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**Flexible Working Policy and Procedure for Schools**

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| **Version** | **DATE** | **DESCRIPTION** |
| 1 | 04/01/2023 | Converted Flexible Working procedure into policy format |
| 2 | 01/04/2024 | Updated in accordance with new legislationLegislation and guidance – link to the updated Flexible working ActChange of Scope – Day one right to request a flexible working patternRight to make 2 requests in any 12 months rolling periodRemoval of the request for employee to state the effect the change would have on the school. |

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**1. Policy Statement and purpose**

School/Trust name is open to flexible working and the benefits it provides. We recognise that offering flexible working has the potential to:

* Improve staff’s work-life balance and help them manage their work around other responsibilities
* Reduce staff stress and have a positive impact on wellbeing
* Raise morale and improve staff motivation, performance and productivity
* Reduce staff absence and help improve retention by creating new opportunities and ways of working
* Allow us to recruit from a wider pool of talent that includes people with different lifestyles, experiences and perspectives

We are an equal opportunities employer, and we recognise the contribution that flexible working makes to this ongoing commitment.

# 2. Legislation and guidance

This policy meets the requirements of:

 [Employment Relations (Flexible Working) Act 2023 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2023/33/enacted)

[Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/contents)

[Employment Rights Act 1996](https://www.legislation.gov.uk/ukpga/1996/18/contents)

It also reflects best-practice guidance set out in:

[The Department for Education’s (DfE’s) guidance for flexible working in schools](https://www.gov.uk/government/publications/flexible-working-in-schools/flexible-working-in-schools--2)

[The Advice, Conciliation and Arbitration Service (ACAS)’s code of practice on handling in a reasonable manner requests to work flexibly](https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html)

# 3. Scope

This policy applies to all staff employed by our school, including part-time employees. It does not apply to agency staff and self-employed contractors. Staff members have the right to make a statutory request for a flexible working arrangement if they have not made two previous requests within the past 12 months.

**4. What is meant by flexible working?**

4.1. Recent changes in legislation extend the right to apply for flexible working to all employees. The changes to their working pattern that employees may request are:

* The number of hours they are required to work
* The times they are required to work
* Where they are required to work – at home or from the school

 This will cover working patterns such as:

* Compressed hours
* Flexitime
* Home working
* Job sharing
* Self-rostering
* Staggered hours
* Term-time working

4.2. Applications for a change in working pattern may not always require significant alteration. For example, an employee may simply wish to start work half an hour later.

**5 Who does it apply to?**

5.1. The right applies to all employees who:

* Have not made more than two previous applications to work flexibly under the right during the past 12 months.

5.2. Employees may only count continuous service with Wokingham Borough Council and not previous service with other local government bodies.

**6 How to Apply**

6.1. Employees must apply in writing using the form, giving the following information:

* State whether a previous application has been made
* Set out the change applied for and the date they wish it to begin
* Sign and date the form.

6.2. If the application is accepted this will mean a permanent change to an employee’s terms and conditions of employment. Therefore, an employee needs to give careful consideration to their requested working pattern. They should also consider that it might involve a drop in salary or have a detrimental effect on the service they provide.

**7. The Manager’s Responsibility**

7.1. The Headteacher must consider the request seriously and arrange a meeting within 21 calendar days of receiving the application, wherever possible (see point 7.4). The meeting will provide an opportunity to discuss the requested work pattern in depth and how it can be accommodated. An employee may be accompanied by a work colleague or trade union representative. The colleague may ask the meeting questions and confer with the employee but is not permitted to answer questions on behalf of the employee.

7.2. The Headteacher must inform the employee of their decision within 10 days after the meeting. If a change is agreed the Headteacher must set out the agreement and date from which it takes effect using the form.

