



Care and Learning Service

Highland Local Negotiating Committee for Teachers

LNCT Agreement No. 38

Flexible Working Policy

LNCT 38 replaces the previous policy on Job Share – Teaching Staff (as per Circular R3/33 dated 17 January 1995)

1. Introduction

- 1.1 The Highland Council believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress and improve performance and productivity.
- 1.2 As an employer the Council is committed to recruiting, retaining, developing and motivating employees by ensuring that they are able to balance work and personal commitments.

This policy applies to:

- Employees covered by the Scottish National Conditions for Teachers, but does not apply to
- Educational Psychologists, Quality Improvement Officers and Quality Improvement Managers, who are covered by the Corporate Policy, which can be accessed here:
https://www.highland.gov.uk/peopleandperformance/downloads/file/378/flexible_working_policy_approved_2015pdf

2. Aims

- 2.1 The aims of this policy are to:
 - Promote flexible working to support effective service delivery and efficiencies within the Council.
 - Enhance the working environment for teachers by offering flexible working options which support work/life balance.
 - Provide a planned approach which creates a strong framework to balance service requirements and individual preferences while maximising service delivery and learning and teaching experiences.

3. Principles

- 3.1 This policy is focussed on service improvement and improving working lives. It is an overriding principle that service provision and particularly learning and teaching must not suffer and that there should be no detriment to colleagues as a result of the introduction of flexible working for any individual teacher. Where requests are made, the needs of the service and requirements of the job will be paramount.

- 3.2 As an employer the Council is committed to taking a proactive and flexible approach to the management of work issues and this will be reflected in the decisions made by managers on behalf of the Council.
- 3.3 Each request will be considered on its own merits in the light of the requirement to provide quality education to our pupils. All requests to work flexibly will be considered objectively, and will be refused if there are service reasons for doing so. It must be noted that flexible working is more difficult to accommodate for employees in teaching roles.
- 3.4 The requesting teacher will receive written confirmation of the Council's decision. If unsuccessful this will include reasons why the service grounds are not considered to be met.
- 3.5 The Council provides teachers with the right of appeal to next level of management within the Service within 14 days of being notified of the decision.
- 3.6 Under this policy all applications for flexible working are requested by the teacher.

4. Application procedure and timescales

- 4.1 An eligible teacher who is seeking to make a change to their working arrangements within the scope of this policy should complete an Application for Flexible Working Form detailing the nature of the flexibility sought. The form should be submitted to the applicant's Head Teacher and can be found here: https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements. The request can be for:
- A reduction in hours worked
 - A variation in working pattern
- 4.2 The Head Teacher in close liaison with the Workforce Planning team should consider whether or not the request could be accommodated within 28 days of receiving the request. If the request is agreed on the basis of the information submitted, the Head Teacher, after agreeing the decision with the Workforce Planning team should notify the teacher. The teacher will receive written notification of the variation in contract outlining the date from which it is to take effect.
- 4.3 In some cases the Head Teacher may wish to meet with the teacher to discuss the application before a decision is made. The meeting should normally take place within 28 days of receipt of the application. Following the meeting, the Head Teacher should notify the teacher of the decision, in writing and within 14 days of the meeting. Possible decisions include:
- agreement to the original request,
 - compromise agreement (as discussed during the meeting),
 - not possible to accommodate the request at this time.

- 4.4 If the application has not been agreed then the teacher will be notified of the reason/s for refusal. A further request may be considered after 12 months has elapsed.
- 4.5 Teachers may choose to be accompanied to any meeting during this procedure.

5. Appeal Procedure

- 5.1 If the application is refused the teacher may appeal the decision. The appeal should be submitted in writing, setting out the grounds of the appeal, within 14 days of receipt of the written decision.
- 5.2 The applicant may appeal the decision if there is new information that was not available to the Head Teacher at the time they made the original decision **or** if the applicant thinks that the application was not handled reasonably in line with this policy or statutory entitlement.
- 5.3 The appeal should be submitted to the (Education Quality Improvement Manager) using the Flexible Working Request Decision Appeal Form which can be found here:
https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

6. Withdrawal of an Application

- 6.1 The Council may treat an application as being withdrawn where the teacher has:
- Notified the withdrawal orally or in writing
 - Failed to attend a meeting under this procedure more than once without reasonable cause
 - Refused to provide information necessary to assess the application without reasonable cause.
- 6.2 Except where the withdrawal has been provided in writing, the Council will confirm the withdrawal to the teacher in writing.

