

The Levett School



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Flexible Working Policy

<i>Policy agreed by Governors on:</i>	
<i>Review date for Governors:</i>	As Required
<i>Allocated Group/Person to Review:</i>	Headteacher/SBM
<i>Agreed frequency of Review, by allocated person:</i>	Every Two Years
<i>Last Review date:</i>	Nov 2021

Lower School, Melton Road, Sprotbrough, Doncaster, DN5 7SB
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Doncaster
Council

1. Introduction

The Flexible Working Regulations came into force in June 2014, these regulations revoked the previous legislation under the 2002, Eligibility, Complaints and Remedies Regulations.

The new law extends the right to make a request for flexible working and means that, any employee with 26 weeks' continuous service will be able to make an application to work flexibly for any reason.

2. Benefits

The intention is that flexible working arrangements should benefit the employee without any detriment to the employer and may even be of benefit to the employer. Being flexible is also seen as a way of retaining staff, improving morale, motivation, performance and even attendance by removing employees' concerns about meeting caring responsibilities. However, it is recognised that it may not be possible for some of the options below to be made available to all school staff.

3. Flexible Working Procedure

As with all matters relating to the staffing establishment in schools, the decision about whether or not individual posts are suitable for job share or any other flexible work scheme rests with the Head teacher and the Governors. It is important that advice is sought from HR as soon as possible if an employee indicates that they wish to be considered for flexible working arrangements.

When considering any of the possible flexible working options, the needs of the school and the individual must be taken into account. The specific nature of the work being undertaken and the need to be available at specific times during the school day/year must be recognised. Not all of the options described below will be appropriate in the school and the ability to accept or deny requests will very much depend on the individual posts and work environment of those making a flexible working request.

4. Flexible working options

Options available include the following:

- Job share schemes
- Part-time/term time only working
- Compressed working hours
- Changes to times worked
- Home working
- Alternative roles in the School

5. Eligibility

In order to make a request the individual will:

- be an employee (i.e. not an agency worker)
- have 26 weeks continuous service with the school at the time of application or have continuous service linked with a TUPE transfer.
- Have not made another application to work flexibly under this right during the previous twelve months

6. Scope of the Request

The Flexible Working Regulations 2014 enables eligible employees to request:

- a change to the hours they work;
- a change to the times when they are required to work;
- to work from home.

This covers working patterns such as part-time, job share, shift working and term-time working which are all used to an extent in schools already. It is recognised that working from home may not be a viable option for most school employees.

7. The Procedure

The statutory overall timeline between receiving an application and the outcome of a potential appeal against a decision is 12 weeks. In the context of academies, this will mean 12 working weeks.

- 7.1** The employee makes a written application for flexible working to the Headteacher at the school (application form attached as [Appendix 1](#)). The employee must specify the change to their working practices or pattern that they are applying for, and the date on which they propose the change should take effect. The application must explain what effect, if any, the employee thinks making the change applied for will have on the school and how any effect might be dealt with.
- 7.2** The Headteacher should seek advice on the application from HR and arrange to meet the employee within 28 days (4 working weeks) of the date of the application with a view to exploring the desired work pattern in depth and to discuss Appendix 1. The employee may be accompanied to this meeting by either a trade union representative or a work colleague. A member of the School HR support may also be present.
- 7.3** Within 14 days, (10 working days) of the meeting the Headteacher will write to the employee, either to agree to the new work pattern and a start date (which will need to take account of existing timetable and cover arrangements), or to provide a written justification of their decision not to accept the application, stating:
- a) the grounds on which the decision has been made (see below)
 - and
 - b) the reasons why those grounds apply

- 7.4** There is no statutory right to appeal a decision.

However, in order to inform effective decision making, The school will hold appeals providing requests are received in writing within 5 working days following written notification of the decision. Employees will need to inform the Headteacher of their intention to appeal, setting out their grounds of appeal. Appeals will be held within 14 days of a written request.

- 7.5** The employee will be invited to attend the appeal with the right to representation by either a trade union representative or a work colleague, a member of the School HR support may also be present
- 7.6** The appeal panel will be made up of a panel of Local Governing body and advised by a member of HR, the panel will hear the employees case and the Headteacher of the School case. The panel will make a decision based on the evidence they hear and paying due attention to the criteria laid out in the policy. The panel must notify the employee of their decision within 14 days (2 working weeks) of the date of the hearing, again giving a written justification if the decision is not to accept the application, stating the grounds for the decision and how they apply in the particular case. If the decision is to uphold the appeal and implement the change this will be in line with the criteria set out in this policy at point 11.

