



FLEXIBLE WORKING POLICY

Mount St Mary's Catholic High Flexible Working Policy

Adopted by Mount St Marys' Governing Body on 22 November 2022

Signed

A handwritten signature in black ink, appearing to read 'Joe R. P.', is written over a horizontal line.

Chair of Governors

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Flexible Working Policy

1. Introduction

- 1.1. Mount St Mary's Catholic High School is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve the use and retention of staff.
- 1.2. This guidance gives eligible staff an opportunity to consider forms of flexible working on offer, and outlines the process to formally request a change to their working pattern in accordance with the statutory procedure for such requests.
- 1.3. Through this guidance, requests for flexible working will be accommodated where possible, though it must be noted that some roles in school are not suitable for flexible arrangements. The priority at all times will be the effective running of the school for the benefit of the students and, where granting flexible working would impact detrimentally on that, requests will not be approved. Requests will be handled in a reasonable manner, and reasons for the refusal of any requests must be provided to staff.
- 1.4. This guidance does not form part of any contract of employment and may be amended as necessary. This guidance applies to all eligible staff. It does not apply to agency workers, consultants or self-employed contractors.
- 1.5. At the informal stage the responsible manager may agree that any request for flexible working can be granted on a trial basis, to enable them to assess the impact of the arrangement on the school.
- 1.6. Staff making requests for any form of flexible working will not be subjected to any detriment as a result.

2. Forms of flexible working

- 2.1. Flexible working can incorporate a number of possible changes to working arrangements:
 - reducing, or varying, working hours
 - reducing, or varying, days worked
 - working from a different location
- 2.2. Such changes may also involve a job share arrangement; working a set number of hours a year rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time; working compressed hours; working flexi-time. Some of these arrangements may not be possible due to the nature of the work undertaken by staff making the request.
- 2.3. Staff should be aware that changes to working hours will affect pay and other benefits, for example pension and annual leave entitlement. Professional advice should be sought when making decisions which may affect pension arrangements. Individuals are strongly advised to contact an independent financial adviser and/or other advisory bodies such as trade unions before making a decision about flexible working.

2.4. **Job Share**

2.4.1. Job sharing is a working pattern where two or more people share the responsibilities and benefits of one full time position. The job share partners collaborate and co-ordinate their activities to complete the work of one job. The pay and benefits are divided between the partners according to the hours worked.

2.4.2. Separate arrangements apply for existing staff wishing to change their working hours (e.g. to work part time) without entering a job share arrangement.

2.5. **Flexible Hours**

2.5.1. Flexible Hours (also commonly known as flexi-time) are where a member of staff, in conjunction with their Headteacher/Line Manager, chooses when to start and end work every day, within agreed limits.

2.5.2. Any arrangement of flexible hours may contain 'core time' where the member of staff needs to be in work (e.g. a member of staff working in a office may be able to start and finish work at any time between 7.30am and 5.30pm, but will be expected to be in work at the start and end of the students' day.)

2.6. **Annualised Hours**

2.6.1. Annualised hours contracts can 'average' full or part-time employment across the period of a calendar year, for example a member of staff employed in a school on an all year round contract may work more hours in weeks during the school term, while reducing their hours during school closure periods, ensuring that the individual works at those times most suited to the workload requirements.

2.6.2. Annualised hours contracts specify the number of hours to be worked during the course of the year, where this equates to less than full time, terms and conditions of employment are pro rata to those of full time staff.

2.7. **Compressed Hours**

2.7.1. Compressed working hours is an arrangement where a member of staff works more hours per day in exchange for a reduction in working time or working days usually over a weekly or fortnightly period, for example a member of staff contracted to work 37 hours a week may, over a two week period, work their contracted hours over 9 days rather than 10.

2.8. **Term Time Working**

2.8.1. Term-Time Working is an arrangement whereby a member of staff is contracted to work a particular number of weeks per year on either a full or part-time basis. Non-working time is scheduled at regular, planned periods which will normally coincide with holidays.

2.8.2. Many posts within school specifically require term-time working and this will be clearly stipulated at the outset of the recruitment process for the role. Staff may request to be

considered for term-time working where their post normally requires year-round working.

2.8.3. The total number of designated working weeks does not include a member of staff's pro rata entitlement to annual leave and public holidays, which is added to the designated working hours to form the basis of the contract of employment.

2.8.4. The leave entitlement for term time working staff must be taken during non-working weeks.

2.9. **Home/Remote Working**

2.9.1. There may be certain roles which could adapt to working from home, or another location, either on a regular basis or when a particular task needs completing (for example, writing a report).

2.9.2. There should be a clear understanding with the school over when the member of staff will work and be contactable by colleagues and any external partners or stakeholders, and what equipment will be necessary to facilitate the arrangement.

2.9.3. Homeworking is not a substitute for suitable care arrangements and dependents should always be looked after by someone other than the member of staff during working hours.

2.9.4. The school will not be responsible for the payment of any expenses or bills (e.g. utilities/telephone/internet) arising for staff who choose to work from home.

3. **Flexible/Phased Retirement**

3.1. From age 55, a member of staff can reduce their hours or move to a less senior position and, provided the school agrees, draw some or all the pension benefits they have built up – helping them ease into retirement.

3.2. If flexible retirement is taken before the normal retirement age, benefits may be reduced to take account of their early payment unless the school agrees to waive the reduction in whole or in part. Staff can continue paying into their pension scheme on their reduced hours or in their new role, building up further benefits in the scheme.

3.3. Flexible retirement can bring benefits for the school and the employee. For the school, flexible retirement enables retention of valuable experience and knowledge which would otherwise be lost if an employee were to retire or leave. It also offers an effective means to reduce capacity and increases opportunities for succession planning.

3.4. Flexible retirement is at the discretion of the school, staff considering flexible retirement should discuss this with their Headteacher or Line Manager in the first instance, and professional advice should be sought when making decisions which may affect pension arrangements. Individuals are strongly advised to contact an independent financial adviser, their pension provider and/or other advisory bodies such as trade unions before making a decision about flexible retirement.

- 3.5. Staff interested in applying for flexible retirement, should obtain a pension estimate before proceeding with their request. Non-Teaching staff over the age of 60 can request an estimate direct from Leeds City Council's Pension Services Team (0113 247 5039). Staff under the age of 60 must request an estimate through their Headteacher/Line Manager, who will make the request via the Pensions Services Team.
- 3.6. Teaching Staff can request pension estimates via Teachers' Pensions who can be contacted on 0345 606 6166 or on www.teacherspensions.co.uk
- 3.7. Flexible retirement can only be taken with the permission of the school, as granting early access to pension benefits may result in a financial cost to the school. Headteachers/Line Managers receiving requests for flexible retirement from their staff should seek advice from the school's HR Provider.

4. Eligibility for the formal right to request procedure

- 4.1. To be eligible to make a request under the formal procedure set out in paragraphs 5 – 8 you must:
- be an employee;
 - have worked for the school continuously for at least 26 weeks at the date your request is made;
 - not have made a formal request to work flexibly during the last 12 months.

5. Making a formal flexible working request

- 5.1. This procedure will enable employees to request to work flexibly. It will not provide an automatic right to work flexibly as there will always be circumstances where the school is unable to accommodate the employee's desired work pattern. It aims to facilitate discussion and encourage both the employee and the school to consider flexible working patterns and to find a solution that suits both.
- 5.2. An employee interested in flexible working is advised to speak informally with their Line Manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery, before submitting a formal or informal request.
- 5.3. Employees will need to apply in writing using the form at Appendix 1. They will be able to make one application per year and an accepted change will be a permanent change to the employee's terms and conditions of employment, unless otherwise agreed.
- 5.4. Within 28 days of the request being received, the Headteacher or Line Manager will arrange to meet with the employee. This will provide an opportunity to discuss the request in depth and how it may best be accommodated. It will also be an opportunity to discuss alternative work patterns. Employees have the right to be accompanied by a trade union official or work colleague.
- 5.5. Within 14 days of the meeting the Headteacher or Line Manager will write to the employee to either agree a new work pattern and a start date, or provide clear business grounds as to why the application cannot be accepted.

6. Formal request: Decision

6.1. The employee will be notified of the decision in writing within 14 days of the meeting.

6.2. If the request is accepted, or where the school proposes an alternative to the arrangements requested, the Headteacher or Line Manager will write to the employee with details of the new working arrangements, details of any trial period, an explanation of changes to the employee's contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on the employee's personnel file to confirm the variation to their terms of employment.

6.3. Unless otherwise agreed (and subject to any agreed trial period) changes to the employee's terms of employment will be permanent. The employee will not be able to make another formal request until 12 months after the date of their most recent request.

6.4. If the Headteacher or Line Manager needs more time to make a decision, for example, where they need more time to investigate how the request can be accommodated or to consult several members of staff, they will discuss this with the employee.

6.5. There will be circumstances where, due to business and operational requirements, the school is unable to agree to a request. In these circumstances, the Headteacher or Line Manager will write to the employee:

- explaining the business reason(s) for turning down the application; and
- setting out the appeal procedure.

6.6. The eight business reasons for which the school may reject the request are:

- the burden of additional costs;
- detrimental effect on ability to meet the school's organisational demands;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that you propose to work; and
- planned changes.

7. Formal request: Appeals

7.1. The employee has a right to appeal against the school's decision; this must be made within 14 days of being notified of the decision.

7.2. An appeal against the Headteacher/Line Manager's decision should be heard by a panel of Governors who have had no prior involvement in the request. A bundle of evidence

consisting of the original request, confirmation that the request has been turned down, the appeal form and any other relevant information should be shared with all parties 3 working days before the hearing

- 7.3. The school must arrange an appeal meeting to take place within 14 days after receiving notice of the appeal. The employee can be accompanied, and the timing and location of the appeal meeting must be reasonable. Appeals should be formally clerked and a note of proceedings should be produced.
- 7.4. The Headteacher/Line Manager may be supported by a representative from the school's HR Provider, and the Panel may also be supported by a representative from the school's HR Provider.
- 7.5. The school must notify the employee of the outcome of the appeal in writing within 14 days of the date of the appeal.
- 7.6. The timing and location of the appeal meeting must be reasonable. Appeals should be formally clerked and a note of proceedings should be produced.

8. Making an informal flexible working request

- 8.1. Staff that do not meet the eligibility criteria for the formal procedure, but who want to make changes to their working arrangements, may make an informal request to the Headteacher or their Line Manager, who will consider the request according to the business and operational requirements of the school.
- 8.2. It will help the Headteacher or Line Manager to consider the request if the employee:
 - (a) provides as much information as they can about their current and desired working pattern, including working days, hours and start and finish times, and give the date from which they want their desired working pattern to start; and
 - (b) thinks about what effect the changes to their working pattern will have on the work that they do and on their colleagues, as well as on the school's operational requirements.
- 8.3. At the informal stage the responsible manager may agree that any request for flexible working can be granted on a trial basis, to enable them to assess the impact of the arrangement on the school.

Appendix 1 Flexible Working Application Form

1. Personal Details

Name:

Staff or payroll number:

Manager:

National Insurance No:

To the School

I would like to apply for flexible working arrangements in connection with retirement.

OR

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996.

I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the company for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right:

If you do not meet the criteria outlined above then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request will not be considered, but you will have to explore this separately with your Headteacher or line manager.

2a. Describe your current working pattern (days/hours/times worked):

2b. Describe the working pattern you would like to work in future (days/hours/times worked):

2c. I would like this working pattern to commence from:

Date:

3. Impact of the new working pattern

I think this change in my working pattern will affect my employer and colleagues as follows:

4. Accommodating the new working pattern

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

Name:

Date: