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# Flexible Working Policy

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Fully Adopted by

HEREFORDSHIRE PUPIL REFERRAL SERVICE



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## 1. POLICY

The governing body recognises that flexible working can offer advantages to the school and its employees and enhance its reputation of being a provider of excellent teaching and learning and an employer of choice.

In addition, flexible working can be of benefit through improved service delivery, cost savings, reducing the school's carbon footprint and supporting employees by providing opportunities for improved work-life balance subject to meeting service requirements.

Whilst employment legislation provides that flexible working be available to all employees who meet certain criteria, the governing body recognises that the above benefits can only be achieved if flexible working is more widely available. The procedures have therefore been broadened to enable other employees to request flexible working.

Requests for flexible working will only be agreed after full consideration of impact on service provision and how this can be managed.

Business driven changes may also lead to opportunities for flexible working. Where this is the case, employees will be fully consulted.

## 2. SCOPE

This document outlines the procedure in place should an employee wish to request flexible working and applies to permanent and fixed term employees who meet the criteria for statutory request for flexible working. It does not apply to casual or agency workers.

It also outlines the principles to be followed for school initiated flexible working.

This policy does not cover flexible retirement (see HR008 (SCH) Retirement Policy and Procedure), flexitime or time off in lieu (TOIL).

## 3. DEFINITIONS

**Flexible working:** a range of working arrangements affecting the amount of time employees work (e.g. full time, part time), when they work (e.g. flexi time, annual hours, staggered hours), or where they work (e.g. on work premises, at home, 'on the road' or on clients' premises). Examples of flexible working that may be applicable in the school situation are contained in Appendix A.

**Statutory request:** an employee can only make a statutory request if they have

- worked for the same employer for at least 26 weeks (This will become a day 1 right on 6<sup>th</sup> April 2024)
- not made another application to work flexibly during the previous 12 months (or from 6<sup>th</sup> April 2024 not made more than 2 applications in the previous 12 months).

Legislation requires that the consideration process is completed within 3 months (2 months from 6<sup>th</sup> April 2024) of receiving the request (including any appeal).

**Headteacher.** The person responsible for leading and managing the school, and has delegated powers to ensure flexible working is appropriately managed. References to the headteacher shall include any nominated deputy headteacher / line manager acting on his / her behalf. In the case of teachers, the headteacher or in his / her absence, the deputy headteacher may act on his / her behalf.

**Panel of governors.** This is a panel of three governors who are used for appeal hearings.

**Working days:** Any designated term-time or Teacher Education Training Day or any other contractual working day.

**Job sharing** involves two employees sharing the responsibilities of one job, dividing the hours, duties and pay between them. This is different to part time working where it is decided that the role does not require a full time or job share arrangement.

#### **4. RESPONSIBILITIES**

##### **Employees**

- Discussing their interest in flexible working arrangements with their headteacher or nominated representative.
- Submitting a written request to work flexibly and including all relevant information.
- Responding promptly and positively to requests for further information and with regard to arrangements for meetings.
- Considering how flexible working may be applied in their jobs (only required for applications submitted up to and including 5<sup>th</sup> April 2024).
- Working in partnership with headteachers or nominated representatives - and in accordance with this policy and procedure - to assess specific flexible working proposals and create and review flexible working arrangements.
- Honouring agreed flexible working agreements, including sorting out any issues direct with colleagues if possible.

##### **Headteacher or nominated representative**

- Responding constructively to informal discussions with employees about flexible working.
- Treating requests and discussions in confidence.
- Giving due consideration to statutory and other formal requests for flexible working arrangements, taking positive and creative approach to enabling requests where possible in light of the needs of the service.
- Must consult with the employee beforehand if rejecting a request submitted from 6<sup>th</sup> April 2024.
- Monitoring how effectively the flexible working arrangements are operating.
- Considering how flexible working may be applied to jobs within their teams.
- Working in partnership with employees and other stakeholders to identify and assess specific flexible working opportunities and create and review flexible working arrangements, and implementing changes as necessary.
- Ensuring Working Time Regulations are adhered to when considering and managing flexible working.
- Managing flexible workers as a routine part of team management and honouring agreed flexible working arrangements.
- Providing formal notification to employee and payroll of changes to contractual arrangements (where applicable).

**Governing body** is responsible for ensuring that the procedure is applied consistently and fairly and that appropriate action is undertaken.

**Governors** are responsible for conducting themselves in an appropriate manner and should have due regard for maintaining confidentiality.

##### **Human Resources Services**

- Providing guidance and advice to headteachers, governing body and employees regarding this flexible working policy and the relevant legislative requirements.

## **5. ORGANISATION INITIATED FLEXIBLE WORKING**

Headteachers seeking to introduce flexible working arrangements will follow good practice principles. An organisational change plan will include the business reasons for the change, and how employees and union representatives will be consulted. Where there is no accredited school representative the County level representative shall be formally consulted, as not all jobs are suitable for all types of flexible working, it will explain how applicability will be assessed.

Consideration will also need to be given to how employees on different working arrangements will be managed on a day to day basis as well as measuring the impact of changes on service delivery.

Any health and safety issues (e.g. lone working, risk assessment), information, communication and technology issues (e.g. work station / workplace), or insurance issues should also be discussed to ensure compliance with appropriate school policies.

## **6. PROCEDURE FOR DEALING WITH EMPLOYEE REQUESTS TO WORK FLEXIBLY**

### **6.1. Application**

Any employee may request to work flexibly by completing form FW1 (SCH) with the following information

- their proposal
- the effect this will have on the service and how this may be dealt with (only required for applications submitted up to and including 5<sup>th</sup> April 2024).
- a start date for the proposed change, giving at least 3 months' notice
- the date of any previous application

In addition, employees should be particularly aware that to exercise their statutory right they must indicate that it is a statutory request.

If the request is for a job share arrangement with another existing employee both employees should complete the application process. The singular term employee can be read in the plural when used in the context of job sharing.

### **6.2. Headteacher or nominated representative considers application**

After acknowledging receipt, the headteacher or nominated representative will arrange to meet with the employee within 20 working days (template FW3 (SCH)) to discuss the request. The employee may be accompanied by a work colleague or union rep at that meeting.

This meeting is not required if the headteacher or nominated representative agrees to the terms of the application and notifies the employee accordingly within 20 working days of receipt of the application (template FW2(SCH)), although it may still be of benefit to have a meeting to ensure that all issues are discussed.

The meeting will provide the headteacher or nominated representative and the employee with an opportunity to explore the desired work pattern in depth and discuss how it might be accommodated. It will also be an opportunity to consider alternative suitable working arrangements if there are problems in accommodating

the employee's desired pattern. Attention will also be paid to the impact of the proposed working arrangements on costs, service and quality standards and how this could be overcome.

Any health and safety issues (e.g. lone working, risk assessment), information, communication and technology issues (e.g. work station / workplace), or insurance issues should also be discussed to ensure compliance with appropriate school policies.

Whilst most arrangements are likely to be permanent, the headteacher or nominated representative and employee may agree a temporary arrangement for a specific period of time.

Consideration should also be given to whether a trial period would be useful, at the end of which the arrangements would be reviewed and the arrangements formally accepted or refused.

The headteacher or nominated representative will only refuse the application if there is a good business case on one or more of the following grounds:

- Unreasonable burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff (including detrimental effect on school organisation)
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of the work during the periods the employee proposes to work
- planned structural changes

If a request submitted from 6<sup>th</sup> April 2024 is to be rejected, the head teacher or nominated representative must consult with the employee before a decision to reject the request is made.

### **6.3. Notice of decision**

Where a meeting has been held, the headteacher or nominated representative will give the employee written notice of the decision within 5 working days of the date of the meeting. The decision may be

- application agreed (template FW4(SCH))
- application agreed with amendments if the headteacher or nominated representative is unable to agree to the original request. The employee will be asked to indicate their acceptance of the amendment, and informed of the appeal procedure if they do not accept (template FW5 (SCH)).
- application not agreed. If the decision is to refuse the application, the letter (template FW6(SCH)) will:
  - summarise the grounds for refusal in accordance with the business grounds upon which manager can reject the application
  - contain a sufficient explanation including the key facts about why the business ground applies and
  - set out the appeal procedure.

### **6.4. Appeal Procedure**

If the employee is dissatisfied with the headteacher's or nominated representative's decision, they may appeal to a panel of governors by sending a written appeal to the chair of governors within 5 working days of the date on which the notice of the decision is given. The appeal must set out the grounds of the appeal and be dated. Grounds for appeal are that there is new information not available at the time the decision was made, or that the application was not handled reasonably in line with the policy.

## 6.5. Appeal Meeting Required

The panel of three governors will hold a meeting with the employee to hear the appeal within 15 working days of the date on which the notice of appeal is given by the employee. The time and place of the meeting will be convenient as possible to both the employee and the panel of governors and the employee has the right to be accompanied to the meeting by a work colleague or union rep. The employee may request a revised meeting date within 5 working days of the original if the work colleague or union rep is unable to attend. A template letter (FW7) is provided for inviting an employee to a meeting to discuss their appeal.

The panel of governors must give the employee written notice (template letter FW8) of the decision within 5 working days of the date of the meeting.

- If the appeal is upheld, the notice will specify the variation agreed to and the date from which it is to take effect.
- If the appeal is dismissed, the notice will set out the grounds on which the dismissal is based.

## 7. TERMS AND CONDITIONS

Changes to teaching staff terms and conditions will be compliant with STPCD regulations and will be permanent unless agreed otherwise between the headteacher or nominated representative and employee.

