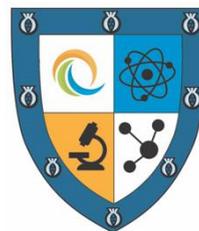




Flexible Working Policy for Teaching and Support Staff

FOR SCHOOLS WITHIN QUEST

**St. Peter's C. of E. Primary School, Hindley
Hindley Green Community Primary School
St. John's C. of E. Primary School, Hindley Green
St. John's C. of E. Primary School, Abram
University Collegiate School, Bolton**



September 2021
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**Date Adopted by the
Board of Directors:**

12th October 2021

Signed (Chair):

Chair of Board

(CEO):

S. Bruton

This policy and procedure document, as with all documentation relating to employment matters within QUEST, will be applied fairly, with a consistent approach, and in accordance with the Trust's Equal Opportunities commitment.

1 Purpose

The purpose of this document is to provide QUEST Board of Directors and Principal's in schools with a framework. They can make decisions about the approval of a Flexible Working request in accordance with legal, contractual and moral obligations.

Additional guidance is attached at appendix 2.

2 Principles

The right for parents or carers of young children to make a request for flexible working was given in the Employment Act 2002. This has been extended in subsequent legislation to include care for sick or elderly relatives and children up to age 16, or 18 if disabled.

Approval of a request for flexible working is the responsibility of the Board of Directors and/or the Principal within the framework of this document.

For teachers and support employees, other than the Principal, it is recommended that the decision responsibility is delegated to the Principal with a termly report to the Board on requests approved. In the case of the Principal, it is recommended that the responsibility is delegated to the CEO.

This procedure applies to all employees of QUEST. It does not apply to agency staff, contractors and external consultants.

3 General Guidance

The Trust/school will need to balance the needs of the pupils against requests for flexible working. The well-being and effective education of pupils must be the primary concern when requests are being considered.

When considering requests for flexible working, Directors and Principals need to consider the impact their decision could have on:

- school organisation;
- the effects on other employees;
- the need for consistency in the treatment of employees;
- the requirement to treat employees without discrimination; and
- the effect refusal could have on an applicant.

To ensure equality of opportunity for all employees, this document is not restricted to those needing to provide care for children or elderly relatives. Employees may request flexible working for any reason. However, priority may be given to requests submitted under the legislation.

Employers may refuse a request if there is a clear business reason for doing so. Employees cannot, however, submit a further request within a period of 12 months, unless this is agreed, in advance, by the Principal.

The right to request flexible working is in addition to, and applies separately from, other race, sex or disability legislation. (See appendix 2, question 1 for further guidance).

Allowing employees to work flexibly may reduce the loss of trained, skilled employees and increase the school's retention rate.

4 Process

The main steps within this process are;

- employee completes and submits a written request to their Principal, using the form at appendix 1;
- Principal considers the request, adding comments to the form *;
- Principal forwards the request to the Business Development Department (BDD) *;
- if the request can be approved, as submitted, this can be confirmed to the employee without holding a meeting;
- if the request cannot be approved, or some details need to be discussed or re-considered, a meeting must be arranged with the employee within 28 days of the request being submitted;
- all responses must be confirmed in writing to the employee.

4.1 Requesting a flexible working arrangement

Employees should read this procedure before completing the attached request form, at appendix 1. The form can be completed on-line. An employee may not submit a request if they have made a previous one in the last 12 months, unless this has been agreed to by the Principal.

Before completing a flexible working request form the employee should have a brief discussion with their Principal, outlining their preferences.

The form requests information as to the changes being requested; the preferred date the changes would be implemented; the effects, if any, that these changes may have on pupils and on colleagues within the employee's team. It also asks the employee to consider, and make suggestions, as to how these effects may be resolved. (See appendix 2, question 2 for further guidance).

4.2 When may an employee submit a request?

An employee may submit a request at any time during the school year. However, it should be noted that a Principal may not have sufficient information to make an informed decision or agree to a flexible working request beyond the current term or school year.

