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Guidance

Flexible working in schools

Updated 16 May 2022

Applies to England

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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.

Schools and multi-academy trusts are encouraged to adopt a flexible working policy which responds to the needs of the staff, and the employer, to address the challenges to flexible working in their school. Employers could consider embedding strategic, whole-school approaches to flexible working, with contribution from all parties.

This guidance includes:

- an updated definition of flexible working and a broader range of arrangements
- information on the process for requesting flexible working
- key considerations for leaders

- potential challenges to 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 replaces the guidance published in February 2017. It 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
 - governors
 - chief executive officers
 - local governing bodies
 - trustees
- school employees requesting flexible working
- local authorities providing human resources advice to maintained schools about flexible working

Benefits of flexible working

All employers have a legal duty to protect the health, safety and welfare of their staff. This includes minimising the risk of stress-related illness. A clear flexible working policy can form an important part of this duty, especially when integrated with broader staff wellbeing policies.

We know that many schools are already implementing flexible working and responding favourably to requests. As detailed in '[Exploring flexible working practice in schools: interim report, 2019](#)', schools report 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 suits employees at different stages 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 their field of study

Defining flexible working

Flexible working can be defined as 'arrangements which allow employees to vary the amount, timing, or location of their work' [\[footnote 1\]](#).

Some forms of flexible working may be more suitable for particular roles in schools than others. Employees making a request should consider which forms of flexible working are best suited their role, as individual circumstances vary. 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 full-time hours. Not all teachers who work part time choose to do so. This may be linked to subject and timetabling requirements, particularly if they teach subjects for which there is low demand. Employees can work full time but still have flexible work arrangements 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 but over fewer days.

Annualised hours

Working hours spread 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 employer policies.

Personal or family days

Days of authorised leave during term time to which all employees in a school are entitled.

Lieu time

Paid time off 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 informally discuss:

- 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, as it may not be possible for requests to be met in every case
- a trial period to test out flexible working arrangements before any permanent changes are made

Trial periods should precede any contractual changes.

Flexible working arrangements can be requested by any member of school staff, including those in leadership positions and non-classroom-based roles. Requests for flexible working are not limited to those returning from maternity leave.

We encourage the employer and employee to work together to establish an arrangement which works for both the employee's need and the school's, in particular to ensure consistently high-quality provision for pupils.

Statutory requests for flexible working

The Employment Rights Act 1996 introduces the formal right of employees to request flexible working following 26 weeks of continuous employment. 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 have a responsibility to provide a response to a statutory flexible working request within three months, including the conclusion of any appeal.

The employee should submit a written application to their manager:

- stating their desired working pattern and the intended start date
- at least 3 months in advance of the proposed change
- setting out ways of mitigating the impact of the request on the school and their colleagues
- including if their request is in relation to the Equality Act, for example as a reasonable adjustment for a disability

Any request that is made and accepted will be a permanent change to the employee's contractual terms and conditions, unless agreed otherwise. If the employer refuses the flexible working request, they must write to the employee giving

the business reasons for the refusal. The employee may be able to submit a complaint to an [employment tribunal](#).

For more information about making a statutory flexible working request, see the [ACAS guide to the right to request flexible working](#).

Employees should check their organisation's policy to ensure they follow the procedures in place for discussing their request with their line manager or head teacher.

If the school or trust does not have a flexible working policy, employees should speak to their manager 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 statutory route is available to an employee. This is often the route used to request one-off or temporary flexible working arrangements, or arrangements which do not involve altering an employee's contract, for example varying start or finish times but maintaining the same number of hours worked per week.

When making a non-statutory request, the employer and employee can agree to a permanent change of the employee's contractual terms and conditions, but this is not a requirement of the non-statutory route.

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 their colleagues.

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

Ultimate decision-making on flexible working requests remains with the employer. The employer must give a response to a statutory flexible working request within 3 months, including the conclusion of any appeal.

Flexible working arrangements should not be implemented as a way of addressing excessive workload. We are supporting headteachers to [reduce workload](#) and taking action to [reduce burdens on schools](#).

Schools and multi-academy trusts are encouraged to consult with education trade

unions to develop a flexible working policy. This will clarify the process and ensure transparency. The policy could outline the types of arrangement available and how requests will be processed.

Some schools and trusts now offer arrangements such as a number of personal or family days for all staff. These schools and trusts hope to see benefits in their recruitment and retention of teachers as a result.

Schools may find it more sustainable in the longer term to consider flexible working on a whole-school level, rather than considering individual requests as they arise. Implementing such an approach involves speaking to staff about their flexibility needs and designing solutions that work for wider groups of staff. This could include:

- sharing 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
- looking at how planning, preparation and assessment (PPA) time is scheduled

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 of employees, such as job shares.

Employers should consider:

- the benefits of retaining experienced employees (see [case studies](#) and '[The benefits of flexible working](#)')
- trialling flexible working arrangements and adapting these where necessary

Cost

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

As a full handover is essential for an effective job share, employers are encouraged to fund 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 that cost.

Attainment

Employers may be concerned that flexible working arrangements may damage pupils' attainment.

There is limited evidence about the impact of flexible working on pupil outcomes. Employers can support teachers who work flexibly to continue to deliver excellent teaching by:

- allowing sufficient handover time for job share partners
- ensuring continuity of other employees such as support staff

- speaking to other schools that have successfully implemented flexible working

Timetabling

Employers may be concerned that flexible working arrangements may lead to challenges associated with timetabling.

Employers may wish to:

- ask employees to submit requests by a particular date, to ensure there is sufficient time to plan the timetable
- encourage staff to show flexibility when making a flexible working request, as it may not be possible for requests to be met in every case - for example, if an employee wants to work part time, they could be flexible about their non-working days
- use 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 Stage are too demanding for part-time roles.

Employers should consider:

- how workload could be managed for employees wishing to work in leadership roles part time, as this can help to retain experienced staff
- where necessary, using a job share arrangement or other ways of redistributing a leadership role
- trialling flexible working arrangements and adapting these where necessary

The Education Act 2002 requires maintained schools to have a headteacher at all times. Provided that the headship is not left vacant for part of the week, this requirement can be met by 2 part-time contracts brought together to create a job share 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 personal or family days, which may be challenging to manage.

Employers may consider having a flexible working policy which states a specific number of paid personal or family days per year for which all employees are eligible. This helps to ensure consistency.

School practices

Some practices, like meetings policies, may need to be adapted to take account of flexible working policy. For example, meetings might need to be held only 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 these could be overcome. Employees should consider any flexibilities in their request, for example:

- which days are requested as non-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 how workload 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 maintained alongside flexible working arrangements
- other types of flexible working which may be of benefit, for example compressed hours

For those who are considering retirement, a phased approach can help to manage finances effectively, alongside a reduction in hours. Employees who are reducing their earnings due to part-time work or a reduction in responsibilities may be able to withdraw part of their pension to substitute their loss of income. 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 roles can be maintained within flexible working arrangements. Employees are encouraged to:

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

Home or remote working

Employees may not feel able to request home or remote working, if it is not detailed in the PPA policy.

Employees should speak to their manager about home or remote working during PPA time. It may be helpful to discuss how the PPA policy could be adapted to take account of this, allowing employees to work off site if safeguarding considerations allow.

Implementing effective flexible working practices: training for school leaders

We funded Timewise Flexible Working Consultancy from May 2021 to April 2022 to develop and deliver webinar based training on implementing flexible working practices.

The training was produced in collaboration with DfE and sector experts and is aimed at:

- headteachers and multi-academy trust leaders
- HR and business leaders
- governors and trustees

See [webinar recordings created for headteachers and multi-academy trust leaders](#).

Supporting returning to teaching

[Evaluation of the return to teaching pilot programme](#) 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 flexible working options with their employer in advance of taking up their role.

Some returning teachers cite a lack of classroom confidence as a concern when coming back to teaching. Offering a period of classroom acclimatisation or access to a mentor may be valuable for those coming back after time out.

If former teachers are interested in a more staggered return to a full-time or part-time classroom teacher role, then the National Tutoring Programme offers 2 alternative options to return to the school environment. Further information on the 'Tuition Partners' and 'Academic Mentor' pillars of the [National Tutoring Programme](#) and details on how to apply are available.

Former maths, physics and modern foreign language teachers may also be interested in the Department for Education's Return to teaching advisory service. This flexible, bespoke one-to-one service provides returners with help applying for jobs and boosting confidence after spending time out of the classroom. Former teachers can register at [Return to teaching](#).

More generally, there are a range of resources available on the [returner pages](#) on the Get into teaching website that can help former teachers learn about changes to the curriculum and behavioural standards.

1. De Menezes, L.M. and Kelliher, C. (2011) Flexible working and performance: a systematic review of the evidence for a business case. *International Journal of Management Reviews*. Vol 13, No 4. pp 452–74. [↵](#)

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