

## Flexible Working

The Department for Education (DfE) has recently announced the publication of its flexible working toolkit (27 September 2023) which includes a range of resources to provide practical support to implement flexible working in schools. This can be found at [DfE Toolkit | Flexible working in Multi-Academy Trusts and schools \(flexibleworkingineducation.co.uk\)](https://flexibleworkingineducation.co.uk) and at [Get help with flexible working in schools - GOV.UK \(www.gov.uk\)](https://www.gov.uk).

As a result of our engagement with the DfE, we have secured a significant number of amendments to the DfE advice and guidance which should assist members, NASUWT Representatives and school/college leaders when addressing issues in regards to flexible working.

In particular, members and NASUWT Representatives should draw to the attention of schools/colleges the following aspects of each resource:

### **Communicating the benefits of flexible working**

This resource highlights the fact that flexible working should not have any impact on the provision of education in a school/college.

You should note that this resource also emphasises the need to consider consulting with trade unions and staff to ensure that the process to request flexible working is fair and transparent.

### **Benefiting from flexible working**

The DfE toolkit is helpful in setting out some of the benefits of flexible working in an educational setting and should be useful in challenging barriers to flexible working in schools/colleges.

### **Addressing negative perceptions of flexible working**

This DfE resource addresses the negative perceptions that persist regarding flexible working in schools/colleges and provides a useful evidence base for you to argue the case for flexible working by addressing and challenging a number of assumptions, such as the suggestion that flexible working is not compatible with a career in teaching or that flexible working is only for those with parental or caring responsibilities.

Addressing negative perceptions of flexible working recognises that many of the challenges preventing schools/colleges from successfully implementing flexible working, both 'perceived' and real, can be successfully overcome.

Furthermore, it reinforces the need for schools/colleges to adopt a strategic approach which involves committing to reviewing and improving the arrangements for flexible working annually and discussing them with staff and recognised trade unions.

## Implementing flexible working

This resource has been developed for school/college leaders who want to think strategically with staff about their school's approach to flexible working, and it contains recommendations regarding best practice which you will want to consider when discussing flexible working with an employer.

Schools/colleges are encouraged to look at the types of arrangements in place for flexible working, including the need to consider alternative forms of flexibility and in-year flexibility, such as permitting planning, preparation and assessment (PPA) time to be taken off site.

In addition, implementing flexible working references the use of performance management conversations as a way to aid discussions with members of staff in schools/colleges in regards to flexible working.

Furthermore, the resource goes on to emphasise the significance of consulting and agreeing with staff who are working or have worked flexibly in order to plan more effectively when considering a whole-school approach to flexible working.

The importance of consulting with trade unions is also referenced, including as a means of planning, as well as seeking to build up a picture of the process and gather ideas for improvement in respect of flexible working.

*'Review the characteristics of your flexible working approach and areas for development, then develop a plan for implementation. This should be discussed and agreed with your staff and you may also wish to discuss this with recognised trade unions.'*

The emphasis on monitoring and evaluating policies should be used to ensure that there is an effective mechanism for an annual review of the impact of a school's/college's flexible working policy, specifically in respect to the number of informal and formal requests, as well as successful and unsuccessful appeals, including by those with protected characteristics.

In addition, the DfE's flexible working toolkit is helpful in setting out the need for schools/colleges to monitor attrition rates and whether or not staff are leaving because of a lack of flexibility, including utilising exit interviews as a means of gathering data.

There is also reference to the importance of considering workload reduction and the fact that flexible working should not be seen as a solution in schools/colleges where there are issues associated with workload, and you will need to be mindful of this.

*'When planning, it is important to understand that although flexible working is helpful in improving work/life balance for staff, working part time should not be considered as a way of managing a heavy workload. If staff are feeling overwhelmed by workload, we would suggest working with them to review and address workload issues.'*

Lastly, the reference to governors and trustees is useful as this provides another avenue to pursue in making the case for flexible working in schools/colleges, particularly when it comes to monitoring and evaluating policies.

## An example of a flexible working policy

The DfE has produced a flexible working policy which can be used as a template by schools/colleges when dealing with flexible working requests.

Whilst it cannot go unnoticed that schools/colleges should already have a flexible working policy in place, this template does take a more positive tone in the language used:

*'As an employer, we encourage flexible working opportunities and will seek to support employees to enable successful requests for flexible working.'*

In addition, the suggested model flexible working policy makes it clear that an equality impact assessment (EIA) should be undertaken in relation to decision making.

Furthermore, the DfE's flexible working policy includes reference to the fact that all requests should be dealt with in a 'reasonable manner', as well as the fact that all appeals should be dealt with impartially, which members and NASUWT Representatives should use to recommend the involvement of someone who has had no previous involvement at any point in the process.

In regards to the vital role played by trade unions, the DfE's flexible working policy makes it clear that trade union representatives should be permitted to attend a meeting following a trial period, as well as emphasising that the need to ensure that any flexible working policy should be shared with trade unions.

## **Reviewing a statutory request for flexible working**

This DfE resource highlights the need to give due consideration to the School Teachers' Pay and Conditions Document (STPCD) when reviewing a statutory request for flexible working, including in regards to the implications on working hours and attendance at meetings.

## **Flexible working flowchart**

The flowchart produced as part of the DfE's flexible working toolkit provides advice and guidance as to how the process works once someone has made a request for flexible working in their school/college.

It makes it clear that the whole process, including any appeal, should be concluded in a three-month timescale which members and NASUWT Representatives should point out and remind schools/colleges of, as it can often be the case that flexible working requests are not dealt with in a timely manner, resulting in a situation where some teachers have to seriously consider alternative employment.

Whilst NASUWT welcomes the publication of the DfE's flexible working toolkit, we do not endorse the toolkit, as we believe it does not go far enough in its efforts to address the culture in schools which sees teachers routinely being denied access to flexible working.

Nevertheless, the Union maintains that members and NASUWT Representatives should ensure that schools/colleges are made aware of the DfE's flexible working toolkit and the positive benefits of flexible working.



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