



Liverpool  
City Council



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## FLEXIBLE WORKING POLICY AND PROCEDURE FOR SCHOOL BASED STAFF

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**This policy has been consulted centrally and fully agreed by both teaching and support staff trade unions. To change any aspect of this policy at a school level, the relevant body must consult appropriately with school staff and their recognised trade union representatives.**

### DOCUMENT STATUS

Version	Date	Action
Version 1	2004	
Version 2	2015	Agreed by Union representatives
Revision 1	Feb 2023	4.3 added, 6.2.1 amended, 7.1 amended

## **FLEXIBLE WORKING POLICY AND PROCEDURE FOR SCHOOL BASED STAFF**

### **POLICY**

#### **1. INTRODUCTION**

- 1.1 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory right to request flexible working.
- 1.2 This policy does not form part of the employee's contract of employment and may be amended at any time.
- 1.3 Individual records must be treated as confidential.

#### **2. SCOPE**

- 2.1 This policy and procedure applies to all employees who are employed by or under a school Governing Body which has formally adopted this policy and procedure.
- 2.2 This policy will operate in accordance with duties to promote equality, to eliminate discrimination as required under the Equality Act 2010 and to promote good employee relations.

#### **3. FLEXIBLE WORKING DEFINITION**

- 3.1 Flexible working is a term used to describe working arrangements in terms of time, location and/or pattern of work.
- 3.2 A flexible working arrangement can be any working pattern that is different to the normal working arrangement or pattern in operation for that area and / or role. These may include:
  - Annualised hours
  - Compressed hours
  - Term-time working
  - Homeworking
  - Job Share
  - Shift working
  - Staggered hours

#### **4. ELIGIBILITY**

- 4.1 To be eligible to make a flexible working request under the formal procedure, applicants must:
  - Be an employee
  - Have been continuously employed for at least 26 weeks at the date the request is made

- Not have made a flexible working request during the last 12 months (even if the application was subsequently withdrawn by the employee) unless agreed otherwise.
- 4.2 A non-statutory application (informal request) can be made at any time but the terms of this policy will not be applicable.
- 4.3 Employees considering making a formal request are advised to speak with the HT on an informal basis at the earliest opportunity. Such discussions do not form part of the formal employee request process.

## **5. FORMAL REQUESTS FOR FLEXIBLE WORKING**

- 5.1 If the above criteria are met, eligible employees have the right to request a variation to their contract of employment to allow them to work more flexibly.
- 5.2 The employer has a duty to consider such request seriously and establish whether the desired working pattern can be accommodated within the needs of the business.
- 5.3 If a request is accepted this will be a permanent variation to the employee's contractual terms and conditions unless otherwise agreed. The employee has no right to revert back to the previous working pattern unless by agreement.
- 5.4 An application can only be refused if there is a clear business reason for doing so. The business ground(s) for refusing an application must be from one of those set out in the legislation as listed below:
- burden of additional cost
  - detrimental effect on ability to meet customer demand
  - inability to reorganise work among existing staff
  - inability to recruit additional staff
  - detrimental impact on quality
  - detrimental impact on performance
  - insufficiency of work during the periods the employee proposes to work
  - planned structural changes
- 5.5 If the request is refused, there must be clear justification and/or evidence as to the reasons for the refusal.
- 5.6 Employees have the right to appeal against decisions to refuse flexible working.
- 5.7 If a request is refused a further request cannot be made for 12 months from the date when the last completed application was submitted for consideration, although a non-statutory application (informal request) can be made as outlined in 4.2.
- 5.8 The Flexible Working Procedure sets out the process to follow when considering a formal flexible working request.
- 5.9 At all stages of the formal procedure the employee has the right to request to be accompanied at meetings by a trade union representative or work colleague. If they wish to be accompanied by a work colleague this would be on the basis that the colleague's presence would not present any potential conflict of interest.

If the employee or companion cannot attend a meeting on a proposed date, the employee must suggest an alternative time and date so long as it is reasonable and should be no more than five working days after the original date.

If an alternative time and date can be mutually agreed, a reasonable extension to the five working days is acceptable.

No third party representatives are entitled to attend meetings (e.g. Solicitors, family members).

