



Brinsley Primary and Nursery School
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School Policy for

Flexible Working

A small, square, black and white image showing a handwritten signature in cursive script, which appears to be 'J. Osprey'.

17.05.22

Person Responsible: Jason Osprey

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Nottinghamshire School Flexible Working Policy

May 2018

HR Advice, Support and Training Service

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SCHOOL FLEXIBLE WORKING POLICY

Introduction

- 1.0 The Governing Body of Brinsley Primary and Nursery School adopted this Flexible Working Policy on 7/3/2019. The Strategic Development Committee of the governing body will review and monitor the impact of the Flexible Working Policy annually with the head teacher. The next review will take place on Spring term 2020
- 1.1 The governing body has adopted the **policy** set out in this document to provide an agreed framework for the exercise of its powers and discretions in relation to all staff employed in the school and paid from within the school budget.
- 1.2 The governing body understands its responsibilities and is committed to taking decisions in accordance with the principles of public life as listed in DfE guidance; objectivity, openness and accountability. Governing bodies should ensure that they are fully aware of their responsibilities under employment law in applying this procedure.
- 1.3 The governing body recognises the legal requirements placed upon them by the Education Act 2002 and subsequent legislation under the Flexible Working Regulations 2014, outlined in the Employment Rights Act 1996. This document will apply to all staff, including apprentices, directly employed by the school.
- 1.4 The governing body delegates to the *Strategic Development Committee of the governing body* the responsibility for approving decisions relating to the Flexible Working Policy.
- 1.5 References to the governing body should be taken to refer to the entity that is responsible for exercising governance functions for a maintained school or academy, which in the case of a multi-academy trust may be the trust board. Likewise references to governors should be taken to mean whoever is responsible for fulfilling governance functions. Where maintained schools are federated under a single governing body this will be the federated governing body.
- 1.6 In fulfilling staffing responsibilities, the governing body may delegate its staffing functions in accordance with its articles of government. In delegating functions, the governing body must not lose sight of the fact that it retains overall accountability for the decisions made by those to whom the

function has been delegated. As a result the governing body should regularly review their arrangements for managing staffing functions and that the right people are fulfilling these roles on its behalf.

- 1.7 The School Staffing (England) Regulations 2009 confers the right of the County Council to send a representative to all proceedings of the governing body of a community or voluntary controlled school relating to the selection or dismissal of any teacher (including the head teacher and deputy) to offer advice. If the County Council decides to send a representative they must be allowed to attend. Any advice offered as a result must be considered by the governing body (or those to whom the function has been delegated) when reaching a decision. This will usually be a senior officer from the HR Service who may also advise the governing body/head teacher as appropriate. The same rights do not automatically apply in respect of maintained foundation, voluntary-aided, foundation special schools and academy schools.

Consultation and Agreement with the Recognised Trade Unions

- 2.0 The Nottinghamshire School Flexible Working Policy is recommended for adoption by all community, voluntary aided, voluntary controlled, academy, foundation, and trust schools who purchase their HR Service from Nottinghamshire County Council.
- 2.1 This policy has been agreed with all of the recognised trade unions through the JCNP process and meets legislative requirements.
- 2.2 Due to the complexities of this area of employment and education law, governing bodies are strongly advised to adopt the attached policy without amendment. Should, exceptionally, a governing body seek to amend the recommended policy, they will need to consult/negotiate any changes collectively with all the secretaries of the recognised trade unions and confirm any amendments to the local authority. Governing Bodies are strongly recommended to seek advice from the HR service in these circumstances.

Equalities and Equal Opportunities

- 3.0 The governing body recognises its legal responsibilities to staff under the Equality Act 2010 and this policy will ensure equality and fairness regardless of race, sex (gender), sexual orientation, religion or belief, gender re-assignment, pregnancy and maternity, marriage and civil partnership, disability or age. All decisions will be taken in accordance with relevant equalities legislation, the Employment Relations Act 1999, the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000 and the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002.
- 3.1 The governing body is aware of its responsibilities under the Freedom of Information Act 2000 and to make available this policy to all staff at the school.
- 3.2 This policy sets out the routes by which employees and schools can seek more flexible working arrangements. The right to formally request flexible working arrangements was introduced into UK legislation through the Employment Act, the Flexible Working Regulations and the Children and Families Act 2014. Government legislation has strengthened the rights of employees to manage their work and non-work priorities and there are growing expectations on all employers to motivate schools to adopt “family friendly” working practices and policies. Before 30 June 2014 the right to apply for flexible working only applied for the purpose of caring for a child or adult, now any eligible employee can apply to work flexibly for any reason (see appendix 1, paragraph 3).

