Department for Education

Guidance: Flexible working in schools

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Overview

This non-statutory guidance has been produced to:

- help employers develop and implement flexible working policies
- support employees who want to request flexible working

It draws on the latest evidence on flexible working, as well as good practice from education settings.

This non-statutory guidance trusts are encouraged to adopt a flexible working policy which responds to the needs of the staff, and the employer, and which supports the delivery of high quality education. Schools could consider extending it, where school approaches to flexible working, with contribution from all parties.

This guidance includes:

- an updated definition of flexible working and a broader range of flexible working
- information on the statutory requirements for requesting flexible working
- key considerations for leaders
- potential challenges in implementing and requesting flexible working

This guidance is intended to be read alongside our other resources on flexible working, including case studies.

Expiry or review date

This resource. the guidance published in February 2017 will be reviewed before September 2022.

Who this publication is for

This guidance is for:

- employers developing flexible working policies or processing flexible working requests, including
  - headteachers
  - school leaders
  - chief executive officers
  - local governing bodies
  - trustees
- school employers mounting flexible working
- local authorities providing human resources advice to maintained schools about flexible working

Benefits of flexible working

Flexible working can benefit all staff by supporting their health, safety and welfare of their staff. This includes minimising the risk of stress-related illness. It can also improve recruitment and retention, and reduce costs. It can also benefit when integrated with broader staff wellbeing policies.

We know that many schools are already implementing flexible working and supporting their staff. Research from the Department for Education (DfE) suggests that flexible working practices respect the following benefits from implementing flexible working:

- retaining experienced staff
- recruiting from a broader pool of teachers
- promoting wellbeing
- improving work-life balance

Offering flexible working arrangements can help to ensure that teaching roles employees of different backgrounds of their life, such as those:

- with caring responsibilities
- planning a phased retirement
- returning from a career break
- combining work in a school with professional development or work in the field of study

Defining flexible working

Flexible working can be defined as 'arrangements which allow employees to vary their hours of work and/or place of work'.

Some forms of flexible working that may be more suitable for particular roles in schools than others. Employers making a request should consider which arrangements may be most suitable for their role, taking into account circumstances only. It is possible for employees to have more than one type of flexible working arrangement in place. Arrangements may be altered as an individual's circumstances change.

In general, flexible working includes the below arrangements.

Part-time working

Part time

Working less than the full-time hours. Not all teachers who work part time are job sharers. The law does not have to consider requirements, particularly if they breach subjects for which there is low demand. Schools may not have full-time subjects for which there is high demand in place.

Job share

Two or more people doing one job and splitting the hours.

Phased retirement

Gradually reducing working hours and/or responsibilities to transition from full-time work to full-time retirement.

Varied hours

Staggered hours

The employee has different start, finish and break times.

Compressed hours

Working full-time hours over fewer days.

Annualised hours

Working a contracted across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee.

In-year flexibility

These types of flexible working may also form part of whole employee policies.

Personal or family days

Taking a reasonable amount during term time to which employees in a school are entitled.

Lieu time

Healthcare of work for having worked additional hours.

Home or remote working

The employee carries out work off-site.

The process for requesting flexible working

Flexible working can be requested through either statutory or non-statutory routes.

For both types of request, we encourage the requester and their manager to consider:

- the potential impact on the school
- options for a flexible working arrangement - employers can encourage staff to show flexibility when making a flexible working request, or may be able to suggest options that may be suitable for the role
- a phased approach to flexible working arrangements before any permanent changes are made

That periods should precede any contractual changes.

Flexible working arrangements can be requested by any member of school staff, including those who have completed their probationary period. Requests for flexible working are not limited to those returning from maternity leave.

We encourage the employer and employee to discuss the application an arrangement which aims to fulfil the employee's need and the school, in particular to ensure continuity and ensuring provision for pupils.

Statutory requests for flexible working

The Employment Rights Act 1996 introduces the formal right of employees to request flexible working from their employer, subject to certain requirements. This is known as 'making a statutory application'.

Employees are only eligible to make a statutory request for flexible working if they have not made a request to work flexibly within the past 12 months. Employers should be aware that employees may be making a request for flexible working request within three months, including the consideration of an appeal.

