

Flexible Working and Work-Life Balance

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CONTENTS

[Policy Statement](#)

[Scope of the Policy](#)

[Legal Framework](#)

[Right to Request Flexible Working](#)

[Types and Impacts of Flexible Working Arrangements](#)

[Making a Request](#)

[Procedure](#)

[Appeals](#)

[Extending Time Limits](#)

[Right to be Accompanied at Meetings](#)

[Statutory Reasons for Rejecting a Request](#)

[Trial Periods](#)

[Protocol for Business-Led Flexibility](#)

[Legal/Contractual Framework](#)

[Consultation Process](#)

[Hours, Times and Place of Work](#)

[Reasonable Notice](#)

[Written Confirmation](#)

[Promotion and Development](#)

Additional Resources:

[Appendix A – Employee Requests for Flexible Working Form](#)

[Appendix B – Process for Flexible Working](#)

[Appendix C – Business Assessment Checklist – Suitability for Flexible Working](#)

[Appendix D – Letter Confirming Agreed Contract Variation](#)

[Appendix E – Letter Inviting Employee to Meeting to Discuss Flexible Working](#)

[Appendix F – Letter Confirming Arrangement for Trial Period](#)

[Appendix G – Letter Rejecting Flexible Working Request to Vary Contract](#)

[Appendix H – Flexible Working Review Form](#)

[Appendix I – Business Led Flexible Working Proposal Form](#)

[Appendix J – Letter Confirming Agreement to Contract Variation – Business Led Change](#)

[Appendix K – Types of Flexible Working Arrangements](#)

Policy Statement

The school, as an equal opportunities employer, is committed to maintaining the Work-Life Balance of its employees and in doing this improve equality of access to career development opportunities.

Flexibility in working arrangements is an important tool in enabling employees to maintain or improve their balance between home and work. The school/college/academy will strive to meet the flexible working arrangements for employees. Solutions to improve or maintain an employee's work-life balance should be achieved through discussion and agreement between employees and the head teacher/line manager and will often have benefits to both the individual and the school/college/academy.

This policy outlines a number of options in relation to flexible working, and sets out the procedure and protocols to follow. It is recognised that one size does not fit all and the head teacher and employees should be willing to look at creative solutions to balance school/college/academy requirements and the individuals' needs.

Consideration and response to flexible working requests/proposals should be consistently applied to all employees' regardless of age, gender, disability, race, religion, sexual orientation and other characteristics protected by the Equality Act 2010.

For the purposes of this policy 'head teacher' can mean a member of school management as appropriate.

Scope of the Policy

This policy covers all employees in schools maintained by Somerset County Council and for Academies who purchase the HR Advisory Service through SSTEP and choose to adopt it. It is a local agreement, thus part of each employee's contract of employment.

Legal Framework

This policy incorporates and enhances the obligations placed on the school/college/academy to examine requests for flexible working. The School/college/academy offers the right to request flexibility in working arrangements to all employees. The main piece of legislation guiding the policy is the Children and Families Act 2014. Other associated legislation includes the Equalities Act 2010 and The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

Right to Request Flexible Working

The school/college/academy allows any employee to request flexible working arrangements.

To be eligible to make the request an employee must not have made another request to work flexibly in the last 12 months. The head teacher may agree to accept more than one request in a year in circumstances where, for example, there has been a major change in the role or a significant change in personal circumstances.

The processes described below follow the statutory requirements where applicable.

Employees are able to use this system to ask for changes in their terms and conditions relating to:

- hours and time of work: this covers the way working hours are organised during the day, week and year;
- place of work: this covers fixed work base/office, fixed home working and field working or a combination of these.

There are a number of flexible working arrangements for example part time working and job sharing that would fall under one of the above categories and should be considered.

There are many reasons why an employee may consider a request for flexible working, some common examples are:

- to meet family and caring responsibilities;
- to practise religious observance;
- to prepare for retirement;
- for health and wellbeing;
- to combine work and continuing education;
- temporary or one off events such as time off around exams or extended annual leave.

Types of Flexible Working

There are many forms of flexible working. Please see Appendix K for more information on each type.

Impacts of Flexible Working

Conditions of employment for employees working flexibly shall remain the same except in specific areas for example:

- Pay
- Annual leave
- Sick pay
- Maternity
- Pension – The effect of working reduced hours will depend on a number of factors e.g. the extent of the reduction, whether the employee is nearing retirement etc. Therefore individuals will have to contact Peninsula Pensions or Teachers pensions to discuss their circumstances.

The examples above will be pro-rata depending on the number of hours and working weeks worked.

Making a Request

An Employee Request for Flexible Working form (doc) is in Appendix A and must be completed in full to allow the head teacher to make a thorough initial assessment of the request.

Procedure

The legislation sets out that requests for flexible working should be dealt with in a timely manner and the consideration process must be completed within three months of first receiving a request, including any appeal. If for some reason the request cannot be dealt with within three months then an employer can extend this time limit, provided the employee agrees to the extension.

