



FLEXIBLE WORKING POLICY AND PROCEDURE

NAME OF SCHOOL	Stanmore Primary School
DATE OF POLICY ISSUE	February 2024
DATE OF POLICY REVIEW	February 2025

1. General principles

- 1.1 This procedure applies to all Hampshire maintained schools and Academies who have chosen to apply its provisions.
- 1.2 Schools have a statutory duty to consider applications for flexible working from employees who meet the eligibility criteria. While there is no right for a request to be automatically granted, applications must be given serious consideration with an employer able to refuse requests only if there are business reasons for doing so.
- 1.3 The law states that employers must consider and decide on all requests, including any appeal, in a reasonable manner and within **3 months** from date of first receipt. There are no other timescales specified in the statute. However, this procedure contains suggested timescales to assist Headteachers and governing bodies in ensuring requests are dealt with in a 3 month period.
- 1.4 Where meetings and hearings are held, it is incumbent upon the Headteacher or Chair of Governors/Chair of the Appeals Committee, as advised by Education Personnel Services, to ensure the employee is aware of the status of the meeting or hearing concerned.
- 1.5 Although there is no statutory right for an employee to be accompanied by a work colleague at a meeting or appeal meeting, this procedure permits the attendance of a work colleague, should the employee wish to be accompanied. The employee should be

informed of this prior to the meeting to give him or her the opportunity to make arrangements for their companion to attend.

- 1.6 There is no statutory right of appeal, however, this procedure permits an employee to appeal the Headteacher's decision in line with section 5 of the procedure.
- 1.7 An employee who has exercised the right to apply for flexible working has the right not to be subjected to any detriment by an act, or any deliberate failure to act, by the school done on the grounds that the employee has:
 - exercised their rights to request flexible working;
 - exercised or sought to exercise the right to be accompanied at a meeting by a work colleague of their choice, or;
 - proposed an alternative time for a meeting because their work colleague is unavailable at the time proposed by the school.
- 1.8 Similarly, a work colleague has the right not to be subjected to any detriment for accompanying or seeking to accompany an employee at a meeting in which their application for flexible working is being considered. All matters must therefore be conducted in a non-discriminatory manner and in accordance with the school's equal opportunities policy.
- 1.9 Employees making an application for flexible working should be provided with a copy of the school's procedure.
- 1.10 Some employees may need help in understanding the application process or school procedure. For example, they may need access to a translator, signer, interpreter, hearing loop or help with reading and writing. If so, the school will need to respond to such requests and should seek advice from Education Personnel Services.
- 1.11 Headteachers and governing bodies are encouraged to seek advice from Education Personnel Services whenever applications for flexible working have been received and are being considered.

2. Eligibility

- 2.1 The statutory right to request flexible working applies to employees who:
 - have 26 weeks continuous service at the date the application is made, and;
 - have not requested to work flexibly under the right to do so during the past 12 months
- 2.2 Where an employee does not meet these criteria they do not have a statutory right to apply for flexible working. However, the Headteacher and governing body may wish to consider requests from such employees at their discretion.

3. Application procedure

- 3.1 The employee is responsible for making a written application to the Headteacher. The application may be submitted on the form <http://documents.hants.gov.uk/mopp/flexible-working-example-application-form.doc>. The employee must include the following information on their application form:

- date of application, the change to working conditions they are seeking and the requested effective date;
- what effect the requested change would have on the employer and how any effect could be dealt with;
- a statement that the request is a statutory request and whether they have made a previous application for flexible working in the last 12 months whilst employed by the school, as employees may make only one application in any **12 month** period.

Schools can choose to ask for less information but should make clear what information the application should contain.

- 3.2 Upon receipt of an application, Headteachers should ensure that the employee meets the eligibility criteria.
- 3.3 If the Headteacher and governing body are able to agree a request immediately in full and do not need to discuss it with the employee, it is not necessary to hold a meeting with the employee. Confirmation of the agreement should normally be made in writing to the employee within 28 calendar days of the receipt of their application.
- 3.4 If there is no immediate agreement to the employee's request, a meeting with the employee should normally take place within 28 calendar days from the date of receiving their application. The meeting arrangements must be confirmed in writing to the employee, including the opportunity for the employee to be accompanied at the meeting by a work colleague of their choice. If the employee's work colleague is unavailable, the meeting can be postponed for up to 7 calendar days from the date of the original meeting, to enable them to attend. The period in which the Headteacher has to arrange the first meeting may be extended, for example where a Headteacher is absent due to sickness or a school holiday period occurs.
- 3.5 The purpose of the meeting is to allow both parties to explore the desired work pattern in depth and to discuss how it might best be accommodated. The parties should consider alternative working patterns if there are problems in accommodating the employee's preferred work pattern.
- 3.6 The Headteacher will write to the employee, normally within 14 calendar days of the meeting, either provisionally agreeing to a new work pattern and start date (subject to ratification by the governing body), or providing clear business / operational grounds why the application cannot be accepted and the reasons why the grounds apply in the circumstances. The letter will confirm the right of appeal.
- 3.7 Where an agreement is reached, the new work pattern will be a permanent change to the employee's terms and conditions (unless otherwise agreed). The employee's contract of employment will be amended accordingly and issued to the employee, with the Integrated Business Centre (IBC) or the school's payroll provider notified accordingly.
- 3.8 Where the Headteacher is uncertain as to the feasibility of an employee's request, they should consider using a trial period, which should be time limited and subject to review, prior to formally agreeing a request. Review points should be set when the employer and employee can jointly discuss how the arrangements are working and make any necessary adjustments.

4. When a request may be refused

4.1 It may be necessary for a Headteacher / governing body to refuse an employee's request for flexible working, in circumstances where there are clear business or operational grounds. The grounds **must** relate to one of the following eight reasons, as set out in legislation:

i. The burden of additional costs

Where the requested working pattern will result in one or more costs which clearly outweigh the gains and overall are detrimental to the school.

ii. Inability to re-organise work among existing staff

Where the inability to reorganise work among other staff prevents the Headteacher / governing body from accepting the request

iii. Inability to recruit additional staff

Where the school has tried and been unable to recruit additional staff preventing the Headteacher / governing body from accepting the request

iv. Detrimental impact on quality

Where the change in the employee's working pattern would result in a detrimental impact on the quality of education or service that the school provides

v. Detrimental impact on performance

Where the change in the employee's working pattern would result in a detrimental impact on the performance of the school

vi. Detrimental effect on the ability to meet customer demand

Where the change in working pattern would have a detrimental effect on the school's ability to meet the needs of pupils or of other staff

vii. Insufficient work during the period(s) that the employee proposes to work

Where the change in the employee's working pattern would mean that there was insufficient work for them to do at the times they propose

viii. Planned structural changes

Where the change in the employee's working pattern would be incompatible with planned structural changes

4.2 The Headteacher must set out in writing to the employee the appropriate ground(s) for rejecting the request, along with a sufficient level of explanation as to why the business ground(s) for refusal applies in these particular circumstances, together with details of the employee's right to appeal. This will normally be within 14 calendar days of the meeting between the employee and the Headteacher.

5. Appeals

- 5.1 This procedure allows an employee to appeal against the Headteacher's decision. An appeal must be made within 14 calendar days of the date of the letter notifying the employee that their request has been refused. The employee's appeal must be in writing, be dated and set out the grounds of the appeal.
- 5.2 The governing body will set up an Appeals Committee or use an existing committee. It is recommended that governing bodies set up a committee of three members. Where this creates a problem for the governing body, e.g. where there is a shortage of eligible governors, and where it is agreeable to the employee concerned, an appeal may be heard by a panel of two governors.
- 5.3 While staff governors or other governors who are employed within the school cannot be automatically excluded from playing a part in this process at the earlier stages, there will be occasions when either it would be inappropriate for them or when they choose not to be involved. Obviously any decision that a staff governor will not be available to play a part in an Appeals Committee hearing will reduce the number of governors from whom the committee can be created. The members of the committee must not include any governors who were involved in the original decision making process.
- 5.4 The Appeals Committee will hold a meeting to reconsider the employee's application, normally within 14 calendar days of the date of the employee's letter of appeal. It is good practice to allow the employee the opportunity to be accompanied at the meeting by a work colleague of their choice. The employee should be informed of this prior to the meeting. The meeting will also be attended by the Headteacher.
- 5.5 Following the appeal meeting, the Appeals Committee of the governing body must confirm, by dated letter, details of the new work pattern, start date and agreements made or, if rejecting the application, state the ground(s) for the decision with sufficient explanation as to why those grounds apply. The decision letter will normally be sent within 14 calendar days of the date of the appeal hearing.

6. Timescales

- 6.1 The law requires that all requests, including any appeal, must be considered and decided on within a period of **3 months** from receiving the request. In practice, therefore, the decision must be confirmed to the employee in writing, and any appeal heard, with an outcome reached *and* confirmed in writing by the end of the 3 month period, at the latest.
- 6.2 At any point in this procedure, the time limit for considering and deciding on requests can be extended by mutual agreement between the Headteacher / governing body and the employee. In these circumstances, the Headteacher will confirm this to the employee by dated letter, specifying the date on which the extension will end.
- 6.3 The timescales set out in the procedure apply equally to full and part-time staff.

7. Withdrawal of application by the employee

- 7.1 A Headteacher may treat an employee's application as having been withdrawn where the employee has either:
- advised verbally, or in writing, that they are withdrawing their application;

- failed on more than one occasion to attend an arranged meeting or appeal hearing to consider their request, without reasonable cause.

7.2 The Headteacher will confirm the withdrawal of an application to an employee by dated letter, unless the employee has already provided written notice of the withdrawal of their application.

8. Benefits and entitlements

8.1 Employees are reminded that benefits and entitlements (e.g. pension contributions, annual leave where applicable) are likely to be affected by new working arrangements. The effects of such a change should be considered by the employee prior to submitting a request for flexible working.

8.2 For further advice on pension implications, employees should contact the <https://www.hants.gov.uk/hampshire-services/pensions/>, [Teachers' Pensions](#) or their independent financial adviser as appropriate.

9. Related documents

9.1 The flowchart <http://documents.hants.gov.uk/mopp/flexible-working-flowchart.pdf> provides an overview for the Headteacher / governing body of the procedure to be followed.

9.2 Framework letters and a sample application form are available via the following links or from the Manual of Personnel Practice: [Example application form for flexible working](#) and <http://documents.hants.gov.uk/mopp/flexible-working-model-letters.doc>.

10. Support

10.1 For employees: Queries should be directed to the Headteacher and/or the employee's trade union or professional association. A confidential counselling service is provided by the Wellbeing Helpline, who can be contacted on 02380 626606.

10.2 For Headteachers/governing bodies: Advice can be sought from Education Personnel Services on 02380 383500.