- 3.3 All employees may apply to work a flexible working pattern and employers are obliged to fully consider any application for flexible working and not to unreasonably refuse the application. Employers must follow a specific procedure; the attached Flexible Working Procedure relating to staff in schools (**Appendix 1**) gives detailed guidance on this. A form for employees to apply for flexible working is given in (**Appendix 3**).

Aims of the Policy

- 4.0 The aims of the Flexible Working Policy are as follows:
- 4.1 Flexible working arrangements should benefit the employee without any detriment to the employer and may even be of benefit to the employer. It can be seen as a way of retaining staff, improving morale, motivation, performance and attendance.
- 4.2 Flexible working may also allow an employee with a medical condition or disability to continue in work. However, it is recognised that it may not be possible for some of the options below to be made available to all staff in all schools and will to some extent depend on the circumstances of the situation.

Flexible Working

- 5.0 There is a legal right for employees to request flexible working arrangements. As with all matters relating to the staffing establishment in schools, the decision about whether or not individual posts are suitable for job share or any other flexible work arrangements rests with the governing body, advised by the head teacher. Where a request is submitted by the head teacher, before this request is considered, the governing body should seek advice from their nominated HR Business Partner within the HR Service and the Education Improvement Service. It should be noted however, that a significant number of Employment Tribunal cases have ruled that refusing to allow an employee to return to work on a job share basis following maternity leave amounts to sex discrimination and is potentially automatically unfair. It is important that advice is sought from the HR Service as soon as possible if an employee indicates that they wish to be considered for flexible working arrangements.
- 5.1 When considering any of the possible flexible working options, the needs of the school and the individual must be taken into account. The specific nature of the work being undertaken and the need to be available at specific times during the school day/year must be recognised. Not all of the options described below will be appropriate in individual school environments and the ability to accept or deny requests will very much depend on the individual post, work environment and role of those making a flexible working request. Please refer to the Flexible Working Procedure relating to teachers and support staff in schools (**Appendix 1 and 2**) for more detailed guidance and, if in any doubt on any related issue, please contact your nominated HR Business Partner within the HR Service.

Flexible Working Options

- 6.0 It is possible for employees to request and for governing bodies to consider requests on a temporary or permanent basis. In considering requests for any of the following the governing body/head teacher would need to carefully balance the entitlement of an employee to make a request against the organisational and operational needs of the school.

Options available include the following:

- Job share
- Part-time/term time only working
- Compressed working hours
- Changes to working times
- Home working

6.1 Short term arrangements for compassionate leave and other special leave are detailed within the Annual Leave and Leave of Absence section on the Schools Portal.

6.2 Job Share

The guidance regarding job sharing for school staff is set out in **Appendix 2**. Experience has shown that all posts in schools are potentially suitable for employees to be considered for job share and advice about making these decisions is set out in the guidance.

6.3 Part-time/term-time only working

Schools should regularly review their staffing structures and it may benefit the organisational needs of the school to consider requests from employees to work either part-time hours all year round or on a term-time only basis. In most schools there are variations in the work pattern between term-time and holiday periods which means that most, if not all posts for clerical and other support roles are contracted on a term-time only basis as a matter of course.

- a) If appointed to a part-time or term-time only post, the employee's entitlements to salary, training, leave and other benefits are calculated on a pro-rata basis. Where an employee works term-time only, the salary is calculated according to the number of weeks they actually work (with the addition of holiday entitlement) and payment is spread evenly over the twelve months of the year (equated pay).
- b) Some schools have used such a flexible approach to benefit the school. For example, a number of primary schools have appointed staff on a permanent 0.5 FTE contract to work full-time during the summer term of each academic year and make up the remainder of their contracted days across the other two terms as required by the school. This has the benefit of assisting with budget planning for the school and consistency of income for the employee.

6.4 Compressed Working Hours

This may be appropriate on a short term, temporary, or full time basis where there is a genuine business need. This is where the total number of hours worked are compressed so that the employee works longer hours over fewer days. For example an employee may wish to work their full time hours, but over 4 days instead of 5. If the business organisational need enables this option to be considered, an employee would still be expected to deal with the same level of workload and responsibility, commensurate with the job role and job evaluated grade. It effectively means that the employee would work longer hours over the 4 days, and would be available at times outside of normal office hours, where this is required.

