



## **Education and Learning Service**

### **Highland Local Negotiating Committee for Teachers**

**LNCT Agreement No. 38  
Flexible Working Policy**

**Updated June 2025**

# **Flexible Working Policy**

## **1. Introduction**

- 1.1 The Highland Council believes that flexible working can increase staff motivation, promote work-life balance, reduce teacher stress and improve performance and productivity.
- 1.2 As an employer the Council is committed to recruiting, retaining, developing and motivating teachers 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,

This policy does not apply to:

- Permanently contracted Associated Professionals as they are covered by the Corporate Policy, which can be accessed here:

[Flexible Working Policy Approved 2015 - People and Transformation](#)

## **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 only be refused if there are sound service reasons for doing so. It must be noted that flexible working may be more difficult to accommodate for teachers.
- 3.4 The requesting teacher will receive written confirmation of the Council's decision. If unsuccessful this will include clear 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**

**The timescale to deal with a request, including appeal process, must not exceed 2 months.**

- 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 Headteacher and can be found here: [Local Negotiating Committee for Teachers Agreements | Flexible Working Application Form - Teachers](#)

The request can be for:

- A reduction in hours worked
- A variation in working pattern

- 4.2 The Headteacher in close liaison with the Workforce Planning and Staffing team should consider whether or not the request could be accommodated as quickly as possible after receiving the formal application. If the request is agreed on the basis of the information submitted, the Headteacher, after agreeing the decision with the Workforce Planning and Staffing 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 Headteacher may wish to meet with the teacher to discuss the application before a decision is made. The meeting should normally take place as soon as possible following receipt of the application. Following the meeting, the Headteacher should notify the teacher of the decision, in writing as soon as possible.

Possible decisions include:

- Agreement to the original request.
- Compromise agreement (as discussed during the meeting).
- Not possible to accommodate the request at this time. No decision to refuse should be made without discussion with the teacher.

- 4.4 If the application has not been agreed then the teacher will be notified of the clear reason/s for refusal.
- 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 Headteacher 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 Area Quality Improvement Manager using the Flexible Working Request Decision Appeal Form which can be found here:  
[Local Negotiating Committee for Teachers Agreements | Flexible Working Appeal Form - Teachers](#)

## 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**

The timescale to deal with a request, including appeal process, must not exceed 2 months.

- 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 Headteacher is unsure that the arrangements requested are sustainable within the school or about the potential impact on other teachers. In such cases, the Headteacher 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 Headteacher, 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 Headteachers
  - 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 Highland Council		Signed on behalf of the Teachers' Side	
Name	Fiona Grant	Name	Alistair Bell
Designation	Joint Secretary LNCT	Designation	Joint Secretary LNCT
Date	3.6.2025	Date	3.6.2025



# Flexible Working Applications Guidance for Headteachers

## Introduction

### What is Flexible working?

In essence, "flexible working" involves headteachers making adjustments to their standard working arrangements to accommodate their teachers' preferences, subject to service requirements.

### Who can make a flexible working request?

Under part 8A of the Employment Rights Act 1996, teachers may apply to their employer for a change to their contractual terms and conditions of employment to work flexibly

### What sort of changes can teachers request?

A reduction in hours worked  
A variation in working pattern

### How often can a teacher request a change?

A teacher is limited to making two applications for change to be considered in any 12 month period.

### What procedure should the teacher use to make a request?

Where a teacher initially approaches their Headteacher they should make the teacher aware of the procedure and if necessary help them to clearly define their proposal. The teacher must apply in writing to their Headteacher using the Flexible Working Application Form for Teachers which is available on the Highland Council website:

[Local Negotiating Committee for Teachers Agreements | Flexible Working Application Form - Teachers](#)

The application process, including the appeal process, must be concluded within 2 months of receipt of the application. The Headteacher should arrange, as soon as possible, for an appropriate time to meet with the teacher to discuss the desired work pattern in depth and to discuss how it might be accommodated. The teacher has a right to be accompanied by a colleague or trade union representative at this meeting.

After the meeting the Headteacher will consider how requests might be accommodated and what the implications would be. The Headteacher should also consider meeting with the wider team before deciding whether the request should be granted either in whole, in part or not at all. Justification will be required to support the decision.

Unless further action is necessary before notifying the teacher, the Headteacher will write to the teacher to agree a new work pattern and start date, or to provide reasons why the

request cannot be granted. The Headteacher will also arrange for any changes to be made to the teacher's contract of employment by completing the necessary change form and forwarding to the Workforce Planning and Staffing Team.

### **What factors may be taken into account when considering a request?**

Each request should be considered on its own merits in the light of the requirement to provide a quality service. As an employer the Council is committed to taking a proactive and flexible approach to the management of work issues and this should be reflected in the decisions made by Headteachers.

Requests to work flexibly must be considered objectively and a Headteacher can only refuse them if there are service reasons for doing so. The statutory code of practice requires employers to do this. These service reasons are:

- **The additional costs will impose a burden.**

#### **Example:**

Two teachers apply to share a post on a part time basis but both wish to work 0.6 fte each and the school only has a budget for a 1.0 fte post. It could be negotiated so that each teacher works 0.5 fte but if this is not acceptable then the request would be refused.

- **Agreeing to a request will have a detrimental effect on the Service's ability to meet teaching requirements.**

#### **Example:**

Depending on the type of request and the time of year the request is received, it may have an impact on the school's ability to meet existing timetable requirements. In this case an option could be to consider the request again at the change of timetable when the reduced/changed hours could be factored in.

- **It is not possible to re-organise work among existing staff.**

#### **Example:**

In a school situation it is unlikely there will be sufficient capacity within existing staff to undertake additional class contact time.

- **It is not possible to recruit additional staff.**

#### **Example:**

Recruiting additional staff is not an option unless the request is for a reduction in hours. It may not prove possible to recruit a teacher in a particular subject area or to a remote location and if this is the case then the flexible working application would have to be refused. However the vacancy would require to be advertised before this decision could be reached.

- Agreeing to the request will have a detrimental impact on performance.

#### **Example:**

When considering a request, Headteachers can take into account the current staffing arrangements they have in place, for example if they already have a number of part time staff and to allow another request would have a serious detrimental effect on the provision of learning and teaching within the school. It could be the case that a discussion was held with

all part time staff to see if a compromise could be reached to accommodate the flexible working application.

- **There is insufficient work during the periods the teacher proposes to work.**

**Example:**

Teachers are required to undertake their class contact time during the pupil day and therefore would not be in a position to fulfil their class contact contractual requirements out with the pupil day.

**What information must the Headteacher provide to the teacher after reaching a decision?**

The Headteacher must inform the teacher of their decision in writing within 14 days of the meeting, or as soon as possible to accommodate the 2 month turnaround window. If an application is accepted the Headteacher should complete the necessary change form and forward to Workforce Planning & Staffing Team. The notification to the teacher must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated

If an application is not successful the notification must:

- State the service ground(s) for refusing the application
- Provide sufficient explanation as to why the service ground(s) for refusal apply in the circumstances
- Provide details of the teacher's right to appeal
- Be dated

The explanation should include key facts about why the service ground(s) apply and should not be overly long or complex. A couple of paragraphs should be sufficient. The explanation should include relevant facts, be in plain English and avoid unfamiliar jargon.

The Flexible Working Decision Form is available on the Highland Council website: [Local Negotiating Committee for Teachers Agreements | Flexible Working Decision Form - Teachers](#)

**Is there a right of appeal against the Headteacher's decision?**

Yes. Teachers who wish to appeal against any decision can do so by completing the Flexible Working Decision Appeal Form for Teachers which is available on the Highland Council website: [Local Negotiating Committee for Teachers Agreements | Flexible Working Appeal Form - Teachers](#) and submit to next level of management within the Service within 14 days of being notified of the Headteacher's decision.

**Can an application be withdrawn?**

Yes. If a teacher decides to withdraw an application they should write to the Headteacher as soon as possible.

An application will also be considered withdrawn if a teacher fails to attend two meetings without good cause or if he or she refuses to provide the Headteacher with the required

information.

If a teacher withdraws an application, this will still count towards their two applications in any 12 month period.

## **Handling requests to work flexibly in a fair way**

There may be some occasions, when a Headteacher receives more than one request to work flexibly closely together from different teachers. Where this happens it may be possible to grant all of the requests received. However, before doing so the Headteacher will need to look closely at the impact this would have on service delivery before coming to a decision. Requests should be considered in the order they are received, on a first come first served basis. Having considered and approved the first request the Headteacher should remember that the service context has now changed and can be taken into account when considering the second request against the service reasons set out above.