8.0 TIMEFRAME:

Individual makes an application for flexible working	STATUTORY OBLIGATIONS:	SCHOOL TIMEFRAME:
Meeting arranged to discuss application with Headteacher	Within 28 days of receipt	4 working weeks
Written decision issued	Within 14 days of meeting	2 working week
Employee may submit appeal	Within 5 working days of receipt of decision	1 working weeks
Appeal hearing convened	Within 14 days of receipt of appeal	2 working weeks
TIMELINE TO HEARING	9 WEEKS	9 working weeks
Outcome issued	Within 14 days of hearing	2 working weeks
OVERALL TIMELINE	10 WEEKS	11 working weeks

8.1 Timescales may be extended, providing that the employee making the application agrees.

If an employee's request for flexible working is not accepted they may not make another request within twelve months.

9.0 Outcomes

The School may:

- Grant an employee's request – on a permanent basis, unless otherwise agreed
- Offer an alternative post in order to support flexible working – for a period of one year
- Offer an alternative pattern of work to support flexible working on a permanent basis unless otherwise agreed
- Reject the request due to one of the reasons outlined below in point 10.

10.0 Grounds on which an application may be turned down

The Flexible Working Regulations sets out that the employer may only refuse an application for flexible working if he considers that one or more of the following grounds applies:

- the burden of additional costs;
- detrimental effect on ability to meet customer demand;
- inability to re-organise 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.

In each of the above the impact on teaching and learning and outcomes for pupils in the school will be considered. If an application for flexible working is not accepted it must be because one of the grounds set out above applied, and the written justification of the decision must identify the reason and the way in which it applies. Appendix 2 gives a brief overview of the way in which the school will interpret and apply these business reasons.

11. Requests that are granted

- 11.1 In consideration of requests for Flexible working the School will look at whether a different role can be undertaken to support the request for flexible working, therefore an offer of an alternative role to accommodate the request may be offered to the employee.
- 11.2 Any requests for flexible working that are granted in the school will be a permanent change to an employee's contract of employment, unless this is agreed between parties that it is a temporary change,
- 11.3 If a request is agreed, or where the School proposes an alternative to the arrangements requested, the Headteacher will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment.

12. Training Days and Flexible Working

- 12.1 Teachers are paid as a full time equivalent for 195 days, 5 of those days are training days, when a teacher has a contract that is less than full time; for example, 80% (4 days) or 60% (3 days) their salary is pro rata to 195 days (5 days of which are training days). Therefore, a teacher who works 4 days per week is already paid in their salary for 4 training days, a teacher who works 3 per week is already paid in their salary for 3 training days.

In advance of a flexible working pattern commencing the headteacher will discuss and agree with the teacher the training days that will be required in line with the number of days the teacher works.

- 12.2 A teacher cannot be directed to attend work on a day that they are not contracted to work, therefore if training days fall on the day that a teacher is not contracted to work, the teacher will be required to work those training days (hours) in addition to their contracted hours.
- 12.3 Each of the five days should be allocated six hours of directed time, even if teachers do not undertake activities for all of that time. Some schools disaggregate some or all of the days and allocate the hours throughout the year on the 190 days as inset sessions. Where training days are disaggregated it should be agreed with the teacher the number of hours that they are required to attend.
- 12.4 For example a teacher who works 3 days per week will be paid in their salary for 3 training days, this equates to 18 hours of training. Where the days are disaggregated and there is a twilight session on one of the days that the teacher is required to work the teacher is required to attend and the hours are deducted from the amount already paid

i.e. Teacher works Tuesday, Wednesday and Thursday

Training is disaggregated into 2 full days and 2 disaggregated sessions of 3 hours

Training day 1 is on a Monday – teacher is not required to attend but if they do attend they must be paid for this

Training day 2 is disaggregated over a Tuesday and Wednesday twilight (3 hours each) teacher attends both sessions and has used 6 hours of their training days that they are already paid for.

Training day 3 & 4 is held on a Monday and Tuesday – teacher is not required to attend the Monday session (but if they do they must be paid), teacher attend training day 4 on the Tuesday, this is their second training day that they are already paid for.

Training day 5 is disaggregated over 3 sessions of 2 hours over a Tuesday, Wednesday and Thursday, teacher attends all and has fulfilled their contractual obligation to attend training days.

