

# Flexible Working Policy

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## History of policy changes/review

Author: HR Officer

Authorising Body: Operations Committee

Review Period: As & When Required (legislative changes) but at least every 3 years

Date	Page	Details of Change
August 2023	All	Reformatted & Updated from BCC & EPM Policies
April 2024	All	Update in legislation
July 2024		Change in Procedure for submitting a request – meeting with HoS required



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## 1. Policy Statement

- 1.1 Briarwood School is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern.
- 1.3 No-one who makes a request for flexible working will be subjected to any detriment or lose any career development opportunities as a result.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

## 2. Eligibility for the formal right to request procedure

- 2.1 To be eligible to make a request under the formal procedure set out in paragraph 6 and 8 you must:
  - a) be an employee;
  - b) have at least 26 weeks' continuous service at the date your request is made;
  - c) not have made two formal requests to work flexibly during the last 12 months (each 12 month period runs from the date when the most recent application was made).
- 2.2 Employees whose requests for flexible working are accepted under this formal procedure will have permanent or temporary changes made to their contracts of employment to reflect their new working arrangements.

## 3. Personnel Responsible for Implementing the Policy

- 3.1 The Governing Body has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Governing Body has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Executive Head Teacher.
- 3.2 All members of staff are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives. Staff involved in enacting this policy must ensure they access relevant training from ACAS to be aware of current legislation.

## 4. Forms of Flexible Working

4.1 Flexible working can incorporate a number of changes to working arrangements:

- a) reduction or variation of working hours;
- b) reduction of the number of days worked each week; and/or
- c) working from a different location.

## 5. Making a Formal Flexible Working Request

5.1 You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. The form is available on the staff intranet on Briarwood School website.

5.2 You will need to download and complete the request form and submit it to your Head of School or Line Manager (if not the Head of School). In order to meet the requirements of the formal procedure and to help the Governors Operations Sub Committee consider your request, you should:

- a) state the reason for your request;
- b) provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times, and give the date from which you want your desired working pattern to start;
- c) provide information to confirm that you meet the eligibility criteria set out in paragraph 2 of this policy;
- d) state that this is a statutory formal request and whether you have made a previous formal request for flexible working and, if so, when;
- e) state if you are making your request in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability;
- f) ideally be submitted at least two months before you wish the changes you are requesting to take effect.

Please note that it may take several weeks to consider your request to allow for discussions to take place. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect. Please be mindful that the request is considered at termly Governor Operations Committee meetings; HR can advise the dates of these meetings. If you require an extraordinary Governor meeting to consider the request in order to retain your right to the request being considered within 28 days of submission, please make the HR Officer aware of this ASAP.

- 5.3 The Operations Sub Committee may be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Executive Head Teacher will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.
- 5.4 If your proposal cannot be accommodated, the Operations Sub Committee may suggest an alternative working pattern that may assist you. This can be discussed between you and the Executive Headteacher or a delegated member of the Executive or Senior Leadership Team during a Formal Procedure Meeting.

## 6. Formal Procedure: Meeting

- 6.1 Your Head of School or Line Manager (if not the Head of School) will meet with you discuss your flexible working request. You may bring a colleague or trade union representative to the meeting as a companion if you wish. Your companion will be entitled to speak during the meeting and confer privately with you, but may not answer questions on your behalf.
- 6.2 In most cases, the meeting will be held at your usual place of work. However, we will ensure that the meeting is held at a time and place that is convenient to you.
- 6.3 The meeting can be used to consider the working arrangements you have requested. You will also be able to discuss what impact your proposed working arrangements will have on your work and that of your colleagues and class team. If the arrangements you have requested cannot be accommodated, discussion at the meeting also provides an opportunity to explore possible alternative working arrangements.
- 6.4 The outcome of the meeting will be feedback to the Operations Sub Committee who may agree to the request or suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of the school.

## 7. Formal Procedure: Decision

- 7.1 Following the Operations Sub Committee decision, the Executive Head Teacher will notify you of the decision in writing within 14 days.
- 7.2 If your request is accepted, or where we propose an alternative to the arrangements you requested, the Executive Head Teacher will write to you with details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the HR will discuss with you.