4.3 What changes may an employee request?

Examples of changes that may be requested include:

- to work reduced hours;
- to job share;
- to change to a different working pattern to that currently worked;
- to have a later start or earlier finishing time;
- to work compressed hours, or
- to work from home.

(Further guidance on the above bullet points is given in appendix 2, question 3).

Employees not working term-time may choose to request term-time only as a new working pattern. Each employee's circumstances will be different and their requests will differ to meet them.

Due to variations in pupil numbers and the requirements for specific roles within the school, it may only be possible to agree to requests on a temporary basis.

If an employee wishes to apply only for a permanent variation to their contract, they should be aware that they will not have an automatic right to revert to their previous contract if the variation agreed to does not fit their needs as expected. This should be considered before submitting a permanent request. They may only make a further request no sooner than 12 months after submitting this one.

4.4 Management consideration

Within 28 days(*) of receiving a request, the Principal or Trust Business Development Department (BDD) must:

- hold a meeting with the employee; or
- write to the employee, stating when the change to their working hours or pattern will start.

(*) This time limit may be changed. For example, if the person who would normally deal with this is on annual leave or off sick when a request is made.

If a request is made for a temporary arrangement, or the Principal/BDD offers a temporary solution as a compromise, the length of time of the arrangement will be discussed at this meeting. If a trial period is agreed for the arrangement, a review period will also be discussed and agreed.

The meeting will consider alternative options if it is not possible to agree to a request as it is submitted. If it is not possible for a Principal to make an informed decision within the 28 day period, this will be discussed at the meeting. The employee will then have the choice to proceed or to agree to defer their request. Flexibility within an arrangement should also be discussed, both from the point of view of the employee and the Principal.

The 28 day time period relates to the time taken to make an informed decision. It does not relate to the starting date of an agreed arrangement. Requests may be submitted early, such as several months before an employee wishes to return to work following maternity leave. However, employees must be aware that this may be sooner than relevant information is available to the Principal or BDD making the

decision on the request. It may be necessary to agree to defer the decision making to a later date.

The Principal or Business Development Department will need to consider the:

- benefits to the school/Trust of agreeing to a flexible working request (see appendix 2, question 4);
- any costs that may be incurred (see appendix 2, question 5);
- communication issues and how they may be resolved (see appendix 2, question 6).

Some issues may need to be considered and investigated before meeting with the employee.

4.5 Approval or refusal of a request following a meeting

If a meeting is held to discuss the request, a written response or confirmation must be sent to the employee within 14 days of the meeting.

If the request is approved, the letter will state:

- when the change will start;
- what the changes are; and
- if the arrangement is permanent or a temporary. If it is a temporary arrangement there will be a review period or time limit agreed between the employee and the Principal/BDD.

If the request is refused, the letter will:

- identify that the application has been refused;
- explain why the application has been refused; and
- explain the right of appeal.

If a request is approved, the Business Development Department must inform the appropriate sections within Wigan HR & Payroll of changes to working pattern or hours, and resultant changes to salary.

5 Grounds for refusal of a request

Legislation allows requests to be refused on one of the following grounds:

- there will be additional costs;
- ability to meet customer demand will be affected, such as the ability to deliver the school timetable;
- inability to re-organise work among existing employees;
- inability to recruit additional employees. This includes recruiting to cover specific responsibilities such as TLR's or to provide expert assistance for pupils with special needs;
- quality and performance will be affected in delivering the school timetable.
- insufficiency of work during the periods the employee wants to work;
- planned structural changes.

The Principal / Business Development Department may refuse a request because they consider that one or more of the above grounds apply. The letter of refusal will

explain how the grounds apply to the specific request. (A detailed explanation of each of the legislative reasons for refusal is given in appendix 2, question 7).

Appendix 3 is an evidence sheet that Principal or BDD can complete, showing the action taken during the consideration and investigation of a flexible working request.

