

FLEXIBLE WORKING PROCEDURE

Original document	Pay and Personnel Committee	4/9/14	Version 1
Amended			

I STATEMENT OF INTENT

This flexible working procedure provides a framework outlining how ODST will manage any requests for flexible working made by its employees. It is designed to ensure that clear and transparent guidelines are provided for all working in ODST and to ensure that ODST complies with its obligations under the Employment Rights Act (1996) and the Flexible Working Regulations (2014).

Please note: The starting point for developing this policy was the Oxfordshire County Council model policy which had been drawn up following consultation with all the recognised Trade Unions and Associations. It has been amended to reflect the independent status of ODST as a multi academy trust, although the substantive content remains the same. ODST intends that future changes to this policy will be subject to consultation with its schools / academies, their staff and any recognised Trade Unions and Associations.

II INTRODUCTION

1. The Flexible Working Regulations (2014) extend the provisions of the Employment Rights Act (1996) to allow all employees with 26 weeks' continuous service to submit an application for flexible work, subject to an application not having been made within the preceding 12 months.
2. ODST recognises that people work more effectively when they are able to strike a healthy balance between their work responsibilities and other aspects of their lives.
3. ODST is committed to ensuring that any requests for flexible working are handled in a professional and transparent way and consider fully the needs of the school/ organisation in reaching a decision.

III OBJECTIVES

The flexible working procedure aims to:

- clarify to employees the entitlement to request flexible working;
- provide a structure outlining how any request for flexible working should be made and will be handled;
- allow for any concerns relating to the procedure to be handled in a professional manner;
- enable ODST to comply with its statutory obligations under the Flexible Working Regulations (2014).

IV SCOPE

- Governing Body
- Teaching Staff
- Headteacher
- Support staff
- **All Staff**
- Pupils
- **Central Office Staff**
- Contractors/ Service Providers

V RELEVANT LEGISLATION

- Flexible Working Regulations (2014)
- Employment Relations Act (1996)
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Part-time Employees (Prevention of Less Favourable Treatment) Regulations 2000

VI RELATED POLICIES

- Equality and Diversity Procedure

VII RELATED DOCUMENTS

VIII DATE OF REVIEW

The policy will be reviewed as required by the Board of Directors of ODST to take account of any legislative changes as well as feedback from ODST staff and schools and in any event, by 31 December 2016 at the latest.

IX GENERAL PRINCIPLES

Decisions relating to flexible working requests should be handled initially at local level by the relevant line manager, in liaison with the Headteacher. Support is available centrally from the ODST HR team for any queries relating to the implementation of this policy.

ODST Model Flexible Working Procedure

This Procedure should be made available to all ODST employees.

Introduction

1. ODST recognises that people work more effectively when they are able to strike a healthy balance between their work responsibilities and other aspects of their lives.
2. ODST will consider all requests for flexible working made by eligible employees, ensuring that the needs and priorities of the school/ organisation can be met before agreeing to any new arrangements.
3. The nature of the work in schools means there can be limited flexibility in some roles, but managers will work with employees to try and identify solutions, where possible, that suit both the individual and the school.

Who can apply to work flexibly?

4. Any employee with 26 weeks continuous service with the employer is eligible to submit an application to work flexibly.
5. Employees can make one application a year. Each year runs from the date when the application was made.
6. Managers have discretion to agree to consider another request during a year. This may be appropriate for example where requests are declined due to changes expected in the school but the manager agrees to consider another request once the changes have taken place.

Procedure for requesting flexible working

7. There is no legal obligation to agree to requests for flexible working but the law does require managers to objectively consider all requests.
8. To apply for flexible working employees must fill in a flexible working application form (see appendix 1) setting out:
 - The change to working arrangements they are seeking and when they would like the change to come into effect;
 - What effect they think the requested change would have on the school and how, in their opinion, any such effect might be dealt with;
 - That the request is a statutory request and if they have made a previous application for flexible working the date of that application.

Requests for flexible working cannot be considered without this information being provided in writing.

