



OWLS Academy Trust

Flexible Working Guidance

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Next Review Due	

Policy developed by



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This document is intended to provide guidance on the implementation of the Flexible Working Policy. It should be used in conjunction with the policy document.

Main headings in this document match main headings in the policy: however, some policy sections do not require additional guidance and are therefore not included in this document.

An overview of the process, with timescales, can be found in Appendix A.



Definition of Flexible Working

Taking into consideration to definition of “flexible working” provided in the policy documents, a flexible working request could be, for example, to work on a part-time or job-share basis, to have a shorter working week, or permission to work from home during part of the working week.

Further information on applying for a Co-Headship is available in a separate Co-Headship guidance document, produced by Leicestershire County Council HR Services.



Application Process

Employees may wish to discuss their interest in a change of working pattern informally with their manager. Where such a change can be agreed, the process and timescales detailed in the policy and below do not necessarily need to be followed. In this situation the manager will still need to issue the employee with a variation to contract letter.

A copy of all applications for flexible working should be placed on the employee’s personal file.

For statutory requests, if an employee’s application does not contain all of the required information they should be advised that their request will not be progressed until this has been provided. Continual failure to provide this information can result in the employee’s application being deemed to be withdrawn. If this decision is made the employee should be advised of this in writing (See Appendix J for a template letter). A copy should be placed on the employee’s personal file. Where this occurs, the employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.



Timescales and Procedure

Considering a Request

On receipt of the employee’s request, a written acknowledgement should be sent and the employee invited to attend a meeting to discuss the request as soon as possible and usually within 28 days. This discussion does not necessarily need to be face-to-face and can take place by telephone if the employee is in agreement.

This meeting will be conducted by the person who has been given delegated authority to consider the request, and should be held at a mutually agreeable time/date. The employee has the right to be accompanied at the meeting by a work colleague or Trade Union representative. If the employee is unable to attend on the arranged date, an alternative should be proposed. A template letter inviting the employee to this meeting is attached at Appendix C. A copy should be placed on the employee’s personal file.

If the employee fails to attend a meeting to discuss the request without reasonable cause on two occasions then the application can be treated as withdrawn. If this decision is made the employee should be advised of this in writing (See Appendix J for a template letter). A copy should be placed on the employee's personal file. Where this occurs, the employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.

When considering whether or not a request can be accommodated, a number of factors will need to be taken into account. This may include:

- Are there any existing arrangements in place as a result of previous flexible working requests which have been agreed?
- Does a precedent already exist in the school? If so, this may make it more difficult to refuse a request (unless there are a number of flexible working arrangements already in place which means that the situation has become unmanageable or the post is of a different nature).
- Does someone need to be present in the post during all hours of work?
- Could all of the work be done in the hours requested?
- Will the post be covered on a job-share basis (i.e. two people sharing the established hours of the post) or by two part-time employees (who combined could be working more than the established hours of the post)?
- Could the post be filled on a job-share basis?
- Is there a suitable job-share candidate in the school, or could one be recruited?
- What benefits would the school get from the arrangement (e.g. increased commitment, retention of experienced employees, reduction of salary costs, etc.)?
- If a class is shared by two part-time teachers, who is in charge of the class? Who attends staff meetings, parents evenings, teacher days, etc.? Who will be responsible for planning and preparation? Who will be responsible for producing reports?
- If there is no overlap between job sharers, who will work issues be discussed / resolved, information shared, etc.?
- How will consistency of issues such as pupil discipline, work planning, teaching style be addressed?
- How will the new arrangements be supervised and performance management undertaken?

During the meeting, any concerns regarding the operation of the flexible working request should be explored and the employee's response to these issues obtained. It may also be appropriate to discuss alternative arrangements which could be accommodated. IT is not necessary to advise the employee of the outcome of their request during the meeting, as further consideration of the points discussed may be required.