There is no automatic right for an employee to change back to their original working pattern after a request is agreed to.

Pay and benefits will be calculated pro rata to standard, full time working employees, subject to any entitlement criteria being met by the flexible working arrangement.

## 8. DAY TO DAY MANAGEMENT OF EMPLOYEES WHO WORK FLEXIBLY

To ensure that all employees are managed to the same high standard, headteachers or nominated representatives will need to make sure that appropriate arrangements for the following are put in place from the outset

- clear management and reporting lines
- how performance will be managed
- attendance at team and other meetings
- learning and development activities

## 9. JOB SHARE

### 9.1. General

- Any full time job can be considered.
- Job evaluation and grading applies to the whole job. No account is taken of any division of duties practiced by job share partners
- Each job sharer has an individual contract reflecting their hours and terms and conditions
- Use model letter FW11 (SCH) to agree a jobshare request.
- Sharers may be approached to cover for a jobshare partner's holiday on a voluntary basis with either time off in lieu or payment for hours worked in accordance with overtime arrangements
- On some occasions, it **may** be possible for the sickness absence on the part of one job sharer to be covered by the job share partner; however this should always be at the discretion of the job sharer and should be paid.
- Handover arrangements will need to be agreed between the job share partners to ensure consistency in handling the job tasks.

- In accordance with 6.3 above any decision to refuse a job share will be made in writing

## **9.2. Vacancies**

- When filling vacant posts a current job sharer should be given the opportunity to meet with a potential job sharer to discuss the potential job share.
- Where an appointment to a job share depends on another sharer to make it viable the job offer is conditional on the other sharer being appointed.

## **9.3. Ending a job share**

- One sharer may be approached to cover the vacant hours created by the sharer's departure on a voluntary basis
- The requirement for a full time job will be reviewed.
  - If it is decided that the hours do not need to be replaced the balance of the job share post remaining shall convert to a part time post.
  - If it is decided that the hours do need to be replaced they should first be offered to the job sharer
  - If the remaining job sharer does not want to change their hours the vacant hours should be advertised on a job share basis.

## **10. COMPLIANCE**

Failure to follow this procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

Headteachers or nominated representatives who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the appropriate managing performance or disciplinary policy and procedure.

## **11. IMPACT ON SCHOOL PRIORITIES**

The policy provides clear statements about governor, headteacher, manager and employee responsibilities to ensure that the performance of all school employees is of a high standard. This underpins service provision and enables the school to effectively meet its key priorities.

## **12. TRAINING AND AWARENESS REQUIREMENTS**

Headteachers and employees will be informed about this policy and procedure via appropriate communication channels.

## **13. MONITORING**

The Director of Children's Wellbeing is responsible for ensuring the review of this policy and procedure for local authority schools.

The governing body is responsible for adopting and implementing this policy and procedure.

HR Services and the Learning and Achievement Team will be notified of any cases in community and voluntary controlled schools where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies, procedure, training, support or any other aspect of the school's approach to flexible working.



## **14. REVIEW**

This document will be reviewed after 4 years unless circumstances demand a review before then.

## **APPENDIX A - EXAMPLES OF FLEXIBLE WORKING**

### Annual Hours

The hours which an employee is contracted to work are calculated over a whole year. Usually the annual hours are split into two parts. The larger part consists of set shifts with the remaining shifts unallocated. Usually the employee is paid for unallocated shifts and owes time to the organisation. The organisation will keep these hours in reserve and can call on the employee to work at short notice as demand dictates. Additional leave entitlement may be agreed either unpaid or paid with salary recalculated to take account of extra leave. Additional leave may also be agreed as part of an annual hour's agreement.

### Part Time

Working pro rata to full time with pro rata terms and conditions.

