

Education, Skills and Community Wellbeing Directorate
Policy

FLEXIBLE WORKING POLICY FOR TEACHING STAFF AT ALL LEVELS

2024

1. INTRODUCTION

1.1 Flexible working is a way of working that suits the needs of the employee. It is a way of sharing, staggering or breaking up the normal working day or week in order to improve work/life balance. Dumfries and Galloway Council (the Council) recognises the importance of work life balance and providing employees with an opportunity to manage their time at work in a flexible manner.

1.2 The availability of flexible working for employees is subject to operational and service needs being maintained.

2. THE BENEFITS OF FLEXIBLE WORKING

The benefits of flexible working include: reduced levels of stress; better work/life balance; more job satisfaction; reduced sickness absence; good-quality staff retained; continuity of staffing; employers have a greater talent pool from which to recruit.

3. PRINCIPLES OF FLEXIBLE WORKING

3.1 Under the Employment Relations (Flexible Working) Act, every employee has a statutory right to request flexible working from the first day of employment. Employees will be able to make two requests within a 12-month period. The law **does not** give an automatic right to flexible working, but employers **must** respond to requests.

3.2 **A request for flexible working should:** Flexible Working Application Form should be completed; make clear that this is a statutory request; state the date of the application, make clear the change being requested to working arrangements; state how this change might impact upon the school/college and how any such effect might be dealt with; include a statement saying if, and when, any previous application was made.

3.3 The employer has to consider seriously a request for flexible working. The employer must consider a request in a 'reasonable manner', which involves weighing up the benefits for the employee and the school/college against any potential adverse business impact. Decisions regarding requests and appeals must be made within three months of the request being made. The employer can treat the request as withdrawn if the employee misses two meetings to discuss the request.

3.4 If the employer **accepts** the request, or accepts it with modifications, they should write to the employee confirming the decision and start date no later than 10 working days after the request was approved. The employer should also write to the employee notifying them of the variation to their contract (e.g. working hours and pay).

3.5 If the employer **rejects** the request, they must have a sound business reason for doing so, which should be conveyed in writing. If the employer rejects the request, there is a right of appeal.

3.6 Requests may only be refused on the following grounds:

- The burden of additional costs;
- A planned structural change to the business;
- A detrimental effect on the ability to meet customer demand;
- A detrimental impact on performance;
- A detrimental impact on quality;
- Insufficient work for the periods the employee proposes to work;
- An inability to recruit additional staff.

4. FLEXIBLE WORKING ARRANGEMENT MEETING

4.1 Applications to change a working pattern will be considered by the employee's supervisor/manager/head teacher, who will meet with the employee within 5 working days to discuss the request. The employee may be accompanied at this meeting by a trade union representative or work colleague. During the decision making process it is recommended that HR advice is sought in cases where it is likely that the request may be refused. The line manager will write to the employee, normally within 10 working days of any meeting, advising whether their request has been accepted or refused, confirming the details of the arrangement or providing the reason(s) for refusal.

5. TRIAL PERIODS

5.1 Workstyles and working patterns changes that are implemented may be subject to a trial period to ensure that the arrangement has no negative effects on the employee, the team or service provision.

5.2 The length of the trial period will depend on the circumstances and be based on the needs of the service but will last for no more than six months. The arrangement will be monitored and reviewed throughout the trial period to ensure work objectives being achieved, service provision maintained, team morale and productivity sustained, work life balance achieved etc.

5.3 4 weeks prior to the end to the trial period the staff member and Headteacher must agree if this is a permanent arrangement to be put in place or the employee can return to their previous working pattern/hours. Should the permanent arrangement be refused by the Headteacher the Appeals process at Section 6 of the Policy should be followed.

5.4 All changes (including trial period and permanent changes) to number of working hours and work base, need to be reflected in the employee's contract. The line manager should therefore submit the [Change of Contract form](#) to Pay & Employment Services.

5.5 Where the change relates to working pattern only, it is the service's responsibility to maintain this on iTrent. The Line Manager should attach the new position from the agreed date (if the pattern does not exist they must raise a call with applications support to get it created) and once completed, email transactions to request that a holiday calculation is completed to ensure that deductions are falling as they would expect.

6. APPEALS PROCESS

If a request for flexible working is refused the employee (teacher) may appeal this decision. The appeal must be made in writing and submitted to the Schools' Manager – People within 5 working days of being advised of the outcome. They will convene a meeting, within 10 working days of the appeal being received, between the employee and the manager. The employee then the manager will be invited to present their views. The employee is entitled to be represented by a trade union representative. A decision (and the reasons for it) will be made in writing within 10 working days of the hearing. This decision is final and there is not further right of appeal.

7. AMENDMENTS

Where the employee wishes to cease the trial period early, this should be done in writing to the manager, providing appropriate notice pertaining to the position they hold in line with [SNCT Notice Periods](#).

John Thin
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Document History

Scheme Guidance

Version	Revision Date	Previous Revision Date	Summary of Changes
2.0	29 April 2021		Policy title changed to be relevant for TEACHING STAFF AT ALL LEVELS
3.0	6 December 2024		Directorate Update, addition of trial periods and notice period for ending trial period early
4.0	21 March 2025		Amendment under 3. PRINCIPLES OF FLEXIBLE WORKING

Committee Approval

Version	Committee	Committee Date
1.0	LNCT	22/05/2018