The Trust/school reserves the right to refuse a request submitted outside of the legislation but will provide an explanation for doing so.

6 Appeal system

An employee who is unhappy with the decision taken by their Principal can put their appeal in writing to the CEO, within 14 calendar days of the date of the letter confirming the decision.

The appeal will be heard by the Chief Executive Officer on behalf of the Board of Directors.

The CEO will also consider the Principal's reasons for not approving the employee's request. (Both the employee and Principal/BDD will be given the opportunity to explain their case to the panel. The meeting will follow the protocol for a hearing. The CEO's decision will be final, although they may ask the employee and Principal/BDD to seek alternative solutions and to re-present them to the panel for consideration.

In the case of a Principal who submits a request, and who is unhappy with decisions made, any appeal should be put in writing, within 14 days of the date of the letter confirming the decision, to the CEO for consideration.

In the case of the CEO who submits a request, and who is unhappy with decisions made, any appeal should be put in writing, within 14 days of the date of the letter confirming the decision, to the Clerk to the Board of Directors. This appeal will be considered by the Appeal Committee of the Board of Directors. This will be heard by a panel of 3 Directors (except in cases where there are insufficient Directors; in these circumstances a hearing may go ahead with a panel of two).

7 Useful Sources of Information

[Conditions of Service for School teachers in England and Wales \(The Burgundy Book\)](#)

[NJC for Local Government Services \(The Green Book\)](#)

[Local Government Employers - School Support Staff](#)

[Local Government Employers – School Teachers](#)

The contents of this document will be brought to the attention of existing and newly appointed employees on a regular basis.

The document will be available for reference purposes within the copy of the Employment Handbook retained within the school employees' room and on QUEST staff app.

The application of the policy will be monitored by the Board of Directors.

Flexible Working Request Form

This form can be completed on line.

School:



To be completed by the employee

Name	Pay number
Job title	Contact number
Address	
Principal /Line manager	Contact number
Please read the Flexible Working Procedure, and speak with your Principal to discuss your application before completing this form.	
Please give details of your current working arrangements. Please include your current hours, working pattern and work base.	
Please give details of the change(s) to working arrangements that you would like. For example – reduced hours you prefer to work, an amended work pattern, or different work base.	
What effects do you think the changes will have on work in your team? Please give details.	
What effects do you think the changes will have on pupils? Please give details.	
How do you think these effects on both colleagues and pupils might be dealt with? Please give details.	
Preferred date to begin flexible working arrangement	
If you have made a previous flexible working request, please give the date it was submitted:	
Signed: _____	Date: _____

To be completed by Principal/ Business Development Department

Please mark appropriate response only:

- I support this application for flexible working and attach a delegation form
 I am unable to support this request for flexible working

Reasons for this decision:

Signed: _____ Dated: _____

Principal/BDD - please mark appropriate response only:

- Approved Not approved

Reasons for this decision:

Signed: _____ Dated: _____

If the employee is not satisfied with the response and submits an appeal, please note the outcome of the appeal below:

- request approved request not approved

Reasons for this decision:

Signed: _____ Date: _____

If approved, ensure signed delegation form is forwarded to the Trust HR Officer – j.flanagan@questrust.org.uk

Further guidance

Policy on Flexible Working for Teachers and Support Staff

Does the flexible working request legislation replace previous discrimination legislation? (Refer to section 3 of policy)

These new rights run alongside, but do not replace, existing legal rights. For example:

- a woman may be able to claim unlawful indirect sex discrimination if they are not allowed to work part time;
- a man could claim direct sex discrimination if refused part time working in circumstances where a woman would be allowed to work part time;
- the duty to make reasonable adjustments for disabled employees may include adjustments to work hours such as the flexibility of a later start for someone whose medication may make them drowsy some mornings.

