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# **WINTERBOURNE NURSERY & INFANT SCHOOL**



## **Flexible working policy**

**Agreed by governors:** 19<sup>th</sup> April 2018  
**Next review:** September 2019

Updated November 2015 to reflect changes in Children & Families Act 2014

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### Appendix 1 - Application for flexible working

**Please Note:**

*For schools that purchase the Octavo employee relations contract template letters are available for management use - Please contact your HR Consultant if you require a letter.*

The Governing Body of WNIS School formally adopted this policy with effect from 19<sup>th</sup> April 2018

It will review it in *September 2019*

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## **1. Scope**

This policy applies to all staff employed at WNIS School (hereafter referred to as 'the school').

## **2. Introduction**

The Children & Families Act 2014, changed the law on the right to request flexible working. **All** employees who have at least 26 weeks' continuous service have the right to make a request to work flexibly.

The school is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements and to consider the benefits to both the employee and school.

A flexible working request is a request to change the employee's terms and conditions and must relate to:

- a) the number of hours that the employee works;
- b) the times that the employees works; or
- c) the employee's place of work

Examples of flexible working are: part-time, job share and term-time working.

A request for flexible working may only be made once in any 12 month period.

This policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed or will continue indefinitely.

The law prescribes a three-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request. The three-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to agree an extension of this time limit.

### **3. The Headteacher /Governing Body responsibilities**

3.1 It is the responsibility of the Headteacher and the governing body to ensure that this policy is applied consistently and requests are considered in line with the equality legislation. All requests for flexible working should be recorded in detail.

In addition, the Headteachers/governors will ensure that:

- a) working patterns comply with the working time regulations;
- b) working patterns do not adversely impacts on the level and/or quality of service;
- c) the contractual entitlements of any employee is not contravened;
- d) no employee's application is refused without due consideration of the feasibility of proposals;

### **4. The Employee's responsibilities**

4.1 It is the responsibility of employees to ensure that they consider and prioritise the needs of their service when making an application to change their working pattern, taking into account the implications for their colleagues. Employees should submit their application in good time for it to be dealt with during the school term.

4.2 The law requires an employee who wishes to lodge a request for flexible working to fulfil certain criteria when submitting the request. The employee must:

- a) lodge the request in writing (email is acceptable);
- b) date the request;
- c) state that they are a making a statutory request for flexible working and the changes that the employee is seeking to his/her terms and conditions;
- d) the date of which the employee would like the terms and conditions to come into effect;
- e) indicate the effect(s) that they think the change(s) will have on the school and how any such effects might be dealt with;
- f) indicate whether they have previously submitted a request for flexible working and, if so, when.

4.3 When indicating the effects the changes will have on the school, the employee may want to consider the following points:

Costs/savings to the School

- a) Need for additional resources
- b) Ability to meet the priorities of the school (service needs)
- c) Quality and performance
- d) Ability to manage the attendance and performance of the employee
- e) Health and safety aspects

### **5. Meeting to discuss a flexible working request**

5.1 Once the Headteacher/line manager receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in the table below. The Headteacher/ line manager will usually arrange a meeting to deal with the request.

Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting will not be necessary.

5.2 An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the School.

5.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

## **6. Outcome of a flexible working request**

6.1 After the meeting, the Headteacher/line manager will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes. Each request will 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 his/her working pattern.

6.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in the table below. The request may be granted in full or in part: for example, the school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not granted or is granted in part.

## **7. Where the request for flexible working is unsuccessful**

It will not be possible for a Headteacher/line manager to agree to a new working pattern in every circumstance. The reason why a request cannot be granted should be made clear to the applicant and give clear reasons justifying the rejection of a request based on one or more of the following reasons:

- a) Burden of additional costs to the School
- b) Inability to meet service needs, organisation and delivery
- c) Inability to organise work within the staffing available
- d) Detrimental impact on performance and quality of service
- e) Insufficiency of work during the periods the employee proposes to work
- f) Inability to recruit additional staff
- g) Planned structural changes
- h) Detrimental effect on ability to meet users demand

## **8. Where the request for flexible working has been granted**

If the request is upheld, the employee and the Headteacher/line manager will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to his/her contract of employment.

Managers should monitor flexible working arrangements and if there are concerns raise these with the employee promptly.

