



The Valley School

Review Date
September 2022
Next Review Date
September 2023

Flexible Working Policy

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Signature

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POLICY – FLEXIBLE WORKING/PHASED RETIREMENT
SEPTEMBER 2022 (RESOURCES COMMITTEE)

KEY PRINCIPLES

“Learn to Believe – Learn to Achieve”

“Different for Different”

1. Objective and Scope

This policy sets out the rights of the employee to request Flexible working/Phased retirement and also outlines the process by which employees should make an application to work flexibly. This policy and procedure does not form part of any employees' contract of employment.

Flexible working/Phased retirement is about improving the way we work, maximising the potential of our staff, being efficient in the use of resources, optimising the use of new technology and challenging traditional working methods and practices.

Flexible working/Phased retirement is also intended to ensure that individuals strike a balance between their home and work priorities; encouraging employees to work smarter whilst discouraging them from continually working long hours.

Phased Retirement will also be considered in relation to this policy:

For those people who wish to reduce their working hours in order to take a phased entry into retirement

This opportunity is for consideration and for negotiation. There are strict criteria and it is likely that some staff will not be in a position to meet the stated criteria.

Criteria for consideration:

- there will be no increase in shared classes
- there will be no overall increase in staffing costs
- there will be no compromise in the quality of support provided for students

EXAMPLE A

Teacher A reduces to 2 days per week

Teacher at early stage of career is employed full time (costing same as 0.6 of teacher A's salary)

Teacher A has small teaching load and is able to support and mentor new teachers to benefit the future development of the profession.

EXAMPLE B

Overall increase in staffing and efficiencies in delivery mean that a complete role can be completed in less than full time. Contract of employment can be reduced in line with specific circumstances.

KEY RESPONSIBILITIES & PRACTICES

2. The business need

Where the business case can be supported the school is committed to providing Flexible working/Phased retirement. However, the school and employees need to be practical and recognise that the full range of Flexible working/Phased retirement options will not be appropriate for all jobs across all areas of the school. The school has to consider that appropriate staffing levels must remain in line with the demands of the delivery of learning opportunities at all times.

Each application will be considered on an individual basis. Decisions do not form a precedent, as the circumstances are different in each area of the school and also change following the acceptance of each request.

3. Eligibility to apply for Flexible working/Phased retirement

While not all Flexible working/Phased retirement patterns will be suitable for all areas of the school there are no barriers to an employee applying to work flexibly.

All employees have the right to make an application to work flexibly providing they:

- a) have a minimum of 26 weeks continuous service with the employer
- b) have not made a Flexible working/Phased retirement request in the previous 12 months

It is important to understand that it is not a right to work flexibly but rather a right to make a request for a different working pattern and to have the request considered.

4. Part time working

Unless commitments can be made to the contrary it should be explained that due to timetabling restrictions it may not always be possible to accommodate a specific working percentage over the smallest possible number of days.

For example, if a teacher requests to work 0.4 it may be appropriate for the school to make clear that while efforts will be made to assign work over two days it may be essential for this to be spread over 3 days.

Reasonable efforts will be made to limit the number of working days for an employee that has made a Flexible working/Phased retirement request to work part time, unless they indicate that they are happy to be deployed more flexibly.

5. Impact of Flexible working/Phased retirement on other Terms and Conditions

5.1 Pay and Pensions

Employees taking up Flexible working/Phased retirement options which may result in reduced working hours will be paid on a pro rata basis, according to the number of hours worked. Employees should obtain details of the impact on their pension from the relevant scheme administrator, LPFA or Teachers' Pensions.

5.2 Annual Leave

The impact on annual leave arrangements will vary according to the type of Flexible working/Phased retirement option agreed. Part-time employees for example will be entitled to annual leave and bank holidays calculated on a pro rata basis.

