

William Austin Junior School

(Adopted from LBC Personnel Handbook)

Policy for Flexible Working Requests



1. INTRODUCTION

The school recognises that an amendment has been made to the Working Families Act 2006, and that with effect from 30th June 2014 the right to request flexible working has been extended to include all employees, not just those that are a carer (parents of children aged eighteen or under or are a carer for a certain adult in need of care). The school recognises that it has a duty to consider all applications for flexible working from eligible employees in a reasonable manner.

2. Purpose

The purpose of this document is to outline the procedure to be followed when an employee wishes to request flexible working. The document is produced to ensure that all employees are treated fairly and equitably by the school. However, there is no statutory entitlement to be granted the request. There is also no statutory right to a reversion to an original contract after a change has been agreed.

3. Scope of the Procedure

This procedure applies to employees of the school who meet the criteria.

4. Eligibility

To be eligible to make a request under this right, a person must:

General

- Be an employee
- Have worked for their employer continuously for 26 weeks at the date the application is made (there are exceptions to this).
- Not be an agency worker.
- Not have made another application to work flexibly under the right during the past 12 months.

5. Procedure to be followed:

(i) Making an application

An employee wishing to adopt a flexible working pattern is required to complete the application form (Appendix 1b) and submit to the Headteacher or make a written request to the Headteacher. The written request should be as comprehensive as possible, and should include the following:

- The date of the application
- The changes that the employee is seeking to his/her terms and conditions
- The date on which the employee would like the change/s to come into effect
- What effect the employee thinks the requested change would have on the school and how, in their opinion, any such effect might be dealt with
- A statement that this is a statutory request and if and when they have made a previous application for flexible working

A request for flexible working may include a reduction in hours, a variation to working times or alternative ways of working, including working from home. This does, of course, need to fulfil the exigencies of the service. If the reason for change is to care for someone (e.g. child or elderly dependant) or a reasonable adjustment it is advisable to state this so this may be taken into account when considering your application.

6. Meeting to discuss a flexible working request

The Headteacher must arrange a meeting with the employee within 28 days of receipt of the written request. The purpose of the meeting will be to consider the detail of the request, the issues raised for the school and any compromises required. This will be based on the operational needs of the school. The request may be easy to resolve, in which case the Headteacher may meet with the employee and then pass a recommendation onto the Governing Body.

Paperwork for the meeting will be circulated 7 calendar days beforehand. Each case 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

7. Outcome of a flexible working request

The Headteacher will respond to the request in writing within 14 days of the meeting, either:

- (i) accepting the request, setting out any action on which the agreement is dependent (e.g. recruiting a job-share partner) and establishing a start date.
- (ii) confirming the compromise offered and setting a date for response.
- (iii) refusing the request and giving a short explanation of the business reasons for doing so, and the right to appeal.

Employees should be aware that if the application is approved, the variation in contractual terms is a permanent one and the employee has no automatic right to change back to their previous pattern of work, unless the application seeks the variation for a specified time period only.

Where a request is agreed for a trial period the Headteacher must arrange suitably timed review meetings to discuss any issues that may arise. Any problems should be addressed at the time so that discussions can be held to try and resolve these prior to the end of the trial period. If the decision of the manager at the end of this period is to decline the request the employee will have right to appeal and the appeal procedure set out in paragraph 10 below should be followed.

8. Business grounds for refusing a request

- Burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to reorganise work among existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

These explanations should be accurate and clearly relevant to the business ground.

9. Appeal

The employee has 7 calendar days in which to register an appeal in writing to the Chair of Governors. This must give reasons for the appeal.

The Appeals Committee of the Governing Body would be considered by at least three Governors. The Chair of Governors will convene the appeals committee within 28 days of receipt of the written appeal. Documentation will be sent out to all parties at least 7 calendar days before the appeal. This will include the employee's original submission and the Headteacher's written decision.

The process for the appeal will be as follows:

- The Appeals Committee appoints a chair for the process.
- The employee (or representative) presents their case and reason for appeal.
- The employee may be questioned by the Headteacher.
- The employee may be questioned by the Appeals Committee.
- The Headteacher will present the case on behalf of the school.
- The Headteacher may be questioned by the employee (or representative).
- The Headteacher may be questioned by the Appeal Committee.

Either party may present witnesses, who will be available for cross-examination. Details of witnesses will be notified to both parties 7 calendar days before the meeting.

The Appeals Committee will deliberate in private. Both parties will be informed of their decision in writing within 14 calendar days of the appeal.

The Appeal Committee may:

- (i) Accept the appeal in full, implementing the employee's request subject to any action on which the agreement is dependent.
- (ii) Propose a compromise arrangement.
- (iii) Reject the appeal.

