



St Helens Borough Council

Flexible Working Guidance and Procedure for Schools

Introduction

This guidance has been developed to provide further information about the entitlement to Flexible Working Arrangements that applies to all school employees. From the employee's point of view, flexible work may allow more freedom to organise their employment to fit in with other parts of their life. For the school, flexibility may come with the ability to organise resources more in line with the varying needs of the school. Flexibility can have a positive impact for all. Each request for flexible working will be dealt with individually and in the order in which they are received, taking into account the likely effects that the proposed changes may have on the whole school. Agreeing to one employee's request will not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

Guidance

Forms of Flexible Working Arrangements

The following categories cover the types of working arrangements supported:

Arrangements that focus on how much time an employee works

Full time work. The employee works the normal full-time hours, as defined under the appropriate conditions of service for the post, each week.

Part time work. Part-time work describes a working pattern where an employee is contracted for anything less than full-time hours and can be a good way of balancing work and personal commitments. Part-time employees have the right to be treated no less favourably than comparable full-timers. This means they should:

- receive the same rates of pay
- not be excluded from training simply because they work part-time
- receive holidays pro rata to comparable full-timers
- have any career break schemes, contractual and parental leave made available to

- them in the same way as for full-time workers
- not be treated less favourably when workers are selected for redundancy.

Job sharing. This is a way of working where two employees voluntarily share the responsibilities of one job, dividing the pay, holidays and other benefits between them according to the number of hours worked. Pay and benefits apply on a pro rata basis and attendance can be agreed in a number of different ways, that is split day or split week.

Voluntary Reduced Hours. The employee works reduced hours for an agreed temporary period at a reduced salary and with a guarantee that he or she can return to full-time working when that period ends. Any employee can request a voluntary reduction in their standard working hours. Each application will be considered individually. The decision whether or not to agree to a voluntary reduced hours arrangement will be based on the individual circumstances of each case, i.e. the practicality of reducing the employee's hours to the degree requested and for the length of time involved, and the effect of such a reduction on the delivery of the service.

Term time only. The employee does not work in school holidays. Where this is not a normal method of working within the work group/location an application can be made to the Headteacher. Each application will be considered individually by the Headteacher. The decision whether or not to agree to a term time only working arrangement will be based on the individual circumstances of each case.

Working overtime. The employee works more than the standard number of hours, in return for more pay, or lieu time to be taken at a later point. Overtime working will be approved, undertaken and remunerated in accordance with existing school procedures and national/local conditions of service.

Access to Flexible Working Arrangements

The introduction of flexible working arrangements will be a decision for the Headteacher/Governing Body, which will be reached based on the needs of the school. Not all of the options described under "Forms of Flexible Working Arrangements" will be suitable for all posts in schools. The introduction of any flexible working arrangements will be subject to formal approval of the conditions of the arrangements to be introduced, in accordance with the guidelines under each of the options.

Headteachers/Governing Bodies are encouraged to consider the range of options in planning the effective operation of the school. Headteachers/Governing Bodies are also encouraged to support requests from employees for changed working practices when this is in the employee's interest in maintaining work/life balance and it is not detrimental to the effective operation of the school. This may also be effective in the management of the return of employees from absence.

In the following circumstances, employees have a statutory right to request to work flexibly to provide care for:

- A child under 6 (or under 18 in the case of a disabled child). If they have responsibility for the upbringing of the child and they are:
 - the mother, father, adopter, guardian, special guardian or foster carer; or, married to or the partner of the child's mother, father, adopter, guardian, special guardian or foster parent.

- An adult if they are:
 - the spouse, partner, civil partner or near relative of that adult, or live at the same address as the adult needing care.

The definition of “near relative” includes parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws), uncles, aunts or grandparents and step-relatives.

In addition to the above groups, employees may request flexible working arrangements in other circumstances. e.g. in the lead up to retirement.

Employees may apply to work flexibly from Day 1 of their employment.

Application Procedure – Flexible Working

Any employee who wishes to explore flexible options that may be available can informally discuss the matter with their Headteacher or Line Manager.

The formal procedure to request any form of flexible working is that which statutorily applies to certain groups (as described under “Access to Flexible Working Arrangements” above) but should be used for all requests. The procedure is summarised as follows:

It is up to the employee to make a considered application in writing, using the Flexible Working Application Form which can be found at appendix 1. Employees can make two statutory requests for flexible working in any 12-month period, and if accepted applications will generally mean a permanent change to the employee’s own terms and conditions of employment unless otherwise agreed between both parties. It is important that, before making an application, the employee considers which working pattern will help them best; any financial implications it might have on them in cases where desired working patterns will involve a reduction in salary.