7. General

- 7.1 The timescales for considering an application or an appeal may be varied in exceptional circumstances, by mutual agreement of the parties.
- 7.2 There may be instances where the Head Teacher is unsure that the arrangements requested are sustainable within the school or about the potential impact on other teachers. In such cases, the Head Teacher and the teacher may agree for the arrangements to be in place on a temporary or trial period basis rather than rejecting the request. This would be to cover specific need only such as return from long term illness.
- 7.3 Subject to discussion with their Head Teacher, the requesting teacher will be

given time off during working hours to attend any meetings specified by this procedure.

8. Guidance

8.1 Guidance, information and tools will be developed and maintained in partnership through the Local Negotiating Committee for Teachers. Including:

- Flexible Working Guidance for Head Teachers
- Flexible Working Guidance for Teachers

9. Legislation

9.1 The development and application of this policy and appended procedures is guided by:

- Employment Rights Act 1996
- Children and Families Act 2014
- Flexible Working Regulations 2014 (SI 2014/1398)
- ACAS Code of Practice
- Equality Act 2010

10. Monitoring

10.1 The application of this policy will be monitored through the Highland Council LNCT.

Signed on behalf of the Council

Signed on behalf of the Teachers' Side

Name Sandra Campbell

Name Alistair Bell

Designation Joint Secretary LNCT

Designation Joint Secretary LNCT

Date 14 November 2018

Date 14 November 2018

Care and Learning

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Flexible Working Applications Guidance for Head Teachers

Introduction

Under provisions set out in the Employment Rights Act 1996 and regulations made under it, all employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made.

An employee can only make one statutory request in any 12 month period. Employees who have been employed for less than 26 weeks do not have a statutory right to request flexible working.

What is Flexible working?

In essence, "flexible working" involves employers making adjustments to their standard working arrangements to accommodate their employees' preferences, subject to service requirements.

Who can make a flexible working request?

Under part 8A of the Employment Rights Act 1996, qualifying employees may apply to their employer for a flexible pattern of work.

To be eligible to make a statutory request for flexible working, an employee must have at least 26 weeks' continuous service.

What sort of changes can teachers request?

- A reduction in hours worked
- A variation in working pattern

How often can a teacher request a change?

Employees are limited to making one application for changes to be considered in any 12 month period.

What procedure should the teacher use to make a request?

Where a teacher initially approaches their line manager they should make the teacher aware of the procedure and if necessary help them to clearly define their proposal. The teacher must apply in writing to their line manager using the Flexible Working Application Form (attached as per Appendix 1). Flexible Working Application Forms for Teachers are also available on the Highland Council's website:

https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

The line manager should arrange, within 28 days, for an appropriate time to meet with the teacher to discuss the desired work pattern in depth and to discuss how it might be accommodated. The teacher has a right to be accompanied by a colleague or trade union representative at this meeting.

After the meeting the line manager will consider how requests might be accommodated and what the implications would be. The manager should also consider meeting with the wider team before deciding whether the request should be granted either in whole, in part or not at all. Justification will be required to support the decision.

Unless further action is necessary before notifying the teacher, within 14 days after the date of the meeting, the line manager will write to the teacher to agree a new work pattern and start date, or to provide reasons why the request cannot be granted. The line manager will also arrange for any changes to be made to the teacher's contract of employment by completing the necessary change form (word document) and forwarding to Workforce Planning.

What factors may be taken into account when considering a request?

Each request should be considered on its own merits in the light of the requirement to provide a quality service. As an employer the Council is committed to taking a proactive and flexible approach to the management of work issues and this should be reflected in the decisions made by line managers.

Requests to work flexibly must be considered objectively and a manager can only refuse them if there are service reasons for doing so. The statutory code of practice requires employers to do this. These service reasons are:

- **The additional costs will impose a burden.**

Example:

Two teachers apply to share a post on a part time basis but both wish to work 0.6 fte each and the school only has a budget for a 1.0 fte post. It could be negotiated so that each teacher works 0.5 fte but if this is not acceptable then the request would be refused.

- **Agreeing to a request will have a detrimental effect on the Service's ability to meet teaching requirements.**

Example:

Depending on the type of request and the time of year the request is received, it may have an impact on the school's ability to meet existing timetable requirements. In this case an option could be to consider the request again at the change of timetable when the reduced/changed hours could be factored in.