Potential Outcomes

The potential outcomes of the meeting are:

- The employee's request is agreed and implemented on a permanent or temporary basis;
- An amended version of the employee's original request is agreed and implemented on a permanent or temporary basis; or
- The employee's request is refused.

The employee must be notified, in writing, of the outcome of the meeting as soon as possible. A copy should be placed on the employee's personal file. Template letters for agreeing and refusing a request are attached at Appendix D and Appendix F.

The consideration process, including any appeal, must be completed within 3 months of the request being received by the manager.

The time limits can be extended by mutual agreement. Any such requests must be made in writing to the employee. A template letter is attached at Appendix G. A copy should be placed on the employee's personal file.

Applications approved under the statutory scheme will result in a permanent variation to the employee's contract. However, subject to mutual agreement a temporary change in working arrangements may be beneficial to both sides for an initial trial period (e.g. over two terms). Details of any agreed trial periods or monitoring arrangements should be included in the letter confirming the outcome of the employee's application.

The school may also find it useful to agree a good practice protocol to ensure that there are clear systems in place relating to communication, planning, etc. An example is attached at Appendix E. A copy should be placed on the employee's personal file.

Trial Period

Where a trial period has been agreed, a meeting should be held at the end of the period to consider whether or not it has been successful.

If successful, the employee should be issued with a permanent variation to their contract (for template letter see Appendix D).

If unsuccessful, the employee should be advised in writing of the business reason(s) on which their request cannot be accommodated on a permanent basis. This letter should also provide the employee with the right of appeal. A template letter can be found in Appendix F.

Agreeing a Request

A template letter to agree an employee's flexible working request is attached at Appendix D. This should be sent to the employee after the meeting to discuss the agreed working arrangements, and a copy should be placed on the employee's personal file.

The letter must confirm the contract variation that has been agreed and the date the change is due to take effect. It should also include details of any monitoring arrangements that have been agreed. IF the change in working pattern has been agreed on a temporary basis, this should also be confirmed in the variation to contract letter.

The timescale for confirming the outcome of the meeting can be extended by mutual agreement. Any such requests must be made in writing to the employee. A template letter is attached at Appendix G. A copy should be placed on the employee's personal file. If the employee does not agree to the extension then the original timescales must be adhered to (e.g. if an employee refuses to agree to an extension that has been requested to cover the school's closure for the summer break then the outcome will need to be provided to the employee within 3 months of the application being received by the manager even if this means that it is provided to them during the school closure period).

The employee will not be eligible to make another flexible working application under the statutory scheme for at least 12 months.

Withdrawal of Requests

There are situations where the school can treat an employee's application as withdrawn:

- If the employee unreasonably refuses to provide the information required to consider their application;
- If the employee fails to attend a meeting to discuss the request (or an appeal) without reasonable cause on two occasions;
- If the employee chooses to withdraw their application – which must be done in writing and a copy placed on the employee's personal file.

In all of the above circumstances, the employee should be advised in writing that their application will be treated as withdrawn. A template letter can be found in Appendix J, and a copy should be placed on the employee's personal file. The employee will not be eligible to make another application under the statutory scheme for at least 12 months.



Declining a Request

If the decision is made to decline a flexible working request, the employee must be notified of this outcome, in writing, as soon as possible after the meeting to discuss the application.

The notification must state the business reason(s) (set out in the policy) on which the application is being declined with a detailed explanation as to how these apply to the employee's request. A template letter is available (Appendix F). A copy should be placed on the employee's personal file. The employee should also be offered the right to appeal the decision. The employee must submit their appeal, in writing, within 5 days of receiving their decision letter.

When considering whether to decline a request it is important to remember that this should only be done where there is evidence available to support this decision. This evidence will need to be provided as part of any appeal process. Leicestershire County Council HR Services are available to discuss the potential risks of declining a request.

The timescale for confirming the outcome of the meeting can be extended by mutual agreement. Any such requests must be made in writing to the employee. A template letter is attached at Appendix G. A copy should be placed on the employee's personal file. If the employee does not agree to the extension then the original timescales must be adhered to (e.g. if an employee refuses to agree to an extension that has been requested to cover the school's closure for the summer break then the outcome will need to be provided to the employee within 3 months of the application being received by the manager even if this means that it is provided to them during the school closure period).

The employee will not be eligible to make another flexible working application under the statutory scheme for at least 12 months from the date this request was submitted.



Right of Appeal

An employee has the right to appeal if their request for flexible working request is rejected. The appeal must be submitted in writing within 5 days of them receiving written notification of the decision and should include the grounds for the appeal. A copy should be placed on the employee's personal file.

Only in exceptional circumstances will appeals still be considered if submitted outside of the above timescale.

A meeting should be arranged, with the employee and a panel of Governors, to discuss the appeal within 3 months of the date the flexible working application was submitted. The meeting should be held on a day and time when the employee normally works so that it does not interfere with childcare or other commitments. If the employee is unable to attend on the arranged date an alternative should be proposed.

The appeal should be heard in line with the Appeal Policy. Leicestershire County Council HR Services are available to discuss the potential risks of declining a request and can attend the appeal meeting if required.

Template letters for inviting an employee to an appeal meeting and confirming the outcome can be found at Appendix H and Appendix I. The employee must also be notified, in writing, of the outcome of the appeal within 3 months of the date on which the flexible working application was submitted. Copies of these letters should be placed on the employee's personal file.

The timescales for scheduling and confirming the outcome of the appeal meeting can be extended by mutual agreement. Any such requests must be made in writing to the employee. A template letter is attached at [Appendix G](#). A copy should be placed on the employee's personal file. If the employee does not agree to the extension then the original timescales must be adhered to (e.g. if an employee refuses to agree to an extension that has been requested to cover the school's closure for the summer break then the meeting will need to take place within the original 3 months of the application being received by the manager even if this means that it is during the school closure period).

If the employee fails to attend a meeting (or appeal) to discuss the request without reasonable cause on two occasions, then the application can be treated as withdrawn. In this circumstance the employee should be advised in writing. A template letter can be found in Appendix J. A copy should be placed on the employee's personal file. The employee will not be eligible to make another application under the statutory scheme for at least 12 months from the date this request was submitted.

Applications from Employees Not Covered by the Statutory Right to Request

The Trust recognises that employees who are not covered by the statutory right may wish to request a change in their working arrangements.

Employees wishing to make such a request should do so in writing, ideally using the Flexible Working Application Form, and submit this to the Head Teacher. The request will be considered within a reasonable timescale and the employee advised of the outcome. In order for the request to be fully considered, it may be appropriate to meet with the employee to discuss their request and if applicable, possible alternative arrangements to be put into place.