Head teacher:

When a head teacher/manager receives a Flexible Working request they must make a practical business assessment of the viability of the request as soon as possible after receiving the request. To help with consistency, it is recommended that head teachers do this in consultation with the HR Advisory Service. Please refer to the Business Assessment Checklist – Suitability for Flexible Working (Appendix C).

The head teacher should meet with the employee to discuss the request. If the head teacher intends to approve the request it is still good practice to meet with the employee to discuss the arrangements.

There are three possible outcomes to a Flexible Working Request:

The Request is Accepted

If the head teacher is prepared to accept the flexible working request as it stands, the employee should be notified in writing. That notification must specify the agreed variation(s) in the contract, any other action required and the effective date. See the Confirmation of Agreed Contract Variation Template Letter (Appendix D). Guidance may be sought from the HR Advisory Service before a decision is taken on the request.

A Compromise to the Flexible Working Request is Agreed

There may be instances where the head teacher is unsure whether the arrangements requested are sustainable and it may be possible to mutually agree variations to the request, such as a temporary arrangement or trial period. This agreement should also be put in writing to prevent confusion at a later date. It is also necessary to include any review points. See the Confirmation of Agreed Contract Variation Template Letter (Appendix D).

The Request is Rejected

If the head teacher does not feel able to agree the request to the contractual change then a meeting to discuss the reasons must be held.

The reason(s) for rejecting a Flexible Working Request must be for one or more of the Statutory Reasons for Rejecting Flexible Working Request listed below. It cannot be for any other reason.

Where a request is rejected, the head teacher must provide the employee with a signed and dated declaration of the statutory reason supported by an explanation of the business reasons, which apply in the circumstances of the application. See the Rejection of Request to Vary Contract Template Letter (Appendix G). Advice should be sought from the HR Advisory Service prior to making a decision. Employees have the right to appeal a rejection.

Appeals

- Appeals must be made within 10 working days of the employee being notified in writing of the decision, and should be sent to the Clerk to the Governors. The employee must set out the grounds for appeal in writing and sign and date it.
- The Governors Personnel Committee will hear the appeal and the employee should be given a written decision within 10 working days of the appeal hearing, unless an extension is agreed.
- The appeal should be conducted in accordance with Section 2a – Governor Appeal Guidance and Procedure, Appendix 1.
- If the appeal is upheld, the decision must specify the agreed contract variation(s) and the start date.
- Where the appeal is rejected a statement must be given to the employee stating the grounds for dismissing the appeal. The decision of the Governors Appeals Committee will be final.

Extending Time Limits

In the interests of enabling a mutual satisfactory outcome to a request any of the time limits listed above can be extended by agreement. The agreement to extend time limits should be in writing, signed by the head teacher and the employee and outline the reasons for the extension.

Right to be accompanied at Meetings

An employee will have the right to be accompanied at meetings concerning a Flexible Working Request. The right to be accompanied can only be through a Trade Union Representative or a work colleague of the employee's choice.

Statutory Reasons for Rejecting a Request

The reason for rejecting a request must fall under at least one of the following eight statutory grounds:

- Burden of extra cost to the business.
- A detrimental effect on the ability to meet demand.
- Inability to organise work within existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficient work during the periods the employee proposes to work.
- Planned structural changes.

Where a request is rejected one or more of the above reasons must be stated along with sufficient explanation as to why the reason(s) applies to this request. Facts used to support the reason for refusal must be capable of substantiation. It would not, for example, usually be sufficient to state "inability to recruit additional staff" as a reason without carrying out a recruitment exercise. If, however, the school/college/academy

had recently attempted to recruit for similar positions and had not been able to appoint a suitable person, this could then be seen as sufficient evidence.

Head teachers also need to consider whether the business reasons, which have led to a rejection, are likely to change in the foreseeable future. If this is the case, in rejecting a request, head teachers should consider proposing a review of the request at that point in the future when the business circumstances are likely to change.

Trial Periods

On occasions it may not be clear as to what the impact of revised working arrangements will be, or whether it will be possible to sustain specific patterns over a period of time. Where this is the case it may be worth exploring the possibility of a trial period.

The length of the trial period should be long enough to give a true indication of any problems and also examine potential solutions. This would vary depending on specific circumstances but generally a period of at least one term would enable a reasonable assessment.

If the employee and head teacher agree to a trial period, it is important that this agreement is in writing (Appendix F, Confirmation of Trial Period template letter). The agreement should state the following.

- The date the revised working arrangements will start.
- The nature of the new working arrangement e.g. changed hours of work, days of work or place of work.
- The planned end date of the trial period, and a statement that working arrangements will return to normal, unless otherwise agreed.
- How regularly the arrangements will be reviewed over the period.
- The option to end the trial early and revert back to current working practices. This should only occur when it becomes clear that the trial is not successful and to continue would have a significant impact on the delivery or quality of Teaching and Learning or other services in the school/college/academy. Sufficient notice should be given to allow an employee to make alternative arrangements when the trial is terminated early.
- It is important that the head teacher and employee meet regularly to discuss how the trial is going and discuss any issues or problems (Please refer to the Flexible working Review Form, Appendix H). At the end of the trial, or earlier if it is felt that sufficient evidence has been gained, there are a number of options:
 - The trial is successful and the employee is informed that the contractual change will be confirmed, the employee would then be formally notified. The trial is extended by mutual agreement
 - The decision is made, following a meeting, that the revised working practices cannot be sustained and the request must be rejected due to one of the valid reasons outlined above.