- **It is not possible to re-organise work among existing staff.**

Example:

In a school situation it is unlikely there will be sufficient capacity within existing staff to undertake additional class contact time.

- **It is not possible to recruit additional staff.**

Example:

Recruiting additional staff is not an option unless the request is for a reduction in hours. It may not prove possible to recruit a teacher in a particular subject area or to a remote location and if this is the case then the flexible working application would have to be refused. However the vacancy would require to be advertised before this decision could be reached.

- **Agreeing to the request will have a detrimental impact on performance.**

Example:

When considering a request, managers can take into account the current staffing arrangements they have in place, for example if they already have a number of part time staff and to allow another request would have a serious detrimental effect on the provision of learning and teaching within the school. It could be the case that a discussion was held with all part time staff to see if a compromise could be reached to accommodate the flexible working application.

- **There is insufficient work during the periods the employee proposes to work.**

Example:

Teachers are required to undertake their class contact time during the pupil day and therefore would not be in a position to fulfil their class contact contractual requirements out with the pupil day.

What information must the line manager provide to the employee after reaching a decision?

The line manager must inform the teacher of their decision in writing within 14 days of the meeting. If an application is accepted the manager should complete the necessary change form (word document) and forward to Workforce Planning. The notification to the teacher must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated

If an application is not successful the notification must:

- State the service ground(s) for refusing the application
- Provide sufficient explanation as to why the service ground(s) for refusal apply in the circumstances
- Provide details of the teacher's right to appeal
- Be dated

The explanation should include key facts about why the service ground(s) apply and should not be overly long or complex. A couple of paragraphs should be sufficient. The explanation should include relevant facts, be in plain English and avoid unfamiliar jargon.

Is there a right of appeal against the line manager's decision?

Yes. Teachers who wish to appeal against any decision can do so by writing to next level of management within the Service within 14 days of being notified of the line manager's decision.

Can an application be withdrawn?

Yes. If a teacher decides to withdraw an application they should write to the line manager as soon as possible.

An application will also be considered withdrawn if a teacher fails to attend two meetings without good cause or if he or she refuses to provide the line manager with the required information.

If a teacher withdraws an application he or she will not be eligible to make another application for 12 months.

Handling requests to work flexibly in a fair way

There may be some occasions, when a manager receives more than one request to work flexibly closely together from different teachers. Where this happens it may be possible to grant all of the requests received. However, before doing so the manager will need to look closely at the impact this would have on service delivery before coming to a decision. Requests should be considered in the order they are received, on a first come first served basis. Having considered and approved the first request the manager should remember that the service context has now changed and can be taken into account when considering the second request against the service reasons set out above.

When a manager receives more than one request, they are not required by the law to make value judgements about the most deserving request. A manager should consider each case on its merits looking at the service delivery and the possible impact of refusing a request. A manager may want to have a discussion with the teachers to see if there is any room for adjustment or compromise before coming to a decision.