Appendix 1

Request form for Flexible Working

This form should be completed by eligible employees who wish to make a request to work a flexible working pattern which is different to their current working pattern.

(Note to employees:- *It will help if you provide as much information as possible about your desired working pattern. When completing sections 4 and 5, think about what effect your change in working pattern would have on both the work that you do, the school and its stated aims and on your colleagues. Once the form is completed, you should forward this to your Headteacher who will then arrange a meeting with you within 28 days to discuss the details of your request.*

If your request is approved, this will form a permanent change to your terms and conditions of employment unless otherwise agreed.)

1. PERSONAL DETAILS

Name..... Post Title.....

School.....

I would like to apply to work a flexible working pattern which is different to my current working pattern and I confirm that I meet the eligibility criteria for each of the following bullet points and as follows:

- I am making this request to help me care for a child or adult
- I have worked continuously as an employee of the school for the last 26 weeks
- I have not made a request to work flexibly under this right during the past 12 months

1. REASONS FOR MAKING THE REQUEST (please include details)
2 CURRENT WORKING PATTERN (Include details of days/times/hours worked)

<p>3 REQUESTED WORKING PATTERN (Describe days/hours/times etc)</p>
<p>4 IMPACT OF THE REQUESTED WORKING PATTERN</p>
<p>5. I THINK THE REQUESTED CHNGE IN MY WORKING PATTERN WOULD AFFECT THE SCHOOL AND MY COLLEAGUES AS FOLLOWS:</p>
<p>6. ACCOMMODATING THE REQUESTED WORKING PATTERN</p> <p>I think the effect on the school and colleagues could be dealt with as follows:</p>

I confirm the above are true and accurate statements and I would like the requested working pattern to commence on.....

Signed.....

Date.....

Appendix 2

If a request to work flexibly is rejected then the school will provide a specific “business reason”, which must be one of the nine stated in the legislation;

1. Burden of additional costs
2. Detrimental effect on the ability to meet customer demand
3. Inability to re-organise work among existing staff
4. Inability to recruit additional staff
5. Detrimental impact on quality
6. Detrimental impact on performance
7. Insufficiency of work during the period the employee proposes to work
8. Planned structural changes

The school’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the matters that will be taken into account in reaching a decision about part time working. Below are examples of what will be considered in making the decision, however this is not an exhaustive list.

1. **Burden of additional costs**

It is a little more expensive to employ part time staff rather than full timers but this would not normally be a key reason for rejecting an application.

2. **Detrimental effect on the ability to meet customer demand**

The school’s customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Head teacher will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the member of staff is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

3. **Inability to re-organise work among existing staff**

In addition to 2 above where the member of staff has leadership or management responsibilities it is necessary to take into account the ability of the school to distribute these to other members of staff at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities.

4. **Inability to recruit additional staff**

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the accountabilities of the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. The school will do what is reasonable to recruit additional staff and will be mindful of the costs of advertising in accordance with normal recruitment practices.

5. Detrimental impact on quality

See section 2 above in relation to the possible impact on the quality of learning and teaching and the outcomes of pupils.

6. Detrimental impact on performance

Timely marking of pupil work is essential for their progress. It is potentially difficult for part time staff to manage the weekly workload of planning and assessment in the classroom resulting in a possible negative impact on the performance of individual members of staff because they have not been able to complete the marking and other daily assessments to hand over to the next member of staff. It is the responsibility of part time staff to manage weekly workloads in the same way as full time staff. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the job should the request be agreed, and this will be considered before a decision is reached.

The School Teachers' Pay and Conditions Document sets out the legal requirements for the employment of part time teachers including that any meetings such as parents evenings must be scheduled on a day that the teacher works. If parents evening have to be organised for more than one evening this means that parents are inconvenienced.

7. Insufficiency of work during the period the employee proposes to work

If more than one member of part time staff requires the same working period, it may be difficult to accommodate part time staff. Whilst individual preferences for working days and times can be considered, the needs of pupils must always come first. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time member of staff being absent from school for one day per week may be to pressurise the time tabler to allocate a predominance of non-teaching periods for others in the team on that day. The school will need to consider the extent to which this is detrimental on the work-patterns of the team.

8. Planned structural changes

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

Appendix 3 – Appeal form

If you wish to appeal against the decision please complete the form below.

Name	Job Title
Date of request for flexible working	Date of submission of Appeal

Reason for Appeal

Please set out the grounds for your appeal in the space below

DRAFT

DRAFT