6.5 Changes to working times

This would apply if an employee is requesting to change their working times, for example, when an employee makes a request to start work earlier and finish earlier. If the business/organisational need enabled this option to be considered, an employee would still be expected to deal with the same level of workload and responsibility, but work at times outside the school normal working hours, where this is required.

6.6 Home Working

An employee may request to do some of their work from home, and this could also be linked to any of the above options. Whilst it is recognised that there will be limited opportunities for school employees to work from home this should not be automatically ruled out when considering an application. Such arrangements can be made on a temporary basis which may be helpful to certain categories of staff who need to attend to short term domestic responsibilities during the whole or part of the working day.

6.7 Other types of flexible working arrangements

An example of another type of a flexible working arrangement would be a request for flexible retirement, details of this can be found on Nottinghamshire's School Portal ([HR Guidance, Document Library, Retirement and Pensions, Flexible and Phased Retirement Policy](#)). An employee may, towards the end of their career, request moving to a post with less responsibility or fewer hours. A request of this nature would be dependent on either a suitable vacancy within school and/or successful recruitment to the remaining hours. In these circumstances of a reduction in hours pay protection does not apply and there will be some circumstances, particularly for teachers where the terms and conditions are restrictive in relation to such requests. Teachers can obtain further information by contacting Teachers' Pensions. Support staff can obtain further information from the LGPS. .

Monitoring and Review

- 7.1 Where changes to this policy are proposed the governing body will undertake an Equality Impact Assessment (EQIA). The governing body will make available to staff the outcomes of the Equality Impact Assessment.
- 7.2 The governing body will monitor the outcomes and impact of this policy annually. As part of this review it that will monitor trends on progression across all groups of staff, the school's continued compliance with equalities legislation and the provisions of the STPCD, the Burgundy Book and the Green Book – NJC Conditions of Service.

Appendix 1

Flexible Working Procedure for School Staff

Introduction

1. The Employment Act 2002, the Flexible Working Regulations and the Children and Families Act 2014 provides that employees can request a change to their flexible working pattern and sets out a maximum legal timeframe of 12 weeks for requests to be made and considered by the governing body. This policy sets out the process for employees and school managers and governors to follow in the exercising of the right.

2. **Aim**

2.1 The aim of the policy is to ensure that requests for flexible working arrangements from school-based employees are considered and dealt with in a reasonable and timely manner within the framework of the law, and that agreements between employees and head teachers and governors are reached that reflect the needs of both parties. In considering requests the law provides protection and schools must not discriminate unlawfully against an employee, for example where a flexible working request is considered to be a reasonable adjustment for a disabled employee. Further advice should be obtained from the HR Service.

2.1 The right conferred by the legislation enables employees to request to work flexibly, however there is no automatic right to work flexibly as the needs of the school must be taken into account. The onus is on the employee to think carefully about their own working pattern when making an application, while the school need to follow a specific procedure in considering individual requests.

3. **Eligibility**

In order to make a request the individual will:

- Be an employee (i.e. not an agency worker)
- Have 26 weeks continuous service with Nottinghamshire County Council or their current employer e.g. Academy Trust at the time of application or have continuous service linked with a TUPE transfer.
- Not have made a previous application to work flexibly under this right during the last twelve months

4. **Scope of the statutory application**

4.1 The Employment Act 2002, the Flexible Working Regulations 2002, 2006 and 2009 and the Children and Families Act 2014 enables eligible employees to make a statutory application to request flexible working which can include the following:

- A change to the hours they work
- A change to the times when they are required to work

- To work from home

4.2 This covers working patterns such as part-time, job share, shift working and term-time working which are all existing working patterns in schools. It is recognised that working from home may not be a viable option for most school employees. In considering all requests, the head teacher and or the governing body will be required to carefully set out the reasons for any decisions reached.

5. **The Procedure**

5.1 The statutory overall timeline between receiving an application and the outcome of a potential appeal against a decision is 3 months. In the context of schools, this will mean 12 working weeks, within this timeframe timescales can be adjusted where agreed with the school and the individual making the request.

5.2. The employee makes a written application for flexible working to the head teacher or the Chair of Governors if the request is made by the head teacher (example application form attached as **Appendix 3**). The employee must specify the change to their working practices or pattern that they are applying for, and the date on which they propose the change should take effect. The application must explain what effect, if any, the employee thinks making the change applied for will have on the school operationally and organisationally and how any effect might be dealt with.

5.3 The head teacher should seek advice on the employee's application from the HR Service and arrange to meet the employee within 28 days (4 working weeks) of the date of the application with a view to exploring the desired work pattern in depth and to discuss how it might be accommodated within the school. In cases where the application is made by the head teacher the chair of governors should seek immediate advice from the HR Service and the Education Improvement Service to seek professional and practical advice on the individual circumstances of that school.

