

MODEL POLICY FOR SCHOOLS – FLEXIBLE WORKING

This policy is applicable for Oxfordshire County Council (OCC) maintained schools. It is provided as advice for schools where the Governors are the employer. Academies may adapt this policy should they wish to.

1.0 INTRODUCTION

This Oxfordshire model policy has been drawn up following consultation with the recognised trade unions and associations: ASCL, NEU, NAHT, NASUWT, and Unison. Advice and support on the application of this policy is available from Educational Personnel Service (EPS).

Oxfordshire County Council 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. It is therefore recognised that the school leadership team should take time to review all requests made by employees for flexible working, ensuring that the needs and priorities of the school can be met before agreeing to any new arrangements.

Employees should be mindful that the nature of the work at schools means there may be limited flexibility in some roles, however, both managers and employees should work together to try and identify solutions, where possible, that suit both the individual and the school thereby allowing the member of staff flexibility for work-life balance and not adversely impacting the service needs.

2.0 SCOPE

This policy is applicable to all staff employed with OCC in maintained schools. It does not apply to agency workers, consultants or self-employed contractors.

3.0 DEFINITION AND TERMINOLOGIES USED

3.1. Flexible working

Flexible working are arrangements that allow employees to vary their working patterns such as total number of hours worked per week, total number of days worked per week or alternating their work locations. Some form of flexible working maybe more suitable for particular roles in a school in comparison to others, and therefore employees requesting to work flexibly should consider which forms of flexible working is best suited for their role.

3.2. Terminologies used in this policy

Where an academy adopts this policy the word 'school' should be taken to refer to the academy.

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 adapting this policy.

4.0 TYPES OF FLEXIBLE WORKING

Flexible working can incorporate a number of possible changes to working arrangements, such as those set out below:

Part Time working

Part time working means working lesser hours than the full-time contractual hours. Some teachers or support staff may be appointed to only on part time basis depending on the subject and timetable requirements.

Compressed Hours

This is when where an employee works their normal contractual hours over fewer days than the standard work pattern.

Annualised Hours

Annualised hours are when the employee is contracted to work a certain number of hours over the year but has some flexibility about when they work. These are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there is extra demand at work.

Staggered Hours

Some employees can work full time but still have other flexible working arrangements in place such as working alternative hours i.e., having different start, finish and break times.

Job Sharing Scheme

Job sharing is when a full-time job is split between two people, with each sharer splitting the hours worked to equate to full time contractual hours and 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.

Phased retirement

Phased retirement is when an employee gradually reduces their working hours and / or responsibilities to transition from full time work to full time retirement over an agreed set duration.

Home Working

Some roles at schools may allow employees to work from home on certain days of the week either permanently or for a set duration.

5.0 ELIGIBILITY CRITERIA

To be eligible to make a formal request for flexible working an employee must have worked for their employer continuously for at least 26 weeks at the date the request is made.

Employees are only eligible to make a statutory request for flexible working if they have not made a request to work flexibly within the past 12 months (each year runs from the date when the last application was made). Managers must provide a response to the statutory flexible working request within three months of the date when the application was made, including the conclusion of any appeal.

Managers have discretion to agree to consider another non-statutory request within the 12 months period referred to above.

If an employee withdraws a formal request for flexible working, they will not be eligible to make another formal request for 12 months from the date of their original request. In certain circumstances, a formal request will be treated as withdrawn. This may occur if an employee fails to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause.

6.0 PROCEDURE FOR MAKING A FLEXIBLE WORKING REQUEST

Flexible working requests can be requested by either statutory (formal) or non-statutory (informal) routes. For both types of requests, it is advised that the employee discusses their requests informally with their manager as a matter of good practice in the first instance, and work together to establish an arrangement which works for both the employee's need and the school's, in particular to ensure consistently high-quality provision for pupils. (A temporary adjustment to a work pattern may be all that is needed and therefore no formal request may be required that will change their working hours permanently).

6.1 Statutory (Formal) flexible working requests

To make a statutory flexible working request, employees must fill in a flexible working application form at least 3 months in advance of the proposed change or as soon as reasonably possible. The flexible working application form is annexed to this policy.

It should be noted that any requests for statutory flexible working cannot be considered without the above requested information being provided in writing. 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.

Flexible working requests must be dealt with within three months from receipt, including any appeal. The three-month period can be extended by mutual agreement between the manager and the employee.

6.2 Non statutory (Informal) flexible working requests

Non statutory flexible working requests are informal requests for either a one-off or temporary duration, which does not involve changing the employee's contractual terms and conditions for example, varying start and finish times for an agreed period without reducing the number of hours worked per week. To apply for informal flexible working requests, employees should complete the flexible working application form and the manager should arrange a meeting to discuss the request and whether it may be accommodated.

7.0 NEXT STEPS ONCE FLEXIBLE WORKING APPLICATION IS RECEIVED FOR CONSIDERATION

Where necessary and if so, within 28 days of receiving the flexible working application or as soon as reasonably possible, the employee's manager will arrange to meet with them to discuss the request. 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 by both the employee and their manager to ensure the needs of the school are not adversely impacted.

Employees have the right to be accompanied to this meeting by a work colleague or their trade union representative if they wish.

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 informed of their right of appeal.

8.0 CONSIDERATIONS FOR MANAGERS

Managers should ensure to consider all flexible working requests fairly, in a timely way and according to the needs of the school.

9.0 REASONS WHEN A FLEXILE WORKING REQUEST CAN BE REFUSED

By law, a flexible working request may be rejected for the following reasons:

1. Burden of additional costs i.e., it will cost too much.
2. Inability to reorganise work amongst existing staff.
3. Inability to recruit additional staff.
4. The new arrangements will have detrimental impact on quality.
5. The new arrangements will have detrimental impact on performance.
6. Detriment effect on the ability of the school to meet pupil/student needs or stakeholder demand.
7. There is not enough work for the employee to do for the work pattern requested.
8. The school is planning changes to the workforce.

10.0 APPROVING A FLEXIBLE WORKING REQUEST

Where statutory (formal) flexible working arrangements are approved they will normally constitute a permanent change to the contract of employment, subject to any trial period. It is our usual practice to implement a four-week trial period which will apply once the statutory flexible working application is approved.

The manager should confirm approval of the flexible working request in writing to the employee (setting out the details below) and update IBC records to accurately reflect the agreed changes promptly, particularly where there are changes in pay, in order to avoid the employee being underpaid or overpaid.

The manager will confirm in writing to the employee-

- The agreed working patterns (working hours, days and location);
- Commencement date of the new working arrangement;
- Changes to on salary or leave entitlement (if applicable) where working hours have changed;
- The length of the trial period and when the trial period will end;
- Date of any review of the flexible working arrangements following end of the trial period;
- Duration of arrangement if it is a non-statutory flexible working request.

11.0 APPEALS

Where an application is refused, employees should speak with their manager to understand the reasons and where possible managers should try to resolve the issue informally.

Employees have the right to appeal the decision to reject a request for flexible working. Employees who want to submit a formal appeal must do so in writing to their manager. 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. Employees will be informed in writing of the decision made. If the flexible working request is approved following an appeal, the details of the new working arrangements as set out in section 10 above will be provided.

EQUALITY & DIVERSITY IMPACT MEASURE

This policy has been subject to an Equality Impact Assessment in accordance with the Council's Equality, Diversity and Inclusion Framework and is not considered to unduly impact upon any protected group. The Council will regularly monitor and review the impact of this procedure.

VARIATION OF PROCEDURES

<p>This procedure is not contractual, and it may be varied by the Council from time to time. Examples of variation include the need to comply with new legislation or best practice guidance. Should the Council decide not to apply the procedure, either in its entirety or in part, that will not amount to a breach of contract. Changes to the procedure will be made in line with the relevant consultation process and through raising employee awareness.</p>

VERSION CONTROL

Date approved and published: November 2021 (Version 1.0)
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Date to review policy: November 2023 (unless subject to legislative change)
