

# WORKING FLEXIBLY POLICY

This document applies to Community and Voluntary Controlled Schools, and is advisory for Foundation and Voluntary Aided Schools.

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## WORKING FLEXIBLY POLICY

### Purpose

The school is committed to the development of innovative working practices in order to achieve excellence in education provision and work life balance for its staff. Providing opportunities to work flexibly gives benefits to both employees and the school. It is recognised however that the opportunities to work flexibly can be difficult within a school environment as the ability to do this **without negatively impacting education provision** can be limited.

There are some examples of flexible working that the school may be able to provide:

- **Part-time working** - working less than the standard full time week as defined by the school.
- **Job-sharing** – a formal arrangement whereby two or more employees carry out the duties of a single post. Each job-sharer is employed on a part-time basis and contractually linked to their job share partner; together they cover the whole post, dividing the pay and benefits pro rata.
- **Term time working** or term time plus additional working weeks - an employee who is not employed full year. They are employed to work during school term times and all leave entitlement is taken outside of those weeks. Employees may also work term time plus additional weeks. Term time working is the predominant way in which support staff are employed in schools.

### Statutory Right to Request Flexible Working

Employees who have worked for LCC, including those employed in relevant schools, continuously for at least 26 weeks have a statutory right to submit a request for flexible working, under the Employment Rights Act 1996. Employees are entitled to submit one formal flexible working request in a twelve-month period – this is only varied if the reason for an additional request relates to a statutory entitlement, such as the Equality Act 2010 right to request reasonable adjustments. Employees can apply, for example, to vary the number of hours they work, the times they work, or their place of work.

### **Procedure for submitting a request to work flexibly**

If an employee wishes to work flexibly, the school advises employees to initially discuss this with their Head Teacher/Manager to let them know that they will be submitting a formal request for flexible working. This encourages Head Teachers/Managers and employees to work together to find solutions that meet the needs of both the school and individuals and therefore, early notification and discussion can be helpful and constructive.

A request from an employee under the Employment Rights Act 1996 and related regulations must be in writing and must include the following information:

- the date of the application, the change to working conditions they are seeking and when they would like the change to come into effect;

- what effect, if any, they think the requested change would have on the school and the provision of education, 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 Flexible Working Application Form is available as **Appendix 1**.

Once a request is received, the Head Teacher/Manager is required to consider it promptly. The law requires that all requests, including any appeals, must be considered and decided on within a period of 3 months from first receipt, unless an extended period is agreed with the employee.

The Head Teacher/Manager will arrange to meet with the employee as soon as possible after receiving their written request, to discuss the request in more detail. If the intention is to approve the request then a meeting is not required. Where a meeting is held, the employee is entitled to be accompanied by a LCC/school work colleague. If the employee or colleague are unable to attend the Head Teacher/Manager will look to re-schedule the meeting within the following 5 working days.

If the Head Teacher/Manager arranges a meeting to discuss the application (including any appeal) and the employee fails to attend both this and a rearranged meeting without a good reason, the school can consider the request withdrawn. In these circumstances, this will be confirmed in writing to the employee.

The Head Teacher/Manager will consider the request carefully, looking at the benefits of the requested change(s) in working arrangements for both the employee and the school, weighing these against any adverse impact of implementing the change(s).

Schools will need to agree locally whether Head Teachers/Managers will consider requests and make a decision independently or whether the Governing Body will decide the outcome of the request. In the case of the latter, at least three Governors need to be reserved to hear an appeal should this be necessary

The Head Teacher/Manager will inform the employee of the decision, in writing. Each request 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 their working pattern. The outcome letter will also explain the employee's right of appeal, where their request has been refused. Any appeal must be submitted in writing within 10 working days of the notice of the decision.

Where a flexible working request is agreed, the new working pattern will be a permanent change to the employee's terms and conditions unless agreed otherwise, and a contract change will be issued. A trial period may be agreed to ensure the benefits for the school and individual are realised. Any trial period agreed will be confirmed in writing in the outcome letter, and a formal review will be scheduled. Flexible working requests can be agreed subject to being able to successfully recruit to the backfill (if required). In the meantime, and if recruitment ultimately unsuccessful, the individual will be required to continue to work their current contractual hours.

