

## **Greenvale Flexible working policy**

May 2016

Greenvale believes that its staff members are its most valuable asset and is committed to attracting and retaining the very best staff. The school is cognisant of the fact that staff have other responsibilities and priorities in their lives. The governing body also takes seriously its statutory duty for the work-life balance of its staff. It is committed to assisting staff to balance their work and home life by offering flexible working arrangements to all. However, the governing body recognises that staffing levels must at all times meet the demands of the school and the needs of its pupils. It will endeavour, therefore, to strike a balance between the needs of individuals and the needs of the school.

The head teacher has delegated powers for granting flexible working as outlined in this document.

### **Flexible working regulations 2014: right to request flexible working**

This policy is for applications made on or after 30 June 2014. The flexible working regulations 2014 (FWR 2014), issued under the Employment Rights Act 1996 (ERA 1996) allow any employee to make an application for flexible working, provided that they have a minimum of 26 weeks' continuous service. No specific reason is needed for the request under this legislation.

The school recognises, however, that certain employees will also have the protection of discrimination legislation (the Equality Act 2010), e.g. women with childcare responsibilities, disabled persons.

The procedure this school will follow and advice on your application is set out below. Please read all sections. Although not required under the legislation, this school will allow an appeal against any refusal to allow flexible working.

Employees will find the ACAS code of practice and advice on handling requests for flexible-working useful to read. These documents are available from [www.acas.org.uk](http://www.acas.org.uk).

### **Eligibility to apply**

All employees will be considered for flexible working regardless of their age, sex, sexual orientation, race, or religion or belief, or whether they have a disability, their level of seniority, their current working pattern, or whether they are employed on a permanent or fixed-term basis. However, there is no automatic right for employees to change their working pattern. Each application will be considered on its individual circumstances and any detrimental effect the change could have on the educational experience of pupils, colleagues' workload and the school budget.

### **Refusals**

Your application, if refused, will only be refused under one or more of the following grounds set out in the ERA 1996:

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- A detrimental impact on quality
- A detrimental impact on performance
- The inability to reorganise work among existing staff
- The inability to recruit additional staff

- Insufficiency of work during the periods the employee wishes to work
- Planned structural changes

## **The procedure**

The school will make a decision within three months from the date of the application, unless parties mutually agree an extension. The following steps should be taken to facilitate a decision within this timeframe.

### **Step 1: the Application**

The employee should make a flexible working request in writing. The application should:

- contain a statement that this is a statutory request;
- be signed and dated;
- set out the employee's proposal;
  - explain what effect the employee thinks this will have on colleagues and the school's objectives and how these may be dealt with;
  - specify a desired start date for the proposed change, allowing a reasonable amount of time for the proposal to be considered and implemented.
- state whether a previous application has been made, and if so, when it was made;

### **Step 2: meeting**

The head teacher or deputy head teacher will arrange to meet with the employee within 28 calendar days of the request being submitted. This will give both parties the opportunity to discuss the desired work pattern, explore the situation in depth and how it might be best accommodated. It will also provide an opportunity to consider any alternatives should there be problems with the employee's original proposal. The employee is able to be accompanied by a trade union representative or a workplace colleague at the meeting should they so wish. The representative can address the meeting but is not allowed to answer questions on the employee's behalf. The employee may request that the meeting be postponed for up to 5 calendar days to enable his/her representative to attend.

If the head teacher or deputy head teacher is out of school when the application is submitted the time limit is extended to 28 calendar days after their return to work or up to 56 calendar days from the date of the application, whichever is sooner.

### **Step 3: approval/refusal of request**

The head teacher will write to the employee within 14 calendar days after the date of the meeting either agreeing to or refusing the request. If the request is accepted, the letter of notification will outline the new working pattern and the start date. This will constitute a permanent variation to the employee's contract of employment with a commensurate change to his/her pay and conditions. Lewisham Schools HR Team will issue new Contracts of Employment resulting from the new arrangement. On occasions this might be agreed on a temporary basis for a fixed period as detailed on correspondence and the payroll form. If the request is refused, the letter will state the grounds for refusal and the appeal procedure. Reasons must be based on the grounds set out above. .

#### **Step 4: appeal**

An employee has 14 calendar days in which to appeal the decision. The employee's appeal must again be in writing and outline the grounds of the appeal. The appeal should be sent to the head teacher.

The governing body's appeal committee will attempt to hold the appeal hearing within 14 calendar days of notification or as soon as reasonably possible. The employee is given the right to be accompanied and/or represented at the appeal hearing by a trade union representative or a workplace colleague.

The chair of the appeal committee will write to the employee within 14 calendar days to inform them of the decision, outlining the justification for the decision.

If the Appeal is successful, the letter must specify the variation agreed and the effective date.

If the Appeal is unsuccessful, the letter must state the grounds for the decision with a sufficient explanation as to why those grounds apply.

The appeal decision will be final.

Signed Jane Alltimes

Date 25/5/2016