Flexible Working Examples

Part-time working

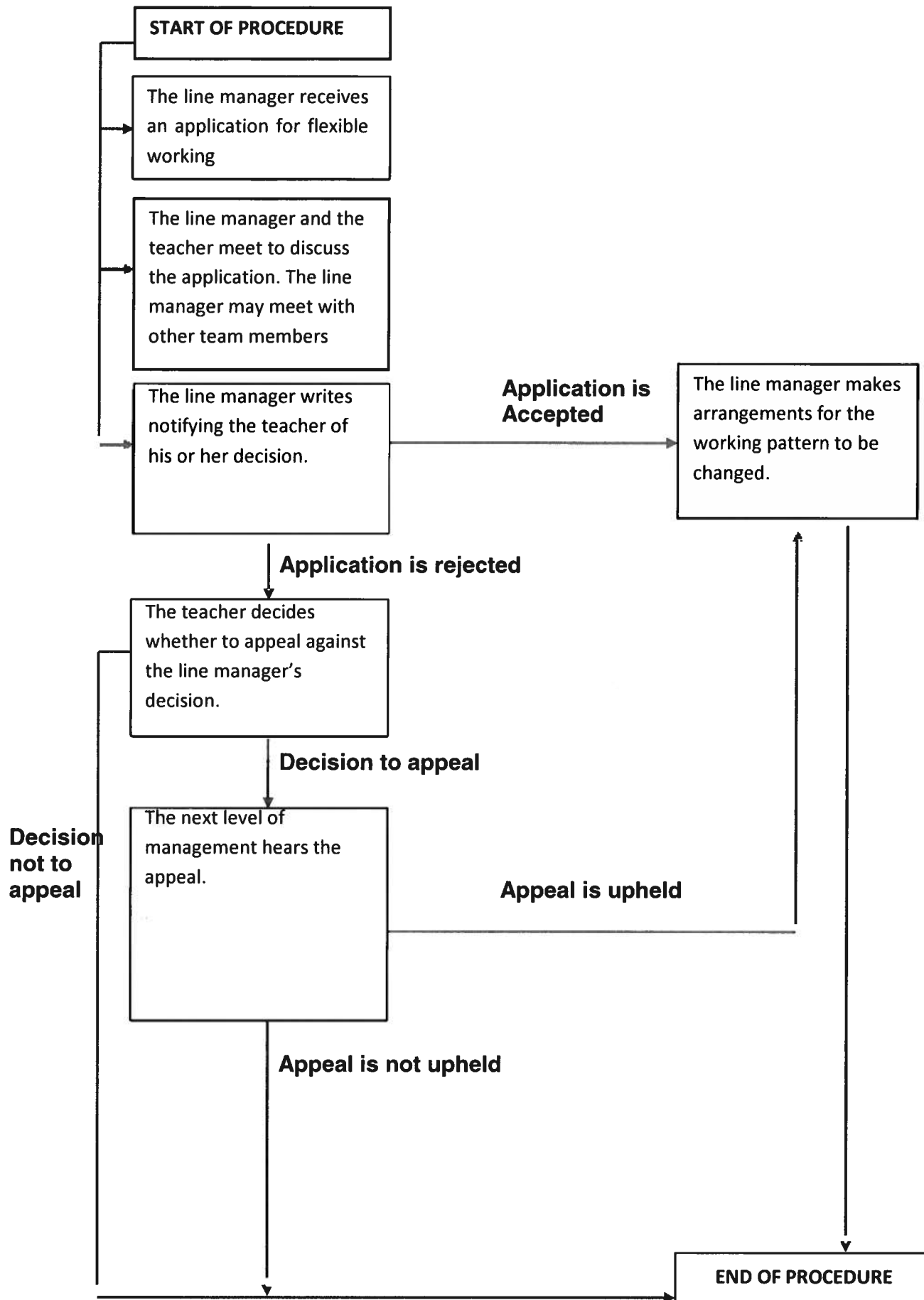
Part-time working is the most prevalent and established type of flexible working. Although it is often equated with half-time working (for example, 17.5 hours instead of a full-timer's 35 hours), any number of hours below the Service's standard working week can be considered as part-time working. Part-time work usually involves agreeing a set number of hours to be worked per week or month under a contract of employment. There is usually an agreed pattern to the hours of work.

Part-time issues that must be considered and addressed include:

- arrangements for training and meetings, which are often designed around full-time workers' hours.

Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers. For further information contact Human Resources.

Flexible Working Arrangements – Procedure Flowchart



You should use this form to make a request to work flexibly. Before completing this form you should read the guidance note *Flexible Working Guidance for Teachers*. This guidance note can be found on the Highland Council's website.

https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

This form can be filled in onscreen by using the tab key to move between fields. The form may then be saved and printed or emailed.

Completed forms should be forwarded to your line manager.

Statement by the Teacher

I would like to apply to work a flexible working pattern that is different to my current working pattern.

- ☐ I have worked continuously for the Council for the last 26 weeks
☐ I have not made an application for flexible working in the past 12 months

Name:

Job Title:

Payroll No:

Service:

Name of
line
manager:

Describe your current working pattern (days/hours/times worked):

Describe the working pattern you would like to work in future (days/hours/times worked):

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I would like this working pattern to commence from the following date:	
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I think this change in my working pattern will affect my employer and colleagues as follows:

--

I think the effect on my employer and colleagues can be dealt with as follows:

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Signed:		Date:	
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Appendix 2

Flexible Working Decision Form

1. If you have conducted a flexible working meeting in accordance with the Council's Flexible Working Policy to consider a teacher's flexible working application, please complete this form to notify the teacher of your decision.
2. If you have approved the teacher's request to work flexibly, please complete Part A and B of this form. You will also need to complete a change form (word document) and forward to Workforce Planning (e.g. for changes of hours of work, or flexible working arrangements involving changes in payment).
3. If you have declined the teacher's request to work flexibly and/or are able to agree alternative flexible working arrangements, please complete Part A and C of this form.
4. Please refer to the Flexible Working Policy and the associated Guidelines for Head Teachers when completing this form. Further advice is available from Workforce Planning.
5. You must give the teacher the completed form within 14 days of the flexible working meeting. If you are unable to reach a decision within 14 days, you **must** notify the teacher of the delay.