1. Does an employee have to find solutions to problems that could be caused by a flexible working request? (Refer to paragraph 4.1 of policy)

The legislation states that an employee must consider the impact their request could have on their workplace and service delivery. They must also consider how this impact could be overcome and make suggestions to assist the process.

The employee does not have to approach colleagues to ask if they wish to increase or change their hours, or recruit a job share partner. However, if they are aware of a colleague who may be interested in hours or responsibility that will become available, they may, with the permission of the colleague, include this information in their submission.

2. What changes may an employee request? (Refer to paragraph 4.3 of policy)

Examples of changes that may be requested include:

- a) to work reduced hours;
- b) to job share;
- c) to change to a different working pattern to that currently worked;
- d) to have a later start or earlier finishing time;
- e) to work compressed hours, or
- f) working from home.

Employees not working term-time may choose to request this as a new working pattern. Each employee's circumstances will be different and their requests will differ to meet them.

To add a little context to these changes in relation to schools:

- a) Reduced hours may be as little as half an hour each day or could be reduced by several days each week. Employees wishing to reduce their hours by a small amount may be aware of a colleague who would be interested in working this as

additional time to their contract. In some cases, this may lead to a possibility of sharing the job with another employee.

- b) Where an employee wishes to reduce their hours by one or more days, it may be possible to recruit to these days on a job share basis. The two employees would share, and provide cover for, the duties and responsibilities of one post. Depending on the type of job being shared it may be necessary for there to be a weekly overlap between the job sharers to discuss specifics of the job.
- c) Changes to working pattern could include a re-arrangement of existing hours – perhaps changing from working mornings to working afternoons; or changing from working Monday and Tuesday to working Thursday and Friday.
- d) Some jobs may allow an employee to start or finish work earlier or later than stated in their contract. This could be requested and agreed, so that both employee and Principal/BDD know when they are expected in work.
- e) Compressed hours working means that the number of hours worked remain the same, but they are worked over fewer days. For instance, an employee working 20 hours each week, at four hours each day, could ask to work on only four days, but increase the daily hours worked to five. There would need to be cover available on the day not being worked, should any queries or tasks arise that need to be handled on that day.
- f) Some job roles may be able to be carried out, wholly or in part, from another base, such as the employee's home. The type of work and facilities needed to carry it out would need to be suitable. A flexible working request would cover a regular home or remote working pattern. An arrangement that allowed an employee to work from home only when needed, for instance to finalise a report, would not need to be processed under this procedure. This would be agreed, when needed, between employee and Principal/BDD.

3. How can the Trust/school benefit from agreeing to a flexible working request?
(Refer to paragraph 4.4 of policy)

The Trust/school can benefit by retaining employees who are trained and skilled, often specifically for a role within that school/Trust.

A request for a reduction in hours could be a useful consideration when schools are working within reduced budgets. Increasing the school's retention rate can also cut down on recruitment costs.

Temporary flexible arrangements can be useful in a school environment where requirements for employee hours or working patterns may not remain the same for each school year.

4. What will be discussed at the meeting between Principal/BDD and employee?
(Refer to paragraph 4.4 of policy)

The employee may choose to be accompanied at the meeting, but essentially it is a meeting to discuss the request made and any possible alternatives. If the request can be easily agreed the meeting will not be needed. When submitting the request, the employee is expected to identify any possible problems and to consider them. They also have to make suggestions as to how the problems could be overcome.

Before the meeting, the Principal/BDD must also consider any problems, the suggestions made by the employee to overcome them, and should also seek alternative solutions where necessary. These will be discussed at the meeting. This is also an opportunity for a discussion about the amount of flexibility that can be built into an agreement. This will allow both Principal/BDD and employee to be clear about the boundaries of expected flexibility within the arrangement. A degree of flexibility can be useful to both management and employee.

The aim of the meeting is to reach a compromise between the Principal/BDD and employee if at all possible. However, if it is not possible to agree to the request, the Principal/BDD has the opportunity to explain why.