There is no right of appeal beyond this. However, employees who meet the statutory criteria have the right to take a case to Employment Tribunal. Employees who do not meet the statutory criteria, but who have applied for flexible working as part of a whole school policy, will only be able to take a claim to Employment Tribunal if they consider they have a discrimination case as provided for in the Equality Act 2010.

10. Timescales

All requests will be dealt with within a period of three months from first receipt of application to work flexibly to notification of the decision on appeal (Appendix 1a details a suggested timeline).

If for some reason the request cannot be dealt with within three months then the Headteacher and the employee may agree to an extension of any of the timescales outlined. However, this confirmation must be recorded in writing, a copy sent to the employee clearly specifying which period the extension refers to and the date on which the extension will end.

If the Headteacher, is absent from work on the day the application is made, a Deputiser may refer the matter to the governing body and acknowledge in their absence. If this is not possible the timescales will commence on the day the Headteacher returns to work or 28 days after the application is made, whichever is the sooner.

11. Right to be accompanied

Although there is no statutory right to be accompanied, the school will permit the employee to be represented and accompanied by their trade union representative or work colleague of their choice at all stages of this procedure. If the employee's representative is not available on the date arranged for the meeting, an alternative date must be arranged as a matter of urgency, preferably within 7 days, taking into account the representative's availability.

12. Withdrawal of Application

The Headteacher, in consultation with the HR Team or their personnel provider will consider that the employee has voluntarily withdrawn their application for 'requesting flexible working' if:

- the Headteacher has been notified by the employee in writing that the employee is withdrawing the application;
- the employee fails to attend two meetings;
- the employee unreasonably refuses to provide the employer with the required information.

In all cases the Headteacher will write and confirm the status of the application, unless the employee has provided written notification.

13. Phased Retirement

Phased retirement is a flexible provision within the Teacher's Pension Scheme. Phased retirement is available to members of the scheme aged 55 or over. In order to access phased retirement the employee's salary must decrease by at least 20%, either by reducing hours or responsibility with the agreement of the Head or Chair of Governors. More information is available at the following link.

<https://www.teacherspensions.co.uk/members/planning-retirement/types-of-retirement/phased-retirement.aspx>

Any teacher wishing to request a reduction in hours for the purpose of flexible retirement must complete the application form found at Appendix 1a and follow the steps set out in this procedure.

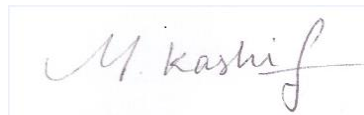
This policy will be monitored and reviewed on an annual basis.

Policy updated: January 2022

Staff responsible: Jo Adams

This policy was ratified by the Governing Body on: 26th January 2022

Signed on behalf of the Governing Body:



(signature)