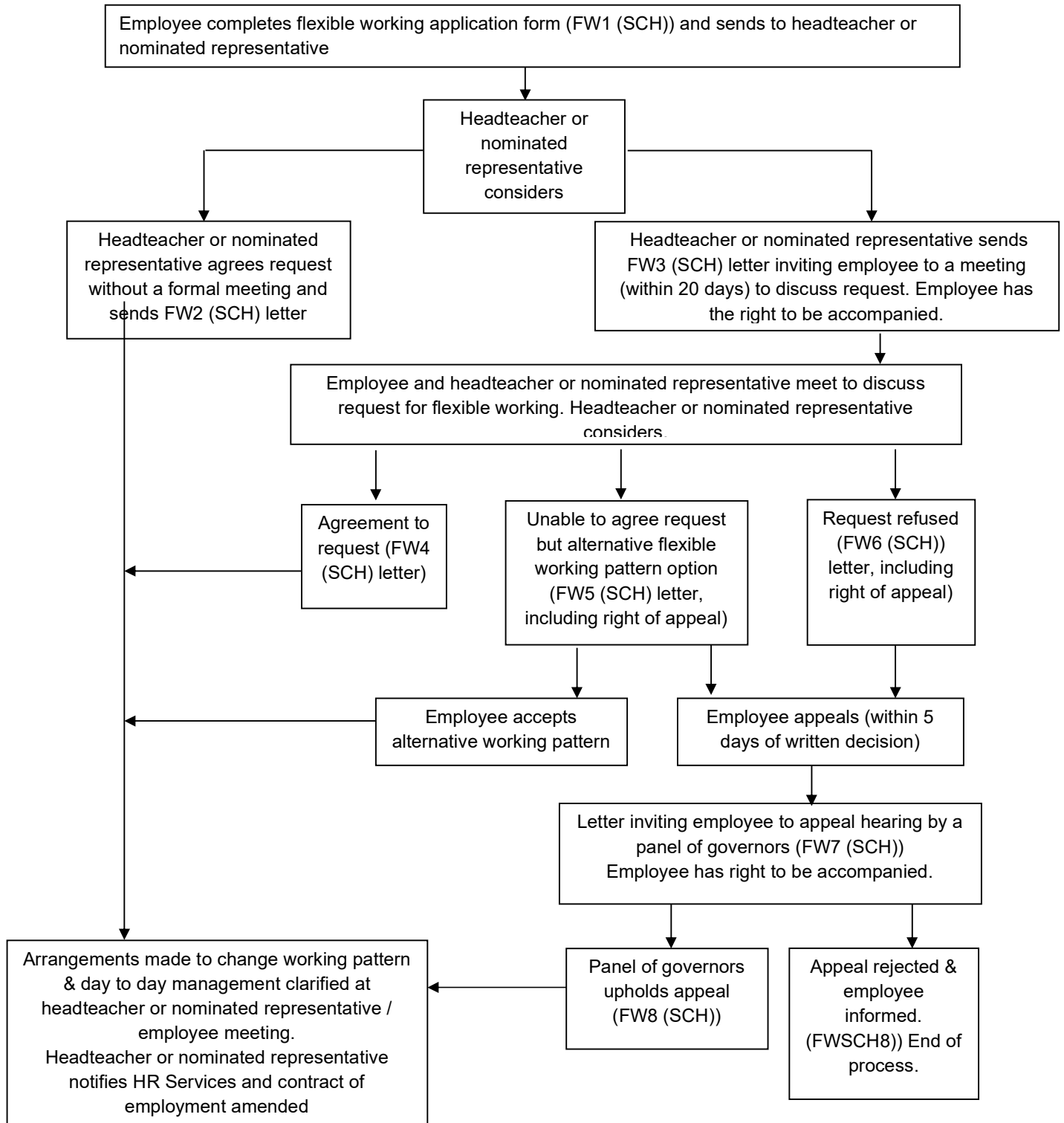
### Term Time

Employees who only work during term times. Paid 12th salary each month. Salary pro rata for number of weeks worked per year (normally 38 or 39, including INSET days where applicable). Annual leave must be taken during school holidays and is paid pro rata number of days, with any remainder unpaid. (Term time or term time plus working may be required because of job demands, or may be at the employee's request to help them balance their job and family demands. If term time working is in place because of the nature of the job, school holiday dates will apply).

### Job Share

Job sharing is recognised as a way to increase the range of employment and career opportunities for people not wanting to undertake full time employment. It assists in the recruitment and retention of skilled and experienced staff, without separating the duties of the post that would otherwise be undertaken as a whole. Other potential benefits include greater flexibility as the hours can be split to suit the needs of the school, for example, both could work during peak times, continuity of cover in the absence of one post holder in that at least half of the work is still covered during leave e.g. annual leave, sickness. In addition, should one half of the job share partnership resign the remaining person can maintain a minimum service pending the appointment of a replacement. The hours of work may be shared in different ways, equally or unequally. The job to be shared need not necessarily be full time but should not exceed those of a full time post.

**APPENDIX B - FLEXIBLE WORKING REQUEST PROCESS**



## Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
0.01	DRAFT	Aug 13	Adapted from source document (HC policy as at 9 Jun 13)	New School Policy	All
1.0	FINAL	Nov 13	Published	New School Policy	All
2.0	FINAL	23 JULY 14	Changes to reflect legislation. Plus minor textual changes for clarity	Legislation changes	All
2.1	FINAL	Nov 16	Moved onto new template	New template	All
2.2	FINAL	Oct 17	No legislative changes, policy checked through – no changes required based on usage and feedback	Policy due for review	P1- key dates amended
3.0	Final	January 2024	Amended to take into account the new legislative changes coming into force on 6 <sup>th</sup> April 2024	New legislative changes coming into force on 6 <sup>th</sup> April 2024	2-5