5. How can I ensure that employees who reduce their hours don't miss out on team meetings and cascaded information? (Refer to paragraph 4.4 of policy)

There are a number of ways Principals/BDD can help to ensure that all employees receive the information they need:

- team meetings could be held on a different day in alternate weeks;
- part-time employees could 'buddy up' with a full-time employee who can cascade information to them;
- minutes of meetings could be made available as soon as possible on a notice board or team web or SharePoint page; or,

where there are a number of part-time workers,

- hold two team meetings each week.

6. On what grounds may a request be refused? (Refer to section 5 of policy)

The legislation provides specific grounds for refusing a request -

- a) There will be additional costs.
- b) Ability to meet customer demand will be affected.
- c) Inability to re-organise work among existing employees.
- d) Inability to recruit additional employees.
- e) Quality and performance will be affected.
- f) Insufficiency of work during the periods you want to work.
- g) Planned structural changes.

To add a little context to these grounds in relation to schools:

- a) It is expected that there may be some additional costs by agreeing to a flexible working request. However, if these costs are more than might be considered reasonable, the request may be refused. Although it may not be feasible to share specific budget figures with an employee, an indication of the impact of the costs involved may assist the employee to accept a refusal.
- b) Customer demand, in a school, relates to demands placed on the school timetable. This could be affected by pupil numbers and options chosen.
- c) Dependent upon the size of the school or section affected by a request, and upon the specific request made, it may not always be possible to re-organise colleagues working patterns to cover where it is needed. If a request is made to work an hour less each day, but at a time when other appropriate employees are already fully

deployed, and it is not possible to recruit from outside the school or section, this could be a reason to refuse a request. However, all options for providing the necessary cover should be explored first. An explanation of the attempts made to find the cover should be given to the employee.

- d) All attempts must be made to recruit additional employees where they would be needed to cover hours, or responsibilities, vacated under a flexible working request. If it is not possible to recruit, an explanation of the attempts made should be given to the employee.
- e) The Principal/BDD must give careful consideration and investigation of suggestions made by the employee, along with any other options. If the outcome is that, by agreeing to a request, the quality of service delivery would be negatively affected, the request may be refused. The employee must be given an explanation of the considerations and investigation undertaken in reaching this decision.
- f) If an employee requests a working pattern that does not relate to the times that they are needed to work, this should be explained if it is necessary to refuse the request. This may cover situations such as a receptionist asking to work outside of the times that a reception desk is required to be open without sufficient alternative cover being available. This may also apply where a request would result in the supervisor working substantially different hours to people they have responsibility for.
- g) If changes are being planned in the near future, it may be necessary to refuse a request. A refusal may include an agreement to keep the request in mind when considering the future staffing structure. If the changes will involve reductions in hours or staffing numbers the submitted request may be useful in achieving them.

In explaining the difficulties and providing evidence for the refusal of a request, the Principal/BDD and employee may see an alternative change that could be discussed as a way forward. If, however, it is not possible to reach a compromise and the request is refused, the employee may not submit a further request until 12 months after the date the first request was submitted.



Evidence sheet

Type of request submitted – tick all that apply:			
Job share		Term time working	
Change in working pattern		Compressed working	
Later starting time		Reduction in hours	
Earlier finishing time			
Tick when recruitment issues resolved, if appropriate			
Will the change require recruitment to fill available hours or responsibilities?		Y/N	
Has recruitment advertising been undertaken?		Y/N	
Successful – request can be agreed			
Successful – request can be partially agreed			
Unsuccessful – request cannot be agreed without amendment			
Risk Assessment – tick when completed			
Health & Safety risk assessment			
Worklife balance assessment			
Training needs – tick when investigated			
Training needs of employee making request			
Training needs of colleagues within the team			
Training needs of new employee			
Would the request, as submitted, have an adverse effect on school timetable delivery?		Y/N	
Please provide details			

I confirm that this request select be approved.		
Reasons for this decision:		
Manager: Name Job title	Signature:	