# SCHOOL FLEXIBLE WORKING POLICY

**Mae'r ddogfen hon ar gael yn Gymraeg. This document is available in Welsh.**

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## SECTION 1 - INTRODUCTION

### POLICY STATEMENT

1. Under provisions set out in the Employment Rights (Flexible Working) Act 2023, all employees will have the right to request flexible working from day one of a new job.

2. This flexible working policy and its related guidance within the flexible working toolkit provides an opportunity to link flexible working to the governing body's values and vision.

3. This policy will enable the headteacher and governing body to manage written requests from employees to change their work pattern consistently and make it easier to communicate information on the statutory ‘right to ask’ in a transparent manner to all employees requesting a variation in contract.

4. This policy and procedure reflects, and is consistent with, the ACAS Code of Practice on 'The Right to Request Flexible Working' 2023.

### AIMS AND OBJECTIVES

The aims of this policy are to:

5. Ensure all written requests are treated fairly and consistently in the application of this policy.

6. Provide quicker and better performing services whilst supporting employee’s health, wellbeing and job satisfaction.

7. Ensure that headteachers, employees and governors are aware of their rights, responsibilities and obligations within the flexible working procedure.

### SCOPE OF THE POLICY

8. Statutory requests to work flexibly will be accepted from all employees regardless of age, disability, gender reassignment / affirmation, marriage and civil partnership, pregnancy and maternity (including same sex), race, religion or belief, sex, sexual orientation and Welsh language. It does not apply to centrally employed employees (catering, cleaning, grounds maintenance, repairs and building maintenance employees) working within schools as council policies and procedures will apply to them.

## KEY PRINCIPLES

9. There is no automatic entitlement to flexible working, only the statutory 'right to ask' for flexible working. Employees shall not suffer any detriment for exercising their right to ask for flexible working.

10. All requests will be accommodated wherever practicable. However, service provision, team and individual performance must not be negatively affected by flexible working.

11. A flexible working request must be in writing. Employees will be able to make two flexible working requests in any 12 month period.

12. An employee may have only one live request for flexible working with the same employer at any one time. A request is live unless any of the following apply:

- a decision on the request has been made by the employer
- the request is withdrawn
- an outcome to the request has been mutually agreed by the employer and employee
- the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome

A request continues to be live during any appeal or any extension to the procedure that an employer and employee have agreed.

13. A successful request for flexible working will result in a permanent change to the employment contract following any specified trial period, unless there are exceptional circumstances e.g. where there is a temporary need to reduce hours i.e. to fulfil caring responsibilities.

14. Flexible working requests must not be rejected without first consulting the employee. Headteachers should have a formal meeting with the employee after receiving the request. The meeting should be held without unreasonable delay.

15. Any employees wishing to reduce their working hours should seek prior advice from the Council's Pension Section (pensions@cardiff.gov.uk) so that the impact on their Local Government pension benefits can be clarified. Teachers will need to contact Teacher's Pensions (www.teacherspensions.co.uk). Requests for flexible retirement can be made using the Flexible Retirement Policy and Procedure.

16. In the case of a job share arrangement should one post sharer leave, the remaining hours of work may, at the discretion of the headteacher, be offered to the remaining post sharer if they wish to increase their hours or work full-time. This cannot apply where the previous reduction in hours was due to a successful flexible retirement application.

17. There is no automatic right to continue with flexible working arrangements should an employee change their post within the school. However, an employee can make a flexible working request in their new post in line with this policy.

## SECTION 2 – ROLES AND RESPONSIBILITIES

### Roles and Responsibilities

2.1 It is important that everyone clearly understands their roles and responsibilities.

### Employee Responsibilities

2.2 All school employees are responsible for:

- Recognising that there is no automatic entitlement to flexible working, only the 'right to request'.
- Recognising that headteachers and governors will need to consider the impact on the school including other employees in responding to any requests.
- Being flexible in working with colleagues to ensure that the needs of pupils, the school and other employees are achieved.
- Co-operate with management in the effective implementation and monitoring of the policy.
- Submitting an appeal, if required, against the rejection of a flexible working request within 7 calendar days of receiving written confirmation of this.

### Headteacher/ Responsibilities

2.3 In addition to their responsibilities as employees, headteachers are also responsible for:

- Operating the policy fairly and reasonably with no detrimental effect on curriculum provision.
- Complying with legislative requirements in ensuring all requests, including any appeals, are decided within a period of two months from the date when the headteacher first receives the request, unless the headteacher and employee agree to extend this period.
- Ensuring all reasonable adjustments agreed for employees are factored into the consideration of flexible working requests.
- Ensuring that the working patterns of employees meet the needs of pupils, the school and employees and do not have a detrimental effect on their colleagues.

- Ensuring that when the operation of flexible working hours in line with the employee's initial request is not practicable, every effort is made to providing maximum flexibility, in accordance with the needs of pupils, the school and employees.

**The Committee's Responsibilities are to:**

- Familiarise themselves with the school flexible working policy and toolkit.

- Comply with legislative requirements in ensuring all requests, including any appeals, are decided within a period of two months from the date when the headteacher first receives the request, unless the headteacher and employee agree to extend this period.

- Ensure that the clerk accurately records the committee's discussions and decision in writing and the reasons for the decision and presents accurate minutes.

**The Clerk's Responsibilities are to:**

- Familiarise themselves with the school flexible working policy and toolkit.

- Arrange the date, time and place for the appeal hearing, seeking agreement to dates from members of the committee, the member of staff, their trade union representative/companion and the headteacher.

- Distribute all documentation required for the appeal hearing.

- Record the proceedings in the form of minutes (including deliberations by the committee), decisions and reason for those decisions.

- Record all procedural advice.

**HR People Services Responsibilities are to:**

- Attend all staffing/personnel committee meetings and all flexible working appeals as required.

- Provide advice and support to headteachers, governors and employees as required.

- Issue the employee with a variation of contract letter, where applicable.

- Make the necessary amendments to employee's pay (where applicable).

## SECTION 3 - FLEXIBLE WORK PATTERNS

3.1 Flexible working offers the option of changing the working pattern of employees e.g. the periods during which work is done, the days on which work is done, and/or the number of hours worked per week. These include:

- **Part Time working** - working less than the normal full-time school working week.
- **Term Time working** - working only during school terms.
- **Compressed working week** - working full-time hours but over fewer days. Can increase workload implications for the reduced number of days.
- **Change to normal days worked** - where it is agreed to amend the employee's current contractual working pattern i.e. change of days or times.
- **Post share** - two people share the hours and duties of one full-time post between them on a pro-rata basis during the normal working period. The hours can be split on an even or uneven basis but consideration should be made to the delivery of the service.

## SECTION 4 – PROCEDURE

### Making an application

4.1 Employees are encouraged to discuss flexible working requests informally with their headteacher in the first instance.

4.2 A flexible working request must be made in writing using the school application for flexible working form, which includes the following:

(a) The date of the application, the change to work pattern being sought and when the employee would like the change to come into effect.

(b) A statement that this is a statutory request, if and when a previous application for flexible working has been made and if circumstances have changed.

4.3 To allow for advertising, interviewing and appointment procedures to be followed, applications to post share should be submitted no earlier than 12 weeks before the proposed start date, including where an employee is on maternity leave.

## Handling the Request

4.4 The headteacher will arrange a meeting upon receipt of the request, with the employee concerned. The meeting should be minuted and made available for the appeal.

4.5 The employee has the right to be represented by a companion at this meeting. A companion is defined as an employee of the Council, a trade union representative or any official employed by a trade union.

4.6 The headteacher, in consultation with the chair of governors will consider any written request for flexible working. HR People Services will provide advice and guidance where requested.

4.7 When carefully considering requests for flexible working the following factors will be taken into consideration:

- The needs of the school
- The cost implications
- The Working Time Regulations
- Health and Safety Requirements
- Supervision arrangements and methods for monitoring performance
- Training needs and provision
- Impact on other employees

## Deciding on a Request

4.8 If the headteacher is able to accept the request in full (or in principle subject to any recruitment requirements/governor approval) they must confirm their decision in writing to the employee within 14 calendar days of the meeting and detail in the letter the arrangements that will be made, including a start date for the new working arrangements.

4.9 If the headteacher is not able to accept the request in full, they will convene a meeting of the staffing/personnel committee. The employee can attend the meeting to make representations along with their companion.

4.10 In providing the decision made with regard to the request, the committee will either;

- Accept the request in full (or in principle subject to any recruitment requirements) and detail in the letter the arrangements that will be made, including a start date for the new working arrangements.
- Even where the committee plans to accept a request, it is good practice to offer the employee a meeting. This can help make sure that all relevant information is understood so that an appropriate arrangement is agreed and implemented well.

- Reject the request as it was made but confirm a mutually agreed alternative, which will be detailed, including a start date for the new working arrangements. The committee will outline the reasons why the original request could not be accommodated and will also outline the appeal procedure in this letter.

- Reject the request in full. The committee will detail for the employee the business reasons why the request could not be accommodated for one or more of the following reasons and outline the appeal procedure in the letter.

  - The burden of additional costs is unacceptable.
  - An inability to re-organise work among existing employees.
  - An inability to recruit additional employees.
  - The change will have a detrimental impact on quality.
  - The change will have a detrimental impact on performance.
  - The change would have a detrimental effect on the school's ability to meet pupil demand.
  - Insufficient work for the periods the employee proposes to work.
  - A planned structural change to the school.

**Trial Periods**

4.11 Flexible working can be trialled for a specified period of time if it is uncertain whether the arrangement will work in practice. Where a trial basis is agreed, the headteacher shall specify in writing the length of the trial period and arrange a meeting with the employee to discuss its success at least 14 calendar days before the end of the trial period. Trial periods can range from 3 to 6 months.

**Appeals**

4.12 The employee can appeal against the decision made by writing to the clerk to the governing body, outlining the reason for the appeal. The appeal must be made within **7 calendar days** of the date of the letter giving the decision.

4.13 The grievance appeal committee will meet with the employee and their companion upon receipt of the appeal.

4.14 A decision regarding the appeal must be considered objectively and will be given to the employee, in writing, following the appeal meeting. If the appeal is unsuccessful, the reasons for that decision will be given with no further right of appeal.

# SCHOOL APPLICATION FOR FLEXIBLE WORKING

| EMPLOYEE USE: | |
|---|---|
| Name: | Employee. No.: |
| Post Title: | Headteacher: |
| School: | |
| Home Address: | |
| Post Code: | Home Telephone Number: |

**Please consider and answer the following questions:**

**Date you have made a previous request for flexible working?**

**What change to working conditions are you seeking?**

**Date you would like this change to come into effect?**

I confirm that I have read and understood the School Flexible Working Policy and accompanying School Flexible Working Toolkit. I understand that there is no automatic entitlement to flexible working, only the 'right to request' and that my application is subject to an assessment of suitability carried out by my Headteacher and a successful request will result in a permanent change to my employment contract.

| Signature: | Date: |
|---|---|

**When you have completed this form, please forward to your Headteacher.**

| HEADTEACHER USE: | |
|---|---|
| Agreed: ☐ | Not Agreed: ☐ |
| Signed: | Date: |
| Print Name: | |

**Your decision must be confirmed in writing within 14 calendar days outlining your reason and appeal procedure where applicable.**