5.4 The meeting will enable consideration of alternative working patterns, should there be difficulty in accommodating the employee's desired work pattern. The employee will be entitled to be accompanied at this meeting by a trade union representative or work colleague. The head teacher or the chair of governors should carefully prepare for the meeting, and seek advice and support prior to this meeting from a member of the HR Service. Notes should be taken at this meeting.

5.5. Within 10 working days of the meeting the head teacher/ or chair of governors (for head teacher applications) will write to the employee, either to agree to the new work pattern (or confirm alternative arrangements agreed at the meeting) and a start date (which will need to take account of existing timetable and cover arrangements), or to provide a written justification of their decision not to accept the application, stating:

- a) The grounds on which the decision has been made (see section below for the grounds on which an application may be turned down)
- b) The reasons why those grounds apply
- c) The right of appeal against the decision within 10 working days of receipt of the outcome and informing the employee that they are entitled to be accompanied at an appeal hearing by a trade union representative or work colleague. If the decision is not to support the application, it is advisable at this stage to set a provisional date for an appeal hearing in advance of receiving an appeal to allow sufficient time to arrange the appeal (details below).

- 5.6 If the employee is not satisfied with the written decision of the head teacher, or in the case of a head teacher the chair of governors, and wishes to exercise their right to appeal they should set out the grounds for appeal in writing to the chair of governors within 10 working days following written notification of the head teacher's/or chair of governors decision. The appeal hearing should be held within 10 working days of the employee submitting an appeal. The appeal panel should be comprised of 3 Governors/ or an appropriately constituted panel (for head teachers appeal). It is advisable for the school/governing body to request the attendance of a HR Business Partner to advise the panel. Notes should be taken at this meeting.
- 5.7. The appeal panel must notify the employee of their decision within 10 working days of the date of the hearing, again giving their decision and where not supported a written justification if the decision is not agree a flexible working pattern, stating the grounds for the decision and how they apply in the particular case.
- 5.8 If an employee's application for flexible working is not accepted they may not make another statutory request within twelve months although may still ask without the statutory right. This would not preclude an employee from requesting a short term change to their normal working hours or conditions of employment, for example to request a change to working hours for a period of 2 – 3 weeks to cope with a bereavement, this would be agreed between the employee and the head teacher. In these circumstances it is expected that the employee would then revert back to their normal working hours and conditions of employment.
- 5.9 Grounds on which an application may be turned down

The Employment Act 2002 sets out that the employer may only refuse an application for flexible working if the employer considers that one or more of the following grounds applies:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

In the case of requests from a teacher, in each of the above, the impact on teaching and learning in the school will be an important consideration and should be carefully considered. If an application for flexible working is not accepted it must be because one of the grounds set out above applied, and the written justification of the decision must identify the reason and the way in which it applies

- 5.10 Summary timeframe of the process:

Individual makes an application for flexible working – TASK:	SCHOOL TIMEFRAME:
Meeting arranged to discuss application	Within 28 days of receipt of application (4 working weeks)
Written decision issued	Within 10 working days of the meeting
Employee may submit appeal	Within 10 working days of receipt of the decision
Appeal hearing convened	Within 10 working days of the appeal being submitted
TIMELINE TO HEARING	10 WORKING WEEKS
Outcome issued	Within 10 working days of the hearing
OVERALL TIMELINE	12 WORKING WEEKS

Timescales may be extended, providing that the employee making the application agrees.

5.11 Contractual changes

Any contractual changes arising from the flexible working request must be confirmed in writing with the offer of a new contract of employment.

For guidance on the application of managing flexible working requests, head teachers and governing bodies are advised to seek support and advice from the HR Service.

Appendix 2

Nottinghamshire School Job Sharing Policy

1. Introduction

- 1.1 The purpose of this document is to give schools information and guidance on job sharing. Many people need to combine their career with other, equally demanding, priorities, including family and caring commitments, voluntary or other paid work and full or part-time study. Job sharing provides a means for these people to juggle the various facets of their life.
- 1.2 Job sharing is, for legal purposes, a form of part-time working. The difference is principally that it is a shared responsibility for a single full-time post involving the full range of duties and responsibilities.
- 1.3 Job sharing has been in operation in Nottinghamshire schools for many years and experience has shown that it is beneficial both to the participants and to the school and its pupils. It can increase the range of skills available in the school and often brings a greater breadth of experience to the post.
- 1.4 All posts in schools should be considered for job share. There are, of course, many issues to be considered when reviewing the possibility of a job share which will differ from post to post and will need to take account of the circumstances and operational needs of each school. These will include the possible effects of job sharing on efficiency, costs, supervision, communication, continuity and the maintenance of educational standards. Where a head teacher post is being considered for a job share it is strongly advised the governing body seek advice from the HR Service and the Education Improvement Service.

