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Flexible working policy

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1. Aims

This policy aims to:

- Outline our school's expectations for flexible working and how we will process and respond to staff requests

- Set out the process for how staff can apply for flexible working arrangements, and appeal a decision if appropriate
- Support our school's efforts to
- promote staff's health and wellbeing.

2. Legislation and guidance

This policy meets the requirements of:

- Employment Relations (Flexible Working) Act 2023
- Flexible Working Regulations 2014
- Equality Act 2010
- Employment Rights Act 1996

It also reflects best practice guidance set out in:

- The DfE's guidance for flexible working in schools
- Acas' code of practice on requests for flexible working

3. Our approach to flexible working

Mylor Bridge CP School is open to flexible working and the benefits it provides. We recognise that offering flexible working has the potential to:

- Improve staff's work-life balance and help them manage their work around other responsibilities
- Reduce staff stress and have a positive impact on wellbeing
- Raise morale and improve staff motivation, performance and productivity
- Reduce staff absence and help improve retention by creating new opportunities and ways of working
- Allow us to recruit from a wider pool of talent that includes people with different lifestyles, experiences and perspectives

We are an equal opportunities employer, and we recognise the contribution that flexible working makes to this ongoing commitment.

4. Scope

4.1 Eligibility

This policy applies to all staff employed by our school, including part-time employees. It does not apply to agency staff and self-employed contractors. Staff members have the right to make a statutory request for a flexible working arrangement if they:

- Are an employee at Mylor Bridge CP School

- Have not already made 2 statutory requests for flexible working arrangements in the last 12 months

All staff members can make a non-statutory request, whether or not the statutory route is available to them (see section 6).

4.2 Exceptions

This policy does not apply to staff who are:

- Taking maternity, paternity, adoption, neonatal or shared parental leave – please see Leave of Absence Policy
- Taking sick leave – please see our Leave of Absence Policy instead

This policy will also not apply if our school is subject to a temporary or time-limited arrangement to work from home due to public health advice – for example, in the case of a public health lockdown.

4.3 Types of flexible working arrangements

This policy covers the following types of flexible working arrangements

- **Part-time working**: where a staff member is contracted to work less than full-time hours. This may include:
    - **Job sharing:** where 2 or more people split a full-time post and share the overall duties and responsibilities
    - **Phased retirement:** where a staff member gradually reduces their working hours to transition from full-time work to full-time retirement
- **Working off-site**: where a staff member works some or all of their hours remotely and is not required to be on the school site (also known as working from home)

5. Roles and responsibilities

5.1 The headteacher

The headteacher is responsible for:

- Ensuring that this flexible working policy is applied consistently across our school and that it is in line with equality legislation
- Promoting and leading an environment of inclusion, staff wellbeing and high-quality teaching throughout the school
- Considering all valid requests for flexible working arrangements equally, fairly and according to the needs of the school and pupils
- Responding to requests within the agreed timescale (see section 7.1 for more on timescales)
- Making sure that the staff member knows about their right to be accompanied by a colleague or trade union representative to any appeal meeting

- Communicating to the staff member any changes to holiday, pay allowance or other conditions that may result from a contractual change
- Promoting positive working arrangements
- Giving due regard to equality legislation and taking any disability requirements into consideration

5.2 The governing board

The governing board will approve this policy and hold the headteacher to account for its implementation.

Where the headteacher submits a flexible working request, the governing board will be responsible for considering that request fairly and according to the needs of the school and pupils. The board (or a suitable nominated governor) will respond to the request within the agreed timescale.

5.3 Other staff

Staff are expected to follow the procedures set out in this policy and adhere to the stated timescales when responding to or appealing the school's requests or decisions.

6. Requests for flexible working arrangements

In this section we set out the right for staff to apply for flexible working. While our school welcomes applications and will consider all requests openly and fairly, we are not obliged to grant flexible working arrangements in all cases (see section 7.3 to see when we may reject an application).

In all cases, we encourage staff to discuss flexible working arrangements with their line manager on an informal basis **before** making a request, covering:

- The potential impact on the school and pupils
- Different options for flexible working arrangements
- A trial period to test out a proposed arrangement

6.1 Non-statutory requests

A non-statutory request can be used to apply for any flexible working request, including but not limited to:

- One-off or temporary flexible working arrangements
- Arrangements that don't involve altering the staff member's contract – for example, varying start or finish times but maintaining the same number of working hours

Staff should send their application to the headteacher.

If the headteacher is requesting flexible working, they should send their application to the chair of governors.

Non-statutory requests do not have to satisfy the eligibility requirements set out on section 4.1.

6.2 Statutory requests

Staff should use a statutory request for flexible working if their proposal requires a permanent change to their contractual terms and conditions. Only eligible staff members may use this route (see section 4 for the eligibility criteria).

Staff must make a statutory request for flexible working arrangements in writing. They should use the application from in appendix A and submit their application at least 2 months before the proposed change. Legally, all requests must include:

- Date of the application
- Statement to confirm that this is a statutory request
- Proposed changes to working hours or pattern, and when the staff member wishes to start the new arrangement
- Whether they've previously applied for flexible working arrangements and if so, when that was

The member of staff should also include whether they're making their request in relation to the Equality Act 2010 – for example, as a reasonable adjustment for an employee with a disability.

Staff should send their application to the headteacher

If the headteacher is requesting flexible working, they should send their application to the chair of governors.

7. How we will consider applications

7.1 Timescale

Our school will respond to a statutory flexible working request within **2 months** from receiving an application. This includes the conclusion of any appeal process.

The school may extend the response period if both parties agree to it – for example, in the case of an agreed trial period. Any extension to the timescale will be confirmed in writing.

7.2 Consultation meeting to discuss an application

The school will consider all valid applications for flexible working openly and fairly.

The headteacher may arrange a consultation meeting with the staff member to

- Clarify the staff member's proposed flexible working arrangements
- Make it clear whether the request relates to a reasonable adjustment for a disability
- Discuss any foreseen challenges regarding the proposed arrangements and how they can be overcome
- Consider any potential modifications to the original request, or any alternative flexible working options that may be available and suitable for all sides

The meeting will take place no later than 28 calendar days after the school receives the application. A member of HR may also attend the meeting.

The staff member may be accompanied by a colleague or trade union representative if they wish. Any companion will be entitled to speak during the meeting and confer privately with the staff member but may not answer questions on their behalf.

7.3 Response

The headteacher will provide a response, in writing, as soon as possible after the application, and no more than 14 calendar days following any meeting.

If the request is accepted, or an alternative arrangement is agreed, the headteacher will write to the staff member laying out:

- Details of the new working arrangements
- Details of the trial period
- Any changes to the staff member's employment contract
- When the new working arrangements will start

The staff member will need to sign and return a copy of the document, which will be placed in their personal file to confirm the variation to their terms and conditions of employment.

If the headteacher needs more time to make a decision – for example, time to investigate how to accommodate a request or to consult several members of staff – they will discuss this with the staff member as soon as possible.

If the request is rejected, the headteacher will arrange a meeting with the staff member to inform them, including the reason for the rejection. The decision will also be confirmed in writing, and the staff member will also be advised of their right of appeal (see section 9).

Our school will only reject an application for flexible working on the following grounds:

- The burden of additional cost to our school
- A detrimental effect on the quality of work (for example, if, as a result, pupils risk not receiving high-quality teaching)
- A detrimental effect on performance (for example, if the staff member risks failing to meet important deadlines)
- A detrimental effect on the ability to meet demand (for example, where an administrative assistant would not be present at busy periods with high workloads)
- Inability to reorganise work among existing staff
- Inability to recruit new staff
- Insufficient work during the proposed working period
- Planned changes to staffing structure

7.4 Contractual changes

Once a flexible working arrangement has been agreed (and following a successful trial period – see section 8), the school will make appropriate changes to the staff member's contract of employment.

Unless otherwise agreed, these changes are permanent and cannot be changed unilaterally. There is no right for a staff member to revert to their original working arrangements, or for the school to force a staff member to revert to their original working arrangements, without agreement from both parties.

A staff member may only make 2 statutory flexible working requests within any 12-month period.

Contractual changes may also include changes to pay and holiday entitlements, such as a pro-rata arrangement. The headteacher will make sure that any staff member seeking a flexible working arrangement is aware of these changes before they agree to changes to their contract.

8. Trial period

Where a staff member's application is successful, they will be subject to a trial period one school team. This period will form the basis of a final decision about whether the flexible working arrangement will work.

When informing the staff member that their application is initially successful, the headteacher will set out in writing the details of the trial period.

This will be considered an agreed extension to the statutory 2-month timescale for the school to respond to flexible working applications.

At the end of the trial period, the staff member and headteacher will meet to discuss:

- Whether the trial period was successful
- What (if any) adjustments need to be made
- Whether to continue with the arrangement on a permanent basis
- Whether to extend the trial period – for example, to observe any adjustments to the arrangement or due to absence

In the case of disagreement, all decisions about the outcome of the arrangement rest with the headteacher.

9. Appeals

Staff members can appeal any unsuccessful flexible working application.

They must make their appeal in writing, state the reason for appealing the decision, and submit their appeal to the headteacher within 5 working days of receiving a written rejection.

- The appeal will be heard by a committee of no fewer than 3 members of the governing board
- The staff member will be invited to attend a meeting to discuss the appeal
- The Committee will consider the original application as well as any additional evidence submitted in support of the appeal. This evidence may not be submitted if it was required to support the initial application and will not be considered by the committee.
- The outcome of the appeal will be communicated within 14 working days of the committee meeting

The outcome of the appeal is final, and there is no further right to appeal.

10. Withdrawing a request

A staff member can withdraw a request for flexible working at any time after it has been made. However, if they have withdrawn a statutory request, and the withdrawn request was their second statutory request in a 12-month period, they will not be able to make another statutory request for 12 months after their first request.

Our school will treat an application as having been withdrawn by the staff member if the staff member fails to, without good reason:

- Attend the first meeting and second, rearranged meeting to discuss their flexible working request, or
- Attend the first meeting and second, rearranged meeting to discuss their appeal

Where our school treats a staff member's conduct as a withdrawal of their request, we will notify the staff member of this in writing.

11. Monitoring arrangements

This policy will be monitored by the headteacher.

It will be reviewed every 2 years.

At every review, this policy will be approved by the Full Governing Board following recommendation by the Resources Committee.

12. Links to other policies

This policy links to the following policies:

- Leave of Absence Policy
- Parental leave policy

Appendix A: Flexible working application form for statutory requests

Employee name:

Job title:

Date employment commenced:

Line manager:

CURRENT WORKING PATTERN	
Days/hours	
Location	

PROPOSED NEW WORKING PATTERN	
Days/hours	
Location	
Any additional technology or resources required	
Proposed start date	

IS THIS REQUEST IN RELATION TO THE EQUALITY ACT 2010?
If yes, please provide details and other supporting evidence

DECLARATION OF ANY PREVIOUS STATUTORY REQUESTS FOR FLEXIBLE WORKING ARRANGEMENTS

I confirm that:

- This is a statutory request for flexible working
- This request does not bring my total number of statutory flexible working requests in the last 12 months to more than 2

Signed:

Date: