

Model policy for schools - Flexible Working

Introduction

1. This Oxfordshire model policy has been drawn up following consultation with the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison.
2. Advice and support on the application of this policy is available from the Schools' HR team by telephone: 01865 797588 or email: schoolshr@oxfordshire.gov.uk
3. This policy applies to all employees working in schools.
4. Where an academy adopts this policy the word 'school' should be taken to refer to the academy.
5. The term 'relevant body' has been used throughout this policy. In maintained schools this is the governing body. The differing structures of academies means that the academy trust will need to define the relevant body for the purposes of this policy.

Policy

6. The school recognises that people work more effectively when they are able to strike a healthy balance between their work responsibilities and other aspects of their lives.
7. The school will consider all requests for flexible working, ensuring that the needs and priorities of the school can be met before agreeing to any new arrangements.
8. The nature of the work in schools means there can be limited flexibility in some roles, but managers will work with employees to try and identify solutions, where possible, that suit both the individual and the school.

Common types of flexible working

- Part Time working.

- Term time working - getting paid for the 38 or 39 weeks of term time worked, plus annual leave entitlement. The employee is paid monthly with pay spread evenly over the twelve months.
- Work times and patterns different from the standard school working hours.
- Compressed hours - where an employee works their normal contractual hours over fewer days than the standard work pattern.
- Annualised Hours - the employee is contracted to work a certain number of hours over the year but has some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.
- Job Sharing Scheme - a full time job is split between two people, each sharer working half the hours, undertaking a proportion of the duties and receiving proportionate pay and benefits. Job sharing requires a high level of co-operation and communication between the sharers.
- Home Working - it may be possible for employees to achieve more flexibility and a better work/life balance by working some of their time from home.

Who can apply to work flexibly?

9. Any employee with 26 weeks continuous service with the employer.
10. Employees can make one application a year. Each year runs from the date when the application was made.
11. Managers have discretion to agree to consider another request during a year. This may be appropriate where requests are declined due to changes expected in the school but the manager agrees to consider another request once the changes have taken place.

Procedure for requesting flexible working

12. There is no legal obligation to agree to requests for flexible working but the law does require managers to objectively consider all requests.
13. To apply for flexible working employees must fill in a flexible working application form setting out:
 - The change to working arrangements they are seeking and when they would like the change to come into effect.

- What effect they think the requested change would have on the school and how, in their opinion, any such effect might be dealt with.
- That the request is a statutory request and if they have made a previous application for flexible working the date of that application.

14. Requests for flexible working cannot be considered without this information being provided in writing.
15. The application form must be sent to the employee's line manager or headteacher. Requests from headteachers should be sent to the Chair of the relevant body.
16. By law, requests must be dealt with within three months from receipt, including any appeal. The time scales set out in paragraphs 19 - 28 comply with this requirement.
17. The three month period can be extended by mutual agreement between the manager and the employee. An extension could, for example, be used to trial new arrangements before the manager makes a final decision.
18. Within 28 days of receiving the application, the employee's manager will arrange to meet with them to discuss the request. This discussion may be held on the phone if a meeting is not practical.
19. The meeting provides an opportunity to consider the employee's request and explore how it may be accommodated. Some flexibility may be required to explore alternatives or a compromise.
20. Employees can be accompanied to the meeting by a work colleague or trade union representative if they wish.
21. The manager will write to the employee to notify them of their decision within 14 days of the date of the meeting. Where a request is rejected the reasons will be given and the employee will be reminded of their right of appeal.
22. Managers can only refuse requests for the following reasons:
 - The burden of additional costs is unacceptable for the school
 - Work can't be reorganised amongst existing staff
 - An inability to recruit additional staff
 - The new arrangements would have a detrimental impact on quality

- The new arrangements would have a detrimental impact on the performance of the individual, team or school
- A detrimental effect on ability to meet pupil/student needs or work demand
- There is insufficient work for the periods the employee proposes to work
- The school is planning structural changes to the workforce

23. A four week trial period for the new arrangements can be agreed.

24. Where flexible work arrangements are approved they will normally constitute a permanent change to the contract of employment, with no automatic right to change back to the previous work pattern.

25. Agreement can be given for flexible work arrangements to be for a temporary period, allowing the employee to return to their normal working pattern or hours on an agreed date.

Appeals

26. Where an application is refused employees should speak with their manager to understand the reasons. There may be some simple misunderstanding which can be resolved.

27. Employees have the right to appeal against a decision to refuse an application. The grounds for appeal must be set out in writing within 10 days of receiving the decision. The appeal will be dealt with within 21 days. The employee has the right to be accompanied by a work colleague or trade union representative to any appeal meeting.

Dealing fairly with multiple or competing requests for flexible working

28. Requests will be considered in the order they are received. Having considered and approved one request, it does not follow that subsequent requests will be agreed. Managers will consider each application in the context of the school at the time.

29. Where multiple requests are received at the same time, priority will be given to employees whose request is due to:

- Ill health or disability where flexible working would help the employee attend or remain in work.

- Caring responsibilities - the school recognises that many staff, in addition to work, have unpaid caring responsibilities for relatives, children, and friends who need support due to illness, disability or frailty.
- Child care arrangements.

30. Where these factors do not exist, requests will be treated on their own merits looking at the business case, the impact on the school and the possible impact of refusing a request.

Other options

Other policies are available that may help employees to achieve the flexibility they need in the short term.

- Parental Leave Scheme
- Emergency and Special Leave Scheme
- Unpaid Leave

31. This policy is reviewed regularly and has been subject to an equality impact assessment.

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