

Barking & Dagenham

Flexible Working Guidance 2024 (Schools)

The guidance has been set out to support Head Teachers, School Business Managers and Governors on how to manage a request for flexible working.

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1. Introduction

This guide aims to explain what flexible working means, the process and how it can be used to help school employees achieve a better balance between their work and home life.

The Council and School recognises that a better work life balance can improve employee motivation, performance and productivity, and reduce stress.

Therefore, schools will need to give serious consideration to agreeing any flexible working arrangements, provided that the needs and objectives of both the school and the employee can be met.

2. What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

3. The Right to Request Flexible Working

- All employees have the legal right to request flexible working - not just parents and carers.
- Employees can apply for flexible working from the first day of employment and who must:
 - Be an employee, not an agency worker or member of the armed forces.
 - Not have made more than 1 other application to work flexibly under the statutory right during the past 12 months.
- Employees can only make 2 applications in any 12-month period, (and 1 application at a time), and these must be in writing and state that it is a statutory request for flexible working.

4. Types of Flexible Working

Job sharing: Two people do one job and split the hours.
Working from home: It might be possible to do some or all of the work from home or anywhere else other than the normal place of work.
Part time: Working less than full-time hours (usually by working fewer days).
Compressed hours: Working full-time hours but over fewer days.
Flexitime: The employee chooses when to start and end work (within agreed limits) but works certain 'core hours', for example 10am to 4pm every day.
Annualised hours: The employee has to work a certain number of hours over the year but they have 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.

Staggered hours: The employee has different start, finish and break times from other workers.

Phased retirement: Default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part time.

5. Submitting a Flexible Work Request

An eligible employee must complete the flexible working application form and submit to the school. Any request must include:

- The date of the application
- The changes that the employee is seeking to their terms and conditions
- Specify the date from when the employee would like the proposed change to come into effect
- Explain what effect, if any they think the proposed change may have on the school and how you can deal with any such effect
- State that it is being made under the statutory right to make a flexible working request
- State whether they have made any applications before and, if so, when.

6. Incomplete Applications

- Ask the employee to resubmit
- Tell the employee that you don't have to consider it until it is resubmitted (schools discretion)

7. Processing Applications

Once the school has received the application for flexible working, the following should be undertaken:

- Arrange a meeting within 21 working days (excluding school closures) to discuss the request. If it is difficult to arrange a meeting within this period, seek the employee's agreement to extend it. ***(Failure to hold a meeting within the 21-day period or any extension will be a breach of the procedure)***.
- At the meeting, the employee may, if they wish, be accompanied by a workplace colleague or a trade union representative.
- Seriously consider all statutory flexible working requests with the aim of deciding whether your business can accommodate the requested work pattern.
- If you cannot accommodate the requested working pattern, you may still wish to explore alternatives to find a working pattern suitable to you both.

8. Reaching a Decision

Notify the employee of your decision within 10 working days (excluding school closures) (if you need more time to consider the request, you must agree this with the employee).

The possible outcomes of this process are the following:

- That the application/work pattern can be accommodated in full and will be implemented as a permanent change
- That the application/work pattern can be accommodated in part, an explanation must be provided
- That the application/work pattern cannot be accommodated, an explanation must be provided

9. Refusing Flexible Working

If you refuse a flexible working request outright, you must put in writing the following:

- State which of the business grounds as per the below apply as to why you cannot accept the request.
- Provide detailed explanations of why the business reasons apply in the circumstances.
- Notify the right to appeal and set out the appeal procedure.

10. Grounds for Rejecting Flexible Working

The only grounds for rejecting a flexible working request are:

- Planned structural changes
- The burden of additional cost
- A detrimental impact on quality
- The inability to recruit additional staff
- A detrimental impact on performance
- The inability to reorganise work among existing staff
- A detrimental effect on ability to meet customer demand
- A lack of work during the periods the employee proposes to work

Note: All requests, including the appeal, must be considered and decided on within 2 months of the receipt of the original application, unless it has been agreed with the employee to extend this period.

11. Trial Periods

Where agreed, the proposed work pattern will be subject to a trial period of up to 3 months before any changes are made to the employee's contract. This is to see how the arrangements work in practice and impact on the service and work colleagues.

The Headteacher will confirm the arrangements for the trial period, including for a review at the end, in writing and notify the HR Service Desk before the start date so any payroll changes can be processed in time to avoid any overpayments / underpayments of salary.

Human Resources Reviewed and Revised 2024

At the end of the trial period a decision will be made as to whether the flexible working arrangements are successful or not. If it is clear that the arrangements are not working or need adjusting, this should be addressed promptly and not left to the end of trial period. If the trial period is:

- i) successful, a new contract will be issued.
- ii) unsuccessful, the application for flexible working will be considered to have failed and which must be confirmed in writing within 10 working days (excluding school closures) of the review meeting.

There is no right of appeal against the outcome of a trial period.

12. Appeal and Hearing

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal within 10 working days (excluding school closures) of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing.

These time limits may be extended with the agreement of both the employee and the school.

The school must hear the appeal within 14 working days (excluding school closures) of receiving the employee's grounds for appeal and should be heard by a different person i.e. Governor or a different manager. ***(It is recommended to arrange a panel of up to three governors to hear the appeal)***

Notify the employee of the outcome of the appeal in writing within 14 working days (excluding school closures) after the date of the meeting.

This is the final stage, there is no further right of appeal.

13. Complaints

There may be occasions where an employee feels that you have not dealt with their application to their satisfaction. For example, a deadline is missed, if this is the case you should:

- First try to sort out any problems informally – If an employee feels that the issue has not been resolved using informal methods, they may use your grievance procedure if they wish.

Each request should be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

14. Varying Employment Contract

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment should be sent to the employee within 28 days of the change to the employee's working pattern being agreed.

15. Withdrawing an Application

Employees should notify the school in writing if they want to withdraw their application.

The school can treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason, for example sickness.

Please Note:

This document is for advice only and you should seek further guidance from HR.