6. Procedure

6.1 Making a Flexible working/Phased retirement application

An application to work flexibly must be made in writing to the Headteacher or Chair of Governors (in the case of the Headteacher) and specify the following:

- 1) The date of the application

- 2) That the request is made under the terms of the Flexible working/Phased retirement legislation
- 3) The requested change to their working pattern and the date the employee would like this to be effective
- 4) The period for which the change is requested (i.e. is it a temporary or permanent change being requested)
- 5) Any impact this change may have on service delivery and suggestions of how this may be overcome
- 6) Whether any previous request to work flexibly has been made and, if so, the date of that application
- 7) If the application is being made in relation to the Equality Act 2010, for example as a reasonable adjustment for a disability

6.2 Consideration of the Request

The school will give serious and full consideration to all requests to work flexibly.

Completion of the consideration process including any appeal will normally take place within three months of first receiving the request. If the request cannot be dealt with during this period the school may extend the time limit by mutual consent.

When the Headteacher or Chair of Governors (in the case of the Headteacher) receives an application for Flexible working/Phased retirement they should consider the arrangement that has been requested.

The Headteacher or Chair of Governors will need to consider and discuss with the applicant:

- The cost of the proposed arrangement
- The effect the proposed arrangement will have on other staff
- The impact of the proposed arrangement on delivery of the service of the school (education) and the service the role is intended to provide within the school
- The level of supervision the post holder will need
- An analysis of the tasks and workload specific to the role
- If the request is considered to be a reasonable adjustment for a disability or due to caring responsibilities

The employee is entitled to be accompanied to that meeting by a work colleague or Trade Union representative. If the employee or their representative is not available for the meeting then an alternative suitable time for all parties should be agreed and held within 5 working days.

If the request is suitably clear or no other information needs to be sought or considered in discussion with an employee, and the school concludes the request to be agreeable from the outset, the right is retained to confirm acceptance of the request without the need for a meeting.

If the school cannot meet the employee's request it will be based on one or more of the following grounds:

- The burden of additional costs
- The detrimental effect on the ability to meet student/pupil needs/service demands
- An inability to reorganise or redistribute work amongst existing staff
- An inability to recruit additional staff
- A detrimental impact on quality or performance
- Insufficient work available during the hours the employee is requesting to work

- Other planned changes

Once a decision has been made the employee will receive written confirmation as soon as possible either:

- agreeing to the application and specifying the contract variation agreed and the start date on which it is to take effect; or
- refusing the application and stating which of the specified grounds for refusal it considers to be applicable and explaining why those grounds apply in relation to the application.

If at any point the change is agreed as permanent, there is no right for the employee to revert back to their former working pattern.

6.3 Trial Periods

The Headteacher may decide to offer the new way of working on a trial basis, initially where it is not clear what impact the change will have on the delivery of learning and service the role provides within the school. In such circumstances, the change to the employee's terms and conditions of employment during a trial period is a temporary change.

If, in the Headteacher's opinion, the trial is not successful the employee will revert back to their previous terms and conditions of employment. If the requested change of working arrangements is accepted at the end of the trial then the temporary terms and conditions will become permanent.

6.4 The Appeal Process

The employee has the right to appeal if the application is declined and must put their appeal in writing to the Chair of Governors, care of the school, within 7 calendar days (unless an extension is agreed) of receipt of the decision.

The letter of appeal must clearly state the grounds for appeal and a further meeting, to be led by a panel of 3 governors, will then be arranged, again giving the employee the right to be accompanied, to review the decision.

Following the appeal hearing, the school will confirm the outcome in writing within 10 working days (unless an extension is agreed) detailing any agreement that has been met or an explanation of the grounds for dismissing the appeal.

The decision at the appeal hearing stage is final.

6.5 Withdrawing an Application

A request to work flexibly can be withdrawn at any time before it has been accepted. However, an employee who withdraws the application will not be eligible to make another Flexible working/Phased retirement request for a further 12 months.

If an employee fails to attend more than one meeting arranged to discuss the request and does not provide a reasonable explanation, the school may assume that the application has been withdrawn.

The school may also treat an application as withdrawn if the employee does not provide the required information.