2. Definition

- 2.1 Job share is where the duties and responsibilities of a post are shared between two or more people working part time. Responsibilities will be shared in such a way that the jobs equate to a full-time post. The work pattern adopted by the job sharers will be agreed in negotiation between each of the partners and the school to achieve mutual benefit. Each partner to a job share will hold a separate contract showing their terms and conditions of appointment. The pay and benefits are divided between them according to the time they work.
- 2.2 Job sharing is different from part-time work in that a part-time worker carries full responsibility for a specific post in which the duties are performed on a part-time basis.

3. Reasons For Job Sharing

- 3.1 Job sharing brings a number of potential benefits, including:
 - It enables schools to retain the valuable skills of employees who may otherwise leave because they are no longer able or no longer wish to work full time.
 - It can increase efficiency, as it has been shown that two workers put more energy into the job than one
 - Two people can bring a wider range of skills and experience to a job than a single post holder

- A job share arrangement may create the possibility of having both sharers on duty at the same time for special events, when additional resources may be needed.

4. Legal Implications

- 4.1 Each flexible working request for job share must be considered on its own merits and, if the flexible working request is turned down, the employee must be notified in writing of the reasons why as outlined in the Flexible Working Procedure paragraph 5.9.. The school in line with the Flexible Working Procedure paragraph 5.3 should always offer the individual an opportunity to discuss such a decision at a meeting with the Head Teacher or the chair of governors where it is a head teachers request and may be accompanied by their Trade Union representative or a work colleague, if they wish. It should be noted however, that the majority of appeals brought before Employment Tribunals against decisions not to grant job share arrangements are lost on equal opportunities grounds.
- 4.2 In exceptional circumstances, a post may be considered inappropriate for job share or a job share request turned down if there are reasonable grounds for the decision. Advice should be sought from the HR Service before making such a decision.

5. The Procedure

- 5.1 Job Share – Flexible Working Request (**Appendix 3**)
- 5.2 There are two ways in which a job share arrangement may be initiated:
1. An existing employee requests that their contract is converted to job share through a flexible working request application form.
 2. A full time vacancy is advertised, and an applicant requests to be considered for it on a job share basis (no requirement to complete the flexible working request form – internal employees only)
- 5.3 Applications from existing employees need to be made on the Flexible Working Request Form to the Head Teacher or the chair of governors for head teacher applications (**Appendix 3**).
- 5.4 Each new flexible working request to job share must be given due consideration on an individual basis as it arises. This includes any post which has previously been considered for job share and was found to be unsuitable. It may be that those factors which led to initial refusal no longer apply. In addition, it is unlikely to be appropriate to apply 'blanket' rules about the unsuitability of job sharing for particular groups of posts. The Governing Body should proceed with caution when considering the head teachers post to job share and are strongly advised to seek advice from the HR service and Education Improvement Service before considering the request.
- 5.5 Where an application is received for a vacant post on a job share basis, the school should follow the recruitment process, as follows:
- The application should be accepted and considered alongside those of applicants seeking a full-time appointment.
 - Shortlisting and interviewing should be carried out for all applicants against the requirements of the Person Specification for the post.

- Joint applicants for job sharing should be interviewed separately and their individual suitability for appointment considered. If performance at interview differs between the applicants, it is possible to accept one applicant without employing the other, subject to the successful recruitment to the remaining fraction of the post.

Further guidance can be found within Recruitment and Selection of Staff in Schools.

6. Finding a Job Share Partner

- 6.1 Arranging a job share does depend on a job share partner being found. It is acceptable to agree 'in principle' to a job share application prior to recruiting to the vacant part of the post. It is important to understand that where a job share appointment can't be made, when a new job share is requested, a decision might be taken to retain the post as full-time. In the case of an existing job share arrangement, the remaining job share partner would then need to choose whether to take up the post on a full time basis, or to seek alternative employment.