### 8.1 Trial Period:

Consideration should be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an **agreed extension to the statutory time frame**.

### 8.2 Rejection of Request:

At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is turned down, the Headteacher/manager must state the reason(s) why in writing.

## 9. Timescales

### 9.1 All requests will be dealt with within a period of three months from first receipt to notification of the decision on appeal

9.2 These time limits may be extended where both the employee and employer/school are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Within [28 days] of receiving the request for flexible working	Within [14 days] of the meeting	Within [14 days] of the notification	Within [14 days] after receiving the appeal	Within [14 days] of the appeal meeting.
The Head/manager should hold the meeting	Notify the employee of the decision	Employees who are dissatisfied can lodge an appeal	The appeal to be heard	The employee will be informed of the outcome of his/her appeal
		Refer to 10 below for the Appeal process	Refer to 10 below for the Appeal process	Refer to 10 below for the Appeal process

## 10. The Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered, they can lodge an appeal.

**10.1 Within 14 calendar days** of receipt of the notification of the Headteacher's/manager's decision the employee may, if they wish, appeal in writing to the Chair of Governors. They should set out their grounds for making the appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the Headteacher/manager may not have been aware of or it may be to challenge a fact that the Headteacher/manager has failed to explain the rationale for the decision.

**10.2 Within 14 calendar days** after receiving the appeal the Chair of Governors will designate a panel of governors not previously involved with the application to

arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union representative at the appeal meeting.

If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date. The meeting may be rescheduled to accommodate the availability of the companion as long as an alternative date is offered which is within 5 working days of the originally proposed date.

**10.3 Within 14 calendar days** of the date of the appeal meeting, the panel of governors must inform the employee of the outcome of the appeal in **writing**.

If the appeal is upheld, the written decision must:

- a) Include a description of the new working pattern
- b) State the date from which the new working pattern is to take effect, including any trial period; and
- c) Be dated.

If the appeal is dismissed, the written decision must:

- a) State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal.
- b) Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage, and
- c) Be dated.

A written notice of the appeal outcome constitutes the School's final decision and is the end of the formal procedure.

Please refer to the hearing protocol in [www.croydonhr.co.uk](http://www.croydonhr.co.uk) in the HR hand book.

[http://www.croydonhr.co.uk/File/handbook\\_c19\\_formal\\_hearings\\_protocol\\_completed.doc](http://www.croydonhr.co.uk/File/handbook_c19_formal_hearings_protocol_completed.doc)

## **11. Pension implications**

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions' team for further advice.

Please note that flexible retirement can only be considered once a request for flexible working has been agreed. The Local Government Pension and Teachers' Pension Schemes are subject to change and therefore guidance should be sought from the Council's appropriate pensions team prior to making any retirement request.

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End

## Appendix 1

### APPLICATION FOR FLEXIBLE WORKING

<b>Name:</b>
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<b>School:</b>
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<b>Job Title:</b>
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<b>Employee number:</b>
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<b>Date:</b>
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**Current working pattern:** (should include details of hours/days per week, location etc.)

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**Proposed new working pattern:** (should include details of hours/days per week, location, job share, part time, technology required etc.)

<b>Monday</b>
<b>Tuesday</b>
<b>Wednesday</b>
<b>Thursday</b>
<b>Friday</b>
<b>Saturday</b>
<b>Sunday</b>

- How do you measure your performance in your job? E.g. Appraisal /Teachers standards

- Are there any benefits that your team/department/the school would gain from your proposed flexible working arrangement?

- Do you envisage requiring any additional technology/resources?

- Do you envisage any additional costs?

- Will you need to change your working practices? If so, how?

- How will your request impact on the school and what are the benefits of your proposed flexible working arrangement?

- Do your colleagues require any additional briefing/technology to support your proposed flexible working arrangement?

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- How do you suggest overcoming any potential problems with:

<b>a) pupils/internal customers</b>	
<b>b) your manager</b>	
<b>c) your colleagues</b>	
<b>d) external customers</b> e.g. Officers of the LA, external agencies etc.	

- How will you communicate effectively when (if) you are away from the school?

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I confirm that I have read the flexible working documentation and will adhere to the principles contained in the policy. I understand that this will constitute a change to my terms and conditions.

**Signed .....****Date .....**

*If there is insufficient space in the boxes above, please use an additional sheet of paper and attach it to your application*

