



STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Flexible Working Model Policy & Procedure

Produced by	People and Organisational Development Services, Corporate Support Services Directorate
Date approved and agreed	April 2021
Review Date	April 2023
Date Amended	

If you need this document in a different format please telephone
0161 474 4777 (internal 4777)

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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 but they do not have a right to have the request agreed. Employers may refuse a request for flexible working if there is a clear business reason for doing so. To exercise this statutory right, employees must:
 - Be an employee of the School with 26 weeks' continuous service on the date the application is made
 - Only make one application within a twelve month period
- 3.3 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 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, normally within a calendar month of the headteacher receiving the request. The whole process including any possible appeal against the decision should be conducted within a maximum period of 3 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 body 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 three 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.

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 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
- 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.

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 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;
- What effect they think the requested change would have on the school and how, in their opinion, any such effect might be dealt with; and
- 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).

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. It is important that head teachers or governors deal with requests in a timely manner to enable the process, including any appeal, to be completed within three months of first receiving the request.

If for some reason the request cannot be dealt with within three months then the Headteacher or governor can extend this limit with the employee's agreement.

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.

The Headteacher or governor must write to the employee as soon as possible 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.

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 body using the 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 consider seriously 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.

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. Having considered and approved the first request the Headteacher or governor should remember that the context may now have changed and so may be taken into account when considering the second request.

Further advice and guidance on any aspect of flexible working is available from the HR team within People and OD Services on, 474 4777, h.schools@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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February 2018**

(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.
- Consider how your colleagues will manage if your working pattern is changed.
- Think about what effect changing your working pattern will have on your job. Are there any advantages? How might any potential problems be overcome?
- 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. Human Resources will also be on hand to give advice. Your manager will let you know if any meeting is needed to discuss your request and will let you know the outcome in writing.
- All employees have the right to request flexible working. If you qualify under the statutory provisions your manager will take that into account. However the same procedure will apply to everyone.
- Please contact Human Resources on 474 4777 (option 1, Option 2) for further advice if there is anything you are not clear about.

Personal Details

Name	
Job title	
Team	
Work location	

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):

Please state how you think this change in your working pattern will affect your service and impact on your colleagues (list any improvements):

Please state how you think the effect on your service and colleagues can be dealt with:

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

I agree the flexible working arrangements as described above

Name of applicant		Name of manager	
Signature of applicant		Signature of manager	
Job title		Job title	
Date		Date	



NAME

ADDRESS

DATE

Dear NAME,

Re: Flexible Working Request – Change in Working Pattern

Following the meeting held on DATE in which we discussed your request for a change to your pattern of working I am pleased to confirm that your request has been approved.

I confirm that as from DATE your working hours are unchanged but the pattern of your working week will change from ENTER DAYS/TIMES OF WORK to ENTER NEW DAYS/TIMES OF WORK.

IF APPLICABLE ADD:

You will work NUMBER hours of your working week at home. The actual hours and days worked at home will normally be as follows DETAIL HOURS/DAYS. However, the Council reserves the right to require you to work in Council offices should the need arise.

Please note that whilst this new working pattern has been agreed, it does not represent a contractual change and is subject to review should business/service requirements change.

**INSERT/DELETE AS APPROPRIATE (If Temporary change)*

*As discussed this is a Temporary arrangement which will be reviewed in 6/12 months' time, on or no later than DATE. Please note Management reserve the right to review this arrangement sooner should this be required dependent on the needs of the Service.

A further request for Flexible Working cannot be made more frequently than once every 12 months; therefore you may not make another request until DATE.

Your salary and annual leave will be calculated pro rata to hours worked. All other terms and conditions of employment remain the same.

Please sign the attached copy of this letter and return to me to signify your agreement to the above change/s.

Yours Sincerely,

MANAGERS NAME



NAME

ADDRESS

DATE

Dear NAME,

Re: Flexible Working Request – Change of Hours

Following the meeting held on DATE, in which we discussed your request for a change to your contractual hours of work, I am pleased to confirm that your request has been approved.

I confirm that as from DATE the terms of your employment contract will change.

*DELETE AS APPROPRIATE:

Your hours of work will *increase/decrease from ENTER OLD HOURS to ENTER NEW NUMBER OF HOURS per week.

I will inform Human Resources of this change and they will write to you regarding your new contractual position.

I can confirm that your working pattern will initially be ENTER DAYS AND HOURS OF WORK and that your post *is/is not included in the Council's flexible working scheme. However, please note that working patterns are not contractual and are subject to review should business/service requirements change.

Please also note that a request for Flexible Working cannot be made more frequently than once every 12 months; therefore you may not make another request until DATE.

Yours Sincerely,

MANAGERS NAME



NAME

ADDRESS

DATE

Dear NAME,

Re: Flexible Working Request

I am writing following the meeting held on DATE in which we discussed your request for a change to your pattern of working.

Having given the matter thorough consideration, I regret that I am unable to agree to your request. The reasons for this are set out below.

You requested a *DELETE AS APPROPRIATE *change to the hours you work/change to your working pattern/change to your place of work. Unfortunately I think that agreeing to this change would:

LIST THE APPROPRIATE POINTS AND EXPAND AS NECESSARY

- Impose an unreasonable burden of costs on the organisation
- Have a detrimental effect on the Service's ability to meet customer demand
- Have a detrimental impact on quality
- Have a detrimental impact on performance
- There is inability to recruit additional staff
- There is an inability to reorganise work amongst existing staff
- Be in appropriate due to planned structural changes
- Create unacceptable difficulties due to an insufficiency of work during the periods you propose to work

The reason these points are relevant to your application for Flexible Working is:
GIVE SUFFICIENT EVIDENCE WHY THE GROUNDS FOR REFUSAL APPLY

You have the right to appeal against my decision to refuse your request. If you wish to appeal you must do so in writing to the appropriate manager as set out within the Grievance procedure. Your letter must clearly state the reasons why you are dissatisfied with my decision.

Yours Sincerely,

MANAGERS NAME