7. Considerations

- 7.1 In order for a job share arrangement to work well, there must be a commitment from the school management as well as the job share employees. Careful planning and a degree of flexibility are required from both sides. Before finalising a decision on a job share request, the Head Teacher and/or the Governors (for head teacher applications) should consider the following issues:
- Carefully consider and determine how the responsibilities will be shared and how the hand-over between partners will work. Responsibilities must be divided in such a way that the combined jobs equate to the grading of a full-time post. In terms of volume, careful attention must be paid to a realistic allocation of duties according to the hours worked by each partner.
 - Be aware that each post holder will be entitled to terms and conditions no less favourable or more onerous than full time employees. For example, schools will need to consider the timing of staff meetings, parents meetings, etc, so that between them, the job share partners are not required to attend more than an equivalent full-time employee. When such meetings take place on a non-working day, the member of staff cannot be required to attend. If they do agree to attend, an additional payment or time off in lieu needs to be agreed in advance. For teachers, the directed time budget should be planned on a pro-rata basis for each employee. This should show their percentage of 1265 hours of directed time, split between teaching time and non-teaching duties, including PPA.
 - In the case of teachers, careful consideration will also need to be given to the timing of INSET days across the school year so that both partners have an entitlement to INSET and are not excluded. Between them, the job share partners should not be expected to attend more INSET than an equivalent full-time employee, unless it is agreed and either time off in lieu is given, additional payments are made or other flexible arrangements are agreed in advance.
 - Where job share teachers undertake additional responsibilities for which full-time teachers would receive additional non-contact time, or leadership and management time, they should also receive additional non-contact time for those responsibilities on a pro-rata basis.

- Where each job share partner carries out part of the responsibility attached to a TLR, each will receive the pro rata proportion of the TLR payment. They should also receive a pro rata proportion of associated non-contact time.
- Job share partners will receive benefits on a pro-rata basis, depending on their working hours. This includes bank holiday leave, which will be shared between the job sharers on a proportionate basis.
- In the case of appraisal, careful thought will need to be given to the setting and evaluation of objectives set for the individual teachers.
- Colleagues of job share workers should be fully informed of all the arrangements.

7.2 Those making a flexible working request to work on a Job Share arrangement must also be made aware of the following issues and requirements:

- The partners should undertake to work collaboratively and flexibly with each other and to ensure effective communication and hand-over arrangements.
- Partners would need to demonstrate that they can make satisfactory arrangements for consulting each other so that the full responsibilities of the post can be discharged efficiently. No additional payment would ordinarily be made for this overlap time.
- Job Share partners also need to be aware that it may be necessary to attend meetings (eg, parents' evenings, staff meetings, etc) outside of their normal working hours, but only in proportion to that expected of an equivalent full-time employee.
- The partners need to be aware and understand that working as a job share will have implications for their pension. Both the Teachers' and Local Government Pension Schemes use the number of years' service an individual has in the scheme as part of the calculation of pension benefits on retirement. However, pension calculations are not based simply on years' service – the number of hours worked are also taken into consideration. For example, if an employee works half time for 20 years, 10 years' service would be used in the calculation of their pension benefits.

7.3 When discussing job share requests with staff, it is good practice to ensure that they have seen the Flexible Working Policy before making their final application. By understanding the full range of options available, staff can be sure that they are requesting the working arrangements that are best suited to their individual situation.

7.4 Further guidance on considering a job share/flexible working request is available from the HR Service. Employees may also wish to seek advice from their Trade Union.

8. Work Patterns

8.1 Job sharing work patterns will vary according to the needs of the school, eg:

- A set share of days in the week

- Mornings or afternoons
- Week on / week off
- Alternate days
- Other patterns

8.2 Once a job share arrangement has been agreed, the job sharer has no right to return to full time work. Should a job sharer wish to return to full time work they would have to apply for vacancies and compete in the normal way, or take on the additional hours when their job share partner leaves.

9. Resignation of a Job Sharer

9.1 If one of the job sharers resigns, or if an appointment is terminated by the school, the remaining job sharer may opt for one of the following:

1. To convert to full-time work in the post, provided that the remaining job sharer is suitably qualified to undertake the full range of duties required.
2. To remain in post on a job share basis with no contractual change, where it is practicable. This will be dependent on the school being able to make an appointment to the remaining vacancy. Where a contractual change is necessary this shall be mutually agreed with the job sharer.
3. To remain on a job share or part time contract where there is no requirement for the school to fill the vacant element of the post.
4. Be redeployed to another post in the school, if practicable (providing this is of no higher status) on the pay, terms and condition applicable to that new post.

