extension has been agreed by the Employee and the Federation.

**Flexible work request form**

This form is to be used by eligible employees requesting flexible working in conjunction with our Flexible Working Policy. Please refer to our Flexible Working Policy prior to making an application, to determine if you are eligible. Please complete this form well in advance of the date that you wish the change to take effect from (ideally 3 months) and ensure you complete this form in full. Please provide as much information as you can about your requested working pattern to assist us in the decision making process.

**Name:** .....

**Job Title:** .....

**Start date:** .....

**Date of application:** .....

**Date of any previous application (s):** .....

**Describe your current working pattern (days/hours/times worked/location):**

**What is the reason for the request?**

**Describe the work pattern you would like to work in the future (days/hours/times worked/location):**

**I would like the above change(s) to my working pattern to take effect on..... (Enter date, giving as much notice as possible.)**

**Describe how you see the change in the working pattern affecting the business and your colleagues and how you suggest these effects can be managed: (E.G. Please state what you believe the effect will be on the changes to the number of people covering at a particular time. Effects may be positive as well as negative)**

**Please state how you think any such effect might be dealt with:**

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

- I am an employee
- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Employee's signature: .....

Date: .....

Head of School's signature: .....

Date Received: .....

Head of School:

- Sign and date this form upon receipt
- Contact Executive Headteacher immediately to discuss the application
- Provide Executive Headteacher with a copy of the signed application form.