



**BROADWATER**  
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# Statutory Request to Work Flexibly Policy (West Sussex Model Policy 2020) 2021-2024

**Turn your ear to wisdom and apply your heart to understanding (Proverbs 2:2)**

Broadwater is a Christian School. We will enable children to become wise, confident, successful learners with the motivation, skills and responsibility to make a positive difference in God's world. Our vision is underpinned by the values we live by.

*The Holy Spirit produces this kind of fruit in our lives: love, joy, peace, patience, kindness, goodness, faithfulness, gentleness, and self-control. There is no law against these things! Galatians 5:22*

It is this fruit that, in partnership with parents, we will instil in the children of our school.

## **Aim**

The aim of this policy is to outline what information employees need to provide when making a statutory request to work flexibly; what matters managers need to consider when responding to such a request and the procedure that should be followed. Further information on how to apply the principles contained in this policy is provided in the Guidance document.

## **Scope**

This policy applies to all employees of West Sussex County Council including West Sussex Fire and Rescue Service and Maintained Schools, including those with less than 26 weeks' continuous service.

In schools the term 'manager' should be read as 'Headteacher/Line Manager', and in the case of the request being made by the Headteacher, should read as 'Chair of Governors.'

## **Who can help?**

If an employee has any questions about the Statutory Request to Work Flexibly policy, or process they need to follow they can raise these with their headteacher/ line manager, or HR Customer Services on 01243 6(42148) or email [hr.customer.services@westsussex.gov.uk](mailto:hr.customer.services@westsussex.gov.uk).

If headteachers/ line managers have any in depth questions about the statutory right to request flexible working, or the process for managing a request they can contact HR Professional Support for advice on 033022 22422 or email [HR.Professional.Support@westsussex.gov.uk](mailto:HR.Professional.Support@westsussex.gov.uk).

The policy and guidance will provide quite detailed advice which should help a headteacher manage a request through the process.

## **Flexible Working**

West Sussex County Council is supportive of enabling employees to work flexibly, where this meets the needs of the organisation. This helps West Sussex County Council deliver services to its residents and enables employees to achieve a healthy work-life balance.

There are already a wide range of flexibilities open to employees over how, when and where they work. The types of flexibilities are outlined in more detail in the various accompanying documents but may include flexibilities around:

- Working hours/days e.g. when the work is done.
- Contractual flexibilities – e.g. part time, full time, term time only. etc.
- Location flexibilities – e.g. where the work is done - employees can work from home; or at a different location if they have the technology to support this.

Employees should already be able to take advantage of most of these flexibilities, through discussion with their line manager. Managers are encouraged to ensure that employees are able to take advantage of those flexibilities.

A request agreed under this policy, forms a permanent change to the employee's contract. This policy should therefore only be used where the employee is seeking a permanent change to their contract, rather than wishing to use existing flexibilities.

Whilst there is no statutory right to have the request approved, managers must seriously consider request for working on a flexible basis. We expect managers to approve such requests where this can be accommodated within the business.

## **Making a Request**

Any employee is able to make a statutory request to work flexibly. The employee does not need to have a specific reason for making the request. However, an employee may only make one statutory request for flexible working in a 12-month period.

If a manager is approached by an employee who wants to make a statutory request for flexible working, they must ask the employee to put their request in writing. The manager should then arrange to meet with the employee as soon as possible to discuss the request.

In making their request, the employee must include the following information:

- The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect.
- What effect, if any, they think the requested change would have on the business and how, in their opinion, any such effect might be mitigated.
- The fact that this is a statutory request and if and when they have made a previous application for flexible working.

The employee and manager should discuss the employee's request and carefully explore how it could be accommodated. The manager needs to examine and weigh up the benefits to both the business and the employee of the making the changes the employee is seeking against the potential cost of making those changes. In considering the request managers should not discriminate against the employee or make assumptions (see guidance document for more information).

It may be necessary for the employee and manager to have more than one meeting to explore various options and there may be a need for both parties to compromise in order to achieve a workable solution.

Where possible the manager should verbally inform the employee of their decision at the meeting and confirm this in writing to them within 10 working days of the meeting.

If the manager is unable to make a decision at the meeting, the manager should advise the employee of the date they intend to make their decision.

### **Rejecting a Request**

In certain circumstances it may be that an employee's request for flexible working cannot be accommodated.

In this situation the request can only be turned down for one of the following 8 reasons:

- the burden of additional costs.
- an inability to reorganise work amongst existing staff.
- an inability to recruit additional staff.
- a detrimental impact on quality.
- a detrimental impact on performance.
- detrimental effect on ability to meet customer demand.
- insufficient work for the periods the employee proposes to work.
- a planned structural change to your business, where the flexible working change would not fit with the plan.

Where a request is turned down the manager must explain the reason why they have turned down the employee's request and confirm this in writing to them.

An employee's request may also be considered as 'withdrawn' if the employee fails to attend a meeting and a re-arranged meeting under this procedure without good reason.

### **Appeal**

If an employee's line manager has turned down their request to work on a flexible basis the employee may appeal to their line manager's manager.

The appeal must be made in writing, stating the reason for the appeal, within 10 working days of receiving written confirmation of their line manager's decision.

The senior manager hearing the appeal will consider the employee's request and the managers' reasons for refusal. The decision may be varied (an alternative may be agreed to or the request may be partially agreed), stay the same (original decision stands) or be overturned (the employee's request is agreed to in full). There is no further right of appeal.

## **Timescales**

The expectation is that all meetings will be held within 10 working days of the employee verbally making a request or submitting an appeal, and a minimum of 5 days' notice should be given for any meeting under this procedure.

The outcome of any meeting, where the employee has been verbally advised of a decision, should be confirmed in writing no later than 10 working days of the meeting.

The whole procedure to consider the request including any appeal **MUST NOT** take any longer than 3 months, unless both parties agree to the period being extended. This is a statutory requirement for employees who have more than 26 weeks' continuous service.

## **Rights to be Accompanied**

The employee may be accompanied to any meeting under this procedure by a work colleague or Trade Union representative.

## **Effect on Terms and Conditions**

Any request made under this procedure including those which form part of the existing flexibilities available to employees, will become permanent.

Managers are responsible for notifying HR Shared Services through Manager's Self Service (or usual change notification procedure to your payroll provider for schools) of any changes to the employee's contract that have been agreed as part of this process.

Please see the guidance document for more information.

## **Related policy documents and other sources of information**

Please note that these policy documents may not apply to staff employed by Schools or the Fire and Rescue Service. Please see the particular document for information.

Flexitime Policy.

Flexitime Record Sheet and Guidelines.

Guidance on 9-day fortnight.

Guidance on Working from Home.

Guidance on the Working Time Regulations. Statutory Request to Work Flexibly Policy (Schools)

2020 5 Bank and Statutory Holidays for Part Time Employees.

Dependency leave

Career break

Disability in Employment – Making reasonable adjustments

Sickness absence (phased return to work etc)

Special Paid/unpaid leave

Reviewed: March 2020 by NH SHRS (updated HR contacts)

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