

## Introduction

George Watson's College ("the School") believes that where flexible working can be accommodated, it can offer a range of benefits for both employees and the School, including increasing employee motivation, promoting a positive work-life balance, making employment more accessible to more people, reducing stress, improving retention and recruitment, helping address labour or skills shortages, and improving performance and productivity.

The policy is part of the School's commitment to family friendly working and is aligned to the core principle of the School, *ex corde caritas* – love from the heart. This policy sets out the School's approach to flexible working arrangements which is in accordance with the [ACAS code of practice](#) on handling requests to work flexibly in a reasonable manner.

Every employee has a statutory right to request flexible working. This right applies from the first day of employment. Requests for flexible working may be made for any reason and are not restricted to colleagues with family care commitments, using the procedure at **Appendix 1**.

This policy provides guidance to colleagues in relation to their legal right to request flexible working. Whilst the School is not obliged to grant flexible working requests, it does have a legal duty to consider such requests seriously and must grant a statutory request for flexible working unless there is a genuine business reason not to.

## Policy Aims

The aims of this Policy and associated procedures are as follows:

- To ensure that the School complies with its legal requirements and in relation to the ACAS code of practice on flexible working requests
- To provide a clear framework and comprehensive guidance for flexible working requests and the associated decision making processes
- To help support our employees in striking a good work-life balance, wherever possible.

## Scope

This Policy and associated procedures applies to all colleagues (i.e. employees) directly employed by George Watson's College and who meet the eligibility criteria.

## Eligibility

In order to make a request under this policy a member of colleagues must:

- Be employed by the School, i.e. this Policy and statutory right does not apply to agency workers
- Have not already made two requests to work flexibly in the preceding 12 month period.

In line with the ACAS code of practice, there will be a decision on the flexible working application within two months, unless a longer period of time has been agreed with the employee who submitted the request.

Please be aware that depending on the time of year that the request is made, it may not always be possible to give a decision in the timescales listed. This may be to do with timetabling or class allocation. Any such reason will always be made clear to the applicant as soon as possible after the application has been submitted, so that agreement to extend the consultation/decision making period may be extended.

## General Principles

The policy is underpinned by the following principles:

- Requests will be considered promptly, fairly and with sensitivity

- Each request will be considered in line with the needs of the department/business area, including any possible impact on other colleagues and service/teaching provision. In some cases, this may mean that it will not be possible to agree to a request.

## **Types of Flexible Working**

Flexible working is a broad term that describes any working arrangement where the number of hours, time or place where work is undertaken is varied from standard practice. This includes, but is not limited to the following:

- Change to number of hours, e.g. reduced hours, part-time working
- Change to the times a colleague is required to work
- Working from home or hybrid working
- Working pattern changes, e.g. term time only, compressed hours, annualised hours
- Job sharing arrangements
- Winding down or phased retirement plans, in accordance with the appropriate pension scheme rules

Job sharing is an arrangement where two part time employees share a role. These arrangements can be complicated and flexibility by job sharing partners is needed in order for this arrangement to work effectively. However, an appreciation that job sharing partners will have other commitments outside the workplace is also important to make this arrangement work.

Phased retirement is for colleagues wishing to reduce their working hours prior to retirement, e.g. over the last/last few years of their employment.

## **Relevant Legislation**

The following legislation is relevant in relation to the School's Flexible Working Policy:

- The Children and Families Act 2014 (and subsequent amendments)
- Employment Rights Act 1996 (and subsequent amendments)
- Equality Act 2010
- Flexible Working Regulations 2014
- Flexible Working (Amendment) Regulations 2023

## **Other Relevant Policies**

Agile Working Policy

Grievance Policy and Procedures

## **Questions or Complaints**

If an employee feels they have been treated unfavourably, or the policy has not been applied appropriately, they should first consider raising the issue informally with their line manager, PLT member or Human Resources. If the matter cannot be addressed or resolved informally, the School's Grievance Policy and Procedure should be used.