9. The application form must be sent to the employee's line manager or Headteacher. Requests from Headteachers should be sent initially to the Chair of Governors and referred to the ODST HR team.
10. By law, requests must be dealt with within three months from receipt, including any appeal. The time scales set out in paragraphs 12 - 19 comply with this requirement.
11. The three month period can be extended by mutual agreement between the manager and the employee. An extension could, for example, be used to trial new arrangements before the manager makes a final decision.
12. Within 28 days of receiving the application, the employee's manager will arrange to meet with them to discuss the request. This discussion may be held on the phone if a face to face meeting is not practical.
13. The meeting provides an opportunity to consider the employee's request and explore how it may be accommodated. Some flexibility may be required to explore alternatives or a compromise.
14. Employees can be accompanied to the meeting by a work colleague or trade union representative if they wish.
15. The manager will write to the employee to notify them of their decision within 14 days of the date of the meeting. Where a request is rejected an outline of the reasons will be given and the employee will be reminded of their right of appeal.
16. Examples of why a request may be refused include:
 - The burden of additional costs is unacceptable for the school
 - Work cannot be reorganised amongst existing staff
 - An inability to recruit additional staff
 - The new arrangements would have a detrimental impact on quality
 - The new arrangements would have a detrimental impact on the performance of the individual, team or school
 - A detrimental effect on ability to meet pupil/student needs or work demand
 - There is insufficient work for the periods the employee proposes to work
 - The school is planning structural changes to the workforce
17. A four week trial period for the new arrangements can be agreed.
18. Where flexible work arrangements are approved they will normally constitute a permanent change to the contract of employment, with no automatic right to change back to the previous work pattern, and this should be backed up in writing to the employee.
19. Agreement can be given for flexible work arrangements to be for a temporary period, allowing the employee to return to their normal working pattern or hours on an agreed date.

Common types of flexible working

20. These include:

- Term time working - getting paid for the 38 or 39 weeks of term time worked, plus annual leave entitlement. The employee is paid monthly with pay spread evenly over the twelve months.
- Part-time working.
- Work times and patterns different from the standard school working hours.
- Compressed hours - where an employee works their normal contractual hours over fewer days than the standard work pattern.
- Annualised Hours - the employee is contracted to work a certain number of hours over the year but has some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there is extra demand at work.
- Job Sharing Scheme - a full time job is split between two people, each sharer working half the hours, undertaking a proportion of the duties and receiving proportionate pay and benefits. Job sharing requires a high level of co-operation and communication between the sharers.

Appeals

21. Where an application is refused employees should speak with their manager to understand the reasons.

22. Employees have the right to appeal against a decision to refuse an application. The grounds for appeal must be set out in writing within 10 days of receiving the decision. The appeal will be dealt with within 21 days. The employee has the right to be accompanied by a work colleague or trade union representative to any appeal meeting.

23. Any appeal would be normally heard by a different manager from that carrying out the initial meeting in paragraph 12.

Dealing fairly with multiple or competing requests for flexible working

24. Requests will be considered in the order they are received. Having considered and approved one request, it does not follow that subsequent requests will be agreed. Managers will consider each application in the context of the school at the time.

25. Where multiple requests are received at the same time, priority will be given to employees whose request is due to:

- Ill health or disability where flexible working would help the employee attend or remain in work.

- Caring responsibilities – ODST recognises that many staff, in addition to work, have unpaid caring responsibilities for relatives, children, and friends who need support due to illness, disability or frailty.
- Child care arrangements.

Where these factors do not exist, requests will be treated on their own merits looking at the business case, the impact on the school and the possible impact of refusing a request.

26. In the event that a flexible working request cannot be approved, other options may be available and considered to help employees achieve the flexibility they need in the short term such as unpaid leave.

Appendix 1

Flexible Working application form

Complete this form if you want to apply to work flexibly - this could be to reduce or change your hours, job share etc

Name:

Payroll Number:

Job:

Manager:

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided by law. I confirm I meet the eligible criteria as follows:

- I have worked continuously as an employee of the school for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

If you have made a previous request in the last 12 months please provide details.

Please give the reason you are requesting to work flexibly:

Are you making this request as a reasonable adjustment due to ill-health and/or disability?

If yes please provide details of how flexible working will support you to attend work

Describe your current working pattern (days/hours/times worked):

Describe the working pattern you would like to work in future (days/hours/times worked):

I would like this working pattern to commence from:

Impact of the new working pattern:

What effect do you think this change will have on your work and the school?

How do you think any effect may be dealt with?

Is your request to change your working pattern permanent or temporary?

If you are requesting a temporary change give details of when you would want to revert to your previous working pattern.

Please be aware that if your request is approved and it is a permanent change, you do not have the right to request another variation in contractual terms for a period of 12 months, although your manager does have discretion to agree to consider additional requests.

Signed:

Date:

Employee action – send to your line manager once completed.

Manager action – keep a record of this application on the employee’s personnel file.

If the request is subsequently authorised please ensure that the relevant employee changes documentation is completed and forwarded to payroll and HR.