Part A – Please complete this section of the form for all teachers

Dear:		(teacher's name)
Job title:	Department:	
Thank you for attending the flexible working meeting on:		(date)
I have considered your request to work flexibly very carefully. Either		
I am pleased to be able to confirm that I have been able to accept your flexible working application and ask you to read Part B to find out details of the new arrangements <input type="checkbox"/> OR		
I regret that I have been unable to agree to your flexible working application. Please read Part C of the form for the reasons for this and for information on your right to appeal my decision. <input type="checkbox"/>		

Part B – Details of your approved flexible working application

Your new flexible working pattern will begin from:	(date)
Your new flexible working arrangements will be as follows:	
(Please tick one of the following options)	Yes
Your flexible working arrangement will be on a permanent basis	<input type="checkbox"/>
I have agreed to the flexible working arrangements on a fixed-term basis until (for long term health conditions only)	(date) <input type="checkbox"/>

If you have any questions about the information provided on this form or your new working arrangements, please discuss them with me as soon as possible

Name:

Date:

Signature:

Part C: The Reasons why I declined your flexible working application

I am sorry but I am unable to accommodate your request for the following organisational reason(s)

(Please tick at least one of the following)

Yes

- i. Burden of additional costs ☐
- ii. Detrimental effect on ability to meet teaching requirements ☐
- iii. Inability to reorganise work among existing staff ☐
- iv. Inability to recruit additional staff ☐
- v. Detrimental impact on performance ☐
- vi. Insufficiency of work during the periods you propose to work ☐

The organisational reason(s) apply in the circumstances because:

(If you are typing this form, the box will expand. If handwriting this form, please continue on a separate sheet if necessary).

(Please tick one of the following if applicable)

Yes

I was also unable to agree to any of the alternative working arrangements we discussed at the meeting because of the following reason(s): ☐

Although I was unable to accommodate your original request, I am pleased to be able to offer you the following alternative working arrangements: ☐

Appeal

You have the right to appeal against my decision. If you wish to appeal, please

1. Complete the Appeal form explaining the reasons for your appeal and giving details of your availability for an appeal hearing. The Appeal form is available on the Highland Council website

https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

2. Send the completed Appeal form to the Manager of your Manager within 14 days of receipt of this form.

On receipt of your Appeal form, the appropriate Manager will invite you to an appeal meeting.

Further information on the appeal process can be found in Flexible Working – Guidance for Teachers

(Manager's details)

Name:

Date:

Signature:

Receipt of this form must be acknowledged

Flexible Working Decision Appeal Form for Teachers

1. Please complete this form if your manager has declined your request to work flexibly and you wish to appeal against their decision.
2. You must complete the form within 14 days of receipt of the decision from your manager declining your flexible working application.
3. Please send a copy of the completed form to the manager of your line manager or the next level of management within the Service.
4. On receipt of the form, you will be invited to an appeal hearing which will normally be conducted by the line manager of your manager who rejected your request to work flexibly.
5. Further information on the appeal process can be found in Flexible Working – Guidance for Teachers.

Name:	
Job title:	
Department	
Name of your manager who rejected your flexible working application:	
Date of flexible working meeting:	
Date you received the decision	
Name of your work colleague, union representative or support worker who will accompany you to the appeal:	
<p>Please state the grounds of your appeal (e.g. procedural, new information not raised at the Flexible Working Meeting or a challenge to the facts in the reasons your manager gave when rejecting your request):</p>	
Signature:	Date:

Receipt of this form must be acknowledged



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Flexible Working Applications Guidance for Teachers

Introduction

The Highland Council believes that flexible working can increase staff motivation, promote work-life balance, reduce teacher stress and improve performance and productivity. As an employer the Council is committed to recruiting, retaining, developing and motivating teachers by ensuring that they are able to balance work and personal commitments.

What is Flexible working?

Flexible working describes any type of working arrangement that gives some degree of flexibility on how long and when teachers work.

In essence, *flexible working* involves the Council **considering** the possibility of changing existing working arrangements to accommodate your preferences, subject to service requirements.

Who can make a flexible working request?

The right to apply for flexible working applies to everyone with at least 26 weeks' continuous service. (Please be aware that this means you have the right to have your application considered. This does not guarantee your application will be successful).