- 5.10 The Head teacher or another appropriate manager instructed by them, will have authority to consider a flexible working request and arrive at a decision. In some circumstances the school may ask a Governor Committee to consider the request. Decision makers must be fully appraised of the policy.
- 5.11 Where a flexible working request is received from the Head teacher it is the responsibility of the Chair of Governors to consider the request or appoint an appropriate person to do so. In some circumstances the school may ask a Governor Committee to consider the request.
- 5.12 A Governor Committee should normally consist of three governors. However, where this is not possible committee may comprise two governors if agreed by both parties.
- 5.13 Nothing in this procedure prevents the Head teacher, manager or governors of a school being supported by the school's HR provider to undertake or assist in the completion of any part or stage of the processes referred to in this document.

## **PROCEDURE**

### **6. FORMAL FLEXIBLE WORKING REQUEST PROCEDURE**

- 6.1 The purpose of the Flexible Working Procedure is to outline the process by which formal flexible working requests will be considered.
- 6.2 ***Application Process***
- 6.2.1 An employee wishing to submit a flexible working request should complete the Flexible Working Application Form included at Appendix 1 and submit it to their employer for consideration. Applicants are advised to submit their request as soon as possible, particularly if the requested date of change coincides with a new academic year. This will allow the school time to consider the application thoroughly.
- 6.2.2 The application will be considered as having been made on the day that a fully completed Flexible Working Application Form is received by the employer.
- 6.2.3 If the employee fails to complete and provide all the required information on the Flexible Working Application Form, the employer should inform the employee and ask them to resubmit a completed form. The employer is not obliged to consider the application until it is completed and resubmitted.

### 6.3 **Considering a Flexible Working Request**

- 6.3.1 If a request is made the employer should review the application in a reasonable manner and whether the employee meets the relevant eligibility criteria for consideration under the Flexible Working Policy and Procedure.
- 6.3.2 The time between making a request and the employer notifying the final decision (including the outcome of any appeal) should be as short as possible but no longer than 3 months from the date the written request was formally received unless a longer period is agreed.
- 6.3.3 Each application will be considered on its own merits and on an individual basis bearing in mind the duties of the post holder and needs of the business.
- 6.3.4 In some cases the employer may be able to accept the employee's request without a formal meeting. In this scenario the decision will be confirmed to the employee in writing detailing the arrangements which constitute a permanent variation to the contract of employment (unless agreed otherwise). It will also confirm when the arrangement will commence and a review date if a trial period is put in place.
- 6.3.5 If the employer is unable to accept the request, a formal meeting with the employee must be arranged to discuss the request in detail before making and communicating any final decision.

### 6.4 **Flexible Working Meeting**

- 6.4.1 When the employer is arranging a meeting to review and discuss the application, the employee will be given reasonable notice of the date and time of the meeting and will have a right to be accompanied as outlined in section 5.9.
- 6.4.2 If the request is agreed, written confirmation will be issued by the employer detailing the arrangements which constitute a permanent variation to the contract of employment (unless agreed otherwise). It will also confirm when the arrangement will commence and a review date if a trial period is put in place.
- 6.4.3 If the request is refused written confirmation will be issued by the employer setting out the grounds for refusal with reference to section 5.4 and include details of the appeal process.

### 6.5 **Appeals Process**

- 6.5.1 The employee must give notice of appeal clearly in writing, within 5 working days of receipt of the employer's decision. The Flexible Working Appeal Submission Form included at Appendix 2 must be submitted as soon as possible and prior to the meeting under 6.5.2.
- 6.5.2 A Governor Appeal Committee will be convened without unreasonable delay, within 15 working days and the employee will be invited to attend with five working days' notice.