8. Staffing Reductions

8.1 In a potential redundancy situation at the school the job share post shall be considered as one full time equivalent post. The job share employees must be treated no less favourably than other employees at the school and both partners will be treated separately in respect of any skills audit. In particular, if there is a need for a redundancy less than a full-time equivalent, it should not be assumed that one of the job shareholders will automatically selected for redundancy. If a job share post is selected where there is a staffing reduction of less than one full time equivalent, then both partners shall be considered equally.

8.2 Further guidance can be found within [Reductions in Staffing](#).

9. Training and Development

9.1 It is important that all employees, irrespective of their contractual status, have the opportunities to develop their skills and knowledge, both to fulfil the demands of their current job and also to develop the ability and confidence to meet new demands and challenges. An employee who is job sharing will have the same access to training and development opportunities as a full time employee.

10. Action for the Head Teacher

10.1 If an application for flexible working/job sharing is agreed, you should:

- Inform the individual and agree a provisional implementation date, subject to the recruitment of a job share partner.
- Instruct HR-Pay to adjust the individual's salary and issue a variation to their contract.

10.2 If an application for flexible working/job sharing is not supported by the school, you should:

- Discuss the situation with your HR Service Business Partner
- Be able to demonstrate clearly the detrimental impact of such an arrangement on the school
- Fully explain to the job share applicant the reasons why you are unable to support their flexible working request, and follow up this discussion in writing.

11. Action for the Chair of Governors

11.1 In the first instance all applications for a job share arrangement for the head teacher post the chair of governors should seek advice from the HR Service and the Education Improvement Service.

11.2 If an application for flexible working request/job sharing is agreed, you should:

- Inform the individual and agree a provisional implementation date, subject to the recruitment of a job share partner.
- Instruct HR-Pay to adjust the individual's salary and issue a variation to their contract.

11.3 If an application for flexible working request/job sharing is not supported by the school, you should:

- Discuss the situation with your contact in the HR Service Business Partner and the Education Improvement Service
- Be able to demonstrate clearly the detrimental impact of such an arrangement on the school
- Fully explain to the job share applicant the reasons why you are unable to support their flexible working request, and follow up this discussion in writing.

Appendix 3

Nottinghamshire School Flexible Working Policy

Request form for Flexible Working

This form should be completed by eligible employees who wish to make a statutory request to work a flexible working pattern which is different to their current working pattern.

(Note to employees: - It will help your head teacher/ or Chair of Governors (when an application is made by a head teacher) if you provide as much information as possible about your desired working pattern. When completing sections 4 and 5, think about what effect your change in working pattern would have on both the work that you do and on your colleagues. Once the form is completed, you should forward this to your head teacher who will then arrange a meeting with you within 28 days to discuss the details of your request.

If your request is approved, this will form a permanent change to your terms and conditions of employment unless otherwise agreed on a temporary basis.)

1. PERSONAL DETAILS

Name..... Post Title and grade.....

School.....

If you have made a previous application for flexible working please state date of that application.....

If your request is in relation to the Equality Act 2010 (e.g. as a reasonable adjustment for a disability) please state yes/no:.....

I would like to apply to work a flexible working pattern which is different to my current working pattern and I confirm that I meet the eligibility criteria for each of the following bullet points as follows:

- I have worked continuously as an employee of Nottinghamshire County Council/ the name of the Academy Trust for the last 26 weeks
- I have not made a request to work flexibly under this right during the past 12 months

2 CURRENT WORKING PATTERN (Include details of days/times/hours worked)

.....
.....

3 REQUESTED WORKING PATTERN (Describe days/hours/times etc)

.....
.....
.....

4 IMPACT OF THE REQUESTED WORKING PATTERN

I think the requested change in my working pattern would affect the school and my colleagues as follows:

.....
.....
.....
.....
.....

5 ACCOMMODATING THE REQUESTED WORKING PATTERN

I think the effect on the school and colleagues could be dealt with as follows:

.....
.....
.....
.....
.....

I confirm the above are true and accurate statements and I would like the requested working pattern to commence on.....

Signed..... Date.....

Appendix 4

Invite to meeting with head teacher/Chair of Governors

Date

Private and Confidential

Dear

Further to your application to request flexible working dated.....I would like to invite you to a meeting to discuss your desired work pattern in more detail and consider how it may be accommodated within the school. The meeting will also consider alternative working patterns, should there be difficulty in accommodating your request. The meeting will take place on.....at.....in the following location.....(when this is a head teacher application, a representative from the HR team and Education Improvement Service may be in attendance).

You are entitled to be accompanied at the meeting by your trade union representative or work colleague.