## **Effective Date**

The Flexible Working Policy and associated procedures are effective from **June 2024**. This policy supersedes any previous policies or procedures relating to working time.

## **Approval and Review**

The owner of this policy is the Head of Human Resources.

The Flexible Working Policy has been approved by the Staff Committee of the Governing Council, following endorsement by the Principal's Leadership Team and ICE Committee.

In line with the agreed schedule, the School will review the Flexible Working Policy at least every two years, or as soon as practicable after any change of relevant legislation, to ensure that the policy and associated procedures continue to comply with current employment legislation and to meet the School's operational needs.

***Date of next review: Spring 2025***

## **Appendices**

- Appendix 1 Flexible Working Procedure
- Appendix 2 Flexible Working Application Form (parts 1 and 2)
- Appendix 3 Guidance Notes for Employees

# Appendix 1

## Flexible Working Procedure

Before commencing the formal process of applying for flexible working, colleagues who are considering their options are encouraged to explore possible options and/or impact on their salaries, leave and pension arrangements in an informal manner with Human Resources, Payroll or their direct line manager, without prejudice to any formal application.

Once a colleague has made a decision to apply for flexible working, a formal procedure is needed, in order to comply with the legislation that supports this statutory process. The procedure is outlined below.

### **Making a Request for Flexible Working**

All requests should be made formally in writing through the completion of the School's Flexible Working Application Form (Annex 2) and be submitted to the Human Resources Department.

As it can take up to two months from receipt of the original request to the process ending, it is recommended colleagues submit their request for flexible working as early as possible.

The legislation confirms that there should be a decision on a flexible working application within two months. However, given the nature of a school session, it may not always be possible to agree to a request made at particular times of the year. For example, a request for a change to working pattern from the start of a school session could potentially not be confirmed until the timetabling process is underway. In such circumstances, the School will discuss and agree an alternative timescale with the employee.

Only **two** applications for flexible working can be made within any 12 month period. An employee may only have one "live" request for flexible working at any one time. *(NB: a request remains live during any appeal or any extension to the two month decision period that the employee and the School have agreed).*

Guidance notes for employees considering making a request are available at **Appendix 3**.

### **Meeting**

Within 28 days (4 weeks) of receipt of the request the colleagues will be invited to attend a meeting.

For teachers, this will usually be with the Head of School, Head of Department and Head of HR. Other relevant managers could be invited as appropriate, for example Deputy Heads.

For professional services staff this will usually be with the Head of the Department/Director. The Head of Human Resources will be present at all meetings.

The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to the colleagues and the School. Where a meeting is held, the employee has the right to be accompanied by a work colleague, if they wish.

Where a request can be met without further discussion a meeting may not always be necessary.

Decisions on whether or not a request can be granted will be based upon the School's ability to deliver high quality and efficient services. Other considerations taken into account include,

- Impact of changing hours and pay on departmental costs
- Health and safety requirements, e.g. home working
- Impact on others, redistribution of work elsewhere
- Long term problems caused by the proposal
- Potential indirect or direct discrimination
- Consistency of approach; equal opportunities

Not all working patterns or flexible working options will be suitable for all departments. It may also be difficult to accommodate flexible working requests from a number of employees in the same area.

## **Outcome**

The request will be carefully considered, weighing up the potential benefits to the employee and to the School against any adverse impact of implementing the proposal. Previous requests may be reviewed for consistency purposes but each request must be considered on a case by case basis, having due regard to equal opportunities for all. Agreeing to one employee's request will not set a precedent or create a right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the decision within 14 days (2 weeks) of the meeting.

The request may be granted in full or in part: for example, the School may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

All decisions will be documented and recorded in Human Resources in a central register.

## **Temporary/Trial Periods**

Where a trial is offered, the employee may be asked to relax deadlines for processing and implementing a request.

Trial periods may be suggested to ensure the effectiveness and suitability of the arrangement for both the employee and the School. Trials will be implemented on the basis that:

- They are short term, normally no longer than 3 months
- All parties agree to the trial
- Agreed measures of success are agreed at the outset
- Any extension of the trial is agreed by all
- At the end of the trial a formal review is undertaken which includes discussion with any colleague who is potentially affected.

Upon successful completion of the trial, any change agreed will be a permanent change to the employee's terms and conditions of employment unless a further trial or temporary period is agreed.

## **Granted Requests**

Where a request is granted the employee and the manager/s involved will discuss how and when the changes will take effect. Providing that agreement is not given on a temporary or on a trial period basis, a permanent change will be made to the employee's terms and conditions. This may include pro rata adjustments to salary and leave entitlements.

Any changes to terms and conditions will be put in writing, by Human Resources, and sent to the employee as an amendment to their terms and conditions of employment as soon as is reasonably practicable.

Job Share arrangements are a possibility subject to operational requirements. Terms will be agreed for each case and confirmed in the letter.

## **Refused Requests**

Reasons for the refusal of any request will be provided in writing and must only be for a legitimate reason, as set out in the legislation: i.e.

- the burden of additional costs is unacceptable;
- an inability to reorganise work among existing colleagues;
- an inability to recruit additional employees;
- the School considers the change will have a detrimental impact on quality;
- the School considers the change will have a detrimental impact on performance;
- the School considers the change will have a detrimental effect on ability to meet pupil, customer or service demand;
- there is insufficient work for the periods the employee proposes to work; and
- where the request does not fit into planned structural changes

No refusal will be made until the Human Resources Department has been consulted. All decisions to refuse a request must be justified and fully documented.

### **Timescale Adjustments**

Where any timescales cannot be met, for example due to employee absence, School holidays or peak periods, the employee will be asked if they are prepared to relax the timescale for consideration of their request.

### **Review and Monitoring**

All decisions will be documented and a central register held in Human Resources. This register may be used in making future decisions and/or for monitoring and analysis of patterns that may emerge.

All flexible working arrangements must have a formal review with the employee and their line manager. The review must be documented and should consider whether the arrangement is providing the original outcomes discussed at the initial meeting. Both parties should be prepared to make minor adjustments to the arrangement if circumstances change or the review highlights the need.

Documentation of the review must be sent into the Human Resources Department.

### **Support, Complaints and Appeals**

If any employee is unclear about the flexible working policy or procedures at any stage throughout the process, they should contact the Human Resources department for assistance.

If an employee is dissatisfied with the way in which their request has been handled, they should raise a grievance under the School's Grievance Policy and Procedure (this is separate to the appeal procedure outlined below).

There is no statutory right of appeal against a decision about a flexible working request; however, the School considers that offering employees the right of appeal to be good practice.

If an employee wishes to appeal against the outcome of their flexible working request, they must do so in writing to the Principal, within 10 working days of receipt of the outcome of their flexible working request. Any appeal must:

- confirm the grounds of appeal
- confirm what outcome the employee is seeking
- include any additional evidence, where relevant to the appeal

The Principal will acknowledge receipt of the appeal and will appoint a Chair of the appeal hearing, who will be a member of PLT not involved in the original decision. Further details of how any appeal will be managed can be found in the School's Appeals Procedure document.

In some circumstances, employees can complain to an Employment Tribunal or to the ACAS arbitration scheme. Details are available on the [ACAS website](#), along with information about how mediation may help the employee and the School reach an agreement.

## Statutory Flexible Working Application (part 1)

Please give the completed form to the Human Resources Department.

Employee Name:	
Employee Number:	
Job Title and Department:	
I have not already made two flexible working requests in the last 12 months	(tick)
Describe your current working pattern (days/hours/times worked):	
Describe the working pattern you would like to work in future (days/hours/times worked):	
I would like this working pattern to commence from:	
Is this application a request for reasonable adjustment in response to a disability, as defined by the Equality Act 2010? Yes/No	
Signature:	
Date:	

## Flexible Working Application Form (part 2)

To be completed by the Head of Department/Line Manager and returned to HR

Employee Name:
Employee Number:
Job Title:
Department:

Flexible working arrangements agreed (provide full details of new arrangements):		
Permanent change to contractual terms	(tick)	Start date:
Temporary change to contractual terms (incl trial)	Start date:	End date:
If temporary/trial provide explanation:		
Manager name (print):		
Manager signature:	Date:	
Manager to send this form to the Human Resources Department HR will confirm contractual changes in writing to the employee and make necessary changes to payroll and employee record		

Flexible working arrangements rejected	
Reason for rejection (refer to policy for valid reasons)	
Explain reasoning:	
Further comments:	
Manager name (print):	
Manager signature:	Date:
HR informs the employee giving a full explanation. HR record decision and retains form	



# Appendix 3

## Guidance Notes for Employees

This guidance should be read in conjunction with the Flexible Working Policy and Procedures.

Finding the right work-life balance is important for all of us in terms of motivation and commitment to our work. Flexible working arrangements can be beneficial for both employees and the School. However, please bear in mind the following as you make your application.

1. The arrangements need to suit the School as well as yourself. You have a right to request flexible working, not a right for this to be approved, as a request can be refused for a genuine business reason.
2. You are requesting a permanent change to your terms and conditions of employment, so you cannot expect to automatically revert to your original hours at a future date. Any future changes would be through the same application process and will depend on the School needs and budget at that time. If you are only requesting an informal short-term temporary arrangement to deal with personal issues, such as reduced hours for a couple of months to care for a sick relative, discuss this with your manager as it may not be appropriate/ necessary to use this procedure.
3. There is no statutory requirement for you to explain the impact your flexible working request may have on your department or the School, or how any such effect may be dealt with. However, thinking about what effect your requested arrangements might have on the work you do, the service we provide to our pupils, parents, and other stakeholders, or how it might affect your colleagues and the rest of your team could be useful in advance of a meeting. It may be helpful to think about questions such as:
  - Could the job be done differently, but equally effectively?
  - Would a replacement/cover be required or could the work be done at a different time or in a different way?
  - Are there any potential costs or savings?
  - What are the potential benefits of the proposed flexible working arrangements?
  - Does this present any development opportunities for others in the team?
  - For teachers, you should consider the effect on timetables and pupils
  - If you are on probation will this be affected or need to be extended?
4. Your manager will arrange to meet with you to discuss your request. This provides the opportunity to explore the potential benefits of your request and consideration of how it might be accommodated. As noted in Section 3 (above), thinking about this in advance may help your manager understand your application. You do not have to explain the reasons for your request but it might help your manager to understand your needs in order to explore the best way to meet both these and those of the School.
5. Your manager is free to explore alternative suggestions with you in order to try to find a compromise solution. They may suggest a temporary or trial period if they have justifiable reservations, or suggest a different start date e.g. if other measures need to be put in place in order to make your request workable.
6. Agreeing to a request from an individual colleague does not set a precedent. Your manager must consider each case individually based on the impact on the School, at that point in time. If there are already a number of other colleagues working flexibly in your area, your manager may be unable to approve any further requests due to the impact on the pupils and/or the School.
7. It may be that the type of flexible arrangements you would like are not suitable for the type of role for

which you are employed. In these circumstances, you may need to consider alternative roles if you wish to pursue this.

8. Having weighed up the situation, there is no legal obligation to grant the request if it cannot be accommodated. Your manager may turn down a request as long as the reason for turning it down is one of the genuine business reasons set out in the policy.
9. If you are working with the School on a visa, please consult HR before making a request as any changes to your contract may affect your visa.
10. Once a decision has been reached, this will be confirmed in writing to you.

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