Protocol for Business-Led Flexibility

The process above outlines how flexible working can be achieved as a result of a request from individual employees for the benefit of both the individual and the school/college/academy.

The following protocol applies to new and existing posts where head teachers identify an operational need for a more flexible approach to work.

In order to avoid the arbitrary introduction of revised working patterns, there will be responsibility on head teachers to justify their proposals by demonstrating the rationale for the proposed changes to the school/college/academy. These proposals should be discussed with the Personnel Committee of the Governing Body. When preparing a business case it may be useful to use the Business Led Flexibility Proposal Form (Appendix I)

Legal/Contractual Framework

In determining working arrangements to suit the needs of the school/college/academy, head teachers will take into account the circumstances of individuals and groups of individuals.

Head teachers need to ensure that health and safety risk assessments are applicable to flexible hours as to “normal” school/college/academy hours.

It is also necessary for head teachers to take into account the guidance on the Working Time Regulations.

Consultation Process

Head teachers will consult staff affected and their representatives in advance of any proposed changes so that they can explore the implications for individuals.

Hours, Times and Place of Work

The provisions of the local Single Status agreement will apply with regard to recompense for flexible working patterns, including enhanced rates of pay and/or time in lieu.

Reasonable Notice

As far as is practicable, revised working arrangements should be organised well in advance with the aim that staff are able to make plans outside of their work. This includes changes to timetabling meaning the employee works on different days.

Working time arrangements should avoid:

- short notice changes to rostered or expected patterns of work,
- excessive hours in any particular week;
- setting work patterns over excessively long periods, which would reduce flexibility.

Written Confirmation

The extent of individual flexible working time arrangements will be clearly set out in writing at the outset. (Please refer to Appendix J for confirmation of agreed contract variation – Business led change template letter).

Promotion and Development

When recruiting for vacant posts that provide opportunities for promotion and development, head teachers should consider all applicants on merit regardless of their current flexible working arrangements and needs.

When reviewing the number of promotional and developmental posts in teams that require flexible working patterns, head teachers need to take into account that there may be some staff that are looking for promotional and developmental opportunities who are currently unable to work more flexibly.

Employee Requests for Flexible Working Form

Employee's Name	
NI or Employee number	
Employee contact details	Teacher/Support staff (Please delete) Number of hours:
Line Manager's Name	

Current contract

Current number of weekly hours:	
Number of weeks you work:	
Current times e.g. 9-12 Monday-Friday:	Monday Tuesday Wednesday Thursday Friday
Are you currently on a flexible working arrangement - if so which. E.g. part-time.	

What flexible working option would you like to take up?

Type(s) of flexible working you are applying for: (Please circle the one(s) that applies)	
Job share Part time working Compressed hours Staggered hours Flexi time Annualised hours Other (Please state)	
Please detail the changes you are requesting:	
New number of hours:	
New number of weeks worked:	
New days and times of work:	
What date would you propose these changes to become effective?	
Reason for requesting flexible working:	
Have you made a request for flexible working in the past 12 months? (Please delete as appropriate)	Yes / No If yes please state: The approximate date you applied: The type of flexible working arrangement you applied for:

Benefits and impacts

What are the benefits/impacts of this option (include personal and organisational) <i>Please include details on:</i> <ul style="list-style-type: none"> • <i>Special requirements e.g. reasonable adjustments</i> • <i>What skills & competencies do you have that support your request</i> 	<u>Personal</u>
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<p><i>Please include details on:</i></p> <ul style="list-style-type: none"> • <i>Work performance</i> • <i>Colleagues/school/college/academy: cover, communication (including attendance at team meetings/training)</i> • <i>Efficiency of team/schools/college/academy service delivery</i> • <i>Requirements of the post/nature of work</i> • <i>Impact on timetable, pupil learning and consistency</i> • <i>Equipment requirements – security of data.</i> • <i>Health & Safety standards</i> • <i>Costs e.g. salary, equipment, allowances, additional training</i> 	<p><u>School/College/Academy</u></p>
<p>Please suggest any actions required to address these impacts to support your request for flexible working.</p>	
<p>Is this permanent or temporary, if temporarily, How long for?</p>	<p>Permanent / Temporary Duration End Date:</p>

Signed (employee)

Date

Head teacher Only

Approval given / Approval declined (***Please delete as appropriate***)

If approved, what was approved and the agreed start date and duration:

If decline, you must hold a meeting with the employee (within 28 days) to discuss other alternatives. The date of the meeting was:

In the presence of:

Options explored at this meeting:

If declined, reasons for this (please include explanation):

Burden of additional costs

Detrimental effect on the ability to meet customer demand

Detrimental impact on quality

Detrimental impact on performance

Inability to reorganise work amongst existing staff

Inability to recruit additional staff

Insufficiency of work during the periods the employee wishes to work.

Planned structural changes

Signed (Head teacher).....

Date.....