What sort of changes can I request?

- A reduction in hours worked
- A variation in working pattern

How often can I request a change?

You are limited to making one application for changes to be considered in any 12 month period. (Talk to your line manager about any special circumstance which may not be covered by this policy, e.g. making reasonable adjustments in line with the Equalities Policy).

What procedure should I follow to make a request?

In the first instance you should explore informally with your line manager your thoughts on making an application. Your manager will outline the procedure and if necessary help you to clearly define your proposal. Once you are ready, you need to apply in writing to your line manager using the Flexible Working Application Form for Teachers (attached as per Appendix 2). Flexible Working Application Form for Teachers is also available on the Highland Council's website.

https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

What should I consider before making an application?

- A new working pattern will normally be a permanent change to your employment conditions.
- Think carefully about your application, as you will have no right to revert back to your former hours of work or working pattern.
- Think about the date that you would like the change to take effect from. The more notice you provide, the more likely your line manager will be able to implement the change when it suits you. The start of a new session/term or the change of timetable in secondary schools may be the most appropriate.
- Consider how your colleagues will manage if your working pattern is changed.
- If you have friends or colleagues that are working flexibly, ask them about their experiences.
- Think about the effect that changing your working patterns will have on your job. You should aim to show in your application that your plans will not adversely affect service provision and may in fact enhance it.
- If you request a flexible working pattern that will result in you working fewer hours, your pay will also reduce.
- To fully understand the financial implications of any change to pay or your pension you should seek independent financial advice.

What happens after I submit my application?

Your line manager will arrange, within 28 days, an appropriate time to meet with you to discuss your requested work pattern in depth and to discuss how it might be accommodated or a compromise agreed. You may wish to be accompanied by a colleague or trade union representative at this meeting.

After the meeting your line manager will consider how your request might be accommodated and what the implications would be. Your manager may also meet with the wider team before deciding whether the request should be granted either in whole, in part or not at all.

Unless further action is necessary you will be notified within 14 days of the meeting. Your line manager will write to you to agree a new work pattern and start date, or to provide reasons why the request cannot be granted. If required, your line manager will also arrange for any changes to be made to your contract of employment.

What factors may be taken into account when considering a request?

Each request is considered on its own merits in the light of the Council's requirement to provide a quality service.

As teachers are class committed and must undertake their class contact time in school, applications to work at another location or to work compressed hours are not practical. Teachers' holidays are fixed and they currently work term time only.

Your line manager will consider that timetable requirements can vary from session to session and an agreed particular working pattern may have to be reviewed in the future depending on service requirements.

Your line manager will also be able to refuse a request if it is justifiable on one of the following grounds:

- **The additional costs will impose a burden.**
- **Agreeing to a request will have a detrimental effect on the Service's ability to meet teaching requirements.**
- **It is not possible to re-organise work among existing staff.**
- **It is not possible to recruit additional staff.**
- **Agreeing to the request will have a detrimental impact on performance.**
- **There is insufficient work during the periods the teacher proposes to work.**

Example justification is detailed in Appendix 1.

What information does your line manager provide you with after reaching a decision?

Your line manager must inform you of their decision in writing within 14 days of the meeting. If your application is accepted the notification must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated

If your application is not successful the notification must:

- State the service ground(s) for refusing the application
- Provide sufficient explanation as to why the service ground(s) for refusal apply in the circumstances
- Provide details of your right to appeal
- Be dated

The explanation should include key facts about why the service ground(s) apply and should not be overly long or complex. The explanation should include relevant facts, be in plain English and avoid unfamiliar jargon.

Is there a right of appeal against my line manager's decision?

Yes. If you wish to appeal against the decision you can do so by writing to next level of management within the Service within 14 days of being notified of the line manager's decision. You will need to include the reasons for your appeal.

Can I withdraw my application?

Yes. If you do decide to withdraw your application you should write to your line manager as soon as possible.

An application will also be considered withdrawn if you fail to attend two meetings without good cause or if you refuse to provide your line manager with the required information.

If you withdraw an application you will not be eligible to make another application for 12 months.

Handling requests to work flexibly in a fair way

There may be some occasions, when a manager receives more than one request to work flexibly closely together from different teachers. Where this happens it may be possible to grant all of the requests received. However, before doing so the manager will need to look closely at the impact this would have on service delivery before coming to a decision. Requests should be considered in the order they are received, on a first come first served basis. Having considered and approved the first request the manager should remember that the service context has now changed and can be taken into account when considering the second request against the service reasons set out above.