After receiving the application, the Headteacher must arrange to meet the employee as soon as possible. It is important that Headteachers deal with requests in a timely manner to enable the process, including any appeal, to be completed within two months of first receiving the request.

If for some reason the request cannot be dealt with within two months, then the Headteacher or governor can extend this limit with the employee’s agreement.

The employee is entitled to arrange appropriate representation at all meetings. This may be a trade union representative or work colleague.

At the initial meeting, the Headteacher or governor should discuss with the employee

- the request for a change to their working arrangements;
- how this will operate in practice including any impact on the whole school operation;
- how the request can be accommodated including any alternatives if necessary.

At the conclusion of the initial meeting, the Headteacher or governor will decide whether the request (or a suitable, alternative arrangement) is approved.

The Headteacher or governor must write to the employee as soon as possible after the meeting and inform the employee of their decision. If the Headteacher or governor agrees to the variation, the letter will state:

- when the changes will start;
- what the changes are and
- if the arrangements are permanent or temporary. If temporary the letter should include the agreed review period/time limit

If the Headteacher or governor refuses the request, the letter will:

- state why the application has been refused;
- sufficiently explain the reasons for refusal and
- explain the right of appeal.

The employee has the right to appeal against the Headteacher or governor's decision in writing to the governing body using the grievance procedure (as set out in the Dispute Resolution Policy) clearly stating the reasons for appeal.

An appeal meeting should normally be arranged in line with the grievance appeal procedure. The employee has the right to be represented by a work colleague or trade union representative at the appeal hearing. The appeal will be considered by a panel of 3 Governors whose decision will be confirmed in writing to the employee. The appeal must be heard within 10 working days of the notice of appeal being received.

The Chair of the appeal panel will normally write to the employee within 5 working days of the meeting to confirm the outcome. If the appeal is successful, the letter must inform the employee of the agreed variation and when it is to be effective. If the appeal is unsuccessful, the letter must state the grounds for the decision and contain sufficient explanation as to why those reasons apply.

Reasons for refusing a request

Headteachers and governors must consider seriously all requests received for flexible working. Statutory requests for flexible working can only be refused for one or more of the following reasons:-

- the burden of additional costs;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental effect on ability to meet customer demand;
- detrimental impact on quality;
- detrimental effect on performance;
- insufficiency of work during the periods the employee proposes to work and
- planned structural changes.

Further Information

Any questions relating to this guidance and procedure, or further guidance on issues connected with Flexible Working, can be obtained from People Management.

Review of Guidance and Procedure

This guidance will be reviewed three years following implementation, or earlier in the event of further changes in legislation.



St. Helens Council

APPLICATION FOR FLEXIBLE WORKING

SECTION 1 – PERSONAL DETAILS

Employee Name: _____

Employee Number: _____

Date of Application: _____

Current Working Hours/Pattern
e.g. days/hours/times worked

Please state the hours and working
pattern requested:

Date this working pattern requested from: _____

Is this a request to change the working
patterns permanently or on a temporary
basis: _____

If temporary, how long for: _____

SECTION 2 – INFORMATION TO SUPPORT YOUR REQUEST FOR FLEXIBLE WORKING

I have the responsibility for the upbringing of:

A child under 6: Yes No

A disabled child under 18: Yes No

I am (please state):

The mother, father, adopter, guardian or foster parent of
the child: Yes No

Married to the partner or civil partner of the child's mother,
father, adopter, guardian, special guardian or foster parent: Yes No

Do you have other caring responsibilities and if yes, who
for: Yes No

Please state any other reason for requesting flexible working:

Other relevant information to support your request for flexible working:

Signed:

Date:

SECTION 3 – HEADTEACHER’S RECOMMENDATION

You are required to meet the employee and discuss the application within 28 days. The employee may be accompanied by a trade union representative or work colleague.

I have met with the employee on _____ and discussed the details of flexible working with the employee concerned.

I DO / DO NOT support the application.

Signed: _____ Date: _____

DECISION

This request has / has not been agreed.

If agreed, date these arrangements to be implemented from:

These arrangements are temporary/permanent: _____

If temporary, how long for: _____

Is this to be reviewed: _____

Where the Governing Body has delegated the decision to a Sub-Committee, the Chair of the Sub-Committee should sign this section. Otherwise, this section should be signed by the Chair of Governors.

Signed: _____ Date: _____

Print Name: _____ Title: _____

REASONS FOR THE DECISION

Please note that applications should only be declined on recognised business grounds, ie. operational or technical reasons related to the employee's job. These reasons must be explained in writing to the employee within 10 days of the meeting with the Headteacher taking place.

SECTION 5 – PEOPLE MANAGEMENT

Date Application Received: _____

Adjustments to Pay Made: _____

Employee Notified: _____

Signed by People Management: _____

Comments:
