



Model Flexible Working Policy (Updated following 6 April 2024 Statutory Changes)

We are passionate about creating an inclusive culture that supports a good work-life balance for its employees.

Flexible working aims to, and should be, in the best interests of both the individual and service delivery.

The potential positives of flexible working include:

- Creating a more inclusive workplace
- Enriching employee wellbeing
- Improving performance and productivity
- Retention of engaged employees

The legislation does not provide an automatic right to flexible working. There is an emphasis on the importance of both the employee and the employer considering the terms of the request and attempting to reach an outcome that suits both parties. The employee has a responsibility to think carefully about their desired working pattern when making an application, and the Headteacher / Manager is required to follow a specific procedure to ensure requests are considered objectively.

The procedure note below provides more details about the rights for employees and the procedure for making and dealing with requests for flexible working.

Eligibility

All employees have a statutory **day one right** to request flexible working. Under the statutory procedure, employees can make **two** statutory requests in every 12-month period. If an employee has submitted a flexible working request, they must wait until that one has been considered and any appeal has been dealt with, before submitting another.

Examples of what employees may be able to request:

- a change to the hours they work
- a change to the times when they are required to work
- a change to the place where they work – for example working from home

The Procedure

Employees wishing to change their working arrangements should speak with their Headteacher / Manager first and advise that they will be submitting a formal flexible working request.

An initial informal discussion encourages managers and employees to work together to consider proposals and agree arrangements in principle at an early stage. After receiving the application, if the Manager approves the request, a further meeting will not be required.

1. **Written application:** An employee may make two applications a year and an accepted application will mean a permanent change to the employee's terms and conditions of employment. The employee will have no right to revert back to a previous working pattern (unless otherwise agreed). The application must be made using the Council's flexible working request form and passed to the employee's Headteacher / Manager. It is important that, before making an application, the employee gives careful consideration to the working pattern they are requesting. The school / department may wish to consider a specified trial period first
2. **Meeting with employee:** It may be possible for a headteacher / manager to agree to a request simply on the basis of the application itself. If so, the headteacher / manager should write to the employee within 28 days specifying the contract variation agreed to and the start date.

If it is unlikely the request can be accommodated **employers have a legal duty to consult with the employee before declining any request.** The meeting will be conducted by the Headteacher / Manager within 10 school days of receiving the employee's request. However, if this is not possible, employees will be informed of the reason for any delay.

The meeting is an opportunity for the employee to explain how the proposed working arrangements will benefit them (i.e., the employee) and for the Manager to consider and discuss any alternative flexible working options that may be available and suitable for the employee and the service.

At the meeting, employees are urged to be as open as possible about their needs, so that they and their line manager can engage in a constructive discussion about what is feasible.

The employee has the right to be accompanied at this meeting by a work colleague or trade union representative.

After the meeting, the Headteacher / Manager will consider the employee's proposed flexible working arrangements carefully, weighing up:

- The potential benefits to the employee and the service; and
- Any adverse impact of implementing the changes.

Headteachers / Managers will consider each request on a case-by-case basis and agreeing to one request will not set a precedent. In other words, it will not create the right for other employees to be granted a similar change to their working arrangements.

3. **Decision following the meeting:**

- 3.1. ***If the application is successful*** - the employee should be notified of the decision within 10 school days of the meeting. This should be done by forwarding the flexible working application acceptance letter. CSF Employment Support must be notified of the decision and details of the new working arrangements in order that a new Statement of Particulars can be issued to the employee where applicable. Should the acceptance involve a change in hours worked, CSF Employment Support must also be notified by way of a completed new starter/variation form in order that any relevant salary adjustments can be made.
- 3.2. ***If the application is unsuccessful*** - the employee should be notified of the decision within 10 school days of the meeting. This should be done by forwarding the flexible working application rejection letter to the employee. This letter should state the operational reasons for refusal, provide sufficient explanation as to why they apply in these circumstances and provide information about the employee's right to appeal.
There may be a few occasions when it is not possible to properly consider the request within 10 school days and if this is the case the Headteacher / Manager should inform the employee of this fact and the reasons why further action is necessary before notifying before arriving at a final decision.

Grounds for refusal

While we are committed to encouraging flexible working patterns, we also need to remain realistic. In some cases, it may not be appropriate for the service to accommodate a request because of one or more of the following statutory criteria for refusal*

- the burden of additional costs
- detrimental effect on ability to meet customer demand / the needs of the school
- inability to re-organise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficient work during the periods the employee proposes to work
- planned structural changes

**We will not reject your request other than for one or more of the statutory criteria for refusal set out above.*

Appeals

Where a flexible working request is not approved, or only partly approved, employees have a right of appeal within 10 school days of it being notified to them.

The employee should write to their Headteacher / Manager setting out the grounds for the appeal.

For schools, the Headteacher will arrange for the Appeals Panel of Governors to hear the appeal within 10 school days of receiving the employee's appeal. The applicant has the right to be accompanied by a work colleague or union representative at the appeal hearing and the Appeals Panel may choose to have a member of the schools' employee relations team present. A written record of the meeting will be made by the Clerk to Governors.

For business units, the Manager will arrange for a senior manager (who has not been involved in the original decision) to hear the appeal within 10 school days of receiving the employee's appeal. If the person hearing the appeal is a Senior Manager, CYPF Personnel should ensure that the Chief Officer has nominated this person to act on their behalf. The applicant has the right to be accompanied by a work colleague or union representative at the appeal hearing and the Senior Manager may choose to have a member of the school's employee relations team present. A written record of the meeting will be made by the manager.

The decision of the appeals panel / manager will be notified to the employee within 5 school days of the date of the meeting. If the flexible working request is accepted, the employee must be informed in writing of the variation agreed (the new work pattern) to and the date upon which it will take effect. If the request is refused, the appeals panel / manager must set out the grounds for the refusal, explaining why they apply in the circumstances.

If the appeal is dismissed and the employee remains dissatisfied, they have the right to seek a remedy through the final stage of the grievance procedure, which for schools is the appeals stage of the schools grievance procedure. To do so, the employee should submit their grievance, in writing to the Chair of Governors (for schools) / County Solicitor (for business units), within 10 school days of being notified of the decision taken at the appeal stage within the Flexible Working procedure, detailing the reasons for dissatisfaction and the solution sought. From this point forward the matter will proceed in accordance with the arrangements specified in the grievance procedure.

The decision taken at this stage is final.

Time Limits

Employers will have **two months** to complete the process including making a decision on any appeal brought forward by the employee. There may be an extension period if agreed with the employee.

There may be a number of reasons why the time limits specified are too short and an extension may be required. For example, more time may be needed to explore an alternative working pattern. Time limits can be extended where the employer and employee agree. For example, for a one term (12 week) trial period, the parties could agree to extend the time for a final decision to be given until the end of the trial period. A written record of the agreement must be made which states which period the extension relates to and the date the extension is to end. This must be dated and sent to the employee.

Time limits will be automatically extended where the person who would ordinarily consider the application is absent because of annual leave or sick leave when the application is received.

Right to be accompanied

The employee has the right to be accompanied at the initial meeting and the appeal by a work colleague or trade union representative. The companion has the right to address the meeting and to confer with the employee during the hearing but not to answer questions on behalf of the employee.

If the employee's chosen companion is not available at the time proposed for the meeting, then the meeting must be postponed and re-arranged at a time convenient to both parties and within 5 school days (7 calendar days) of the initially proposed meeting; or consider an alternative companion.

The companion is entitled to time off during working hours for the purpose of accompanying the member of staff and a union official is entitled to reasonable paid time off.