- 7.3 You should be aware that changes to your terms of employment will be permanent (unless a fixed term period is agreed) and that you will only be able to make 2 requests in a 12 month period. If you have made 2 requests you will not be able to make another formal request until 12 months after the date of your original application.
- 7.4 If the Operations Sub Committee need more time to make a decision, they will ask for your agreement to delay the decision for up to a further 14 days. A request for an extension is likely to benefit you. For example, the Operations Sub Committee may need more time to investigate how your request can be accommodated or to consult several members of staff.
- 7.5 There will be circumstances where, due to educational, business and operational requirements, we are unable to agree to a request. In these circumstances, the Executive Head Teacher will write to you:
- a) giving the business reason(s) for turning down your application;
  - b) explaining why the business reasons apply in your case; and
  - c) setting out the appeal procedure
- 7.6 The seven business reasons for which we may reject your request are:
- a) The change would incur extra costs which will damage the business;
  - b) The business won't be able to meet customer demand;
  - c) The work can't be re organised among other staff;
  - d) The service is unable to recruit someone to cover the remaining workload;
  - e) Flexible working will have a negative effect on quality and performance;
  - f) There will be a lack of work to do during the proposed working time;
  - g) The business is planning changes to the workforce.

## 8. Formal Procedure: Appeal

- 8.1 If your request is rejected, you have the right to appeal.
- 8.2 Your appeal must:
- a) be in writing and dated;
  - b) set out the grounds on which you are appealing; and



- c) be sent to the Clerk to Governors via the HR Officer within 14 days of the date on which you received the written rejection of your request.
- 8.3 The clerk to the governing body will arrange for a meeting to take place within 14 days of receipt of your appeal. The meeting will be held at a convenient time for all those attending and you may be accompanied by a colleague or trade union representative. The appeal panel will not include members of the Operations Sub Committee who were party to the original decision.
- 8.4 You will be informed in writing of the Appeal Panel's decision within 14 days of the date of the appeal meeting.
- 8.5 If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that HR will discuss with you.
- 8.6 You should be aware that changes to your terms of employment will be permanent (unless a fixed term period is agreed) and that you will only be able to make 2 requests in a 12 month period. If you have made 2 requests you will not be able to make another formal request until 12 months after the date of your original application.
- 8.7 If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. If you have made 2 requests in 12 months, you will not be able to make another formal request until 12 months after the date of your original application.

## 9. Breaches of the Formal Procedure

- 9.1 There will be exceptional occasions when it is not possible to complete the consideration process (including any appeal) within 3 months of first receiving the request. Where an extension of time is agreed with you, the Executive Head Teacher will write to you confirming the extension and the date on which it will end.
- 9.2 If you withdraw a formal request for flexible working, you will be able to make 1 more request in within 12 months. If you have made 2 requests you will not be eligible to make another formal request for 12 months from the date of your original request. In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:
- a) you fail to attend two meetings under the formal procedure without reasonable cause; or

b) you unreasonably refuse to provide information we require to consider your request.

9.3 In such circumstances, the Executive Head Teacher will write to you confirming that the request has been treated as withdrawn.

## **10. Monitoring and Review of the Policy**

10.1 The Executive Head Teacher is responsible for monitoring the implementation, use and effectiveness of this policy and procedure and will report on these matters annually or more frequently if necessary.

10.2 This policy and procedure will be reviewed by the Governing Body as necessary but at least every 3 years.

## Appendix A - Interpretation of "Business Reasons"

All decisions will be made on a case by case basis and those making the decision will consider how the individual request and/or alternatives to this request, can be accommodated alongside the needs of the school.

If a request to work flexibly is rejected then the school will provide a specific "business reason", which must be one of the seven stated in the legislation

- 1) The change would incur extra costs which will damage the business;
- 2) The business won't be able to meet customer demand;
- 3) The work can't be re organised among other staff;
- 4) The service is unable to recruit someone to cover the remaining workload;
- 5) Flexible working will have a negative effect on quality and performance;
- 6) There will be a lack of work to do during the proposed working time;
- 7) The business is planning changes to the workforce.

