



## **Greenfield Primary School**

# **RIGHT TO REQUEST FLEXIBLE WORKING POLICY**

Approved by Governors (date) .....

Signed on behalf of the Governing Body .....

**Chair of Governors**



# Greenfield Primary School

## RIGHT TO REQUEST FLEXIBLE WORKING POLICY

### Scope

This policy applies to support staff, Teachers and Head Teachers based in Schools, Colleges and Academies. The procedure detailed below applies to all employees who qualify under the statutory right to request flexible working. Information regarding considerations of applications not covered by the statutory right to request is also included within this policy.

Further information on the application of the policy is available in the supporting Right to Flexible Working [Guidance for Schools, Colleges and Academies](#).

### Definition of 'Flexible Working'

The term 'flexible working' describes a range of working patterns (e.g. job sharing, part-time working, home working, etc.). Under the Flexible Working Regulations, an employee can request to change:

- The number of hours they work;
- The times that they work; and/ or
- Their place of work (i.e. to work from home, where the duties of the job will permit this type of working).

### Eligibility Criteria

**According to the Children's and Families Act 2014, the statutory right to request flexible working has been extended to all employees.**

In order to qualify an employee must however fulfil the following criteria at the time the application is made:

- Have been continuously employed for at least 26 weeks;
- Not have submitted an application to work flexibly under the statutory scheme within the previous 12 months;

### Application Process

An employee wishing to formally request a change to their working arrangements should provide the following information in writing, using the Flexible Working Application Form:

- The date of the application being submitted and that it is an application under the statutory right to request flexible working;

- The change in working arrangements that they are requesting (including whether the change is requested on a permanent or temporary basis);The date on which the employee would like the proposed change to become effective;
- What effect the employee thinks the new working pattern might have on the school and how in their opinion this might be dealt with;
- Whether the request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability);
- Whether a previous flexible working application has been made by the employee and, if so, when.

### **Timetable and Procedure**

The employee should submit their completed application form to their manager for consideration. On receipt of the request, the manager should send a letter of acknowledgement to the employee, inviting them to discuss the request **as soon as possible, but usually within 28 days**. This discussion does not need to be face-to-face and can take place by telephone if the employee is in agreement.

The consideration process, including the outcome of any appeal, **must be completed within 3 months of the request being received** by the manager. This time limit can be extended, if needed providing the employee is in agreement.

Where a meeting is arranged to discuss the flexible working request, the employee may be accompanied by a work colleague or Trade Union representative.

### **Contractual Change**

Any change to the employee's terms and conditions will be on a permanent basis unless agreed otherwise. A variation to contract letter should be issued to, and signed by, the employee.

### **Grounds for Declining a Request**

Applications can only be declined for one or more of the following business reasons:

- Burden of additional cost (e.g. substantial training costs);
- Detrimental effect on the school's ability to meet 'customer' demands (e.g. inability to reorganise timetable/work schedule without having an adverse impact on colleagues/pupils);
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality (e.g. on teaching and learning);
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;

- Planned structural changes.

### **Delegation of Authority**

The person responsible for determining whether a flexible working request can be accommodated will depend on who has been given the delegated authority. This could be the Head Teacher, another appropriate manager (e.g. a member of the Senior Leadership Team) or a member of the Governing Body.

### **Right of Appeal**

An employee has the right to appeal against the decision of their request for flexible working request being declined and should be made aware of this at the time of providing them with the outcome of their application.

Where an employee wishes to submit an appeal, this should be sent to their manager, in writing within 5 days of receiving the decision letter and should include the grounds of the appeal (e.g. the request has been refused for a reason outside of the eight detailed within this policy, the decision was based on incorrect information).

The appeal must be heard and completed within 3 months of the date on which the employee submitted their flexible working application, unless an extension has been agreed with the employee and confirmed in writing, outlining the reasons for the delay. Appeals will be heard by a panel of Governors in line with the [Appeal Policy for Schools, Colleges and Academies](#).

Employees have the right to be accompanied at the appeal by a work colleague or Trade Union representative.

### **Applications from employees who are not covered by the statutory right to request**

The School recognises that employees who are not covered by the statutory right may wish to request a change in their working arrangements. Such requests will be considered within a reasonable timescale and will take account of prevailing service needs.

### **Employee Application for Flexible Working**

#### **Application Process**

Employees may wish to discuss their interest in a change of working pattern informally with their manager. Where such a change can be agreed, the process and timescales detailed

below do not necessarily need to be followed. In this situation, the manager will however still need to issue the employee with a variation to contract letter.

To formally request a change of working arrangements under the statutory scheme, an employee should provide the following information in writing, using the Flexible Working Application Form (Appendix A).

- The date of the application being submitted and that it is an application under the statutory right to request flexible working;
- The change in working arrangements they are seeking (including whether the change is requested on a permanent or temporary basis);
- The date on which the employee would like the proposed change to become effective;
- What effect the employee thinks the new working pattern might have on the school and how in their opinion this might be dealt with;
- Whether the request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability);
- Whether a previous flexible working application has been made by the employee and, if so, when.

The application should be submitted to the Head Teacher or other delegated person. A copy should be placed on the employee's personal file.

| Version  | Date  | Comment  |
|----------|---|----------|
| V1 (LCC) | Date created: 31/10/2016<br>Review date: October 2019 | A Gordon |

**Appendix A**

**Flexible Working Application Form**

|            |  |
|------------|--|
| Name:      |  |
| Job Title: |  |

**Note to Applicant:**

To qualify to apply for a more flexible pattern of work under the statutory right to request you must, at the time the application is made:

- Have been continuously employed for at least 26 weeks (agency employees are not eligible to apply);
- Not have submitted an application to work flexibly within the previous 12 months;

**Are you making this request under the statutory right to request flexible working?**  
YES/NO

**I would like to apply for a flexible working pattern that is different from my current working pattern. I am submitting this request for the following reason:**

(Please continue on a separate sheet of paper if necessary)

**Describe your current working pattern (days/hours/times worked):**

**Describe the working pattern you would like to work in future (days/hours/times worked):**

**I would like to commence the new working pattern on:**

**Date of last flexible working request:**

**Impact of the new working pattern**

I think this change in my working pattern will affect the School and my colleagues as follows:

(Please continue on a separate sheet of paper if necessary)



**Accommodating the new working pattern**

I think the effect on the school and my colleagues can be dealt with as follows:

(Please continue on separate sheet of paper if necessary)

**I understand that, if agreed, this request will result in a permanent change to my terms and conditions of employment unless agreed otherwise.**

|                |  |
|----------------|--|
| <b>Signed:</b> |  |
| <b>Date:</b>   |  |

**ONCE COMPLETED PLEASE PASS THIS APPLICATION TO THE HEAD TEACHER**