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Flexible working A quick guide

Flexible working is a way of working that suits the needs of the employee.

It is a way of sharing, staggering or breaking up the normal working day or week in order to improve work/life balance.

All employees (not just parents or carers) have the legal right to request flexible working if they have worked for the same employer for at least 26 weeks.

The law **does not** give an automatic right to flexible working, but employers **must** respond to requests.

A teacher can only make a request under the legislation once in any 12-month period.

A request for flexible working should:

- be in writing;
- make clear that this is a statutory request;
- state the date of the application;
- make clear the change being requested to working arrangements;
- state how this change might impact upon the school/college and how any such effect might be dealt with;
- include a statement saying if, and when, any previous application was made.

Check the employer's flexible working policy before making a request.

The employer has to consider seriously a request for flexible working.

The employer must consider a request in a 'reasonable manner', which involves weighing up the benefits for the employee and the school/college against any potential adverse business impact.

Decisions regarding requests and appeals must be made within three months of the request being made.

The employer can treat request as withdrawn if the employee misses two meetings to discuss the request.



Employers have a greater talent pool from which to recruit

Continuity of staffing



work in places that provide flexible working¹



UK employees

50%+



report greater work satisfaction²

report better work/life balance³

the number of productive hours employers say are gained per week per employee⁴

1 The Flex Factor: Realising the Value of Flexible Working, RSA & Vodafone Report, July 2013; 2 Ibid; 3 Flexible Working Provision and Uptake, CIPD Survey Report, May 2012; 4 The Flex Factor: Realising the Value of Flexible Working, RSA & Vodafone Report, July 2013.

If the employer **accepts** the request, or accepts it with modifications, they should write to the employee confirming the decision and start date no later than 28 calendar days after the request was approved.

The employer should also write to the employee notifying them of the variation to their contract (e.g. working hours and pay).

If the employer **rejects** the request, they must have a sound business reason for doing so, which should be conveyed in writing.

If the employer rejects the request, there should be a right of appeal.

An employer can only reject a request for one of the following business reasons:

- the burden of additional costs;
- an inability to organise work amongst existing staff;
- a planned structural change to the business;
- a detrimental effect on the ability to meet customer demand;
- a detrimental impact on performance;
- a detrimental impact on quality;
- insufficient work for the periods the employee proposes to work;
- an inability to recruit additional staff.

Flexible working makes a positive contribution to the workplace.

The NASUWT is committed to campaigning to secure the right for all teachers to access flexible working opportunities.

The NASUWT is campaigning to secure the right to flexible working as a statutory entitlement.

Contact the NASUWT for further advice on flexible working.