

FLEXIBLE WORKING POLICIES NASUWT CHECKLIST

PURPOSE OF THE CHECKLIST

NASUWT believes that a fair, transparent and consistent flexible working policy, which treats teachers as highly skilled professionals, is an essential policy in a school or college suite of policies.

Flexible working makes a positive contribution to the workplace by supporting employees in achieving a better work/life balance. Flexible working policies which accord with the provisions in this checklist will help to recruit, retain and motivate teachers, provide the basis for sound financial and personnel planning within schools/colleges and minimise the risk of grievance and discrimination.

A flexible working policy is necessary to ensure fairness and consistency in the treatment of all employees making a request for flexible working. It should set out the flexible working procedure that will be followed by the employer so that all those wishing to request flexible working are aware of the processes involved.

The Checklist below sets out the minimum requirements for an effective flexible working policy and is entirely consistent with the [Acas Code of Practice](#) and relevant legislation.

KEY ELEMENTS OF A FLEXIBLE WORKING POLICY

Flexible working policies acceptable to NASUWT will have the following provisions:

- the policy applies to all employees from day one of employment;
- the policy recognises that all employees have the legal right to make two requests for flexible working in any 12-month period;
- the policy will operate in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010; and
- the policy defines flexible working (i.e. job sharing, working from home, part-time, compressed hours, flexitime, annualised hours, staggered hours and phased retirement).

TIMESCALES

The policy will confirm that:

- an employee can make two requests for flexible working in any 12-month period;
- decisions regarding a request (i.e. accepting, accepting with modifications, or rejecting) will be communicated to the employee, in writing, no later than 28 days after the request is made;
- the whole process, including any appeal, must be concluded within two months of a request being made.

PROCEDURE

The procedure will confirm that:

- applications for flexible working will be considered on their merits on a case-by-case basis;
- a flexible working request should be made in writing, signed and dated, and should include reference to the following:
 - whether this is a non-statutory or statutory request;
 - the change being requested to working arrangements and the date when this would come into effect;
 - a statement saying if, and when, any previous application was made; and
 - a statement saying whether they are making the request in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability);
- an employee can only have one 'live' request for flexible working at any one time in a 12-month period, which can remain 'live' until one of the following occurs:
 - a decision is made regarding the request;
 - the request is withdrawn;
 - the employer and employee mutually agree an outcome; or
 - the statutory two-month period for deciding the request ends, including any appeal process, or any agreed extension period;

- there is no longer a requirement for an employee to explain what effect agreeing to a flexible working request would have on the school/college and how any such effect might be dealt with;
- the employer has to give serious consideration to all requests for flexible working in a 'reasonable manner';
- if the employer accepts the request, they must write to the employee notifying them of the variation to their contract (e.g. working hours and pay) and that this is a permanent change to their terms and conditions;
- if the employer wishes to discuss alternative arrangements or is considering refusing the request, then they must consult with the employee before making a decision at a consultation meeting which provides for a reasonable discussion and consideration of the request, including the option of a trial period for any modification/alternative arrangement;
- an accurate written record of any meetings will be retained and circulated to all those involved; and
- if a request is refused, the employer will provide, in writing, the reasons for rejecting the flexible working request, including the process for any appeal.

REPRESENTATION

The policy will confirm that:

- employees will have the right to be accompanied at both informal and formal stages, including the consultation meeting; and
- employees must be allowed to be accompanied by a trade union representative at the appeal stage of the policy.

APPEALS

- The policy must include provisions for employees to appeal against any formal decision made in accordance with the appeals procedure within the policy which meets, as a minimum, the statutory requirement on dispute resolution.
- Appeals should be dealt with as soon as reasonably practicable by someone who is appropriately trained to deal with the appeal in an impartial and objective manner, and, as far as possible, by an individual who has had no previous involvement in the case.
- The policy should confirm that the individual dealing with the case has sufficient authority to make a decision.
- The policy should confirm that an accurate written record of the appeal hearing will be retained and circulated to all those involved.
- The policy should confirm that those hearing the appeal will write to outline what has been decided and why.

TRAINING

- The policy should commit the employer to ensure that managers dealing with flexible working requests are properly trained for the task, familiar with the procedures and knowledgeable about how to deal with a request for flexible working.

MONITORING AND REVIEW

The policy will:

- confirm that individual records will be treated as confidential;
- be monitored to ensure consistency of application and adherence to equalities legislation;
- be subject to an equality impact assessment; and
- be annually reviewed and monitored, in respect of requests and outcomes, by the relevant body in conjunction with recognised trade unions.



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