The employee should submit a written application to their manager:

- stating their desired working pattern and the intended start date
- explaining what effect, if any, the proposed change will have on the school and ways of mitigating the impact of the request on the school, if any
- including if their request is to a flexible working, for the example a phased approach to flexible working

Any request that is made and accepted will be a permanent change to the employee's contract terms and conditions, unless agreed otherwise. If the employer refuses the flexible working request, they must write to the employee with a business reason for refusal. The law states that employees may be able to submit a complaint to an employment tribunal.

For more information about making a statutory flexible working request, see the GOV.UK guide to the right to request flexible working.

Employers should check their organisation's policy to ensure they follow the procedures in place for documenting and keeping a record of flexible working requests.

If the school or trust does not have a flexible working policy, employers should refer to the guidance about what flexible working arrangements are available to them.

Non-statutory requests for flexible working

A non-statutory request for flexible working can be made whether or not the employee has made a request in the past 12 months. This can be used to request one-off or temporary flexible working arrangements, or arrangements which do not involve altering an employee's contract, for example, a request to work from home on a particular day or to change their hours worked on a short-term.

When making a non-statutory request, the employer and employee can agree to a trial period of the arrangement to contractual terms, or agree to a fixed-term change to contractual terms, for example, for a year.

To make a non-statutory request, employees should follow the process set out in the school or trust's human resources or flexible working policy. As far as possible, the employee should identify ways of mitigating the impact of the request on the school and other staff members.

Considerations for employers

Employers have a responsibility to consider flexible working requests:

- fairly
- in a timely way
- according to due process based on business need

Employers have a responsibility not to discriminate against employees based on:

- gender
- age
- race
- disability
- any other protected characteristic under the Equality Act 2010

Ultimately decision making on flexible working requests remains with the employer. The employer must notify the employee of their decision in writing, ideally within 3 months, including the consideration of any appeals.

Flexible working arrangements should be considered and agreed in way of addressing excessive workload. We are supporting headteachers to reduce unnecessary workload and improve their wellbeing.

Schools and multi-academy trusts are encouraged to adopt a flexible working trials prior to developing a flexible working policy. This will clarify the process and ensure that staff and leaders understand how the types of arrangement available and how suitable for school settings.

Some schools and trusts have offer arrangements such as a number of flexible working days per year. Some schools and trusts have an offer benefits in their recruitment and retention of teachers as a result.

Schools may find it more successful to develop a flexible working policy flexible working as a whole-school basis, rather than considering individual requests on a case-by-case basis. Some schools and trusts have found that this approach about their flexibility needs and discussing how staff work for each other, including:

- starting with staff the best times in the year to submit a request to align with the timetabling process
- reviewing arrangements for when staff can work from home
- outlining what is expected from staff when working from home

Here are some potential challenges to implementing flexible working and some considerations for employers.

Parental attitudes to flexible working arrangements

Employers may be concerned that parents may not support the flexible working arrangements adopted by their child's school.

Employers should consider:

- the benefits of retaining experienced employees (from case studies) and The benefits of flexible working ?
- the benefits of flexible working arrangements and adapting these where necessary

Cost

Some flexible working arrangements (such as having 2 job share partners) may be more costly.

The information is essential for an effective job share, employers are encouraged to find a period of overlap between job share partners.

If flexible working arrangements are successful and experienced employees are retained, the reduction in cost from recruitment and induction could offset the cost.

Attainment

Employers may be concerned that flexible working arrangements may negatively impact attainment.

There is limited evidence about the impact of flexible working on pupil outcomes. Employers can support themselves when making a flexible working request, as they may be able to suggest options that may be suitable for the role, for example, if an employee wants to work part time. they could be flexible about which days they work.

- cost-effective timetabling tools to help manage flexible working requests

Part-time leadership roles

Employers may be concerned that leadership roles such as Head of Department or Head of Key Stages are too demanding for part-time roles.

Employers should consider:

- how workload could be managed for employees wishing to work in leadership roles on a part-time basis, for example, by reducing teaching or admin necessary, using job share arrangements or a phased approach of redistributing a leadership role
- trialling flexible working arrangements and adapting these where necessary

The Education Act 2002 requires maintained schools to have a timetable set out times. Provided that the timetable does not exceed 1,265 hours per week, this requirement can be met by 2 part time contracts brought together to create a full-time arrangement.

