



Aberdeen City LNCT Agreement.

FLEXIBLE WORKING – GUIDELINES FOR TEACHERS AND ASSOCIATED PROFESSIONAL STAFF

The promotion and support of flexible working can bring significant benefits both to employees and the employer.

Flexible working enables employees to achieve a healthy balance between their job and their personal commitments. This helps to improve employees' morale and wellbeing and thereby increases their effectiveness at work, resulting in both increased efficiency and reduced costs.

SNCT JS/19/75 - Following the introduction of the Employment Rights Act 1996 to allow all employees the right to apply for a better work/life balance, employers must give serious consideration to all applications for Flexible Working including from those occupying promoted posts.

Aberdeen City Council promotes and supports flexible working. Employees can make a statutory request or a non-statutory request to work flexibly. The difference is explained here <https://www.citizensadvice.org.uk/work/rights-at-work/flexible-working/flexible-working-how-to-make-a-request>

Key Principles

- Requests for flexible working will be dealt with in a fair, transparent and consistent way.
- Employees must have 26 weeks continuous service to make a statutory request for flexible working. Employees with less service can make a non-statutory request.
- Any request to work flexibly should be made in writing.
- Requests for flexible working will normally be dealt within 30 working days. In the first instance, the Headteacher will meet with the employee to discuss the arrangement requested.
- Where a request cannot be accommodated the Head Teacher will seek to discuss alternative options with the employee. The balance of the decision should seek to accommodate the employee wherever possible.
- Where approved, the change in working pattern will normally constitute a permanent change to an employee's contracted working hours. There is, however, an option to

request a temporary variation to hours for up to one year. Employees should indicate this option on the flexible working form.

- Where a request is not approved, an appeal can be raised as set out below.
- Employees may be accompanied by a trade union representative or work colleague at any meetings to discuss flexible working request and at any appeal.
- Normally, unless under exceptional circumstances, an employee will only be able to submit one statutory request for alternative working arrangements within any twelve-month period.
- For teaching staff in promoted posts, in accordance with JS/19/75, no employee will be automatically turned down because they hold a leadership or guidance position.

Making a statutory request for flexible working.

Employees have a right to make a statutory request for flexible working if they have at least 26 weeks continuous service with Aberdeen City Council. For more information see the link below.

<https://www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests/html>

Examples of flexible working patterns for teaching staff are as follows: -

- Part- time working e.g. reduced working week – 0.8, 0.5 etc.
- Job- share (please refer to the Job Share Scheme for Teaching Staff)

Requests will be considered as they are submitted however, to enable decisions to be made as per the timeline set out in this document, it is preferable that requests are made no earlier than 6 months in advance of the start date of the proposed arrangement.

Where staffing requirements are unknown and managers are not in a position to make a decision, the Head Teacher will discuss extending the response period with the employee if it is likely to take more than three months from first receiving the request.

Submission Process

Employees should submit the completed request for flexible working form

<https://peopleanytime.aberdeencity.gov.uk/people-management/flexible-working/> to their Head Teacher.

All applications will be acknowledged in writing within 5 working days by the Head Teacher.

If the Head Teacher needs more information to consider a request, they will meet with the employee within 5 working days of receiving the form to discuss the request and clarify any points. The Head Teacher can discuss the application with the relevant QIM before final approval is given.

The employee will be informed of the outcome in writing within 10 working days of the meeting. If more time is needed, this will be agreed with the employee and confirmed in writing. If a school cannot accommodate a request, then the HT will also seek to discuss modifications or alternatives

with the employee. An arrangement can be made temporarily by agreement and should be put in writing and signed by both parties.

If the request is approved, it will usually result in an amendment to the contracted working hours of the employee and a new contract of employment will be issued by P&OD within 10 working days.

Careful consideration will be given to all requests and any refusal of an application to work flexibly will be based upon one, or more, of the following business reasons.

1. Burden of additional costs
2. Detrimental effect on the efficient and effective operation of the council's services
3. Inability to re-organise work among existing staff
4. Detrimental impact on performance or quality of work
5. Lack of work during the periods the employee proposes to work
6. Planned structural changes

If the request is refused the employee must be advised of the reason(s) for refusal in writing and this communication should include information on the right to appeal the decision.

The Appeal Process

If the decision made is to refuse the request, the employee may raise an appeal. The appeal must be made within 14 days of the decision being confirmed in writing. An appeal must be made in writing to the Service Manager.

The Service Manager will arrange to meet with the employee, their representative and the Head Teacher, normally within 14 days from when they receive the request, to consider the appeal.

Practical arrangements

Employees should be aware that changes to working hours, for example reducing the total number of hours you work, will affect other terms and conditions such as pay and pension entitlement.

Pay is pro rata based upon part of the 35 hour week contracted for. Incremental progression is not dependant on hours worked per week.

Pensions are in two parts. The career average part is based on pay and employees should be aware that both their own and the employer's contributions will be reduced. The final salary part is based on length of service and equivalent full-time salary. Therefore, working part time, for example, 0.5fte, will only accrue that amount of service for year.

Details on the pro rata arrangements for the working year and working week are covered by SNCT.

SNCT PART 2: SECTION 3 - WORKING YEAR AND WORKING WEEK

3.9 “The pro rata arrangements for teachers on part-time contracts, relating to remaining time, shall occur on days when the teacher is employed. The exception to this rule is parents’ meetings when the part-time teacher will comply, on a pro rata basis, with the arrangements agreed for the establishment.”

The school calendar and working pattern may require some adjustment to ensure employees work pro rata part of 190 pupil days and get their entitlement to pro rata in-service days e.g. working 0.4FTE means an employee works 78 days - 76 pupil days and 2 in-service.