



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

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Date 14 November 2018

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