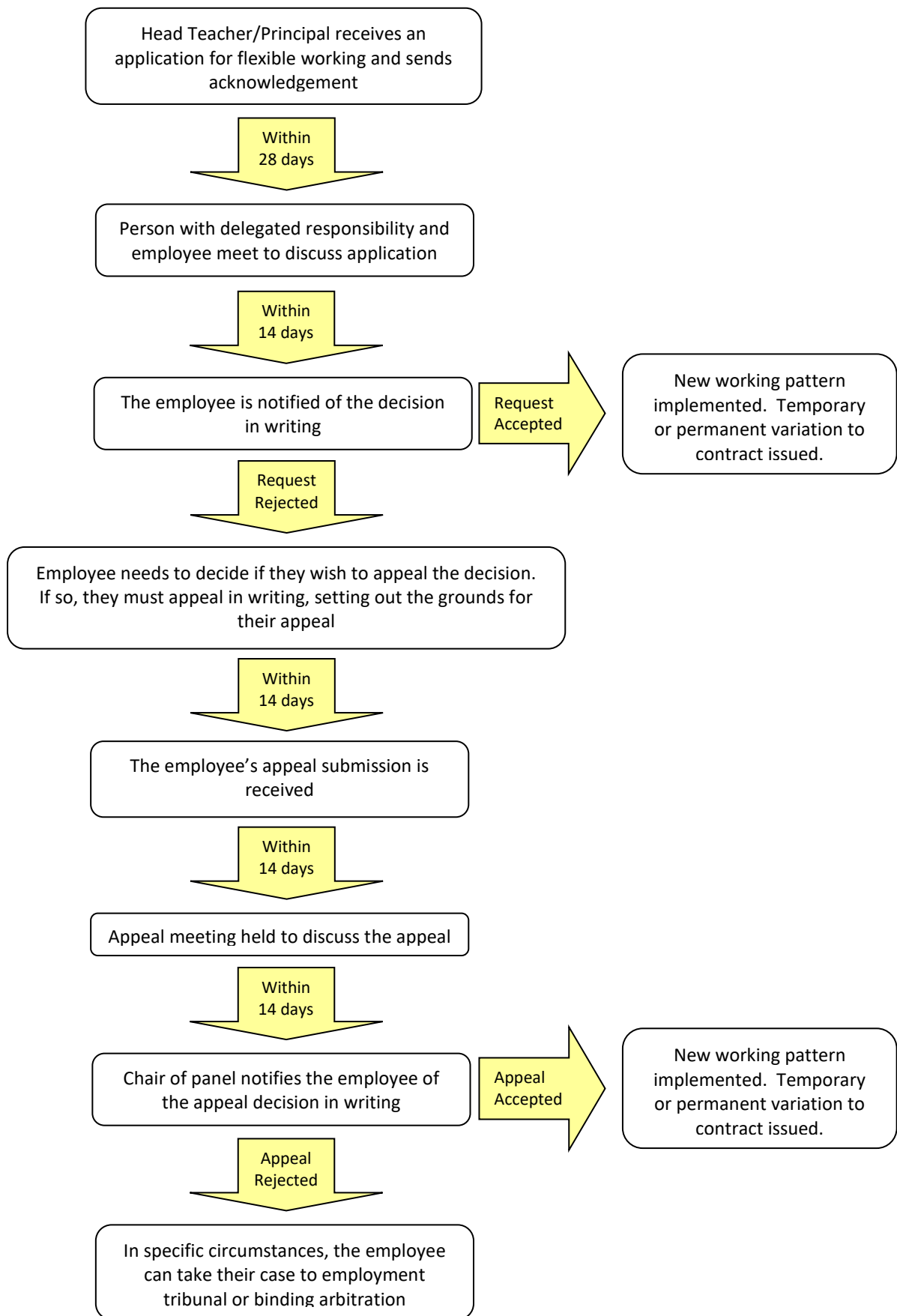
Any agreed change in working pattern will result in a variation to the employee's contract of employment. A template letter to confirm this variation can be found in Appendix D.

Monitoring and Review

All types of working arrangements will be subject to monitoring and periodic review. Where working arrangements are found not to be effective or efficient it may become necessary to negotiate changes with the employee(s) concerned. Leicestershire County Council HR Services can be contacted for further advice in these circumstances.



Appendix A: Flexible Working Process Flowchart



My current working pattern (days / hours / times worked) is:

The working pattern I would like to work in future (days / hours / times) is:

I would like to commence the new working pattern on (date):	
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I think this change in my working pattern will affect the school and my colleagues as follows:

I think the effect on the school and my colleagues can be dealt with as follows:

I understand that, if agreed, this request will result in a permanent change to my terms and conditions of employment unless agreed otherwise.

Signed:		Date:	
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Appendix C: Flexible Working Application – Invitation to Meeting

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

Following receipt of your flexible working application on [Date], I would like to invite you to attend a meeting to discuss your request at [Time] on [Date] in [Venue].

You may, if you wish, be accompanied at this meeting by a work colleague or Trade Union representative.

I would be grateful if you would please confirm if you will be available to attend.