When a Headteacher receives more than one request, they are not required by the law to make value judgements about the most deserving request. A Headteacher should consider each case on its merits looking at the service delivery and the possible impact of refusing a request. A Headteacher may want to have a discussion with the teachers to see if there is any room for adjustment or compromise before coming to a decision.

## **Flexible Working Examples**

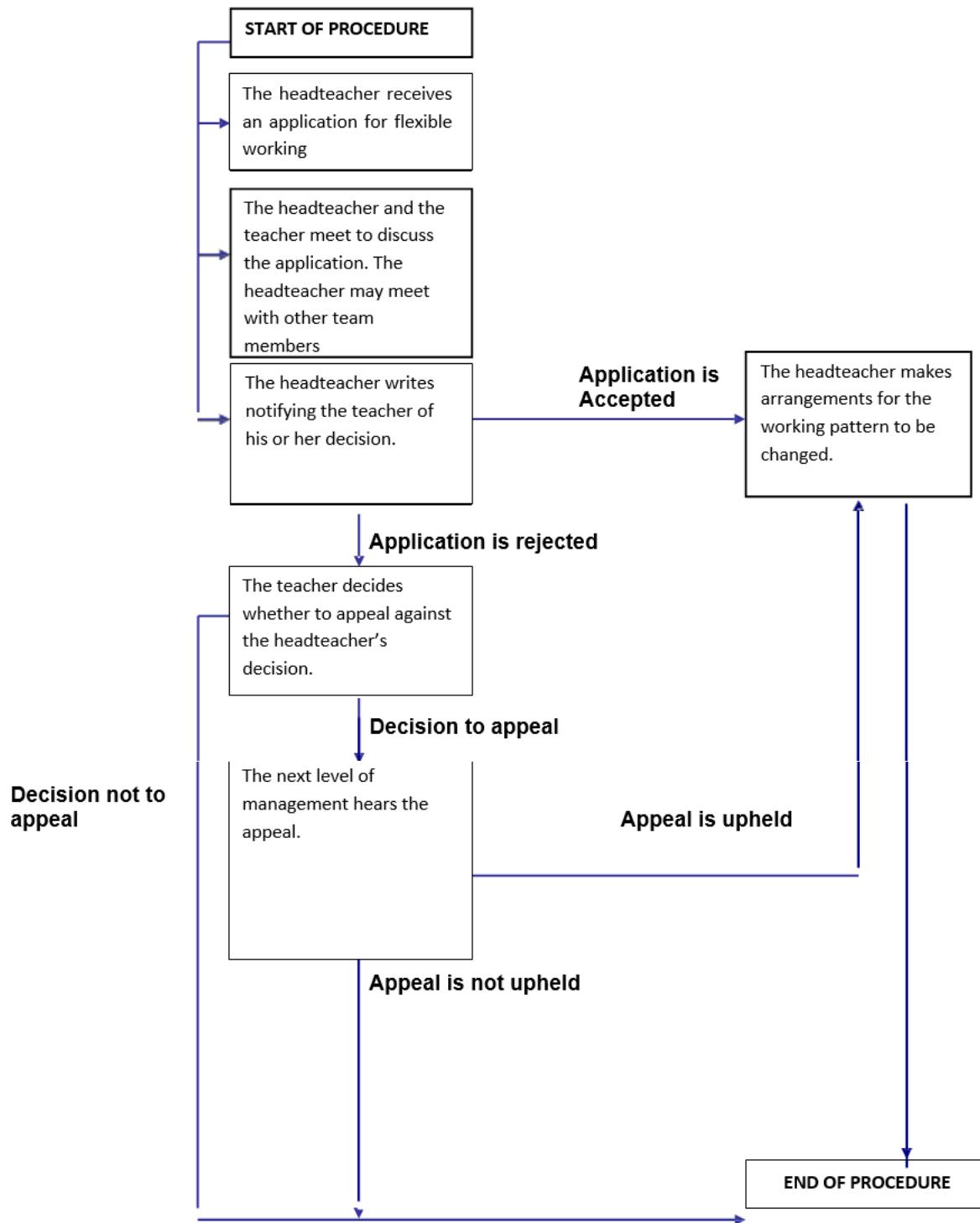
### **Part-time working**

Part-time working is the most prevalent and established type of flexible working. Although it is often equated with half-time working (for example, 0.5 fte instead of a full time 1.0 fte), any fte below the Service's standard working week can be considered as part-time working. Part-time work usually involves agreeing a set fte to be worked per week or month under a contract of employment. There is usually an agreed pattern to the hours of work.

