

## Flexible working request policy - schools

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For staff based in City Schools/Colleges and other establishments including centrally based teachers)

Human Resources  
Education and Children's Services  
Last reviewed: 19 May 2016

Although this document refers to the Headteacher, it also applies to the Principal / Line Manager / governors as appropriate. Where there is reference to teacher in this document amendments will be required if the school decides to apply this policy to other staff.

# Flexible working request policy – schools

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## 1. Purpose

1.1 The purpose of this policy is to set out the procedure for employees to request flexible working, and the process for managers to consider the request, under the Flexible Working Regulations 2014.

## 2. Scope

2.1 This policy and procedure applies to all Leicester City Council school-based employees where the employee has 26 weeks continuous service. It also applies to all teachers employed directly by Leicester City Council, subject to appropriate amendments being made in the context of management responsibilities.

2.2 An employee may require a temporary or occasional change to their working hours or pattern to manage a short term issue. These requests do not require a formal application and may be granted by the line manager.

2.3 An employee with less than 26 weeks service, even though not eligible to make a request under the statutory procedure, may nevertheless make a request for flexible working. Although managers are not obliged to deal with such requests in accordance with the statutory procedure, it is good practice to do so. All requests should be dealt with fairly and consistently.

## 3. Definition

3.1 The term flexible working describes types of working arrangements which gives some degree of flexibility on how long, where and when the employee works. Flexibility can be number of hours, working pattern or location. An employee may request to have a fixed working pattern or hours.

3.2 In this procedure the term 'manager' includes the Headteacher or, where appropriate, another manager nominated by the Headteacher or, where the employee is the Headteacher, the governing body or chair of governors.

#### **4. Requesting flexible working**

4.1 Employees wishing to make a statutory request must complete the flexible working application form. Once completed the form should be given to the line manager for consideration.

4.2 Where possible requests should not be submitted near school closure periods, and should take into account the effective date of the request and notice periods.

#### **5. Timescales**

5.1 All requests must be dealt with within a period of three months from first receipt to notification of the decision on appeal. The timescales for each stage are recommended to meet the overall timescale.

5.2 These time limits may be extended where both the employee and manager are in agreement. For example, the manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements or where the application coincides with a school closure periods.

#### **6. Considering the request**

6.1 On receiving a request, the line manager should discuss the request with the employee within 28 days of receipt and notify the decision to the employee within 14 days of the discussion, so that there is enough time for any appeal to be concluded. If there is likely to be a delay in discussing the request, within these timescales, it is important to inform the employee.

6.2 A discussion may not always be needed, such as when the manager is happy to agree to a request, but it may be helpful to discuss a request anyway to ensure that the proposal put forward is the best solution for both the service and employee.

6.3 The discussion does not have to be face to face and, if the manager and employee agree, it can be held by telephone or some other way.

6.4 The discussion provides an opportunity for the manager to explore with the employee exactly what changes they are seeking and how these might be accommodated. The discussion allows the employee to explain the reasons why they are seeking the change if they choose to tell their manager this. Whilst there is no statutory requirement for the employee to disclose the reason for the request, it is helpful for them to do so.

- 6.5 Employees may be accompanied at the discussion by a work colleague or trade union representative. This should be made clear to the employee before the discussion takes place and sufficiently in advance so that they can arrange the attendance of their companion.
- 6.6 If an employee fails to attend a meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.
- 6.7 The manager should consider the request carefully, looking at the benefits of the requested changes for the employee and the service and weighing these against any adverse service impact.
- 6.8 There may be instances where the manager is unsure whether the arrangements requested are sustainable in the service, or about the possible impact on other employees' requests for flexible working. In these circumstances the manager can agree flexible working arrangements for a temporary or trial period rather than rejecting the request.
- 6.9 If the application is approved then the change will be permanent. The manager should write to the employee to confirm the changes.
- 6.10 If the approved application affects the employee's pay (for example a decrease in hours) then the manager should complete a change of details form and send it to the business service centre for processing.

## 7. Reasons for rejection

- 7.1 The reason for rejection must be one or more of the prescribed business reasons, with evidence, which are:
- **The burden of any additional costs is unacceptable to the school** – Balance any potential costs of the request with potential savings made.
  - **An inability to reorganise work among existing staff** - A manager should consider the cost of recruiting additional staff against the potential cost of losing the member of staff making the request. Also consider talking to the team about any reorganisation of work where this would be appropriate before coming to a decision.
  - **Inability to recruit additional staff** - The manager should consider the ability to recruit to the vacancy created and must normally attempt to recruit before rejecting under this reason.
  - **The manager considers the change will have a detrimental impact on quality** - Managers should consider the impact on pupil learning and if any other employees within the school have the right skills.
  - **The manager considers the change would have a detrimental effect on the service's ability to meet customer demand** - When considering the impact on the service of a flexible working arrangement, the manager

can trial an arrangement for a fixed period to see if it is sustainable over the longer term.

- **Detrimental impact on performance** - Performance can mean that of the individual, the team or the whole school.
- **There is insufficient work during the periods the employee proposes to work**
- **Planned structural changes** - for example, where the manager or school intends to reorganise or change and considers and can demonstrate that the flexible working requested may not fit with these plans.

7.2 In considering these business reasons managers must be careful not to inadvertently discriminate against particular employees because of their protected characteristics, such as where flexible working arrangements would be a reasonable adjustment for a disabled employee or when dealing with requests that relate to employees' childcare or other caring responsibilities.

7.3 If, after considering all of the reasons above, the manager is unable to approve the request, they should discuss the reasons with the employee and then confirm in writing using the application rejection form.

7.4 Under the Regulations the employee may only submit one request within a 12 months period; however the manager may reconsider a previous application should the reason for rejection no longer apply and may, at his/her discretion, agree to consider a different request submitted within 12 months.

## **8. Handling multiple requests in a fair way**

8.1 There may be some occasions when a manager receives more than one request to work flexibly from different employees in close succession. Where this happens it may be possible to grant all of the requests received. However, the manager will need to look closely at the impact this would have on the service before coming to a decision. It would normally be appropriate to consider each application in the order they are received.

8.2 Having considered and approved the first request the manager should remember that the service context has now changed and can be taken into account when considering the second request.

8.3 When a manager receives more than one request, they are not required by the law to make value judgements about the most deserving request. The manager should consider each case on its merits looking at the business case and the possible impact of refusing a request. The manager may want to have a discussion with the employees to see if there is any room for adjustment or compromise before coming to a decision.

8.4 Each request will be considered on a case by case basis; agreeing to one request will not set a precedent or create a right for another employee to be granted a similar change.

## **9. Appeals**

9.1 An employee may appeal against the decision if they feel that there is new information that was not available to the manager at the time they made their original decision, or if the employee thinks the application was not handled reasonably in line with this policy. The employee has the right to be represented at the appeal meeting by a trade union representative or work colleague.

9.2 Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal within 14 days of receipt of the notification, with the appeal to be heard by a panel of governors within 14 days of receipt. The employee will be informed of the outcome of their appeal within 14 days of the appeal meeting unless an extension has been agreed with the employee.

9.3 If an employee fails to attend the appeal meeting, and then fails to attend a rearranged meeting without good reason, their appeal will be deemed to have been withdrawn.

## **Document Control**

<b>Implementation Date</b>	<b>Author</b>	<b>Summary of Changes</b>	<b>Date to be reviewed</b>
19 May 2016	Hannah Panter	New policy following statutory changes	As required