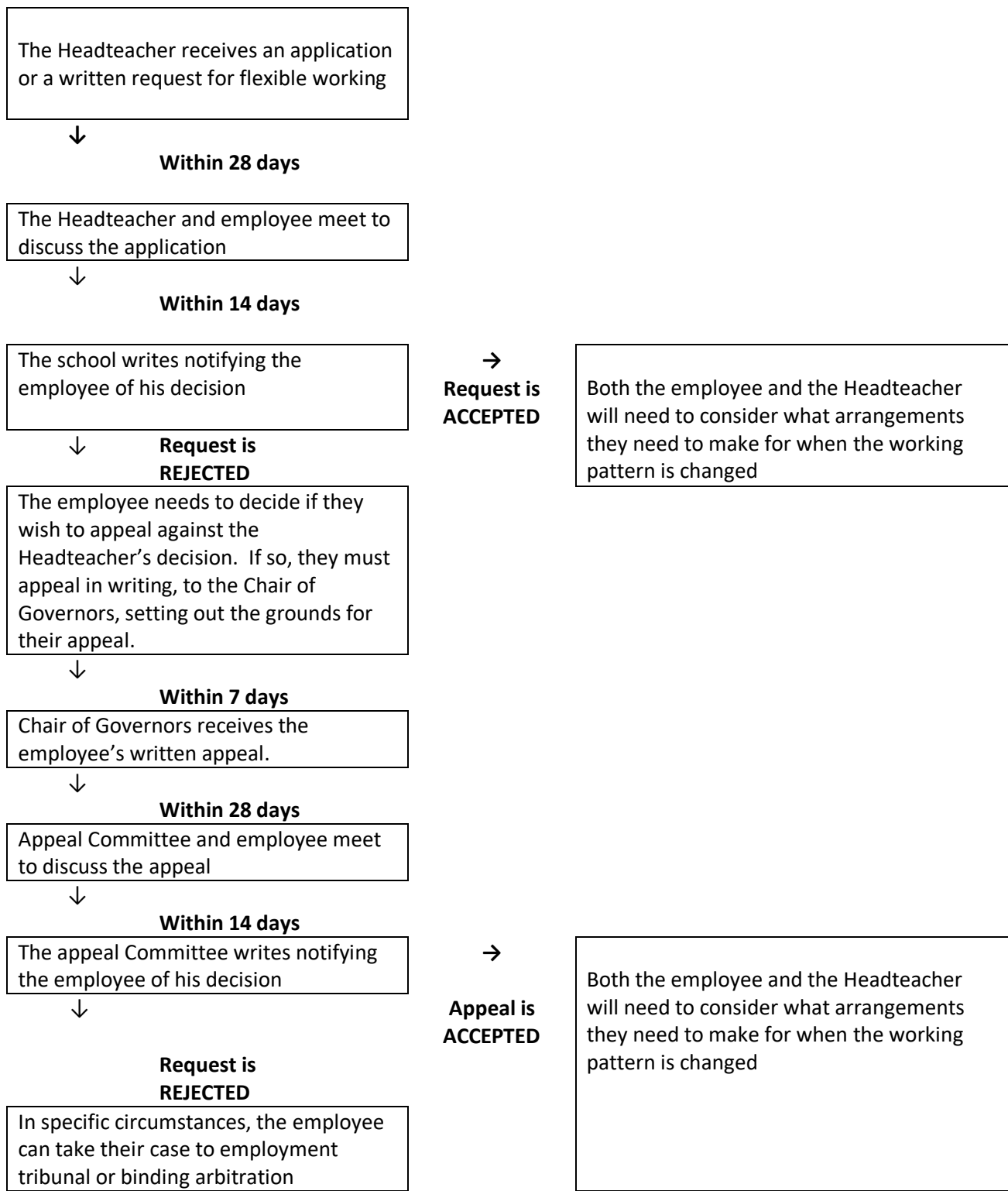
M. Kashif - Chair of Governors

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APPENDIX 1a

PROCEDURE FOR REQUESTS FOR FLEXIBLE WORKING

(all applications must be processed within 3 months the timeline provided below is a suggested timeline)



APPENDIX 1b

The Right to Request Flexible Working

FLEXIBLE WORKING APPLICATION FORM

1. Personal Details	
Surname:	First Name:
School:	Position:
Days/Hours/Times Worked:	
To the Headteacher , I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided by the amended Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:	

- I have continuous service with LBC/School (if VA Foundation) of 26 weeks or more.

- I have not made a request to work flexibly under this right during the past 12 months

- I have made a request to work flexible under this scheme in the past 12 months on the (Date of last request).

2a. Describe in detail your current position and working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

3. Impact of the new working pattern

I think this change in my working pattern will affect the school and colleagues as follows:

4. Accommodating the new working pattern

I think the effect on the school and my colleagues can be dealt with as follows:

Name:

Date:

NOW PASS THIS APPLICATION TO THE HEADTEACHER



Cut this slip off and return it to your employee in order to confirm your receipt of their application

Headteacher's Confirmation of Receipt (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on:

Date:

I shall be arranging a meeting to discuss your application and I will notify you of the decision within 14 days of the meeting. In the meantime, you might want to consider whether you would like a colleague to accompany you to the meeting.

From:

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to help eligible employees. Before completing this form, you should first read the Guidance on the right to request flexible working on the Acas's website, and check that you are eligible to make a request.

You should note that under the right it may take up to 3 months to consider a request before it can be implemented. That is 3 months from first receipt of the application to work flexibly to notification of the decision on appeal. You should therefore ensure that you submit your application to the Headteacher well in advance of the date you wish the request to take effect.

It will help the school to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. When completing sections 3 & 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues. Once you have completed the form, you should immediately forward it to the Headteacher (you might want to keep a copy for your own records). The Headteacher should hold a meeting and notify you about the decision within 14 days of the meeting. If you are dissatisfied with the outcome of your request you may lodge an appeal within 7 days of the notification of the decision. The appeal must be in writing and addressed to the Chair of Governors. Your appeal will be heard within 28 days and you will be notified about the decision within 14 days of the meeting. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

Note to the school

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. All requests must be dealt with within a period of 3 months from first receipt of the application to work flexibly to notification of the decision on appeal. This period can be extended if you agree a longer deadline with the employee.

You should confirm receipt of this application using the attached confirmation slip.