If a request is refused, it must be for one or more of the following reasons as set out in the legislation:

- the burden of additional costs;
- an inability to reorganise work amongst existing employees;
- an inability to recruit additional employees;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;
- insufficient work for the periods the employee proposes to work;
- a planned structural change to the business;
- regulatory restrictions as laid down by the Secretary of State

## **Appeal**

Employees dissatisfied with a Head Teachers or Governing Body's reason(s) for refusing their request for flexible working, having regard to the statutory criteria for refusal, or who believe the procedure has not been followed correctly, may appeal against the decision.

Employees must submit in writing any appeal within 10 working days of receipt of the letter confirming the refusal of the request and set out the grounds for appeal. Appeals will take the form of a review of the procedure and case and will be undertaken at the earliest available opportunity, by a panel of three Governors. The appeal outcome is final and no further internal right of appeal exists.

## **Reduced Hours Scheme**

LCC operates a reduced hours scheme, which Head Teachers may apply in schools, in which Head Teachers will consider requests from employees to:

- (i) voluntarily reduce their hours of work on a temporary basis with their pay adjusted accordingly;
- (ii) take extended unpaid leave of absence;

The reduction in hours (or unpaid leave of absence) will be for a specified period of time of up to a maximum of twelve months and can be achieved in a number of ways, as follows:

- reducing the working day;
- reducing the number of days worked in the week;
- taking time off in a block of days/weeks/months.

All requests under this scheme must be made by following the procedure for making a flexible working request. All requests will be subject to operational considerations and a school is not obliged to agree to any such request. Employees are only permitted one application under the Reduced Hours Scheme in any twelve month period.

Where a request is agreed, at the end of the specified period, the employee will either:

- return to their substantive working hours; or

- submit a further application to remain on the agreed reduced hours on a permanent basis. This formal application at this time will also need to be in accordance with the flexible working procedure. Such a request will be considered by the Head Teacher/Manager in accordance with this policy.

A further period of temporary reduction in hours cannot be applied for. The temporary reduction is for a maximum of 12 months with agreement to return to normal hours at the end of this period, or to apply for a permanent change. However, as employees are permitted one flexible working request in any 12 month period, a further request under the Reduced Hours Scheme can be made in the subsequent year.

If, before the end of the agreed period, an employee requests a return to their substantive hours or return to work, the date of return will be mutually agreed, have regard to both the employee and operational needs.

If operational circumstances change, for example, staff shortages due to leavers or sickness absence, the agreed arrangements may need to be reviewed. Head Teachers/Managers will consider this as a last resort, and termination of these arrangements will only be after all other options have been explored. In such circumstances, the employee will be given at least one month's notice by the Head Teacher of the change to the arrangement.

### **Job Sharing**

Job-sharing, as stated above, is a formal contractual arrangement where two people voluntarily share the duties and responsibilities of one job, and also share the pay and benefits, where appropriate, of that job in proportion to the hours they each work. In a job-share post, each contract will specify the conditions and hours that will be carried out by each person.

Job-sharing can have many benefits. It can:

- promote diversity by increasing the scope, range and availability of jobs for people who cannot or choose not to work longer hours;
- can also form a reasonable adjustment for those with disabilities
- maximise resources from which to recruit by making available individuals who are not able, or choose not, to work longer hours;
- retain employees who have valuable skills and reduce turnover;
- increase efficiency - two employees may have complementary skills to offer;
- reduce the effects of absences such as sick leave and annual leave - if one person is away, the other half of the job may continue;
- provide additional cover in peak periods - both sharers may be on duty at the same time for special events, to cover meetings, etc.

### **Division Of Posts**

The arrangement of hours in a shared post is determined by the Head Teacher in consultation with the job-sharers. Posts can be shared in a number of ways, including:

- each sharer working a proportion of the working day and/or working week
- sharers working alternate weeks

- sharers splitting the working week, eg 3 days one week and 2 days the following week.

The total hours of the job-sharing partnership are equal to those of the established post. Where it is necessary to have a change-over period between the job-sharers, this will be achieved within the normal established total hours.

The duties of the shared post may be allocated between sharers to reflect the skills, abilities and working hours of the sharers and the needs of the school. However, it should be borne in mind that the grade applies to the whole job. Wherever possible, sharers should undertake the full range of duties.

### **Ways In Which A Job-Share Request Can Be Initiated**

A job-share can be initiated by:

- job-sharers applying for and being appointed to an advertised vacancy
- an existing employee asking to share their present post
- two current employees asking to share one of their current posts.

If a request to job-share is refused, Head Teachers/Managers will explain the decision, which will be based on objective and service-related reasons.

### **Advertised Vacancies**

All vacancies should be advertised as suitable for job-sharing, except where identified as unsuitable for job-sharing.

When recruitment takes place to a vacant post and existing job-sharers (either jointly or as a single applicant) are among the applicants, the normal recruitment procedure will apply. If short-listed, job-sharers, including those making joint applications, will be interviewed separately and then briefly together to discuss their joint application. Selection panels may make an offer of appointment to only one partner in a joint application.

If only one job-sharer applies for a post but is applying for the post without a job-share partner, the application will be assessed in the same way as applications from other candidates. The appointment should be offered on the hours of the post if, in the opinion of the panel, that person is the best candidate. If a suitable job-sharing partner cannot be identified after advertising the post twice, the termination provisions of the procedure, when a job-sharer leaves, as detailed below, will apply.

### **Existing Employees Wishing To Job-Share Their Post**

An employee wishing to share their existing post may seek agreement to do this by submitting a Flexible Working application. If the application is accepted, the remaining half of the job-share will be advertised. The existing employee will continue to work the hours of the post until a suitable job-sharing partner is appointed. In such cases, it would be reasonable to advertise the post twice.

## **Joint Applications From Existing Employees Wishing To Job-Share One Of Their Posts**

Where any two employees wish to job-share one of their existing posts, they may make a Flexible Working application. If approved for job-sharing, the proposed working arrangements will be discussed with the existing postholder, and the other potential job sharer will be interviewed to determine if they are suitable for the post.

If the application is successful, the resultant post will be advertised, with the two job-sharing applicants continuing to work in their existing posts until an appointment is made.

### **When A Job-Sharer Leaves**

If a job-sharer leaves, the remaining job-sharer will be offered the remaining part of the post. If they do not wish or are unable to work these hours, another job-sharing partner will be sought by advertising. Pending a new appointment being made, discussion will take place with the remaining job-sharer concerning what alternative arrangements may be required to ensure that the duties and hours of the established post are covered.

If no suitable job-sharing partner can be found after advertising the post twice and there are no other suitable part-time posts for the existing job-sharer, then the sharer's employment will be terminated by due notice, as set out in the contract of employment.

### Conditions Of Service

#### Grades and Rates of Pay

The grade for a job-share post will be that which applies to the post being shared.

Job-sharers will be paid pro-rata to the full-time rate for the number of hours worked.

#### Contract of Employment

Each job-share partner will hold an individual contract of employment. The post-holder's job title will be that given to the established post with the endorsement - Job-Share. The following paragraph, or similar, will be included:

"This post is part of a full time post which has been divided under a job share arrangement. In the event of the contract of employment of the other job share partner terminating, this appointment will be reviewed. You will be offered the remaining part of the post; if you decline and it proves impossible to recruit a new partner(s) after advertising twice and there are no other suitable part-time posts, then the appointment will be terminated by due notice."

The job description will be that prepared for the established post, with additions and amendments where necessary to reflect agreements reached at interview.

The hours to be worked will be by arrangement with the job-share partners and the line manager.

### **Promotion**

Job-sharers may apply for promotion on equal terms with non-job-sharing employees, either jointly or individually, except where a post is excluded from job-sharing.

### **Cover Arrangements**

Job-sharers may be offered the opportunity to work additional hours to cover for their partner's holiday, short or long term sickness, or maternity leave. However, it will not be a requirement of employment that they do so.

### **Development and Training**

Job-sharers will have access to training opportunities on the same basis as non-job-sharing employees. When on training courses outside their contracted daily hours, part time employees shall be paid on the same basis as full time employees or given time off in lieu.

### **Annualised Hours**

This method of working is more suited to a service area where seasonal variations have an impact on workload.

Annualised hours working involves an employee working a set number of hours over the year rather than per week. Normally a period of regular hours forms the core of the arrangement, with the remaining time left unallocated and used on a flexible basis to meet peaks in demand.

Weekly contracted hours will be converted to annualised hours by multiplying by 52.2. Annual leave and bank holiday entitlement will be calculated and deducted from the annualised hours to give a total number of working hours over the year as illustrated in the example below:

Contracted hours should not be exceeded or underworked over the 12 month period and salary will be paid in 12 equal payments, irrespective of the number of hours worked that month.

Where employment is terminated part way through a year, by either side, the manager will calculate any over or under worked hours by multiplying 37 hours by the number of weeks worked that year and deducting the number of hours worked. Hours owed to the employee will be paid at standard hourly rate, hours owed by the employee will be deducted based on the standard hourly rate.

### **Annualised hours conversion example**

For a full time employee on Grade 4 with less than 5 years' service:

<b>A</b>	Standard weekly hours	37	
	Total annual hours	37 x 52.2	1931.4
<b>B</b>	Annual leave entitlement	24	
	Bank holidays	8	

Total leave entitlement	32 days 32 x 7.4	236.8 hours
Total leave in hours		
<b>Annual working hours</b>	<b>A – B</b>	<b>1694.6 hours</b>

For a full time employee on Grade 4 with more than 5 years' service:

<b>A</b>	Standard weekly hours	37	
	Total annual hours	37 x 52.2	1931.4
<b>B</b>	Annual leave entitlement	29	
	Bank holidays	8	
	Total leave entitlement	37 days	
	Total leave in hours	37 x 7.4	273.8 hours
	<b>Annual working hours</b>	<b>A – B</b>	<b>1657.6 hours</b>

Part-time employees should contact their HR Provider for further information on their annualised hours calculation.

#### TERM-TIME ONLY

This is where an employee only works during school term times. This method of flexible working requires that the employee's contract of employment is varied from a 52 week contract to a 38 week contract with their salary and annual leave entitlement being reduced accordingly.

The salary will be paid in 12 equal payments.

It is assumed that annual leave will be taken during the periods the employee is not working. The payment for annual leave will be included as part of their normal salary. However, it is recommended that managers should accommodate where possible, reasonable requests from employees for time off to observe religious festivals. Managers should use their discretion within the rules for granting:

- annual leave
- flexible working hours
- unpaid leave

To facilitate these requests, managers are expected to bear in mind the need to minimise the impact on service delivery and the ability to cover critical front line services where required.

#### COMPRESSED WORKING WEEKS / FORTNIGHTS

This form of flexible working follows similar principles to annualised hours in that contractual hours still have to be worked but they might be worked over a shorter time period for example

4 days per week or 9 days per fortnight. The remaining day would therefore be a non-working day and will be agreed with the line manager according to the requirements of the role, it is anticipated that this will be a fixed day but with flexibility due to service requirements.

The start and finish time in a working day should not exceed those set out in the flexible working hours. For example if the earliest start time is defined as 7.30 am then staff working compressed hours should not start before 7.30 am.

Under a compressed hours arrangement, annual leave will be calculated in hours.

**REQUEST FOR FLEXIBLE WORKING**

Your details:		
School:		
Start date:		
Date form submitted:		
Previous applications for flexible working:		
Have you submitted a previous request for flexible working? (If yes, please answer the next question.)	Yes	No
When did you submit your last request for flexible working (date) and outcome?		
Are you a disabled person whose request for flexible working is related to your disability?	Yes	No
I wish to submit a statutory request for flexible working as detailed below.		
Please set out the pattern of working that you currently work, and the pattern of work you are seeking. For example, if you wish to change your hours of work, please state what your current hours are and what you would like your new hours to be.		
I would like the above change(s) to my working pattern to take effect on:		

Please state the effects that you think the changes you are requesting will have on the organisation's ability to run its business and on your department, your colleagues etc.

Please state how you think any such effects might be dealt with.

Once you have submitted your request for flexible working, detailing all the necessary information, your Head Teacher will review this and arrange a meeting to discuss it further with you. It will help us to deal with your application if you provide as much information as you can about your requested working arrangements. It is also important that you complete the questions about the effects that you think the changes you are requesting will have on the school and your colleagues. It may be necessary for further information to be provided by you to enable your request to be considered.

The school treats personal data collected while managing your flexible working request in accordance with the Data Protection Policy.

**Signed:**

**Date:**