Performance

Employers may be concerned that flexible working arrangements may have an impact on the performance of the requester or the staff team.

Where necessary, employers should:

- redesign the requester's job to ensure the scope fits the hours worked
- consider trialling flexible working arrangements and adapting these where necessary

Managing ad-hoc flexibility

Employers may be concerned that employees will request a high number of ad-hoc changes to their hours, which may be challenging to manage.

Employers may consider having a flexible working policy which creates a specific number of paid periods of time per year, for example, 30 days which all employees are eligible. This helps to ensure consistency.

School practices

Some practices, like meetings policies, may need to be adapted to take into account flexible working arrangements, for example, ensuring meetings finish during working hours. Schools can also consider using online platforms to make meetings more accessible.

Considerations for employees requesting flexible working

Employees wishing to make a request for flexible working should consider the potential impact of their request on the school and ways in which their request could be managed. Employees should follow the guidelines in their school's flexible working policy.

- which days are requested to work on-site working days
- which days are working from home
- whether these days could vary

This may help the employer to accommodate the request.

Here are some potential challenges to requesting flexible working and some considerations for employees.

Availability

Employees may not know what flexible working arrangements are available to them.

Employees should:

- read the school's flexible working policy, which should include information on the statutory and non-statutory routes for making a flexible working request
- speak to their manager about what flexible working arrangements are available to them. If the school does not have a flexible working policy in place

Workload

Employees may feel that managing workload may be more challenging if working part time.

Employees should speak to their manager about workload and can be managed alongside a reduction in hours. The school workload reduction toolkit can support schools to address workload.

Financial viability

Employees may feel that working part time is not financially viable.

Employees should consider:

- how teaching and learning responsibilities and other allowances could be adapted to support a part time role
- other types of flexible working arrangements that may be more compensated hours

For those who are considering retirement, a phased approach can help to manage finance effectively, alongside a reduction in hours. Employees who are considering a job share, or who are in a job share, should consider responsibilities may be able to adjust to support their pension contribution. Their job share employees will need to consider the rules of their pension scheme.

Progression

Employees may be concerned that flexible working arrangements will be a barrier to progression.

Teaching and learning responsibilities, leadership responsibilities and other allowances can be adapted to support a part time role. Employees should take into consideration:

- talk to their manager about how these responsibilities could be maintained within their specific flexible working arrangements
- speak to individuals who have successfully managed their flexible working arrangements

Home or remote working

Employees may feel that ideas to request home or remote working. If it is not detailed in the FAQ guide.

Employees should speak to their manager about home or remote working during PPA time. If it is agreed that this is feasible, the school may need to be adapted to take account of this, allowing employees to work off-site if safeguarding considerations allow.

Supporting returning to teaching

Employees of their return to teaching from coronavirus research shows that a flexible role can be important for those returning to teaching, especially following a caring-related break. We encourage employees in these circumstances to discuss their return to work with their manager in advance of taking a break.

Some returning teachers (like a lack of classroom confidence as a concern when coming back to teaching. Offering a period of classroom observation or teaching in a mentor may be valuable for those coming back after time as a teacher.

Female teachers are interested in a return to teaching if it is offered on a part time classroom teacher role. Then the National Tutoring Programme (NTP) is a flexible role that may be suitable for returning teachers. Find information on the Tutors Partners' and Students' Member pages of the National Tutoring Programme and details on how to apply are available.

Partner matts, physics and modern foreign languages teachers are also be interested in the Department for Education's Return to teaching advisory panel. Their role is to provide advice on how the teaching profession can be helpful applying for jobs and recruiting confidence after spending time out of the classroom. Some areas are not regional. Return to teaching.

The Department for Education's Return to teaching and Teacher vacancy are the tool that helps returning teachers find vacancies. Information about changes to the curriculum and behavioural standards.

Services and information

Benefits

Births, deaths, marriages and care

Business and self-employed

Childcare and parenting

Citizenship and living in the UK

Crime, justice and the law

Disabled people

Driving and transport

Education and learning

Employing people

Environment and countryside

Housing and local services

Money and tax

Passports, travel and living abroad

Visas and immigration

Working, jobs and pensions

Departments and policy

How government works

Departments

Worldwide

Services

Guidance and regulation

News and communications

Research and statistics

Policy papers and consultations

Transparency and freedom of information releases

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