Part-time issues that must be considered and addressed include arrangements for training and meetings, which are often designed around full-time teachers' hours.

Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers. For further information contact Human Resources.

## Flexible Working Arrangements – Procedure Flowchart





# Flexible Working Applications Guidance for Teachers

## Introduction

The Highland Council believes that flexible working can increase staff motivation, promote work-life balance, reduce teacher stress and improve performance and productivity. As an employer the Council is committed to recruiting, retaining, developing and motivating teachers by ensuring that they are able to balance work and personal commitments.

## What is Flexible working?

Flexible working describes any type of working arrangement that gives some degree of flexibility on how long and when teachers work.

In essence, flexible working involves the Headteacher **considering** the possibility of changing existing working arrangements to accommodate your preferences, subject to service requirements.

## Who can make a flexible working request?

The right to apply for flexible working applies to everyone. (Please be aware that this means you have the statutory right to have your application considered. This does not guarantee your application will be successful).

## What sort of changes can I request?

- A reduction in hours worked
- A variation in working pattern

## How often can I request a change?

You are limited to making two applications for changes to be considered in any 12 month period. (Talk to your Headteacher about any special circumstance which may not be covered by this policy, e.g. making reasonable adjustments in line with the Equalities Policy).

## What procedure should I follow to make a request?

In the first instance you should explore informally with your Headteacher your thoughts on making an application. Your Headteacher will outline the procedure and if necessary help you to clearly define your proposal. Once you are ready, you need to apply in writing to your Headteacher using the Flexible Working Application Form for Teachers which is available on the Highland Council website: [Local Negotiating Committee for Teachers Agreements | Flexible Working Application Form - Teachers](#)

## **What should I consider before making an application?**

- A new working pattern will normally be a permanent change to your employment conditions.
- Think carefully about your application, as you will have no right to revert back to your former hours of work or working pattern.
- Think about the date that you would like the change to take effect from. The more notice you provide, the more likely your Headteacher will be able to implement the change when it suits you. The start of a new session/term or the change of timetable in secondary schools may be the most appropriate.
- If you have friends or colleagues that are working flexibly, ask them about their experiences.
- Think about the effect that changing your working patterns will have on your job. You should aim to show in your application that your plans will not adversely affect service provision and may in fact enhance it.
- If you request a flexible working pattern that will result in you working fewer hours, your pay will also reduce.
- To fully understand the financial implications of any change to pay or your pension you should seek independent financial advice.

## **What happens after I submit my application?**

Your Headteacher will arrange an appropriate time to meet with you to discuss your requested work pattern in depth and to discuss how it might be accommodated or a compromise agreed. You may wish to be accompanied by a colleague or trade union representative at this meeting.

After the meeting your Headteacher will consider how your request might be accommodated and what the implications would be. Your Headteacher may also meet with the wider team before deciding whether the request should be granted either in whole, in part or not at all.

Unless further action is necessary you will be notified as soon as possible. Your Headteacher will write to you to agree a new work pattern and start date, or to provide reasons why the request cannot be granted. If required, your Headteacher will also arrange for any changes to be made to your contract of employment.

The application process, including the appeal process, must be completed within 2 months of receipt of the application.

## **What factors may be taken into account when considering a request?**

Each request is considered on its own merits in the light of the requirement to provide a quality service.

As teachers are class committed and must undertake their class contact time in school, applications to work at another location or to work compressed hours are not practical. Teachers' holidays are fixed and they work term time only.

Your Headteacher will consider that timetable requirements can vary from session to session and an agreed particular working pattern may have to be reviewed in the future depending

on service requirements.

Your Headteacher will also be able to refuse a request if it is justifiable on one of the following grounds:

- **The additional costs will impose a burden.**
- **Agreeing to a request will have a detrimental effect on the Service's ability to meet teaching requirements.**
- **It is not possible to re-organise work among existing staff.**
- **It is not possible to recruit additional staff.**
- **Agreeing to the request will have a detrimental impact on performance.**
- **There is insufficient work during the periods the teacher proposes to work.**

Example justification is detailed in **Appendix 1**.

### **What information does your Headteacher provide you with after reaching a decision?**

Your Headteacher must inform you of their decision in writing within 14 days of the meeting or as soon as possible. If your application is accepted the notification must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect
- Be dated

If your application is not successful the notification must:

- State the service ground(s) for refusing the application
- Provide sufficient explanation as to why the service ground(s) for refusal apply in the circumstances
- Provide details of your right to appeal
- Be dated

The explanation should include key facts about why the service ground(s) apply and should not be overly long or complex. The explanation should include relevant facts, be in plain English and avoid unfamiliar jargon.

### **Is there a right of appeal against my Headteacher's decision?**

Yes. If you wish to appeal against the decision you should complete the Flexible Working Decision Appeal Form for Teachers which is available on the Highland Council website: [Local Negotiating Committee for Teachers Agreements | Flexible Working Appeal Form - Teachers](#) and submit to next level of management within the Service within 14 days of being notified of the Headteacher's decision.

### **Can I withdraw my application?**

Yes. If you do decide to withdraw your application you should write to your Headteacher as soon as possible.

An application will also be considered withdrawn if you fail to attend two meetings without good cause or if you refuse to provide your Headteacher with the required information.

If you withdraw an application, this is still counted towards your two applications in any 12 month period.

## **Handling requests to work flexibly in a fair way**

There may be some occasions, when a Headteacher receives more than one request to work flexibly closely together from different teachers. Where this happens it may be possible to grant all of the requests received. However, before doing so the Headteacher will need to look closely at the impact this would have on service delivery before coming to a decision. Requests should be considered in the order they are received, on a first come first served basis. Having considered and approved the first request the Headteacher should remember that the service context has now changed and can be taken into account when considering the second request against the service reasons set out above.

When a Headteacher receives more than one request, they are not required by the law to make value judgements about the most deserving request. A Headteacher should consider each case on its merits looking at the service delivery and the possible impact of refusing a request. A Headteacher may want to have a discussion with you to see if there is any room for adjustment or compromise before coming to a decision.

## **Examples of Flexible Working Options**

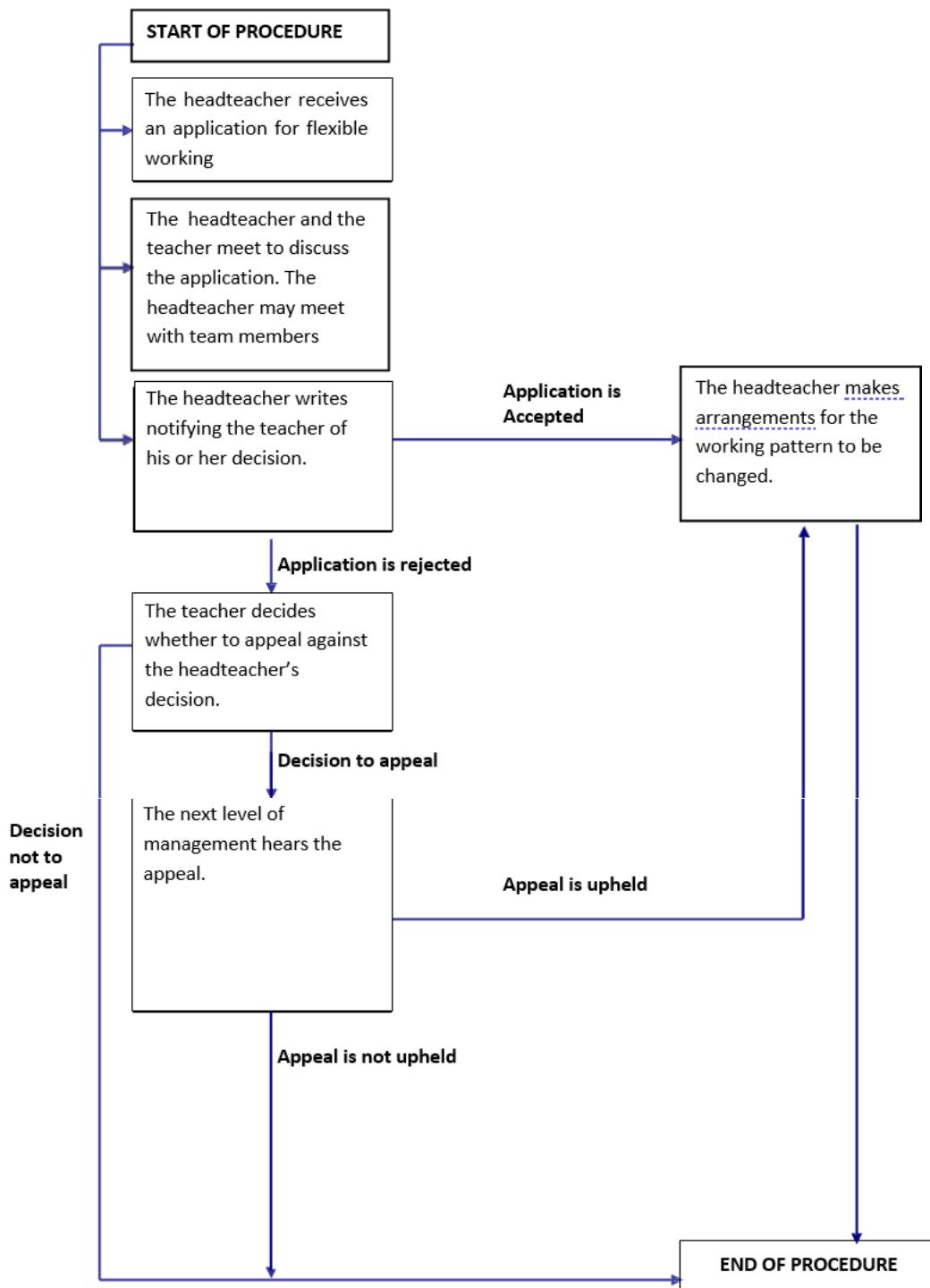
A teacher may request to reduce their hours from full-time to part-time, i.e. 5 days to 3 days, they may also request a variation in their working pattern in terms of when their class contact times are allocated.

