



The Diamond Learning Partnership Trust

Flexible Working Policy

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Statement of intent

The Diamond Learning Partnership Trust believes that allowing staff to work from home can increase their motivation, promote a healthy work-life balance, reduce employee stress, and improve performance and productivity.

The school recognises that there may be an increased risk to the health and safety of employees when working alone at home. Under the Health and Safety at Work etc. Act 1974, the school has a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees.

The Trust appreciates that staff may be tempted to work longer hours if they work from home; however, the school's policy on paid overtime will be outlined in the employees' contracts.

In light of the above, this policy has been created in order to outline the risks associated with working from home and the procedures that are in place to minimise hazards and ensure good practice. This policy also includes guidelines for costs, equipment, insurance and data protection.

For the purpose of this policy, the terms 'staff' and 'employees' have been used to refer to all staff to which this policy applies – specific terms, such as 'teachers' and 'support staff' are used where provision only applies to the said group.

1. Legal framework

This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- Health and Safety at Work etc. Act 1974
- The Management of Health and Safety at Work Regulations 1999
- Equality Act 2010
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- NJC (2019) Local government terms and conditions (Green book)
- DfE (2021) 'School teachers' pay and conditions document 2021 and guidance on school teachers' pay and conditions' (STPCD)
- The School Staffing (England) Regulations 2009
- The Working Time Regulations 1998
- DfE (2020) 'Headteachers' standards'
- DfE (2021) 'Flexible working in schools'

This policy also operates in line with the following school policies and documents:

- Working from Home Risk Assessment
- Data Protection Policy
- Staff Attendance and Absence Policy
- Data and Cyber-security Breach Prevention and Management Plan
- Disciplinary Policy and Procedure
- Data Handling Procedures Policy
- Privacy Notice for Pupils and Their Families
- Lone Worker Policy
- Records Management Policy
- Display Screen Equipment (DSE) Policy
- Staff Wellbeing Policy
- Technology Acceptable Use Agreement for Staff
- Staff Equality, Equity, Diversity and Inclusion Policy
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2. Roles and responsibilities

The board is responsible for:

- Ensuring the school meets its statutory and legal obligations regarding health and safety at work, equality and employee pay.
- Ensuring the school has due regard for the need for school staff, including executive leaders, to achieve a healthy work-life balance.
- Ensuring the members of the governing board themselves adhere to the working limits set out in The Working Time Regulations 1998.

In each school the CEO/headteacher is responsible for:

- Ensuring staff are deployed and managed well, with due attention paid to workload and working conditions.
- Establishing and overseeing the school's working from home and working overtime systems and processes to enable all staff to work effectively and comfortably.
- Ensuring all staff are aware of, and uphold, their professional responsibilities when working from home and working overtime.
- Ensuring that there are arrangements in place for identifying, evaluating and managing risks associated with working from home.
- Ensuring that there are arrangements in place for monitoring incidents associated with working from home.
- Reviewing applications **termly** for flexible working in conjunction with the governing board.
- Reviewing the effectiveness of this policy **annually** and communicating any changes to all members of staff.

The health and safety officer is responsible for:

- Ensuring that all staff are aware of this policy and its requirements.
- Taking all reasonable steps to ensure that employees working from home are at no greater risk than employees working within the school.
- Ensuring that risk assessments are carried out regularly, in collaboration with the headteacher.
- Putting procedures and safe systems of work into practice, which are designed to eliminate or reduce the risks associated with working from home.
- Ensuring that members of staff identified as being at risk are provided with necessary information, instruction and training, including refresher training as necessary.
- Managing the effectiveness of preventative measures through a robust system of reporting, investigating and recording incidents.
- Ensuring that appropriate support is provided to staff involved in any incident.

The DPO is responsible for:

- Ensuring all laptops used for work have sophisticated anti-virus software and malware protection.
- Ensuring all data that is transferred using the internet, e.g. via email, is encrypted and pseudonymised prior to transfer.
- Ensuring all staff are aware of the data protection principles outlined in the UK GDPR.
- Ensuring laptops used for lone working are resilient, are able to efficiently recover lost data and have sophisticated cyber security.
- Ensuring all members of staff working from home adhere to the Data Protection Policy.

Staff are responsible for:

- Upholding their professional duties at all times when they are working from home and working overtime.
- Submitting applications to the headteacher, subject to their approval, before beginning their lone working.

- Taking reasonable care of themselves when working from home and working overtime.
- Following the guidance and procedures outlined in this policy for safe working practices.
- Reporting any incidents that may affect the health and safety of themselves or others to the health and safety officer and asking for guidance as appropriate.
- Taking part in any training conducted to meet the requirements of this policy.
- Reporting any dangers or potential dangers they identify, as well as any concerns they may have in respect of working alone at home to the headteacher.

3. Working overtime

All staff will be remunerated in accordance with their contract for any overtime worked.

Teachers will be paid for working their allotted 1265 hours (1258.5 for the 2021/2022 academic year) per academic year.

These hours relate to, but are not limited to, the following:

- Classroom teaching
- PPA
- Meetings
- Marking and assessment
- Lone working

Any teacher who exceeds the 1265 hours, (or 1258.5 for the 2021/2022 academic year) will not be paid for their additional work, with the exception of staff attending extracurricular trips and activities.

The board will ensure that any expenses incurred by staff members as a result of taking on additional work will be reimbursed where necessary.

Stipulations of paid overtime will be outlined in employees' contracts.

Staff will work overtime at their own liberty; they do not need to request permission, but they cannot log it as working hours.

If staff choose to work overtime, they will continue to adhere to their duties, with particular regard to safeguarding, health and safety and data protection.

No staff member will be required to work on a weekend or public holiday unless their contract of employment explicitly states this as a requirement.

Any work completed outside ordinary working hours, **8:00am-5:30pm**, will be considered as overtime and not part of lone working expectations.

[The points below are general provisions for support staff working overtime. Any additional provisions need to be included in line with the 'Green book' and local conditions.]

Support staff on SO1 pay scale or below cannot accrue enhanced overtime until they have worked 37 hours per week.

Support staff over the SO1 pay scale are paid overtime at standard rates, regardless of the number of hours worked in a week.

Any support staff required to work Saturdays will receive time and a half.

Any support staff required to work Sundays will be paid double time.

Any provision for support staff pay will be made in line with the 'Local government terms and conditions (Green book)'.

4. Working from home

The Trust recognises its obligation to ensure that any member of staff that can work from home should do so and arrangements will be put in place to ensure that this is possible for eligible staff members.

The CEO/headteacher will determine the physical workforce required to meet the needs of the school's pupils and decide whether it is possible for staff undertaking certain roles to work from home without disrupting face-to-face education.

For the purposes of this policy, working from home will be understood to include lone working; employees work by themselves without close or direct supervision.

The school will not treat working from home as:

- An automatic contractual right through express or implied terms; it is granted at the school's discretion and requires prior approval from the headteacher.
- Intended to create a situation in which staff members feel obliged to work excessive hours.
- Subject to funding as the benefits are seen as being mutual.
- A condition in which the school must provide equipment for use at home, e.g. stationery.
- A substitute for the care of dependants, e.g. children.

The school will ensure it meets its duty to assess and advise on the risks associated with home working for employees and ensure that the environments are safe for working practice.

Staff will be expected to meet their duty to take reasonable care of themselves when lone working, as well as any other people affected by their work.

Staff working from home will work ordinary working hours, which are **8:00am-5:30pm** – any work completed outside of this time will be considered as overtime and will be managed in accordance with the employees' contracts.

The school will ensure staff have the right equipment to be able to perform their role from home, including:

- The supply of a telephone and/or broadband line, for the exclusive purpose of conducting work related to the school.

- Relevant ICT equipment, including display screen equipment (DSE), e.g. a PC or laptop.
- Furniture, including a desk, chair and lockable drawers.
- A mobile phone, where appropriate.
- Consumables, such as printer paper and ink, and stationery.

Staff will not use items purchased or provided for home working for personal use.

Staff will, where required, be able to use personal items for working from home, provided that it meets health and safety requirements.

Staff members may be able to use school equipment for home working purposes where this is already provided by the school, e.g. school laptops.

The school will reimburse expenses at its own discretion and any expenses will be agreed at the start of the home working agreement with staff.

The school will complete a risk assessment for support staff working from home to ensure their working environment is fit for purpose and suitable for their needs.

5. Equipment

If a staff member is provided with a school device, an agreement will be written and signed between the headteacher and the staff member prior to commencing home working, outlining the terms and conditions of usage and costs.

If the school remains a frequent work base for a member of staff and equipment is retained on the premises, the school will not usually provide staff members with additional equipment to use at home; however, this will be decided on a case-by-case basis where the need arises.

Any defects on school equipment used for home working will be reported to the ICT technician for repair.

Where staff members are required to use their own equipment, they will take reasonable steps to maintain this equipment to ensure that it is in good working order.

Staff members will ensure that they have suitable telephone and broadband available and contact their provider in the event of any technical issues.

Laptops or computers used for work will be protected by anti-virus software and malware protection – these systems will be checked on a **weekly** basis by the user.

The ICT technician will not be responsible for providing ICT support to equipment owned by staff members.

The school will endeavour to loan school equipment to staff to support their home working where possible.

Any display screen equipment (DSE) being used by staff at home will be used in line with the school's Display Screen Equipment (DSE) Policy.

6. Data protection

Staff members will adhere to the UK GDPR's security principle when working remotely.

The DPO will be responsible for ensuring that all staff members adhere to the school's Data Protection Policy when working from home.

Staff receive **annual** training regarding what to do if a data protection issue arises.

Wherever possible, personal data will not be taken home by staff members for the purposes of home working, due to the risk of data being lost or the occurrence of a data breach.

The school will update its privacy notices to cover any use of data whilst staff are working from home.

Privacy notices will be distributed to individuals and written in a clear, concise manner.

If any unauthorised person has access to data, this is considered a data breach.

Any breach of confidentiality will be dealt with in accordance with the school's Disciplinary Policy and Procedure.

Data usage and sharing

Sensitive personal data is encrypted and only transferred to a home device if this is necessary for the member of staff to carry out their role.

Staff members who require access to personal data to enable them to work from home will first seek approval from the headteacher, and it will be ensured that the appropriate security measures are in place by the ICT technician and the DPO, e.g. secure passwords and anti-virus software.

Any data that is shared via email between colleagues will only be sent if it is necessary for the member of staff to carry out their role.

When sending confidential information, staff will always check that the recipient is correct before sending.

Data collection and handling

Data collected during home working, such as test scores or information about the personal circumstances of pupils, will be processed and stored in line with the school's Data Protection Policy and Records Management Policy.

Data will only be collected during home working if it is necessary for the member of staff to carry out their role.

Staff will not collect unnecessary data while working at home if it can be done whilst the member of staff is in school at a later date.

Any data collected will only be kept for as long as it is required for the purposes it was collected for.

Data is handled in line with the school's Data Handling Procedures Policy.

Data security

Any data transferred from a work to a home device will be encrypted or pseudonymised so that if any data is lost, stolen or subject to unauthorised access, it will remain safe until it can be recovered.

To ensure reasonable precautions are taken when managing data, staff will avoid doing the following:

- Keeping personal data on an unencrypted external hard drives and storage media
- Sending work emails to and from personal email addresses
- Leaving logged-in computers and files unattended
- Using a home device where other family members can access personal data
- Bringing a work device home that has data on an unencrypted hard drive
- Using an unsecured WiFi network at home to access data

Laptops or computers used for home working will be assessed by the ICT technician prior to home working using the following checks:

- System security check – the security of the network and information systems
- Data security check – the security of the data held within the systems
- Online security check – the security of any online service or system, e.g. the school website
- Device security check – the security of the personal device, including any 'Bring your own device' (BYOD) systems

Before any device is used for home working, it will be sent to the ICT technician for a 'stress test' where the security systems will be assessed, evaluated and checked for regularity.

Staff members will adhere to the procedures outlined in the school's Data and Cyber-security Breach Prevention and Management Plan when transporting school equipment and data.

Staff will use devices where data is adequately encrypted and the correct software is installed.

Staff working from home will be encouraged to go paperless, where possible, as paper files cannot be protected digitally and may be misplaced.

If the use of paper is unavoidable, the school requires employees to store paper copies of personal data in a lockable container, such as a filing cabinet, in a secure location within their homes.

If sensitive data is taken off the school premises to allow staff to work from home, it will be transported in a lockable bag or container.

Data removal

Data will not be kept for longer than is necessary.

Unrequired digital data will be deleted as soon as practicable.

Any paper copies of data which are no longer required will be disposed of safely or shredded.

7. Confidentiality

Members of staff will ensure the confidentiality, integrity and availability of their device systems at all times.

No personal data will be shared between staff and pupils via email.

When emailing parents or pupils, the BCC function will be used to protect the email addresses of others.

Staff members are not permitted to let their family members or friends use any school equipment, in order to protect the confidentiality of any personal data held on the device – any member of staff found to have shared personal data without authorisation will be reprimanded by the headteacher in line with the Disciplinary Policy and Procedure.

Staff will be informed that if an unauthorised person enters the room whilst the member of staff is accessing data, the device in use should be locked immediately.

Staff will be informed that if they need leave their device unattended, the device in use should be locked or taken with them.

The ICT department will lock volumes on the cloud or VPN service the school uses so that files cannot be saved to local drives.

Devices will automatically lock after **one minute** of inactivity to avoid an unauthorised person gaining access to the device.

Staff will not verbally disclose personal data over the phone in the presence of an unauthorised person.

8. Application for working from home

All requests for working from home will be made in writing by filling in the appropriate application form and will be submitted to the CEO/Headteacher.

In their application, staff members are required to include the following:

- Date of application
- Requested changes they are seeking to their terms of employment
- Date on which they would like home working to commence
- Any effects they envisage the changes would have on the school and how such changes would be managed

- A statement outlining that it is a formal request
- Whether they have previously made a request for flexible working and, if so, when
- A statement outlining if the request being made should be treated as that for a reasonable adjustment resulting from a disability or impairment

The headteacher will arrange a meeting with staff members as soon as possible after receiving the application form, within a maximum of **28** days.

If the application can be approved without further discussion, a meeting will not be convened and the staff member will be informed of the decision in writing.

Staff members will be informed of their right to be accompanied by a work colleague or trade union representative at the meeting.

Following the meeting, the headteacher will discuss the outcomes with the governing board, and staff members will be informed of the final decision in writing as soon as possible, within a maximum of **14** days.

The school retains the right to grant applications in full or in part, e.g. the application may be accepted with some changes, or be granted on a temporary basis.

Staff members will be informed of their right to appeal the decision and who to appeal to in the letter outlining the outcome of the meeting. Staff members will be required to submit an application to appeal the decision within **14** days of notification.

A meeting will be held by the appeals committee of the governing board and the headteacher; staff members will be informed of the final decision by writing within **14** days of the meeting.

Staff members will have no further right to appeal following the decision of the appeals committee; they will be informed of this in writing.

9. Assessing risks

The school will meet its duty to assess risks of staff members working from home and provide effective control measures to manage these risks and promote safe working practices.

The headteacher and health and safety officer will conduct individual risk assessments following each application and will discuss the outcomes at the meetings held to discuss applications.

Applications may be rejected if the level of risk associated with a staff member working from home is too high, or the risks cannot be managed effectively.

Risk assessments will be reviewed **annually**, or when there has been a significant change in working practice.

All documentation of risk assessments will be kept for as long as it is required and disposed of securely after the retention period outlined in the school's Records Management Policy.

All staff who work from home are required to undertake a self-assessment of their home working provision **annually**, which is to be returned to the headteacher.

10. Costs and expenses

The school will not contribute to any household expenses incurred whilst performing home working duties, e.g. heating, lighting or council tax.

The school will not reimburse any costs for travel between staff members' homes and the school premises.

11. Communication

All staff members working from home will be contactable throughout normal working hours by the headteacher or other work colleagues.

Arrangements for contact will be agreed prior to commencing home working, which usually involves regular contact with the headteacher to monitor working practices.

A staff member's phone number and home address will not be shared without their permission.

The school will recognise that staff working at home have the right to privacy out-of-hours and should be able to separate their working and home lives, and so communication will only be compulsory during working hours.

The school will continue to support staff in line with the Staff Wellbeing Policy when staff are working from home.

The school will continue to offer staff working from home opportunities for CPD where possible.

Staff members will not be permitted to arrange visits to their home from pupils or clients. Any meetings of this kind will always be conducted on the school premises to maintain professionalism and safety.

Professional visits to a staff member's home by school staff members will only take place in exceptional circumstances, such as to conduct a risk assessment, for welfare reasons or security purposes.

Arrangements will be established by the headteacher for staff members to sign in and out at the **school office** and indicate what time they will be returning to the premises.

The headteacher may request that staff members attend the school on any normal working day, e.g. to attend meetings.

If staff members need to report sickness or absence when they are due to be home working, they will adhere to the usual procedures outlined in the school's Staff Attendance and Absence Policy and will inform the headteacher of their absence by **8:00am**.

If any incidents or near-misses occur in a staff member's home, they will be required to report these to the health and safety officer immediately so that appropriate action can be taken.

A meeting will be held with the headteacher and health and safety officer following any incident and, if necessary, another risk assessment of the staff member's home will be conducted.

12. Insurance

The Trust will hold liability insurance that provides cover for the legal liabilities of the school and its employees.

The liability insurance policy held by the school will cover staff members who work from home; however, this will not cover staff members for personal liabilities arising from non-work activities.

Staff members will be advised to ensure that they have their own domestic insurance policies in places for household contents and buildings.

13. Requests for flexible working

The Trust recognises its obligation to enable all staff to request flexible working via a statutory application following 26 weeks of continuous employment.

The Trust will ensure that all flexible working requests are responded to within three months, including where an appeal is heard.

Requests for flexible working include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all of the work from the employee's home.

All requests must be made in writing by filling in the requisite application form, which can be found in Appendix A and is also available from the **school office**.

All requests must be submitted to the CEO/headteacher.

Any request made under this policy must include:

- The date of the application.
- The changes that the employee is seeking to their terms and conditions.
- The date on which the employee would like the terms and conditions to come into effect.
- The ways in which the impact of the request on the school and colleagues will be mitigated.
- Whether their request is being made in relation to the Equality Act 2010, e.g. reasonable adjustments for a disability.
- What effect the employee thinks the requested change would have on the organisation.
- How, in their opinion, any such effect might be managed.
- A statement that this is a statutory request.

- Whether or not the employee has made a previous application for flexible working; and if the employee has made a previous request, when the application was made.

Where the request is being made by a member of staff with a disability as part of a request for a reasonable adjustment to their working arrangements, the staff member should state this in the written application

The Trust will not reject out-of-hand a request that does not contain the required information. The Trust's **HR department** will explain to the member of staff what additional or amended information they need to provide and ask them to resubmit the request.

14. Meeting to discuss a flexible working request

Once the CEO/headteacher receives the request, it will be dealt with as soon as possible, but no later than the deadline set out below.

The CEO/headteacher will usually arrange a meeting at a convenient time and place to deal with the request.

Where a request can be approved without further discussion in line with the terms stated in the staff member's written application, a meeting will not be necessary and the employee will be informed in writing of the decision.

Staff members have the right to be accompanied by a work colleague or a trade union representative at any flexible working meeting. Colleagues or trade union representatives will be entitled to speak and confer privately with the employee but may not answer questions on their behalf.

The meeting will take place in a private meeting room so that the discussion is kept away from other employees.

The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the school.

15. Outcome of a flexible working request

After the meeting, the CEO/headteacher will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the school against any adverse impact of implementing the changes.

Each request will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out below.

The request may be granted in full or in part. For example, the school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period.

The employee will be given the right to appeal the decision if their request is not upheld or is upheld in part.

Unless otherwise agreed, the changes to the employee's terms and conditions will be permanent.

16. Reasons for rejecting a flexible working request

The headteacher will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are as follows:

- The burden of additional costs
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change to the business

If a request has been rejected, the employee will be informed which of those reasons applies in writing, and of the appeal procedure.

17. Flexible working requests that are granted

If the request is upheld in full or in part, the employee and the headteacher will discuss how and when the changes will take effect.

Any changes to terms and conditions, and the date on which they will commence, will be put in writing and sent to the employee as an amendment to their contract of employment/written statement of terms and conditions of employment as soon as is reasonably practicable.

18. Timescales

All requests will be dealt with within a period of three months from first receipt to notification of the decision on any appeal.

The headteacher will hold the meeting (or phone call, if appropriate) within 28 days of receiving the request and notify the decision to the employee within 14 days of the meeting, so that there is enough time for any appeal to be concluded.

Time limits detailed in this policy may be extended where the employee and school are in agreement. For example, the headteacher and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

19. Appeals

Employees who are dissatisfied with the outcome of their request are allowed to lodge an appeal in writing within 14 days of the notification, with the appeal to be heard within 14 days.

Any appeal must be dated and must set out the grounds on which the appeal is being made.

A meeting will be held to discuss the appeal. As explained above, an employee should be given the right to be accompanied.

The employee will be informed in writing of the outcome of their appeal, and the reasons for the decision, within 14 days of the appeal meeting. There is no further right of appeal.

20. Problems with a flexible working request

If an employee is dissatisfied or unclear at any stage throughout the process, they should seek clarification from the headteacher.

If an employee is dissatisfied with the way in which their request has been handled, they can raise a grievance under the school's complaints and grievance procedures.

The headteacher will have regard to the school's Staff Equality, Equity, Diversity and Inclusion Policy when considering flexible working requests.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

21. Monitoring and review

This appendix will be reviewed **termly** and in line with any changes to relevant public health direction by the headteacher.

Any changes to this appendix will be communicated to all members of staff.

The next review date for this appendix is **date**.

Flexible working request: employee pro forma

1. Personal details

Name	
Staff or payroll number	
Manager	
National insurance number	

To the employer,

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet each of the eligibility criteria as follows:

- I have worked continuously as an employee of the school for the last 26 weeks.
- I have not made a request to work flexibly under this right during the past 12 months.

Date of any previous request to work flexibly under this right:

Day/Month/Year _____

a. Describe your current working pattern (days/hours/times worked):

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b. Describe the working pattern you would like to work in future (days/hours/times worked):

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c. Impact of the new working pattern – I think this change in my working pattern will affect my employer and colleagues as follows:

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d. Accommodating the new work pattern – I think the effect on my employer and colleagues can be dealt with as follows:

I would like this working pattern to commence from:	
Employee name:	
Date:	

Please return marked 'private and confidential' to: CEO/The headteacher