
Horsmonden Primary School

Flexible Working Policy



From 30th June 2014, The Children and Families Bill extended the right to request flexible working to all employees; not just those who had children under the age of 17 (18 if the child is disabled) or were carers.

This document explains the process for making and managing requests for flexible working.

Introduction

The School recognises that at some stages during their working lives, Employees may wish to request flexible working arrangements. The School also acknowledges that qualifying Employees have a statutory right to make a flexible working request.

The School will give reasonable consideration to requests made under these provisions and will endeavour to grant flexible working arrangements in so far as is practicable – taking into account the needs of the School.

Decisions on whether a request can be agreed will be based on business needs and flexible working arrangements should not adversely impact on service delivery and the operation of the School.

Entitlement to Request Flexible Working

Statutory Right to Request Flexible working

An Employee may make a statutory request to work flexibly after 26 weeks' continuous service. An Employee may only make one statutory request in every 12 month period.

Additional Flexible Working Provisions within KCC

Kent County Council allows provision for all employees to make a request for flexible working – regardless of their length of service. An employee may only make one request in every 12 month period.

Under flexible working arrangements, a variety of working patterns may be requested including:

- A change to hours
- A change to the times worked
- A change to the place of work

A request for flexible working may be made on a permanent or temporary basis.

Making a request for flexible working

Requests should be made to the Headteacher* in writing and include:

- The date
- A statement that the application is being made under the statutory right to request flexible working
- Details of the working pattern the employee wishes to adopt and whether it is a permanent or temporary change
- Details of the effects the employee feels this change will have on their team and how these might be dealt with
- The proposed effective date of the change
- The date of any previous application that has been made.

Considering a Request

A decision regarding the employee's request should be made by the Headteacher as soon as possible.

The Headteacher should consider the benefits of agreeing the request for the employee against any implications for the school.

In reaching a decision, it may be of benefit for the Headteacher and Employee to meet to discuss the request in further detail. Where the Headteacher is in agreement to the request – a meeting is not necessary.

The employee may be accompanied by a workplace colleague or trade union representative during discussions with the Headteacher about their request.

Accepting a Request

Where a request is agreed the headteacher should discuss and agree the start date of the new working arrangements with the employee. The new working arrangements should be confirmed in writing.

Where it is not possible for the Headteacher to accept a flexible working request in full, it may be possible to reach agreement with an employee to accept elements of the request or agree alternative arrangements.

A flexible working request may be agreed on either a permanent or temporary basis. It is also possible for the Headteacher and employee to agree a trial period to assess whether the changed working arrangements are practical for both parties in the longer term.

Rejecting a Request

If it is not possible to agree to a flexible working request, the decision and reasons for this should be confirmed in writing by the Headteacher.

This notification should include a detailed explanation for this decision and provide details of the procedure for making an appeal.

Reasons for rejection must be for one or more of the following:

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.

Right of Appeal

Employees have a right to appeal against the Headteacher's decision not to grant a flexible working request.

Appeals must be made in writing and submitted within 5 working days of the original decision. The letter of appeal should include the employee's reasons for making an appeal.

Arrangements will be made for an appeal meeting to take place as soon as possible (usually within one month of the original decision being taken).

The appeal will usually be considered by a panel of one or more governors.

The employee may be accompanied at the appeal meeting by a workplace colleague or trade union representative

The employee will receive a written outcome to the appeal within 10 working days of the meeting.

If an appeal is not upheld the notification must include a detailed explanation for this - including the business reason for being unable to accommodate the request.

The decision of the appeal is final and there is no further right of appeal.

Timescales for Considering a Request

Requests should be considered within a reasonable timeframe and without undue delay.

All requests, including any appeals, must be considered and determined within 3 months from receipt of the initial request – unless a longer timescale is agreed with the employee. An extension may be considered where a trial of the new arrangements is agreed.

Equality Considerations

In considering a flexible working request, a Headteacher should consider the Equality implications of any decision.

Flexible working arrangements may be considered as a 'reasonable adjustment' to support an employee with a disability (as set out in the Equality Act 2010). Schools may wish to seek further guidance from their Personnel Provider.

Non-attendance at Meetings

If an employee is unable to attend a meeting to discuss their flexible working request or any subsequent appeal, they should contact the Headteacher as soon as possible.

The Headteacher will rearrange the meeting, but if the employee fails to attend the rearranged meeting without a reasonable explanation the appeal is treated as being withdrawn.

An employee may be accompanied by a trade union representative or workplace colleague at a meeting to discuss the flexible working request or any subsequent appeal. If the workplace colleague or trade union representative is unable to make the appeal meeting the employee can ask for it to be rearranged, in which case it should take place within seven days of the date of the originally proposed.

Further Guidance

Schools and Employees may wish to refer to The ACAS Code of Practice and Guidance on Flexible Working:

www.acas.org.uk/flexibleworking

* Please note references in this document to the Headteacher may include his / her nominee.