7.3 If the application is refused the Headteacher must inform the employee setting out the grounds for refusal. The only valid grounds for refusal are:

* The burden of additional costs
* A detrimental effect on the ability to meet customer demand
* The inability to re-organise the work among existing staff
* The inability to recruit additional staff
* A detrimental impact on quality
* A detrimental impact on performance
* Insufficient work during the periods the employee proposes to work
* Planned structural changes.

 The Headteacher must also provide an explanation of why the business reason applies in the circumstances.

7.4 If at any stage the Headteacher needs more time to consider the request, for example to consider alternative work patterns he or she may extend the time limit in agreement with the employee. Time limits will be automatically extended where the Headteacher is absent due to sickness or annual leave/school holidays when the application is received. The 21-day period begins when the Headteacher returns to work.

**8. The Appeal**

* An employee may appeal against the Headteacher’s decision. Any appeal will be heard by a panel of governors. The appeal must be made in writing setting out the grounds of appeal within 7 days after the date they were notified of the decision.
* If the Headteacher decides to accept the request, they must notify the employee of the change and the date it takes effect within 14 days after receiving the employee’s notice of appeal.
* If the Headteacher does not accept the request an appeal meeting heard by a panel of governors must be held within 14 days of receiving the employee’s notice of appeal.
* The Appeal Panel must notify the employee of the result of the appeal within 7 days after the date of the meeting. If the request is accepted the employee must be informed of the change agreed to and the date on which it is to take effect.
* An employee will have the right to be accompanied at the appeal by a colleague who also works for the school or a trade union representative. The colleague will have the right to address the meeting and confer with the employee during the hearing but will not be permitted to answer questions on the employee’s behalf.
* If the employee’s colleague cannot attend on the date proposed for the hearing, then the meeting must be postponed to a date convenient to all parties providing this is within 7 days beginning the day after the original date.

**9. Withdrawing the Application**

 If the employee withdraws the application the Headteacher should write and ask for this to be confirmed in writing using the relevant form. The application can also be treated as withdrawn if the employee fails to attend a meeting more than once without a reasonable explanation or unreasonably refuses to provide the information the Headteacher requires determining whether the change to the employee’s working pattern can be agreed to. Where this occurs the Headteacher must write to the employee to confirm that the application has been withdrawn.

# Flexible Working Flow Chart

Headteacher receives application for flexible working

**Within 21 days**

Headteacher and employee meet to discuss the application

**Within 10 days**

Both the employee and the Headteacher will need to consider what arrangements they need to make for when the working pattern is changed

The Headteacher writes notifying the employee of the decision

**Request is accepted**

 **Request is accepted**

**Request is rejected**

The employee needs to decide if they wish to appeal against the Headteacher’s decision. If so, they must appeal in writing setting out the grounds for their appeal.

**Within 7 days**

Governors receive the employee’s written appeal

**Within 14 days**

Governors and employee meet to discuss the appeal.

**Within 14 days**

The Governors write notifying the employee of the decision

Both the employee and the Headteacher will need to consider what arrangements they need to make for when the working pattern is changed.

 **Appeal is accepted**

**Request is rejected**

Notify employee in writing.

**APPLICATION FOR FLEXIBLE WORKING – Appendix 1**

**Note to Employees**

It will help your Headteacher to consider your request if you provide as much information as you can about the working pattern you require.

**Note to Headteacher**

You have 28 days after the day you received this application in which to respond. Please confirm receipt using the attached confirmation slip.

1. **Personal Details**

**Name:……………………………………………**

**Manager:…………………………………………………………………….**

* I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided by law.
* I have not made more than two requests to work flexibly under this right during the past 12 months.

**2a. Describe your current working pattern (days/hours/times worked):**

**2b. Describe the working pattern you would like to work in future (days/hours/times worked):**

**2c. I would like this working pattern to commence from Date: ………………….**

Name: ………………………………………………………. Date: ……………………………….

**Please pass this Application Form to your Headteacher**

**……………………………………………………………………………………………………..**

Cut this slip off and return it to your employee to confirm receipt of the application.

#### Confirmation of Receipt of Application

To (Employees Name):……………………………………………….. I confirm that I received

your request to change your work pattern on Date: …………………………………………….

I shall be arranging a meeting to discuss your application within 21 days following this date. In the meantime, you might want to consider whether you would like a fellow employee to accompany you at the meeting.

From: ……………………………………………………………………

**FLEXIBLE WORKING APPLICATION ACCEPTANCE FORM – Appendix 2**

**Note to Headteacher**

You must write to your employee within 10 days following the meeting giving your decision.

To (Employee’s Name): ………………………………………………………..

Following the receipt of your application on: Date: ……………………………………………

I have considered your request for a new flexible working pattern.

[ ] I am pleased to confirm that I am able to accommodate your application.

[ ] I am unable to accommodate your original request. However, I am able to offer the alternative pattern, which we discussed, and you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working pattern will begin from: Date ………………………………………………..

**Note to employee**

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment.

If you have any questions regarding the information given on this form please contact me to discuss them as soon as possible.

Headteacher’s name: …………………………………….. Date: ……………………………..

**FLEXIBLE WORKING APPLICATION REJECTION FORM – Appendix 3**

**Note to the Headteacher.**

You must write to your employee within 10 days following the meeting giving your decision.

To (Employee’s Name): ………………………………………………………

Following receipt of your application and our meeting on: Date: ……………………….

I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your original request or any alternative working patterns we discussed on the following ground(s):

The grounds apply in the circumstances because:

You have the right to appeal this decision. If you wish to appeal this decision, please complete the Flexible Working Appeal Form. You have the right to be accompanied at the appeal by a colleague who also works for the school or a trade union representative.

**You have the right to submit an application for a flexible working pattern twice in any 12-month rolling period.**

Headteacher’s Name: ………………………………….. Date: ……………………

**FLEXIBLE WORKING APPEAL FORM – Appendix 4**

**Note to the Appeal Panel**

You must respond to this appeal within 14 days of receipt to arrange a meeting to discuss

the appeal.

To (Clerk to the Governors): …………………………………………………

I wish to appeal against the decision to refuse my application for flexible working. I am appealing on the following grounds:

Employee’s Name: …………………………………………..Date: …………………….

**FLEXIBLE WORKING APPEAL REPLY FORM – Appendix 5**

**Note to the Appeal Panel**

You must return this form to your employee, giving notice of your decision, within 14 days after

the appeal meeting.

To (Employee’s Name): ………………………………………………………

Following our meeting on: Date: …………………………………………….

We have considered your appeal against the decision to refuse your application to work a flexible working pattern.

We accept your appeal against the decision. We are therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from: Date: ………………………….

**Note to the Employee**

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment.

We are sorry we must reject your appeal on the following grounds:

The ground(s) apply because:

Name:……………………………………………………. Date:……………………………….

**FLEXIBLE WORKING NOTICE OF WITHDRAWAL – Appendix 6**

**Note for Employees**

You may use this form if you wish to withdraw your application to work a new flexible working pattern. Once you have withdrawn your application, you will be able to make one more application within 12 months from your original application.

**You have the right to submit an application for a flexible working pattern twice in any 12-month rolling period.**

To (Headteacher): …………………………………………………………………………………..

I wish to withdraw my application to work flexibly which I submitted to you on ……………….

Name: …………………………………………………………. Date: ……………………………….

#### Note to Headteachers

Once your employee has completed and returned this form to you, the application is considered as withdrawn.

Please complete the slip below and return it to your employee to confirm your receipt of the withdrawal notice.

**N**

**……………………………………………………………………………………………………..**

*Cut this slip off and return it to your employee to confirm your receipt of their withdrawal notice.*

To (Employee’s Name): …………………………………………………………………………

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on: Date:…………………………………………………

You will be able to submit one/no more (DELETE AS APPROPRIATE) application/s within 12 months of the above date.

Name: …………………………………………………………. Date: ……………………………