



Weston Favell School

Flexible Working Arrangements

RESPONSIBILITIES

Governor Committee: Resources

SLT: Tracey Jones

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APPROVED

Resources Committee: *January 2008*

Chair of Governors: *signature*

1. Policy Statement

The school is committed to equality of opportunity for all. It recognises that offering flexible working arrangements can help to increase the diversity of the workforce.

The school will sympathetically consider all requests for flexible working. Each application will be considered on its own merits, but no undertaking can be given to agree to any or every request.

When recruiting the Head Teacher may invite specific flexible working arrangements and advertise posts accordingly e.g. when filling the second half of a job share.

The Head Teacher is responsible for the implementation and monitoring of this procedure to ensure that school standards are maintained.

2. Who does this procedure apply to?

It applies to all school based staff.

All jobs held by employees within the school will be considered eligible for flexible working.

Any individual may apply to undertake their existing role or apply for a vacancy on a flexible working basis.

3. What is the legal background?

The Employment Act 2002 makes new provisions in the Employment Rights Act 1996 to give eligible employees the right to request flexible working. It also places an obligation on the employer to respond to the request. The Act does not give employees the right to insist on a flexible working pattern. But, where the application meets the statutory criteria it may only be refused on certain grounds.

Equal opportunities legislation gives employees and prospective employees the right not to be directly or indirectly discriminated against in relation to their employment. It is recognised that offering opportunities for flexible working can help to achieve the aims of equality of opportunity in the workplace, enhanced motivation and reduced absenteeism.

Flexible working applications may be made when an employee is returning from maternity leave. These applicants have specific protection under employment legislation and their applications must be therefore be considered very carefully. Contact your nominated HR adviser for advice.

4. What is flexible working?

There are a range of flexible working options which may lead to a change in an employee's:

- hours of work;
- times of work; or
- place of work.



Some examples are listed below. This list is not exhaustive and other options may be considered. Speak to your nominated HR Adviser for advice or see the advice on the relevant topic at the end of this document.

- Part time working
- Compressed hours
- Job share
- Term time working
- Flexible working hours
- Home working

5. What if a job applicant requests a flexible working arrangement?

Where an eligible employee requests a flexible working arrangement, when applying for a post, they should be asked to put their application in writing.

Flexible Working application forms are available from the Bursars Office

The request should confirm that they are applying under the statutory right to request a flexible working pattern and are eligible to do so. The request should also identify:

- the type of flexible working pattern applied for;
- the proposed start date;
- the effect on the employer; and
- how the effect may be dealt with.

The initial onus is on the employee to prepare a carefully thought out application well in advance of when they would like the desired working pattern to take effect. The employee should think carefully about their desired working pattern, making realistic proposals for how their work may be organised in their absence.

The Head Teacher should first consider whether the applicant is suitable for the post. The recruitment process must follow the recruitment and selection procedure.

If the applicant is successful the Head Teacher should then consider whether the post is suitable for flexible working. The Head Teacher has a duty to consider the request seriously and sympathetically. S/he should meet the applicant (within 28 days) to explore the desired work pattern and discuss how it might be accommodated.

If an applicant who wishes to work flexibly is successful s/he should be appointed on the appropriate terms and conditions applicable to the flexible working option.

Any working arrangement entered into using this procedure will be a permanent change to the employee's conditions of employment.

Applicants should be encouraged to give as much notice as possible in requesting the type of flexible working arrangement they would like. If the Head Teacher needs more time to consider the application s/he should agree with the applicant when s/he will respond to their request. If the Head Teacher is unable to agree a revised timescale s/he must respond to the individual within 14 days of the meeting. A delay may be caused by the need to consult with others or where there is a need to recruit e.g. a job share partner.

If the Head Teacher is unable to accept a flexible working application, they should advise the applicant of this decision in writing. This should be within 14 days of your meeting. S/he must inform the employee of:

- which of the statutory grounds for refusal apply; (see below)
- a sufficient explanation as to why the business grounds for refusal apply in the circumstances;

- a statement that the employee has a right to appeal; and (see below)
- the notice must be dated.

If the Head Teacher rejects the employee's application, s/he must provide sufficient explanation as to the business grounds for not accepting the application. This should be one of the following reasons:

- the burden of additional costs;
- detrimental effect on the 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; or
- planned structural changes.

The Head teacher should contact their nominated HR adviser for advice if they are planning to reject a flexible working application.

An employee has the right to be accompanied by a Trade Union Representative or colleague in any meeting held in accordance with this procedure.

6. What if an existing employee asks for a flexible working arrangement?

Where an eligible employee asks for a flexible working arrangement in his/her current post s/he should be asked to put their request in writing. The request should confirm that s/he is applying under the statutory right to request a flexible working pattern and are eligible to do so. The request should also identify:

- the type of flexible working pattern applied for;
- the proposed start date;
- the effect on the employer; and
- how the effect may be dealt with.

The initial onus is on the employee to prepare a carefully thought out application well in advance of when they would like the desired working pattern to take effect. The employee should think carefully about their desired working pattern, making realistic proposals for how their work may be organised in their absence.

The Head Teacher has a duty to consider the request seriously and sympathetically. S/he should meet the employee within 28 days to explore the desired work pattern in depth and discuss how it might be accommodated.

Where flexible working is agreed, the employee should be informed within 14 days. A new statement of employment particulars should be issued.

Any change to working arrangements made using this procedure will be a permanent change to the employee's conditions of employment.

Employees should be encouraged to give as much notice as possible when they would like to change their work pattern. If the Head Teacher needs more time to consider the application s/he should agree with the employee when s/he will respond to their request. If the Head Teacher is unable to agree a revised timescale s/he must respond to the individual within 14 days of the meeting. A delay may be caused by the need to consult with others or where there is a need to recruit e.g. a job share partner.

If the Head Teacher is unable to accept a flexible working application, s/he should advise the employee of this decision in writing. This should be within 14 days of your meeting. The Head Teacher must inform the employee of:

- which of the statutory grounds for refusal apply; (see below)
- a sufficient explanation as to why the business grounds for refusal apply in the circumstances;
- a statement that the employee has a right to appeal; and (see below)
- the notice must be dated.

If the manager rejects the employee's application, s/he must provide sufficient explanation as to the business grounds for not accepting the application. This should be one of the following reasons:

- the burden of additional costs;
- detrimental effect on the 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; or
- planned structural changes.

The Head teacher should contact their nominated HR adviser for advice if they are planning to reject a flexible working application.

An employee who is dissatisfied with a decision made under this procedure may appeal. The appeal procedure will be the Grievance Resolution Procedure. Appeals should be heard within 14 days unless both parties agree to extend this timescale.

An employee has the right to be accompanied by a Trade Union Representative or colleague in any meeting held in accordance with this procedure.

An employee may make one application for flexible working in a 12 month period. The 12 month period runs from the date on which the application was made.

7. Part time hours

What are part time hours?

"Part time hours" is a working arrangement in which the contractual hours for an employee are less than the standard full-time hours for the post.

Working patterns can be arranged to suit personal and operational needs.

What issues should be considered in a part time hours arrangement?

In issuing a part time hours contract, it is advisable to incorporate the following:

- the allocation of working hours and the pattern in which they are worked;
- any existing terms and conditions which will continue. But certain allowances will be on a pro rata basis including those relating to: pay, annual leave, bank holidays, sickness benefits;
- that a part time employee should have the same access to training and development as a full time employee; and
- that where a part time employee undertakes additional hours overtime rates, if applicable to the job for support staff, will not apply until the hours of work exceed the standard working week for a full time employee.

8. Job Sharing

What is job sharing?

Job sharing is a working arrangement in which 2 or more employees voluntarily share the duties and responsibilities of a job.

Working patterns can be arranged to suit personal and operational needs. The following are examples of job share patterns:

- day share - one sharer works mornings the other afternoons;
- week share - one sharer works on some days, the other on other days; or
- alternating week- sharers alternate the weeks they work.

What issues should be considered in a job share arrangement?

In issuing a job share contract it is advisable to incorporate the following:

- the allocation of working hours and the pattern in which they are worked;
- any existing terms and conditions which will continue. But certain allowances will be on a pro rata basis including those relating to: pay, annual leave, bank holidays, sickness benefits;
- that a job sharer should have the same access to training and development as a full time worker;
- that where a job sharer undertakes additional hours overtime rates, if applicable to the job for support staff, will not apply until the hours of work exceed the standard working week for an equivalent full time employee;
- what happens if the job share partner is absent or leaves;
- arrangements for: covering hours of work, division of tasks, managing performance; and
- whether any overlap should occur and the arrangements for this.

What happens if one job share partner is absent for any length of time?

Where one part of the shared post is unoccupied due to sickness, maternity or other leave, the remaining job sharer may be invited, but not required, to undertake additional hours up to the full time equivalent.

What happens if one job share partner leaves?

Where one job sharer leaves their post any remaining job sharers should be offered the post on a basis that meets the hours required for the post. If they do not wish to undertake additional working the post should be advertised as a job share vacancy. If this is unsuccessful the job sharers should be informed and asked to confirm whether they wish to work additional hours. If it is necessary to fill the post on the basis on which it was previously occupied, the job sharers should be advised that they might need to change their hours of work or be redeployed in accordance with the applicable redeployment procedure. Your nominated HR Adviser can advise.

9. Home working

What is home working?

“Home working” is a working arrangement in which the employee carries out their work from home.

What issues should be considered in a home working arrangement?

- Contact your nominated HR Adviser for advice on issuing a home working contract.
- Contact Information Services for advice on IT equipment for home working.
- Contact Health & Safety for advice on ensuring the health and safety of home workers.

RELATED POLICIES

RELATED DOCUMENTS