- 6.5.3 The employee is entitled to be accompanied at the meeting as outlined in section 5.8.
- 6.5.4 This Governor Appeal Committee will comprise three governors who have not been part of any earlier decision. The Governors must be fully appraised of the Policy. If the governing body is unable to meet the requirement for three governors to be present, the Governors Appeals Committee may comprise two governors.
- 6.5.5 The Head teacher, manager or Chair of the Governor Committee appointed to consider the request and arrive at the decision will present all relevant information that was considered to the Governors Appeal Committee.
- 6.5.6 Both parties may provide any additional information that is relevant to the decision. However, such material should be submitted no later than three working days before the appeal hearing so the papers can be distributed and read in advance.
- 6.5.7 The Procedure for Governors Appeal Committee Hearings (Appeal against rejection of flexible working request) included at Appendix 3 will be adhered to during the hearing.
- 6.5.8 The Governors' Appeal Committee will give thorough consideration to all the information presented to them and will inform all parties concerned of their decision in writing without unreasonable delay.
- 6.5.9 If the appeal is upheld the written confirmation will detail the arrangement agreed which constitutes a permanent variation to the contract of employment (unless agreed otherwise). It will also confirm when the arrangement will commence and a review date if a trial period is put in place.
- 6.5.10 If the appeal is not upheld the written confirmation will provide an explanation of the grounds for dismissing the appeal.
- 6.5.11 The decision of the Governors' Appeal Committee stage is final. There will be no further right of appeal.

## **7. WITHDRAWAL OF A FLEXIBLE WORKING APPLICATION**

- 7.1 There are circumstances in which a manager can treat an employee's application as withdrawn. These are where:
- The employee refuses to provide information that the employer requires in order to consider their applications.
  - The employee twice fails to attend a meeting to discuss their request (or a meeting to hear an appeal) without reasonable cause
  - The employee decides to withdraw the application. This notification should be provided in writing to the employer before any arrangements are made in support of the request.

## Flexible working Request Application Form

*Please complete this application form in full if you wish to make a formal flexible working request. Please continue onto a separate sheet if you require additional space.*

<b>Name:</b>		<b>Date:</b>
<p>I would like to apply to work a flexible working pattern under my statutory right to request flexible working. <b>By submitting this request, I confirm that I am eligible to make a flexible working request because I have been employed by School for the last 26 weeks and I have not exercised my statutory right to request flexible working during the past 12 months.</b></p>		
<b>Address:</b>		
<b>Job Title:</b>		
<b>Previous formal request to work flexibly was made on:</b> (If none, please mark N/A)	____ / ____ / ____ DD/MM/YYYY	
<b>Current Working Pattern:</b> (Please detail your current working pattern, including where based (e.g. days, hours and times of work))		
<b>Proposed Working Pattern</b>		
<b>I would like to work flexibly because:</b> (Please provide information about the reasons for the request)		

<p><b>I propose the following changes to my current working pattern:</b> (Please detail your proposed working pattern, including where based (e.g., days, hours and times of work))</p>		
<p><b>I wish for my proposed working pattern to start on:</b></p>	<p style="text-align: center;">____/____/____ DD/MM/YYYY</p>	
<p><b>Impact and Suggested Accommodation of New Working Pattern</b></p>		
<p><b>I think this change in my working pattern will affect School and my colleagues as follows:</b> (Please include details of potential impact of the change on colleagues, School, pupils and parents)</p>		
<p><b>I think the effect on School and my colleagues can be dealt with as follows:</b> (Please include details of any suggestions as to how to deal with the potential impact of the change as identified above)</p>		
<p><b>Signed:</b></p>		<p><b>Date:</b></p>



## Flexible Working Appeal Submission Form

<b>Name:</b>			
<b>Trade Union (if appropriate)</b>		<b>Name of your representative</b>	

**Please set out below fully the grounds of your Appeal (Continue on a separate sheet of paper if necessary):**

<b>(1)</b>			
<b>(2)</b>			
<b>(3)</b>			
<b>The name of the Manager who made the decision being appealed?</b>			
<b>On what date was the decision made?</b>			
<b>What was the decision?</b>			

**List any background/ supporting papers attached**

<b>(1)</b>			
<b>(2)</b>			
<b>(3)</b>			

<b>Signed:</b>			
<b>Date:</b>			

## **PROCEDURE FOR GOVERNORS APPEAL COMMITTEE HEARING**

(Appeal against rejection of flexible working request)

1. Appellant's Opening Statement of Case.
2. Questions of the Appellant's Opening Statement by Management.
3. Questions by the Panel and/or their Adviser.
4. Management's Opening Statement of Case.
5. Questions of Management's Opening Statement by the Appellant and/or the Representative.
6. Questions by the Panel and/or their Adviser.
7. Summing Up by Appellant or their Representative.
8. Summing Up by Management.
9. Panel retires to deliberate.
10. Decision given in writing within 5 working days.