

The Marlborough Science Academy	
Flexible Working Policy GP 61	
Responsible Governing Body Committee:	Personnel Committee
Policy type:	Additional
Date of Origin:	Nov 2014
Adopted by:	
Author:	Helen Johnston, HR Manager
Location:	
Filename:	

Review Due Date	Review Completed	Amendments Y/N
Nov 2016	Oct 2016	Yes follows new HCC model
Oct 2018	Nov 2018	Yes follows new county model and form added
Nov 2020	October 2020	Yes in line with HfL
October 2022	October 2022	Yes in line with HfL
October 2024		

1. Objective and scope

This policy sets out the rights of the employee to request flexible working and also outlines the process by which employees should make an application to work flexibly. It does not apply to agency workers, consultants or self-employed contractors. This policy and procedure does not form part of any employees' contract of employment.

Flexible working is about improving the way we deliver services, maximising the potential of our staff, being efficient in the use of resources, optimising the use of new technology and challenging traditional working methods and practices.

Flexible working is also intended to ensure that individuals strike a balance between their home and work priorities; encouraging employees to work smarter whilst discouraging them from continually working long hours.

2. The business need

Where the business case can be supported the school is committed to providing flexible working. However, the school and employees need to be practical and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the school. The school has to consider that appropriate staffing levels must remain in line with the demands of the delivery of education (the business) at all times.

Each application will be considered on an individual basis, decisions do not form a precedent as the circumstances are different in each area of the school and also change following the acceptance of each request.

3. Eligibility to apply for flexible working

While not all flexible working patterns will be suitable for all areas of the school there are no barriers to an employee applying to work flexibly.

All employees have the right to make an application to work flexibly providing they:

- a) have a minimum of 26 weeks continuous service with the employer
- b) have not made a flexible working request in the previous 12 months

It is important to understand that it is not a right to work flexibly but does have a right to request changes to the conditions of how they work, which may include how, when or where they work and for this request to be considered fairly.

4. Impact of flexible working on other terms and conditions

4.1 Pay and pensions

Employees taking up flexible working options which may result in reduced working hours will be paid on a pro rata basis, according to the number of hours worked. Employees should obtain detail of the impact on their pension from the relevant scheme administrator, LPFA or teachers' pensions.

4.2 Annual leave

The impact on annual leave arrangements will vary according to the type of flexible working option agreed. Part-time employees for example will be entitled to annual leave and bank holidays calculated on a pro rata basis.

5. The Procedure

5.1 Making a flexible working application

An application to work flexibly must be made in writing by completing the form in Appendix 1 to your headteacher or chair of governors (in the case of the headteacher) and specify the following:

- 1) the date of the application
- 2) that the request is made under the terms of the flexible working legislation
- 3) the requested change to their working pattern and the date the employee would like this to be effective
- 4) any impact this change may have on the work undertaken by the employee making the request, on the work of his/her colleagues and on service delivery and suggestions of how this may be overcome
- 5) whether any previous request to work flexibly has been made and, if so, the date of that application

5.2 Consideration of the request

The school will give serious and full consideration to all requests to work flexibly.

Completion of the consideration process including any appeal will normally take place within three months of first receiving the request. If the request cannot be dealt with during this period the school may extend the time limit by mutual consent.

When the headteacher or chair of governors (in the case of the headteacher) receives an application for flexible working they should consider the arrangement that has been requested. They may need to have a meeting with the employee to discuss the request.

The headteacher or chair of governors will need to consider and discuss with the applicant:

- the cost of the proposed arrangement
- the effect the proposed arrangement will have on other staff
- the impact of the proposed arrangement on delivery of the service of the school (education) and the service the role is intended to provide within the school
- the level of supervision the post holder will need
- an analysis of the tasks and workload specific to the role
- if the request is considered to be a reasonable adjustment for a disability or due to caring responsibilities

The employee is entitled to be accompanied to that meeting by a work colleague or trade union representative. If the employee or their representative is not available for the meeting then an alternative suitable time for all parties should be agreed and held within five working days.

If the request is suitably clear or no other information needs to be sought or considered in discussion with an employee, and the school concludes the request to be agreeable from the outset, the right is retained to confirm acceptance of the request without the need for a meeting.

If the school cannot meet the employee's request it will be based on one or more of the following grounds:

- the burden of additional costs
- the detrimental effect on the ability to meet student/pupil needs/service demands
- an inability to reorganise or redistribute work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality or performance
- insufficient work available during the hours the employee is requesting to work
- other planned changes (redundancy / reorganisations)

Once a decision has been made the employee will receive written confirmation as soon as possible either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect; or
- refusing the application and stating which of the specified grounds for refusal it considers to be applicable and explaining why those grounds apply in relation to the application. The appeal process will be set out.

If at any point the change is agreed as permanent, there is no right for the employee to revert back to their former working pattern.

5.3 Trial periods

The school may decide to offer the new way of working on a trial basis, initially where it is not sure what impact the change will have on the delivery of education and service the role provides

within the school. In such circumstances, the change to the employee's terms and conditions of employment during a trial period is a temporary change. In order to accommodate the trial period and any necessary steps if unsuccessful the parties will have to agree an extension to the decision date beyond the statutory three month period.

If, in the school's opinion the trial is not successful the employee will revert back to their previous terms and conditions of employment and they will be entitled to exercise their right of appeal. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

5.4 The appeal process

If the flexible working application has not concluded to the employee's satisfaction, they may appeal to the named person within seven calendar days of receiving the written decision. Wherever possible the appeal will be heard by an appropriate individual, or panel of individuals, who have had no prior involvement in the process.

The decision of the appeal hearing and the reasons for that decision will be communicated to all parties and confirmed in writing as soon as reasonably practicable usually within five working days. The decision reached at this hearing is final.

Employees no longer have a statutory right to an appeal but offering an appeals process helps to demonstrate that the employer is handling requests in a 'reasonable manner'.

5.5 Withdrawing an application

A request to work flexibly can be withdrawn at any time before it has been accepted. However, an employee who withdraws the application will not be eligible to make another flexible working request for a further 12 months.

If an employee fails to attend more than one meeting arranged to discuss the request and does not provide a reasonable explanation, the school may assume that the application has been withdrawn.

The school may also treat an application as withdrawn if the employee does not provide the required information.

Appendix 1



Flexible Working Application Form

Before completing this form, please read the flexible working policy. When completing this form, please ensure that you provide as much information as possible to allow a thorough assessment of the request. You should ensure that you submit your application well in advance of the date you wish the request to take effect.

Section 1 – Personal Details

Name:		Role:	
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Have you submitted a previous request for flexible working?	Yes	No
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If yes, when did you submit your last request for flexible working?	
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What is the reason for the request? Especially if the reasons concern childcare or other family commitments, religious or cultural requirements.
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Are you a disabled person whose request for flexible working is related to your disability?	Yes	No
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What is the period for which the change is requested?	Permanent	Temporary
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Section 2 – Working Pattern

A. Please describe your current working pattern (days/hours/times worked):
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B. Please describe the working pattern you would like to work in the future (days/hours/times worked):

C. I would like this working pattern to commence from: Date:

Section 3 – Impact of the New Working Pattern

A. I think this change in my working pattern will affect my manager and colleagues as follows:

B. I think the effect on my employer and colleagues can be dealt with as follows:

Signature:

Date:

Please send a completed copy of this form to Annie Thomson