When a manager receives more than one request, they are not required by the law to make value judgements about the most deserving request. A manager should consider each case on its merits looking at the service delivery and the possible impact of refusing a request. A manager may want to have a discussion with you to see if there is any room for adjustment or compromise before coming to a decision.

Examples of Flexible Working Options

A teacher may request to reduce their hours from full-time to part-time, i.e. 5 days to 3 days, they may also request a variation in their working pattern in terms of when their class contact times are allocated.

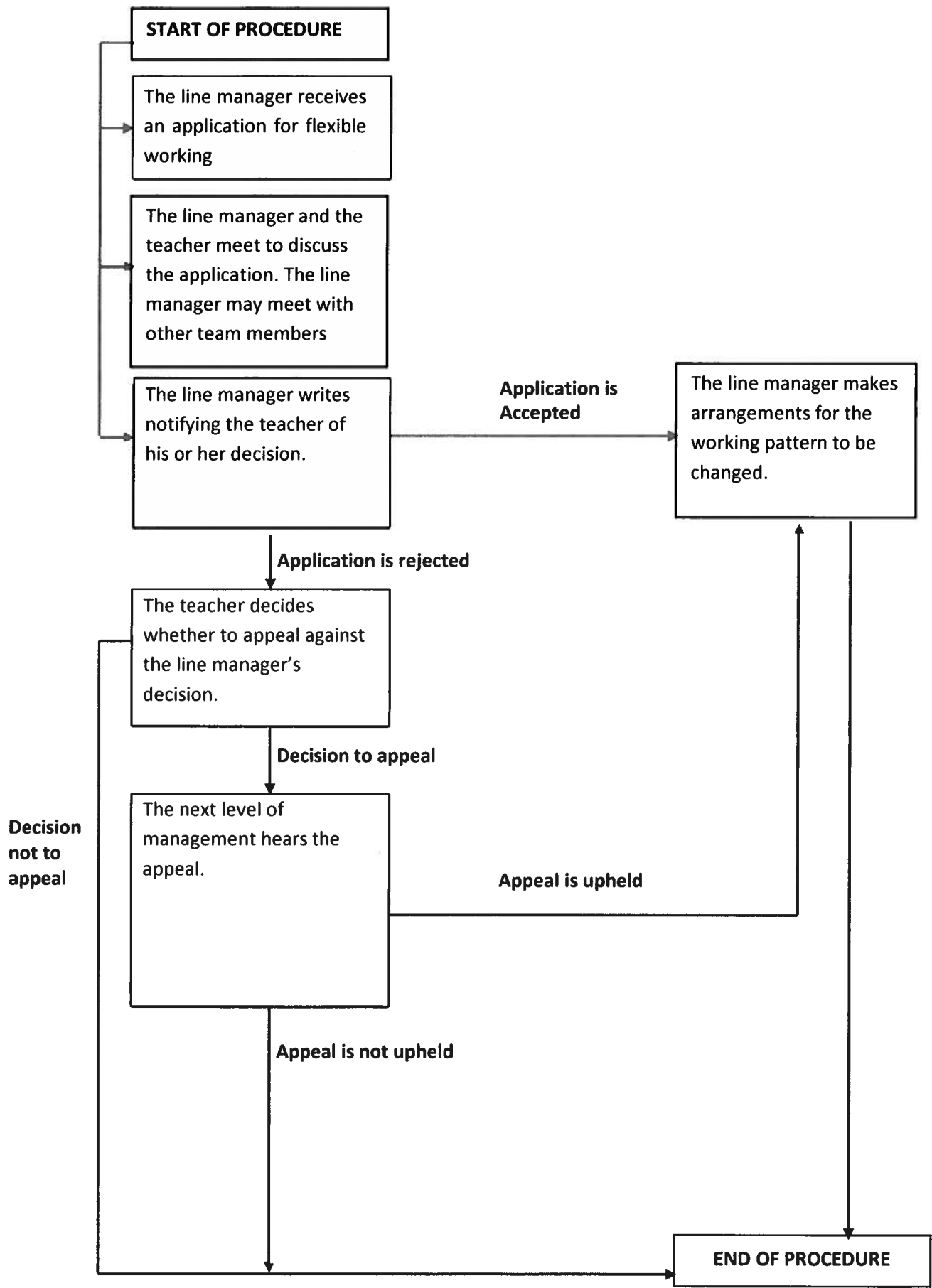
Reasons for applying for flexible working could include caring responsibilities for children or elderly parents, disabilities such as mobility problems and travel issues

Part-time working

Part-time working is the most prevalent and established type of flexible working. Although it is often equated with half-time working (for example, 17.5 hours instead of a full-timer's 35 hours), any number of hours below the Service's standard working week can be considered as part-time working. Part-time work usually involves agreeing a set number of hours to be worked per week or month under a contract of employment. There is usually an agreed pattern to the hours of work.

Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers. For further information contact Human Resources.

Flexible Working Arrangements – Procedure Flowchart



Examples of Factors being applied

What factors may be taken into account when considering a request?

Each request is considered on its own merits in the light of the Council's requirement to provide a quality service.

- The additional costs will impose a burden.

Example:

Two teachers apply to share a post on a part time basis but both wish to work 0.6 fte each and the school only has a budget for a 1.0 fte post. This could be negotiated so that each teacher works 0.5 fte but if this is not acceptable then the request would be refused.

- Agreeing to a request will have a detrimental effect on the Service's ability to meet teaching requirements.

Example:

Depending on the type of request and the time of year the request is received, it may have an impact on the school's ability to meet existing timetable requirements. In this case an option could be to consider the request again at the change of timetable when the reduced/changed hours could be factored in.

- It is not possible to re-organise work among existing staff

Example:

In a school situation it is unlikely there will be sufficient capacity within existing staff to undertake additional class contact time.

- It is not possible to recruit additional staff.

Example:

Recruiting additional staff is not an option unless the request is for a reduction in hours. It may not prove possible to recruit a teacher in a particular subject area or to a remote location and if this is the case then the flexible working application would have to be refused. However the vacancy would require to be advertised before this decision could be reached.

- Agreeing to the request will have a detrimental impact on performance.

Example:

When considering a request, Managers can take into account the current staffing arrangements they have in place, for example if they already have a number of part time staff and to allow another request would have a serious detrimental effect on the provision of learning and teaching within the school. It could be the case that a discussion was held with all part time staff to see if a compromise could be reached to accommodate the flexible working application.

- There is insufficient work during the periods the teacher proposes to work.

Example:

Teachers are required to undertake their class contact time during the pupil day and therefore would not be in a position to fulfil their class contact contractual requirements out with the pupil day.



The Highland Council Flexible Working Application Form for Teachers

You should use this form to make a request to work flexibly. Before completing this form you should read the guidance note *Flexible Working Guidance for Teachers*. This guidance note can be found on the Highland Council website https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

This form can be filled in onscreen by using the tab key to move between fields. The form may then be saved and printed or emailed. Completed forms should be forwarded to your line manager.

Statement by the Teacher

☐ I would like to apply to work a flexible working pattern that is different to my current working pattern.

☐

☐ I have worked continuously for the Council for the last 26 weeks

☐ I have not made an application for flexible working in the past 12 months

Name:		Job Title:	
		Payroll No:	
Service:		Name of line manager:	

Describe your current working pattern (days/hours/times worked):

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Describe the working pattern you would like to work in future (days/hours/times worked):

--

--

I would like this working pattern to commence from the following date:	
---	--

I think this change in my working pattern will affect my employer and colleagues as follows:

I think the effect on my employer and colleagues can be dealt with as follows:

Signed:		Date:	
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Flexible Working Decision Appeal Form

1. Please complete this form if your manager has declined your request to work flexibly and you wish to appeal against their decision.
2. You must complete the form within 14 days of receipt of the decision from your manager declining your flexible working application.
3. Please send a copy of the completed form to the manager of your line manager or the next level of management within the Service.
4. On receipt of the form, you will be invited to an appeal hearing which will normally be conducted by the line manager of your manager who rejected your request to work flexibly.
5. Further information on the appeal process can be found in Flexible Working – Guidance for Teachers:

https://www.highland.gov.uk/downloads/download/674/local_negotiating_committee_for_teachers_agreements

Name:		
Job title:		
Department		
Name of your manager who rejected your flexible working application:		
Date of flexible working meeting:		
Date you received the decision		
Name of your work colleague, union representative or support worker who will accompany you to the appeal:		
Please state the grounds of your appeal (e.g. procedural, new information not raised at the Flexible Working Meeting or a challenge to the facts in the reasons your manager gave when rejecting your request):		
Signature:		Date:

Receipt of this form must be acknowledged