The school's interpretation of the "business reasons" are set out below in order to provide a clearer understanding of the specific circumstances in school.

### 1. The change would incur extra costs which will damage the business

It may, in some circumstances, be costlier to employ part time staff rather than full time staff but this would not normally be a key reason for rejecting an application.

### 2. The business won't be able to meet customer demand

The school's customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

### 3. The work can't be re organised among other staff

In addition to 2 above where the member of staff has leadership or management responsibilities it is necessary to take into account the ability of the school to distribute these to other members of staff at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities.

### 4. The service is unable to recruit someone to cover the remaining workload

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. Where necessary and appropriate, the school will seek to recruit additional staff.

### 5. Flexible working will have a negative effect on quality and performance

See section 2 above in relation to the possible impact on the quality of learning and teaching. The school recognises that it is potentially difficult for part time teachers to manage the weekly workload of planning and assessment in the classroom. If this difficulty occurs it is likely to have a negative impact on the quality of learning and on other members of staff.

It is the responsibility of part time staff to manage weekly workloads to ensure that there is no detrimental impact on performance. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the part time job should the request be agreed, and this will be considered before a decision is reached.

**6. There will be a lack of work to do during the proposed working time**

If more than one member of part time staff requires the same working period, it may be difficult to accommodate all part time staff requests. Whilst individual preferences for working days and times can be considered, the needs of pupils and effective service delivery are paramount. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The extent to which the proposed flexible/part time work pattern affects the work-patterns of the team will be considered before a flexible working application is agreed.

**7. The business is planning changes to the workforce**

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.

**8. Such other ground as the Secretary of State may specify by the regulations**

No such grounds are specified currently.

## Appendix B - Form to Request Flexible Working

Is available on the staff intranet on the Briarwood Website – for reference purposes, the form is detailed below

### Note to the employee

The Flexible Working Request form should be used to make an application to work flexibly under the right provided in law. Before completing this form on the staff intranet section of the Briarwood School website, you should first read the Flexible Working Policy and Appendix A carefully and check that you are eligible to make a request.

Please note that it may take several weeks to consider your request and allow for discussions to take place. You should therefore ensure that you submit your application well in advance of the date you wish the request to take effect. Please be mindful that the request is considered at termly Governor Operations Committee meetings; HR can advise the dates of these meetings. If you require an extra-ordinary Governor meeting to consider the request in order to retain your right to the request being considered within 28 days of submission, please make the HR Officer aware of this ASAP.

It will help us to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all questions; otherwise your application may not be valid. When completing Section 3, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

Once you have completed the form on the website it will be immediately submitted to HR. We have 28 days after the date of submission to consider your request. If this timeframe does not fall within scheduled termly Operations Sub Committee meetings you should request that your application is considered at an extra-ordinary meeting. If the request is granted, this will normally be a permanent change to your terms and conditions unless otherwise agreed.

The form on the website will contain the following details:

#### 1. Personal Details

Name: \_\_\_\_\_ Job Title \_\_\_\_\_

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under The Children and Families Act 2014. I confirm I meet each of the eligibility criteria as follows:

**Either** Please tick those which apply If you are unable to tick all of the relevant boxes then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you should explore this separately under paragraph 11 of the policy.

I have worked continuously as an employee of the school for the last 26 weeks.

I have not made 2 requests to work flexibly under this right during the past 12 months. or

Date of any previous request to work flexibly under this right: \_\_\_\_\_

2a. Describe your current working pattern (days/hours/times worked): \_\_\_\_\_

2b. Describe the working pattern you would like to work in future (days/hours/times worked): \_\_\_\_\_

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2c. I would like this working pattern to commence from:

3. Reasons for requesting the new working pattern

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please take the completed form to your Head of School to discuss your request.

4. Head of School/Line Manager Comments

I do/do not support this flexible working request (please delete as appropriate)

✂-----  
Return slip

**Confirmation of Receipt** (to be completed and returned to employee)  
Dear:

I confirm that I received your request to change your work pattern on: \_\_\_\_\_ *date received*

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime, you might want to consider whether you would like a work place colleague or trade union representative to accompany you to the meeting.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_