Notes will be taken of the meeting and circulated to you after the meeting. Within 10 working days of the meeting I will write to you to either agree to the new work pattern or confirm alternative arrangements agreed at the meeting. If the school is unable to support your request I will provide written justification of my decision, including the grounds on which the decision has been made and the reasons why the grounds apply. I will also explain your right of appeal against the decision.

Please confirm by.....your attendance at the meeting and who will be attending with you.

Yours sincerely

Head Teacher/ Chair of Governor

Cc Named HR Business Partner, HR Service

Nottinghamshire County Council

Appendix 5

Outcome following meeting with head teacher

Date

Private and Confidential

Dear

Further to our meeting which took place on.....which considered your application to request flexible working dated.....We discussed your desired work pattern in more detail and considered how it may be accommodated within the school. You attended with.....

Options depending on outcome:

- a) I am pleased to confirm that the school are able to accommodate your request to work the following pattern.....and we agreed an effective date of.....
- b) The meeting considered alternative working patterns and we discussed the reasons why there is difficulty in accommodating your request. We agreed an alternative pattern of.....effective from.....
- c) We discussed the reasons why there is difficulty in accommodating your request, however we agreed a pattern of.....on a temporary basis until.....to be reviewed on.....or sooner if the situation in school changes.
- d) We discussed the difficulties in accommodating your request and I outlined the grounds on which your application has been turned down. To confirm the grounds are based on one or more of the following – please state which apply and include more detail under each relevant heading:
 - the burden of additional costs
 - detrimental effect on ability to meet customer demand
 - inability to reorganise work among existing staff
 - inability to recruit additional staff
 - detrimental impact on quality
 - detrimental impact on performance
 - insufficiency of work during the periods the employee proposes to work
 - planned structural changes

The reasons for these grounds are: please detail justification for the decision to turn the request down.

You have the right of appeal against my decision. If you wish to exercise your right to appeal please set out the grounds for appeal in writing to the chair of governors within 10 working days of receipt of this letter i.e. by.....

Yours sincerely

Head Teacher/ Chair of Governor, Cc Named HR Business Partner, HR Service, Nottinghamshire County Council

Appendix 6

Invite to appeal hearing

Date

Private and Confidential

Dear

Further to your application to request flexible working dated.....and my letter dated.....informing you of my decision, I understand from your letter dated.....that you wish to appeal against the decision. I would like to invite you to an appeal hearing with myself and an appeals panel of the governing body (add names of governors). There will also be a HR Business Partner present to advise the panel (include if applicable). The meeting will take place on.....at.....in the following location.....(when this is a head teacher application, a representative from the HR team and Education Improvement Service may be in attendance).

You are entitled to be accompanied at the meeting by your trade union representative or work colleague.

Please find enclosed papers that will be circulated to the panel. Notes will be taken of the meeting and circulated to all parties.

Please confirm by.....your attendance at the meeting and who will be attending with you.

Yours sincerely

Head teacher/ Chair of Governor,

Cc Named HR Business Partner, HR Service,

Nottinghamshire County Council

Appendix 7

Outcome following appeal hearing

Date

Private and Confidential

Dear

Further to our meeting which took place on.....which considered your appeal regarding your application to request flexible working dated.....We carefully considered all the evidence presented including the head teacher's justification for turning down your request. You attended with.....

Options depending on outcome:

- a) I am pleased to confirm that the panel have decided that the school should accommodate your request to work the following pattern.....with an effective date of.....
- b) The meeting considered alternative working patterns and we discussed the reasons why there is difficulty in accommodating your request. We agreed an alternative pattern of.....effective from.....
- c) We discussed the reasons why there is difficulty in accommodating your request, however we agreed a pattern of.....on a temporary basis until.....to be reviewed on.....or sooner if the situation in school changes.
- d) We discussed the difficulties in accommodating your request and I outlined why the governors could not support your request. To confirm the grounds are based on one or more of the following – please state and explain why to the following points which apply:
 - the burden of additional costs
 - detrimental effect on ability to meet customer demand
 - inability to reorganise work among existing staff
 - inability to recruit additional staff
 - detrimental impact on quality
 - detrimental impact on performance
 - insufficiency of work during the periods the employee proposes to work
 - planned structural changes

The reasons for these grounds are: please detail justification for the decision to turn the request down.

Yours sincerely

Chair of governors

Cc Named HR Business Partner, HR Service, Nottinghamshire County Council

JCNP Staffing Regulations Working Party	Date
Senior HR Business Partner	Andy Wilson
Lead HR Business Partner	Jo Misiuda
Date policy updated	20 March 2018
Review date	Date or 'As per legislative change'

