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# Westmorland Primary School

## Flexible Working Policy & Procedure

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## Contents

<u>Flexible Working Policy</u> .....	3
<b>1.</b> <u>Introduction</u> .....	3
<b>2.</b> <u>Scope of the Policy</u> .....	3
<b>3.</b> <u>Policy statement</u> .....	3
<b>4.</b> <u>Roles and Responsibilities</u> .....	4
<b>4.1</b> <u>Head teachers, Governors</u> .....	4
<b>4.2</b> <u>Employees</u> .....	5
<b>5.</b> <u>Links with other policies and procedures</u> .....	5
<u>Flexible Working Procedure</u> .....	5
<b>6.</b> <u>Introduction</u> .....	5
<b>7.</b> <u>Flexible Working options</u> .....	5
<b>7.1</b> <u>Part time working</u> .....	5
<b>7.2</b> <u>Term time working</u> .....	6
<b>7.3</b> <u>Job share</u> .....	6
<b>7.4</b> <u>Phased retirement – Teachers</u> .....	6
<b>7.5</b> <u>Flexible retirement – Support Staff</u> .....	7
<b>8.</b> <u>Procedure for an individual requesting flexible working</u> .....	7
<b>9.</b> <u>Reasons for refusing a request</u> .....	9
<b>10.</b> <u>Handling multiple requests to work flexibly in a fair way</u> .....	10
<b>11.</b> <u>Documentation to support Flexible Working Policy and Procedure</u> .....	9



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# Flexible Working Policy

## 1. Introduction

- 1.1 The school recognises that flexible working can provide benefits to both the employer and the employee.
- 1.2 This policy outlines the school's principles and approaches to flexible working to ensure that its needs are met whilst enabling employees to maintain a balance between home and work life.
- 1.3 Flexible working is an arrangement whereby an employer offers an employee a degree of choice as to when and how they do their work, rather than insisting upon the more traditional working patterns. Any revised working arrangements will, however, be dependent on meeting the needs of the school.

## 2. Scope of the Policy

- 2.1 The Policy applies to all employees within the school.
- 2.2 This policy is written in accordance with the Employment Rights Act 1996; Employment Relations Act 2004 and the ACAS Code of Practice on handling in a reasonable manner requests to work flexibly.

## 3. Policy statement

- 3.1 The aim of flexible working is to promote an improved work life balance for employees. Requests for flexible working will always be given proper consideration by managers, but they need to be balanced against the school's needs.
- 3.2 Every employee has, under the Employment Act 1996, the statutory right to ask to work flexibly
  - An employee of the School has the right to ask for flexible working from their first day of employment.
  - Can submit up to two requests for flexible working within a twelve month period
- 3.3 As explained all employees have a right to make such a request and for it to be properly considered. However, it may at times be necessary to refuse a request where it would have a detrimental effect on the service.
- 3.4 Flexible working patterns should be reviewed on a regular basis. A change to working patterns will not usually result in a permanent change to an



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employee's terms and conditions of employment (unless otherwise agreed). However a change or reduction in contractual hours will normally result in a permanent change to an employee's terms and conditions of employment (unless otherwise agreed).

- 3.4 Flexible working arrangements may be reviewed by Headteacher, Governors and employees on a periodic basis. The frequency of the review will be dependent on changing needs, but the school will retain the right to change working patterns where this is necessary to meet its needs, following a reasonable notice period.
- 3.5 All requests for flexible working will be considered in a reasonable manner. It is a legal requirement that the whole process including any possible appeal against the decision should be conducted within a maximum period of 2 calendar months. This timescale may be extended if necessary with agreement of both parties, for example to allow for a trial period to ascertain whether any new arrangements will work.
- 3.6 Where an application to work flexibly is refused, a right of appeal to the governing board will be provided in accordance with the formal stages of the grievance procedure.

## **4. Roles and Responsibilities**

### **4.1 Head teachers, Governors**

Head teachers and Governors are responsible for ensuring that:

- Staff are aware of this policy and associated procedures;
- Requests are dealt with in a timely manner so that the consideration process (including appeals) is completed within the statutory two month period unless an extension is agreed with the employee;
- Statutory requests for flexible working are handled in a reasonable manner and they support the school's approach to flexible working.

In order to achieve the consistent application of this policy the main responsibilities of Head teachers and governors are to:

- ensure that they have read and understood this policy and procedure so that they can apply it correctly;
- consider seriously all requests for flexible working in line with the school's needs;
- ensure they have a robust business reason for refusing a statutory request for flexible working;
- ensure that they have sufficient resources to meet the needs of the school;
- monitor and manage the workload of employees.



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## 4.2 Employees

Every employee has a responsibility for ensuring that they comply with the requirements of this policy and procedure.

## 5. Links with other policies and procedures

- Parental leave procedure
- Leave and other absence
- Job Share Policy
- Work Life Balance Policy.