### **Part-time working**

Part-time working is the most prevalent and established type of flexible working. Although it is often equated with half-time working ( for example, 0.5 fte instead of a full-timer's 1.0 fte), any fte below the Service's standard working week can be considered as part-time working. Part-time work usually involves agreeing a set fte to be worked per week or month under a contract of employment. There is usually an agreed pattern to the hours of work.

Part-time workers have legal rights, based on the principle of equal treatment with comparable full- time workers. For further information contact Human Resources.

## Flexible Working Arrangements – Procedure Flowchart



## **Appendix 1:**

### **Examples of Factors being applied**

#### **What factors may be taken into account when considering a request?**

Each request is considered on its own merits in the light of the Council's requirement to provide a quality service.

- **The additional costs will impose a burden.**

#### **Example:**

Two teachers apply to share a post on a part time basis but both wish to work 0.6 fte each and the school only has a budget for a 1.0 fte post. This could be negotiated so that each teacher works 0.5 fte but if this is not acceptable then the request would be refused.

- **Agreeing to a request will have a detrimental effect on the Service's ability to meet teaching requirements.**

#### **Example:**

Depending on the type of request and the time of year the request is received, it may have an impact on the school's ability to meet existing timetable requirements. In this case an option could be to consider the request again at the change of timetable when the reduced/changed hours could be factored in.

- **It is not possible to re-organise work among existing staff.**

#### **Example:**

In a school situation it is unlikely there will be sufficient capacity within existing staff to undertake additional class contact time.

- **It is not possible to recruit additional staff.**

#### **Example:**

Recruiting additional staff is not an option unless the request is for a reduction in hours. It may not prove possible to recruit a teacher in a particular subject area or to a remote location and if this is the case then the flexible working application would have to be refused. However the vacancy would require to be advertised before this decision could be reached.

- **Agreeing to the request will have a detrimental impact on performance.**

#### **Example:**

When considering a request, Headteachers can take into account the current staffing arrangements they have in place, for example if they already have a number of part time staff and to allow another request would have a serious detrimental effect on the provision of learning and teaching within the school. It could be the case that a discussion was held with all part time staff to see if a compromise could be reached to accommodate the flexible working application.

- **There is insufficient work during the periods the teacher proposes to work.**

**Example:**

Teachers are required to undertake their class contact time during the pupil day and therefore would not be in a position to fulfil their class contact contractual requirements out with the pupil day.