

Flexible Working Policy and Procedures

JNCT 2.15 – Employees covered by SNCT Terms and Conditions

Human Resources
April 2024



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Version Control

Version Number	Effective Date	Details of Revision	Responsible Person	Review Date
1	Nov 2020	Update policy template and appeal process	L Boyd	Oct 2021
2	May 2024	Updated policy process due to legislative changes and template.	N Cecconi	May 2025

1. Policy

The Council recognises the importance of balancing working life with domestic, family and caring responsibilities and that effective service provision can be enhanced by employees being able to strike such a balance. Therefore, to support employees a range of flexible working options are available, subject to service requirements.

In keeping with its commitment to providing effective and progressive employment policies the Council:

- encourages managers and employees to develop a partnership approach to identifying workable solutions to achieving work-life balance.
- will consider all flexible working requests in accordance with set procedures and time limits, and
- will ensure that agreed working arrangements are compatible with and beneficial to business efficiency and provision of services within the Council.
- will follow the guidance provided in the ACAS Statutory Code of Practice on requests for flexible working.

All flexible working arrangements must ensure both continuity in service delivery and the maintenance of appropriate staffing levels.

Head Teachers/ Managers will ensure that requests are considered seriously and that employees are aware of:

- any impact on conditions of service, e.g., pay, annual leave etc, arising from the flexible working request; and
- any health and safety implications, including the Working Time Regulations.

Each request will be considered on a case-by-case basis, in the order they are received. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The Council will treat an application as withdrawn under the statutory provisions where:

- The employee notifies us, orally or in writing, that they are withdrawing the application.
- The employee fails to attend the meeting to discuss the application, or an appeal meeting, more than once without reasonable cause.

The Council will confirm the withdrawal of the application in writing unless the employee has provided written notice of the withdrawal.

2. Eligibility

Employees are entitled to make a statutory request for flexible working from the first day of employment. They can make a maximum of two statutory flexible working requests during any 12-month period. A request cannot be made until any previous request has been concluded in full, i.e. there can only be 1 live request at a time.

Employees in all areas and levels of the Council will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, pregnancy, marital/civil partnership status, gender reassignment, or disability. However, there is no automatic right for employees to be granted a flexible working pattern. Each application will be considered on its own merits with the exception of applications that are made as a reasonable adjustment under disability legislation, in which case it will be considered under the rules applying to the Council's duty under those laws. If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

3. Flexible Working Options

The policy considers the following options as types of flexible working:

- **Part Time:** An employee moves to contracted weekly working hours that are less than their current contracted hours. Salary and Holiday entitlement are adjusted accordingly.
- **Term Time:** An employee works hours and days in line with the school timetable. Salary is paid in equal amounts over 12 months and includes an allowance in lieu of annual leave entitlement.
- **Annualised Hours:** Weekly working time varies across a 12-month period to meet service demands rather than a fixed standard working week. Although the working pattern varies salary is paid in equal instalments irrespective of the actual number of hours worked in any given period.
- **Compressed Hours:** An employee retains their contracted weekly hours but works over fewer days, meaning longer shifts on each day.
- **Home Working:** There are two types of homeworking:
 - Working **from** Home - where the employee has a base at home but works on a peripatetic basis; and
 - Working **at** Home - where the employee is based solely, or predominately at home.

If employees have been identified as home workers, agile or hybrid and wish to change their workstyle, they should refer to the [Remote Working policy](#) and to request a workstyle change by applying on the [Core](#).

- **Flexi Time:** Where employees are able to vary their start and finish times.

Where a flexible working arrangement is temporary, then individual cases will be reviewed during the annual staffing exercise. Under the current surplus agreement, promoted teaching staff are not normally considered for transfer when the school staffing entitlement drops. Where one person simultaneously holds a promoted and an unpromoted contract, and this contractual arrangement is a permanent one, the teacher will normally be safeguarded from being declared surplus. Further information can be found in the relevant JNCT agreement.

Although the Council is committed to providing the widest possible range of working patterns, both management and employees need to be realistic and recognise that the full range of

flexible working options will not be appropriate for all jobs across all areas of the business. Advice should be sought from Education Services (staffing discussion) or from Human Resources (policy discussion). It must be acknowledged that in the interests of maintaining efficient level of service delivery, not all models of flexible working will be feasible, please also refer to further considerations in Appendix 3 for Head Teachers, Depute Head Teachers and Principal Teachers.