Further advice and guidance on these policies is available from the HR team within People and OD Services on, 474 4777, Option 1, Option 2, at [hrrschools@stockport.gov.uk](mailto:hrrschools@stockport.gov.uk) or the school's HR provider.

# Flexible Working Procedure

## 6. Introduction

From the employee's point of view, flexible work may allow more freedom to organise their employment to fit in with other parts of their life. For the employer, flexibility may come with the ability to organise resources more in line with the varying needs of the school. Flexibility can have a positive impact for all.

Each request for flexible working will be dealt with individually and in the order in which they are received, taking into account the likely effects that the proposed changes may have on the whole school. Agreeing to one employee's request will not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

## 7. Flexible Working options

### 7.1 Part-time working

Part-time work describes a working pattern where an employee is contracted for anything less than full-time hours and can be a good way of balancing work and personal commitments.

Part-time employees have the right to be treated no less favourably than comparable full-timers. This means they should:

- receive the same rates of pay



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- not be excluded from training simply because they work part-time
- receive holidays pro rata to comparable full-timers
- have any career break schemes, contractual and parental leave made available to them in the same way as for full-time workers
- not be treated less favourably when workers are selected for redundancy.

## 7.2 Term-time working

Term-time working is an alternative type of part time working where an employee only works during school terms and gives employees the right to take paid and unpaid leave during school holidays.

## 7.3 Job share

Job share occurs where two employees voluntarily share the duties and responsibilities of one position. It is the school's policy that all full time posts should be open to a job share unless specific circumstances make it unsuitable. Pay and benefits apply on a pro rata basis and attendance can be agreed in a number of different ways, that is split day or split week.

As the employees share all aspects of the role, organising job sharing is seen as more complex than simply employing part-timers.

## 7.4 Phased retirement – Teachers

Employees over 55 years of age may continue to work and receive part of their pension benefits under the Phased Retirement scheme.

To be eligible to take phased retirement an employee must have had a reduction of at least 20% in pensionable earnings in the previous six months by reducing working hours or by taking on a post of lesser responsibility. An application must be made to phase a retirement within three months of the salary reduction taking effect but also may be made three months before the reduction takes effect provided the school can provide the salary information.

Employees in the final salary arrangement can take two phased retirements before finally retiring. Those in the career average arrangements may do this three times before finally retiring but only two phased retirements may be before age 60.

Further information for TP members can be found at [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).



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## 7.5 Flexible retirement – Support Staff

Flexible retirement allows employees to ease their way into retirement, whilst enabling the school to retain their skills, knowledge and experience and aid succession planning.

Flexible retirement enables employees, with management approval, to draw their Local Government pension and to continue working on reduced hours, in a reduced grade or a mixture of both.

The flexible retirement options detailed in this policy apply to all employees employed under the terms of the NJC for Local Government Service unless otherwise stated in the contract of employment. Employees at or after age 55 and with their employer's consent, can request to reduce their hours or grade and draw the pension benefits that they have built up.

Further advice and guidance on flexible retirement is available from the HR team within People and OD Services on, 474 4777, Option 1, Option 2, at [hrrschools@stockport.gov.uk](mailto:hrrschools@stockport.gov.uk) or the school's HR provider.

## 8. Procedure for an individual requesting flexible working

This procedure is in line with the statutory procedure for requesting flexible working. Employees who wish to submit a request for flexible working should do so in writing on an Employee Request for Flexible Working form which can be found at the end of this policy.

The employee must set out:

- The date of the application; the change to working conditions they are seeking and when they would like the change to come into effect;
- That this is a statutory request and if they have made a previous application for flexible working and the date of that application.

The employee should also state if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for disability.

A change to flexible working patterns does not usually result in a permanent change to an employee's terms and conditions of employment (unless otherwise agreed). Flexible working patterns should be reviewed on a regular basis.

A change or reduction in contractual hours will normally result in a permanent change to an employee's terms and conditions of employment (unless otherwise agreed).



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Flexible working arrangements may be reviewed by managers and employees on a periodic basis. The frequency of the review will be dependent on changing needs but the school will retain the right to change working patterns following a reasonable notice period.

After receiving the application the Headteacher or governor must arrange to meet the employee as soon as possible. Requests cannot be agreed or declined without such a meeting. Headteacher or governor must deal with requests in a timely manner, usually arranging the initial meeting within 2 weeks of receiving the request followed by making a formal decision within a further 2 weeks.

Please note, there is a legal requirement that the request must be completed within 2 months of first receiving the application, including any appeal. If the request cannot be dealt with within two months then the Headteacher or governor can extend this limit, provided the employee agrees to the extension.

The employee is entitled to arrange appropriate representation at all meetings. This may be a trade union representative or work colleague.

At the initial meeting, the Headteacher or governor should discuss with the employee

- the request for a change to their working arrangements;
- how this will operate in practice including any impact on the whole school operation;
- how the request can be accommodated including any alternatives if necessary.

At the conclusion of the initial meeting, the Headteacher or governor will decide whether or not the request (or a suitable, alternative arrangement) is approved and will confirm their decision in writing.

The Headteacher or governor must write to the employee as soon as possible after the meeting, but no longer than 10 working days after the meeting and inform the employee of their decision. If the Headteacher or governor agrees to the variation, the letter will state:

- when the changes will start;
- what the changes are and
- if the arrangements are permanent or temporary. If temporary the letter should include the agreed review period/time limit.
- 

Sample documentation to support this process is available in Section 11.



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If the Headteacher or governor refuses the request, the letter will:

- state why the application has been refused;
- sufficiently explain the reasons for refusal and
- explain the right of appeal.

The employee has the right to appeal against the Headteacher or governor's decision in writing to the governing board using the appeal process within grievance procedure (as set out in the Employee Relations Policy and Procedure clearly stating the reasons for appeal.

An appeal meeting should normally be arranged in line with the grievance procedure. The employee has the right to be represented by a work colleague or trade union representative at the appeal hearing.

The Chair of the appeal panel will normally write to the employee within 5 working days of the meeting to confirm the outcome. If the appeal is successful the letter must inform the employee of the agreed variation and when it is to be effective. If the appeal is unsuccessful, the letter must state the grounds for the decision and contain sufficient explanation as to why those reasons apply.

## **9. Reasons for refusing a request**

Head teachers and governors must seriously consider all requests received for flexible working. Statutory requests for flexible working can only be refused for one or more of the following reasons:-

- the burden of additional costs;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental effect on ability to meet customer demand;
- detrimental impact on quality;
- detrimental effect on performance;
- insufficiency of work during the periods the employee proposes to work and
- planned structural changes.



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## **10. Handling multiple requests to work flexibly in a fair way**

If a Headteacher or governor receives more than one request to work flexibly closely together from different employees it may be possible to grant all of the requests received. However, before considering requests the Headteacher or governor will need to look closely at the impact each would have on the needs of the school before coming to a decision. Requests should be considered in the order which they are received.

When a Headteacher or governor receives more than one request, they are not required by the law to make value judgements about the most deserving request but should consider each case on its merits as well as the possible impact of refusing a request. The Headteacher or governor may want to have a discussion with the employee to see if there is any room for adjustment or compromise before coming to a decision.

Each request will be dealt with individually, taking into account the likely effects that the proposed changes are likely to have on the school, the work of the department in which the employee making the request is employed and the employee's colleagues. Therefore, whilst Headteachers and governors are expected to apply this policy in a transparent and consistent manner, agreeing to one employee's request does not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

Further advice and guidance on any aspect of flexible working is available from the HR team within People and OD Services on, 474 4777, [hrschoools@stockport.gov.uk](mailto:hrschoools@stockport.gov.uk) or the school's HR provider.

## **11. Documentation to support Flexible Working Policy and Procedure**

The following pages contain the documentation required to support this policy and procedure



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(Enter Name of School)

## **EMPLOYEE REQUEST FOR FLEXIBLE WORKING**

Please read the following notes before completing the form and returning it to your line manager.

### **Note to employee**

The following points are intended to help you complete this form. The information provided will assist your manager with the consideration of your request.

- Give as much advance notice as you can of the date you wish the change to take effect. The process can take some time to complete.
- Give as much detail as you can about the pattern you would like to work.
- If you are to go on maternity leave you may wish to mention to your manager before you take leave that you are interested in applying to work flexibly on your return. You don't have to fill in the form until later.
- The request will be considered by your line manager, in conjunction with other requests so that an overall picture can be drawn, so as to achieve an optimum balance between requests and service delivery needs. Your manager will arrange a meeting to discuss your request and will let you know the outcome in writing.
- All employees have the right to request flexible working, however this is not an automatic right as it will continue to need be balanced against the needs of the school.
- Please contact Human Resources on 474 4777 (option 1, Option 2) for further advice if there is anything you are not clear about.



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### Personal Details

<b>Name</b>	
<b>Job title</b>	
<b>Team</b>	
<b>Work location</b>	

#### **Type of flexible working initiative requested:**

(e.g.: compressed working week; term time working; home working (part or full time))

Please describe your current working pattern (days/hours/time worked):

#### **Which option(s) are you interested in pursuing?**

Please describe the flexible working option / working pattern you would like to work in the future (days/hours/time worked):



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**I would like the new working pattern to apply from: \_\_\_\_\_ (Date)**

**I agree the flexible working arrangements as described above**

<b>Name of applicant</b>		<b>Name of manager</b>	
<b>Signature of applicant</b>		<b>Signature of manager</b>	
<b>Job title</b>		<b>Job title</b>	
<b>Date</b>		<b>Date</b>	