Yours sincerely

[Name]

[Job Title]



Appendix D: Agreement to Flexible Working Application

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

Following our [meeting / discussion] on [Date] to discuss your request for a new flexible working pattern, I am writing to confirm the outcome of our discussions.

[Delete option as appropriate]

Option One

I am pleased to confirm that it is possible to accommodate your application. Your new working arrangements will take effect on [Date] and are as follows:

[Include details of new arrangement, including contractual hours, working pattern, etc. Also include details of how new working arrangements will be managed, e.g. how a class share will work, etc]

As discussed, these new working arrangements are offered on a [permanent basis / temporary basis for duration]. If temporary include details of monitoring arrangements agreed].

You do not have the right to make another flexible working request under the statutory scheme for a further 12 months from the date this request was submitted.

This change is a [temporary / permanent] variation to your contract of employment. Please confirm your acceptance of this variation by signing the enclosed copy of this letter and returning it to me. Please note that no change will be made to your working pattern until this has been received.

Option Two

Unfortunately, it is not possible to accommodate your original request. However, I am able to offer the alternative pattern which we discussed and you agreed would be suitable for you. Your new working arrangements will take effect on [date] and are as follows:

[Include details of new arrangement, including contractual hours, working pattern, etc. Also include details of how new working arrangements will be managed, e.g. how a class share will work, etc]

As discussed, these new working arrangements are offered on a [permanent basis / temporary basis for duration]. If temporary include details of monitoring arrangements agreed].

You do not have the right to make another flexible working request under the statutory scheme for a further 12 months from the date this request was submitted.

This change is a [temporary / permanent] variation to your contract of employment. Please confirm your acceptance of this variation by signing the enclosed copy of this letter and returning it to me. Please note that no change will be made to your working pattern until this has been received.

Option Three

Following the trial period which ended on [date], I am pleased to confirm that it is possible to accommodate your new working pattern on a permanent basis. Your new working arrangements will take effect on [date] and are as follows:

[Include details of new arrangement, including contractual hours, working pattern, etc. Also include details of how new working arrangements will be managed, e.g. how a class share will work, etc]

As discussed, these new working arrangements are offered on a [permanent basis / temporary basis for duration]. If temporary include details of monitoring arrangements agreed].

You do not have the right to make another flexible working request under the statutory scheme for a further 12 months from the date this request was submitted.

This change is a [temporary / permanent] variation to your contract of employment. Please confirm your acceptance of this variation by signing the enclosed copy of this letter and returning it to me. Please note that no change will be made to your working pattern until this has been received.

If you have any queries regarding the contents of this letter then please do not hesitate to contact me..

Yours sincerely

[Name]

[Job Title]

Variation to Contract

I hereby confirm my acceptance of the [temporary / permanent] variation to my contract of employment as set out above.

Signed:

Date:

Print Name:



Appendix E: Example Protocol

[The contents shown below are only an example and should be amended to meet individual circumstances.]

Flexible Working Protocol

The intention of this protocol is to ensure that in circumstances where employees are working flexibly, clear systems will be in place and used consistently to enable effective working practices. The Academy Trust recognises that employees' personal circumstances may change and at times they may wish to request a different working pattern. Our schools will give full consideration to these requests whilst at the same time balancing the needs of pupils.

It is expected that in agreeing to flexible working practices, it is on the understanding that colleagues and pupils should not be adversely affected. In order to achieve this, the following should be in place as a matter of good practice:

- A communication book which should be filled in at the end of each employee's working day where there is not an overlap. This should include detailed information relating to staff briefings, meetings and pupil/staff information, and should be completed outside of Directed Time.
- There may be occasions when telephone contact is more appropriate (particularly in sensitive circumstances)
- Planning should be e-mailed to the other flexible worker and class teacher in good time (at least a week in advance).

[Amend above points or insert additional ones as appropriate.]

The effectiveness of these practices will be monitored by [name/job title] and intermittently by a member of the Senior Leadership Team. Any issues that arise will be discussed with the employee concerned. Employees should raise any concerns / questions they may have with their manager.

Hours of Work

Hours of work will be a minimum of [time] to [time] plus an extra [amount of time] a day, with a [number] minute morning break and [number] minute lunch break.

Training Days

You will be expected to work the equivalent pro-rata training days (e.g. 1 working day = 1 additional training day, 2 working days = 2 additional training days, etc).

The actual dates of the training days will be at the discretion of the Head Teacher and you may be asked to attend on a different day from your normal working pattern (with your agreement). You will be advised of any changes to enable you to make the necessary arrangements.

Additional Bank Holiday Arrangements (if applicable for support staff)

[Delete if not applicable.]

The Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (2000) must be considered. These regulations provide that no employee should suffer detriment in comparison with their full-time colleagues as a result of working on a part-time basis. This means that adjustments will be made to ensure that all part-time employees receive their fair entitlement to leave in respect of bank/public holidays.

Normal bank holidays are taken into consideration within the process for determining school closure dates. If a member of support staff receives more or less time off than their “calculated day” as a result of the school closure, options to remedy the situation are:

- Where support staff have more time off (due to the additional closure day) than they are entitled to, schools have the option to either:
 - a) Agree with the employee arrangements for them to make up the time; or
 - b) Agree with the employee that the additional time taken will be treated as unpaid leave.
- Where support staff have less time off (due to the additional closure day) than they are entitled to, schools have the option to either:
 - a) Agree with the employee for them to take the balance of the time they are owed on an alternative date; or
 - b) Agree with the employee that the time owed will be treated as additional hours worked, and pay overtime at the normal hourly rate.

The available options will be discussed by the Head Teacher with each employee, on a case by case basis, to ensure that there is no detriment to part-time workers.

[\[Add any other working arrangements that may be necessary, e.g. planning, writing of reports, etc.\]](#)

I understand and agree to adhere to the arrangements set out above.

Signed: Date:

Print Name:



Appendix F: Rejection of a Flexible Working Application

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

Following our meeting on [Date] to [discuss your request for a new flexible working pattern / review the flexible working trial you have been undertaking], I am writing to confirm the outcome of our discussions.

Unfortunately it is not possible to accommodate your request [on a permanent basis] for the following reason(s):

[Include reason(s) from the list of permissible business grounds under which a request may be refused]

The grounds apply in the circumstances because [indicate rationale for decision. You should also explain why any other work patterns you may have discussed at the meeting are not appropriate]

As you have the right to appeal this decision, I have included for your attention a copy of the Appeal Procedure along with an appeal registration form. If you wish to appeal this decision, please complete and return the appeal registration form to me **within 5 days** of receiving this letter.

Please note that you do not have the right to make another flexible working request under the statutory scheme for a further 12 months from the date this request was submitted.

Yours sincerely

[Name]

[Job Title]



Appendix G: Request to Extend Timescale

NB: You may extend the time limit for any part of the procedure providing the employee agrees to the extension.

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

Following receipt of your flexible working application and further to our conversation, I am writing to confirm that I wish to extend the time limit to [number] days which means that I will have until [date] to complete the necessary action. The extra time is needed [enter reason].

Please complete and return one copy of this letter to confirm you agreement to this request.

Yours sincerely

[Name]

[Job Title]

Agreement to Time Extension

I accept your request to extend the amount of time to [date].

Signed:

Date:

Print Name:



Appendix H: Invitation to Flexible Working Appeal

NB: The appeal must be heard and completed within 3-months of the flexible working request being received.

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

Following receipt of your appeal under the Flexible Working Policy, I am writing to invite you to attend an appeal meeting. Your appeal will be heard by [names of governors] at [time] on [date] in [venue]. On arrival you should report to [venue] and ask for [name].

You may, if you wish, be accompanied at this meeting by a work colleague or Trade Union representative.

The outcome of the appeal meeting will be to either:

- Uphold the original decision; or
- Overturn the original decision and implement a new decision.

Please be advised the decision of the appeal meeting will be final and there is no further right of internal appeal.

I would be grateful if you would please confirm if you are able to attend the meeting. If you wish to provide any documentation to support your case this should be submitted to [name] before the meeting.

Please sign and return the second copy of this letter as acknowledgement of receipt.

Yours sincerely

[Name]

[Job Title]

I acknowledge receipt of the letter dated [date].

I will / will not be attending the appeal meeting arranged for [date]. (If not attending please provide a reason)

Signed:

Date:

Print Name:



Appendix I: Outcome of Flexible Working Application Appeal

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

I am writing to confirm the outcome of the appeal meeting held on [date] which was heard by [name(s)]. Also present was [name] as your representative.

You appealed against the decision to refuse your application to work a flexible working pattern.

[Delete options below as appropriate]

Option 1

Having considered the information provided at the meeting, the panel have decided to uphold the original decision to refuse your request. The panel felt that it was not possible to accommodate your request as it is [enter business reason and explain how this relates to the employee's request. If other work patterns were discussed at the meeting include an explanation as to why these were not appropriate either].

The decision of the appeal panel is final and there is no further internal right of appeal.

Option 2

Having considered the information provided at the meeting, the panel have decided that it is possible to accommodate [your request / an alternative arrangement as discussed and agreed at the meeting] and have therefore overturned the original decision to refuse your application. Your new working arrangement will therefore take effect on [date] and are as follows:

[Include details of new arrangements including contractual hours, working pattern, etc. Also include details of how new working arrangements will be managed (e.g. how a class share will work, etc)]

Please note that you do not have the right to make another flexible working application under the statutory scheme for at least 12 months from the date this request was submitted.

Please sign and return the second copy of this letter as acknowledgement of receipt.

Yours sincerely

[Name of person who chaired meeting]

[Job Title]

I acknowledge receipt of the letter dated [date] confirming the outcome of the Flexible Working Appeal Meeting and I have read and understood the contents. [If request agreed then also include: I hereby confirm my acceptance of the [permanent/temporary] variation to my contract of employment as set out above]

Signed:

Date:

Print Name:



Appendix J: Withdrawal of a Flexible Working Application

STRICTLY PRIVATE AND CONFIDENTIAL

[Name]

[Address]

[Date]

Dear [Name]

I am writing in relation to your request for flexible working received on [date].

[Delete options below as appropriate]

Option 1

As you are aware I asked you to provide further information on [specify the information requested] by [date] to enable me to consider your request, and you did not provide that information.

I then asked you again in a letter dated [date] to provide the information, but you again failed to do so. As a result of your failure to provide, without good reason, the required information, I am now treating your requests as withdrawn.

If you have any questions on the above, or wish to make any comment on your reasons for not providing me with the requested information, please contact me by [date].

Your working pattern and terms and conditions of employment will continue as they are. Please note that you do not have the right to make another flexible working application under the statutory scheme for at least 12 months from the date this request was submitted.

Option 2

As you are aware, [a meeting / an appeal meeting] was arranged for [time] on [date] to discuss your request. You did not attend this meeting. A further meeting was then arranged for [time] on [date] which you again did not attend.

As a result of your failure to attend, without good reason, two meetings set up for the purpose of discussing your [request/appeal], I am now treating your request as withdrawn.

If you have any questions on the above, or wish to make any comment on your reasons for not providing me with the requested information, please contact me by [date].

Your working pattern and terms and conditions of employment will continue as they are. Please note that you do not have the right to make another flexible working application under the statutory scheme for at least 12 months from the date this request was submitted.

Option 3

Thank you for informing me of your decision to withdraw your application as [enter reason for decision to withdraw application].

Your working pattern and terms and conditions of employment will continue as they are. Please note that you do not have the right to make another flexible working application under the statutory scheme for at least 12 months from the date this request was submitted.

Yours sincerely