Where an instance of flexible working is requested, a Head Teacher/ Manager will take into account a number of criteria including (but not limited to):

- The cost of the proposed arrangement.
- The effect of the proposed arrangement on service delivery.
- The level of supervision that the post-holder requires.
- The structure of the department and staff resources.
- Other issues specific to the individual's department.
- An analysis of the tasks specific to the role, including their frequency and duration.
- An analysis of the workload of the role.

4. Procedure

4.1 Application

Flexible working requests should be made directly to the Head Teacher/Manager. Applications must be made using the appropriate form (**Appendix 1**). Any requests submitted early in the new year may be held subject to completion of the annual staffing exercise.

Before making an application, employees must give careful consideration to the following:

- The new working pattern will normally be a permanent change.
- The effect it will have on their job and the Council in terms of service delivery and how this might be accommodated.
- Which working pattern will best suit their personal circumstances.
- Any financial implications in cases where the desired working pattern will involve a reduction in salary or other changes to terms and conditions.

Head Teacher/ Manager must acknowledge receipt of the application by issuing appropriate acknowledgement letter (**Appendix 2**).

If necessary, Head Teacher/ Manager should discuss requests with Education Services (staffing discussion) in the first instance prior to arranging a meeting with the employee to discuss the request. Any advice on the policy should be discussed with HR.

4.2 Consultation

Within 28 days of receipt of the application, the Head Teacher/ Manager (with the support of HR as and when appropriate) will meet with the employee to discuss the request. The employee is entitled to be accompanied by a work colleague or trade union representative. Managers must use appropriate invite letter (**Appendix 2**) to advise the employee of the meeting in writing.

If the timescale cannot be met the employee must be advised in writing.

4.3 Notification of Decision

Within 48 hours after meeting with the employee, the Head Teacher/ Manager must email the application (**Appendix 1**) with Part 2 of the form fully completed to education.staffing@south-ayrshire.gov.uk.

Upon review of the application, Education Staffing should then forward the application to HR Policy and Operations to allow them to issue the confirmation letter to the employee within 14 days from the date of the meeting. If the request is agreed, either on a permanent or temporary basis, the letter from HR will include an amendment to the employee's contract of employment.

If a request is accepted on a permanent basis, once a change has been made, there is no right for the employee to revert back to their previous terms and conditions. Further requests will count towards the maximum amount permitted in any 12-month period.

If the request is rejected, the letter from HR will advise the employee of their entitlement to appeal the decision.

Requests should be dealt with within the timescales specified within the policy.

All requests, including any appeals, must be decided and communicated to the employee within a period of two months from when the manager first receives the request. The manager and employee may agree to extend this period. If an extension is agreed, the manager should confirm this in writing to the employee. The Head Teacher/ Manager and employee may agree to extend this period. If an extension is agreed, the manager should confirm this in writing to the employee using the appropriate template (**Appendix 2 – Extension to Policy Timescales**).

4.4 Right of Appeal

Any appeal must be made in writing to the Depute Chief Executive and Director of Education within 14 days from the date the written confirmation of the decision is received.

The Depute Chief Executive and Director of Education will acknowledge the appeal (**Appendix 2 – Appeal Acknowledgement**) and arrange for an informal hearing to be held within 14 days, convened by an appropriate senior officer who will advise the employee of the meeting in writing (**Appendix 2 – Invite to Informal Appeal Hearing**). The employee is entitled to be accompanied at the hearing by a work colleague or trade union representative.

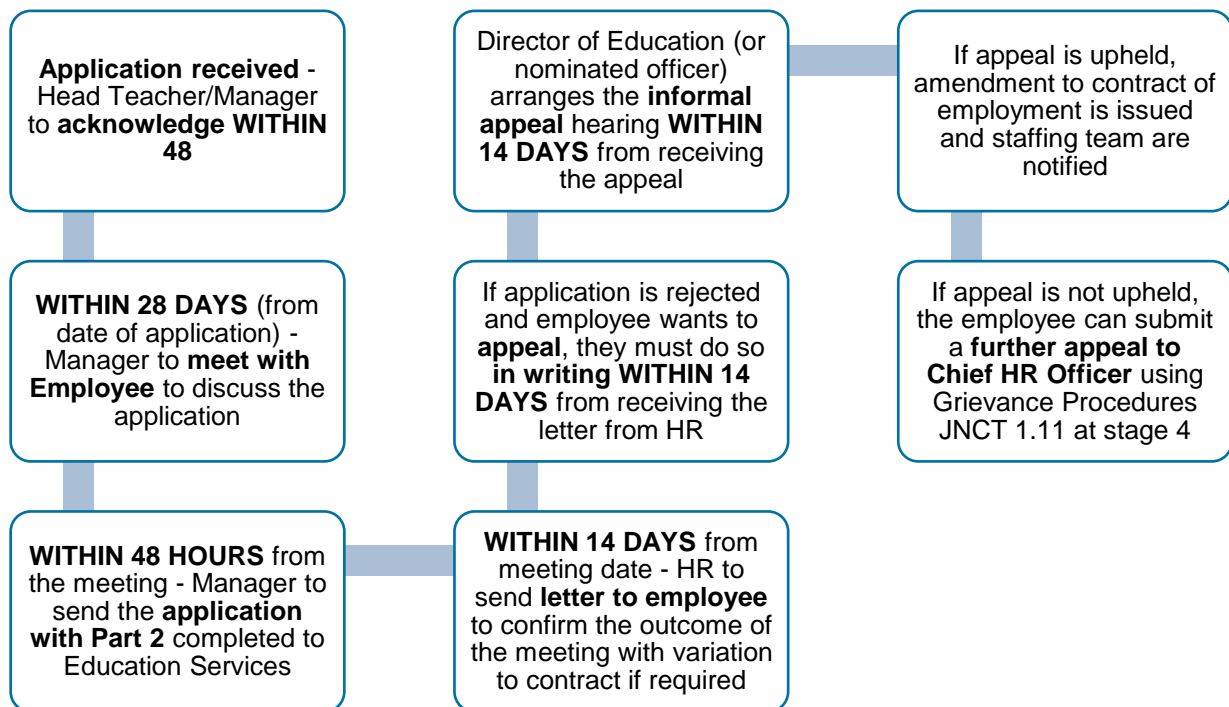
The nominated officer will advise the employee of the outcome of the informal hearing in writing within 14 days (**Appendix 2 – Outcome of Informal Appeal Hearing**).

If the matter cannot be resolved informally, the employee can submit a further appeal within 14 days of receipt of notification, by following the Teacher's Grievance Procedure JNCT 1.11, commencing at Stage 4, appeal to Elected Members. Any request for such a hearing should be intimated to the Chief HR Officer within 10 working days from receipt of the decision.

If the appeal is upheld, the written decision must include a description of the new work pattern.

If the appeal is dismissed the written decision must provide the grounds for refusal.

A diagrammatic summary of the procedure is provided below.



5. Reasons for Refusing a Request

Permitted reasons to reject an application are set out in legislation and are as follows:

- unreasonable or additional costs to the Council;
- detrimental effect on ability to meet customer demands and service delivery needs;
- inability to re-organise work amongst existing employees or recruit additional employees;
- detrimental impact on quality or performance;
- insufficiency of work during the periods the employee proposes to work;
- planned structural changes;
- training which would not directly improve an employee's effectiveness or service performance or which might have a detrimental impact on the Council.

Appendix 1 – Application Form

Application for Flexible Working	
PART 1 – EMPLOYEE SECTION - <i>To be completed by the employee. You must complete all relevant sections and forward to your line manager for consideration.</i>	
Name:	Employee No:
Job Title:	Work Location:
Do you currently have a flexible working arrangement in place?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Please provide details of your current work pattern (days, hours, start and finish times):	
Please provide details of the proposal(s): Tick as appropriate: <input type="checkbox"/> Change to work hours <input type="checkbox"/> Change to work times <input type="checkbox"/> Term Time Working <input type="checkbox"/> Annualised Hours <input type="checkbox"/> Compressed Hours	
Please provide details of the proposed working pattern (days, hours, start and finish times):	
Proposed Start Date of New Working Pattern (allow at least 3 months from the date of submission of this application)	
Click or tap to enter a date.	
Is the proposed change to working pattern to be:	
<input type="checkbox"/> Permanent <input type="checkbox"/> Temporary <input type="checkbox"/> Trial Period	
If temporary, what is the proposed end date of the flexible arrangement?	
Click or tap to enter a date.	
Additional Information (provide any further information that you feel may be relevant)	
By submitting this form to your line manager you confirm that you have read and understood the Flexible Working policy.	
Employee Signature:	
Date: Click or tap to enter a date.	

PART 2 – MANAGER SECTION - To be completed by the line manager.

If you have agreed to a new working pattern (either on a temp or perm basis), please send the completed form to education.staffing@south-ayrshire.gov.uk. If you have refused the request, you must send the completed form to hr-policyoperations@south-ayrshire.gov.uk.

HEAD TEACHER/MANAGER DECLARATION:

I confirm that I have discussed the flexible working request with my employee and I:

- Agree to a new work pattern on a permanent basis.
- Agree to a new work pattern on a temporary basis.
- DO NOT agree to the request and have advised the employee of their right of appeal.

Please provide details of the **agreed** working pattern (days, hours, start and finish times):

What is the **agreed start date** of the new working pattern?

Click or tap to enter a date.

Is the change to working pattern Permanent or Temporary? Select as appropriate:

- Permanent
- Temporary

If temporary, what is the agreed end date of the flexible arrangement?

Click or tap to enter a date.

Head Teacher/ Manager Signature:

Date: Click or tap to enter a date.

Any advice on the policy should be discussed with Human Resources to ensure timescales and procedure are being met.

Appendix 2 – Template Letters

Please note that this communication can be sent to the employee either as a word document or within the body of an email.

Acknowledgement Letter	<p>Dear EMPLOYEE NAME</p> <p>I write to confirm receipt of your Flexible Working application which was received on DATE.</p> <p>I will write to you within 28 days to arrange a meeting to discuss your application.</p> <p>In the meantime if you have any questions, please do not hesitate to contact me.</p> <p>Yours Sincerely</p>
Invite to Flexible Working Meeting	<p>Dear EMPLOYEE</p> <p>Following your recent Flexible Working application I write to invite you to a meeting at TIME on DATE. The meeting will be held at LOCATION.</p> <p>NAME, TITLE will also be in attendance <i>*delete if no other attendees at meeting.</i></p> <p>Should the date, time or venue be unsuitable please do not hesitate to contact me to allow alternative arrangements to be made.</p> <p>You may, if you wish, be accompanied by your Trade Union representative or appropriate work colleague.</p> <p>It would be helpful if you would confirm both your attendance and the name of anyone accompanying you to the meeting.</p> <p>Yours Sincerely</p>
Extension of policy timescales	<p>Dear EMPLOYEE</p> <p>I write to advise that I wish to extend the amount of time the Flexible Working policy permits to consider applications.</p> <p>This is to allow me to <i>[arrange a meeting to discuss your application]; [notify you of my decision regarding your application]; [arrange a meeting with you to discuss your appeal]; [notify you of my decision regarding your appeal]. *Delete as appropriate.</i></p> <p>The time will be extended for DAYS to allow the necessary to be undertaken.</p> <p>Please notify me, by signing and returning a copy of this letter, that you are in agreement with this extension.</p> <p>Should you have any queries please do not hesitate to contact me.</p> <p>Yours sincerely</p>
Appeal Acknowledgement	<p>Dear EMPLOYEE</p> <p>I confirm that I have received your appeal letter in relation to INSERT NAME decision to refuse your request for Flexible Working.</p>

	<p>An appeal hearing will be convened in the next 14 days, and you will be notified of the details in due course. In the meantime if you have any questions, please do not hesitate to contact me.</p> <p>Yours sincerely</p>
<p>Invite to Informal Appeal Hearing</p>	<p>Dear EMPLOYEE NAME</p> <p>I am in receipt of your letter of DATE appealing against the decision to refuse your request for flexible working.</p> <p>In line with the Flexible Working policy I would like to meet with you on DATE at TIME at LOCATION to discuss this further.</p> <p>Following the hearing a decision will be made on your appeal and you will be informed of this, in writing, within 14 days of the appeal hearing.</p> <p>You may, if you wish, be accompanied by your Trade Union representative or appropriate work colleague.</p> <p>It would be helpful if you would confirm both your attendance and the name of anyone accompanying you to the interview.</p> <p>Yours sincerely</p>
<p>Outcome of Informal Appeal Hearing</p>	<p><u>Option 1 - Appeal Upheld/ Temporary Change</u></p> <p>Dear EMPLOYEE NAME</p> <p>I refer to the appeal hearing of DATE in which you were accompanied by NAME, TITLE.</p> <p>Having fully considered the grounds for appeal I am pleased to confirm that your appeal has been upheld and as a result I am able to accommodate your request to change your working pattern as follows:</p> <p>XX SPECIFY AGREED CHANGES – WORKING DAYS/HOURS/BREAKS XX</p> <p>Your temporary working arrangement will commence on DATE and as discussed; this change is on a temporary basis for a period of XXX WEEKS/MONTHS ending on DATE where you will revert to your substantive post/hours.</p> <p>An Amendment to your Terms and Conditions of Employment will be issued via Recruitment and Contracts in due course.</p> <p>In the meantime if you have any questions, please contact me as soon as possible.</p> <p><u>Option 2 - Appeal Upheld/ Permanent Change</u></p> <p>I refer to the appeal hearing of DATE in which you were accompanied by NAME, TITLE.</p> <p>Having fully considered the grounds for appeal I am pleased to confirm that your appeal has been upheld and as a result I am able to accommodate your request to change your working pattern as follows:</p> <p>XX SPECIFY AGREED CHANGES – WORKING DAYS/HOURS/BREAKS XX</p>

	<p>I would like to reiterate that this change is a permanent change to your terms and conditions of employment, and you have no right to revert back to your previous working pattern.</p> <p>Your new working arrangement will commence on DATE.</p> <p>An Amendment to your Terms and Conditions of Employment will be issued via Recruitment and Contracts in due course.</p> <p>In the meantime if you have any questions, please contact me as soon as possible.</p> <p><u>Option 3 - Appeal Refused</u></p> <p>I refer to the Appeal Hearing held on DATE in which your Flexible Working appeal against the refusal of your Flexible Working application was heard.</p> <p>Having reviewed all relevant matters and given due consideration to your appeal it is with regret that your appeal is not upheld.</p> <p>The ground(s) for this decision is/are:</p> <p>**include/delete reason(s) as appropriate** the burden of additional costs to the Council an inability to reorganise work amongst existing employees an inability to recruit additional employees a detrimental impact on quality a detrimental impact on performance a detrimental effect on ability to meet customer demand insufficient work available for the periods the employee proposes to work planned structural changes to the business</p> <p>The justification for my decision is/are XX insert justification for the above decision.</p> <p>Please note that in line with current legislation, you can only make 1 further application for flexible working within the next 12 months.</p> <p>You have a right of appeal and should you wish to do so please submit this in writing, setting out the grounds for your appeal to the Chief HR Officer within 14 days from receipt of this letter. The Chief HR Officer will arrange for your appeal to be considered by the Elected Members Appeals Panel within 28 days of the request for a hearing being received.</p> <p>In the meantime if you have any questions, please contact me as soon as possible.</p>
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Appendix 3

Further Considerations for Head Teachers, Depute Head Teachers and Principal Teachers

- The Council will give full consideration to all applications for Flexible Working including from those staff occupying promoted posts.
- No employee should automatically be turned down because they hold a leadership or guidance position.
- Due consideration should be given to alternative ways of working, with the balance of the decision on trying to accommodate wherever possible. This will ensure that valuable and experienced staff are retained in education whilst acknowledging they may have other commitments and/or circumstances outside of their employment which do not allow them to work on a full-time basis.
- **Promoted Posts** - The Head Teacher must discuss all requests from Depute Head Teachers with the appropriate QIM prior to any agreement being reached with the following principles applying:
 - Consideration should be given to the management responsibilities and class commitment of the teacher in question and the adjusted hours agreed accordingly.
 - The teacher requesting flexible working must consider how arrangements could work in their subject/stage and include such suggestions in their application for flexible working. If the request is granted it will be the responsibility of the teachers working flexibly, in conjunction with the Head Teacher, to ensure that satisfactory arrangements are in place for the continuity of educational provision for the pupils and to ensure suitable communication arrangements are in place.
 - Requests for flexible working from subject teachers will normally only proceed where an appropriate subject match can be arranged.
 - In relation to the Guidance function, where a Principal Teacher Guidance with a subject commitment requests flexible working, the Council reserves the right to advertise for someone who holds the same subject qualification as the original post holder.
 - Depute Head Teachers requesting flexible working would not normally require having their posts advertised as subject specific unless that particular Depute Head Teacher has a heavy class contact commitment in a particular subject or other unusual circumstances apply.
 - In relation to Depute Head Teacher posts in the secondary sector, there may be a requirement for the Head Teacher to redistribute the management duties. Such redistribution could impact on the job size for the promoted posts within the school and should be fully discussed with Education Services (Staffing team) prior to reaching any agreement.