

Human Resources

Flexible Work in Victorian Government Schools



THE FLEXIBLE WORK GUIDING PRINCIPLES

<i>Principle</i>	<i>Which means</i>
<i>Flexibility is valued and supported</i>	<p>The case for flexibility in schools is understood and supported</p> <p>Planning and decision-making occur with an open mind and can-do attitude to flexibility</p> <p>Principals apply a strategic and proactive approach to flexible work and employee Work-Life Balance</p> <p>Principals use supportive management skills - communication, feedback, mentoring, trust, respect and consistency</p>
<i>Flexibility aligns with the achievement of school outcomes</i>	<p>The achievement of school goals is a priority; it must be addressed in flexible work decision-making and work design and scheduling</p> <p>The impact on all stakeholders is understood</p>
<i>Flexibility is a two-way process – considering individual and school needs</i>	<p>Flexibility requires organisational accountability and individual responsibility</p> <p>Leaders put teaching and learning at the heart of decision-making</p> <p>Employees take responsibility for positive outcomes in their written proposals and collaborate to make implementation work</p> <p>Flexibility should not be a barrier to career progression</p>
<i>Flexibility is available to all employees, and decisions are made on a case-by case basis</i>	<p>Flexibility for work-life balance is an option for all employees (this includes men, women, school leaders) but case-by-case decisions based on individual, organisational and legal considerations are required</p> <p>An equitable process does not mean that all requests for flexible work will result in the same outcome</p>
<i>Flexibility requires open communication and transparent, fair and sound decision-making</i>	<p>Information on flexible work options is widely circulated</p> <p>An open conversation is critical for evaluation and assessment of requests for flexible work arrangements; however, the final decision rests with the Principal</p> <p>Documentation of key outcomes from discussions is important to avoid future misunderstandings</p>
<i>Flexibility requires room for review and change</i>	<p>Flexible arrangements must be able to be altered, to meet changing circumstances in the school or for the employee</p> <p>Flexible arrangements need to be regularly reviewed</p>

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INTRODUCTION

Flexible work and work-life balance issues are in high profile in the community and demand for flexible work in the Australian workforce is increasing significantly. The trend is driven by labour market, social, demographic and legislative changes. It is a trend which is growing as the representation of women, parents, carers, and older workers increases.

Flexible working arrangements can help employees balance the changing demands of work and personal life and can benefit the employer by contributing to improved performance and productivity. Flexible work opportunities may also assist to attract and retain people with valuable skills and is an important contributor to the optimal participation of diverse groups in the workforce such as older workers, employees with disabilities and those with family and caring responsibilities. In multi-generational workforces, differing life cycle demands may result in any staff member requesting flexible work arrangements.

The Department recognises the importance of flexible work options and family friendly work practices in maintaining a diverse, adaptive and high performing workforce able to meet current and future needs.

Benefits

Workplace flexibility which supports the needs of the individual *and* the workplace enhances human capital and is important in relation to:

- Attracting and retaining highly skilled and competent employees
- Increasing levels of employee engagement
- Tapping new and diverse sources of talent
- Supporting work-life balance
- Contributing to employee health and well-being
- Developing an innovative and agile workforce
- Reducing absenteeism
- Offering broad subject choice and role models to students
- Allowing schools to compete favourably for talent as skills shortages grow.

Challenges and Opportunities

The benefits of workplace flexibility only accrue if certain conditions are in place. A supportive climate for flexibility and effectively making and managing requests is critical.

In the context of schools, a range of factors will inform an approach to flexibility that effectively meets school needs and makes the most of talent capabilities. To ensure that flexibility enhances teaching and learning, arrangements need to be based on reciprocity, proactive planning and informed judgement.

To Do: Flexibility in your school

Decide what four factors (or more) drive the case for flexibility in **your** school

- 1.
- 2.
- 3.
- 4.

LEGISLATIVE CONTEXT

There is a body of law relevant to all organisations that relate to flexible work, work and family practices and equal employment opportunity.

Principals need to be mindful that Victorian Equal Opportunity legislation and the *Fair Work Act* (2009) (Cth) National Employment Standards (NES) prohibit employers from **unreasonably** refusing to accommodate a request for flexible work arrangements to support an employee or prospective employee who has responsibilities as a parent or carer.

Fair Work Act (2009) (Cth) National Employment Standards (NES)

A request for flexible workplace arrangements may be made to assist with the care of a child who is under school age or is under 18 years of age and has a disability. The request should be responded to in writing no later than 21 days following the submission of the request.

The written response must state whether the request is approved or not approved. If a request is not approved, the response must include the grounds for that decision. A request may only be refused on **reasonable business grounds**.

Victorian Equal Opportunity Legislation

Victorian Equal Opportunity legislation prohibits discrimination on the basis of a person's parental status or status as a carer in certain areas of public life, including employment and other employment-related areas. In these areas, discrimination is specifically prohibited against job applicants, employees and contract workers.

The legislation requires an employer, in relation to work arrangements, to not **unreasonably refuse** to accommodate the parental or carer responsibilities of a person offered employment, an employee or a contract worker. In determining whether a refusal to accommodate responsibilities is unreasonable, all relevant facts and circumstances must be considered. It will be discrimination for an employer or principal to contravene this requirement and a person affected will be able to make a complaint about the contravention to the Victorian Equal Opportunity and Human Rights Commission (the Commission).

Working parents and carers should not be discriminated against for trying to balance their work and family responsibilities. Employers are obliged to seriously consider how they may be able to accommodate their employee's family responsibilities in order to allow them to participate as much as possible in the workforce. Employers should not refuse to accommodate family responsibilities unless it is **unreasonable** in all the circumstances, taking into account the circumstances of the case and the needs of the workplace.

Department Requirements

The Department's policy regarding flexible work arrangements and how they are managed is consistent with the principles and provisions of the *Fair Work Act 2009* and *Victorian Equal Opportunity Act 2010*. It assists employees to reconcile work and family responsibilities.

All requests for flexible work arrangements and the responses to them should meet the following criteria.

Requests for flexible work arrangements should:

- be in writing
- outline the personal circumstances under which the request is made
- detail the arrangement the employee is seeking; and
- describe how the arrangement will work within the work area.

The principal's response to a request for flexible work arrangements should:

- Be in writing
- Be provided no later than 21 days following the submission of the request. In circumstances which prevent this occurring seek the agreement of the employee
- Note any modifications to the original request following discussions, including where an agreement has been reached to trial the arrangement
- Where the application is not approved provide the business reasons for the rejection of the request (see the Practical tip on page 17).

OPTIONS FOR FLEXIBLE WORK ARRANGEMENTS

The range of flexible work options available within the Department are determined by legal, organisational and role requirements. See the 'Overview of Key Flexible Work Options' at the end of this document.

Most flexible work arrangements are **subject to negotiation** between the employee and the Principal. Some arrangements are entitlements with the timing of the arrangement subject to approval e.g. Long service leave. Different flexible work options will be more or less suited to particular roles and areas of working. Operational feasibility plays a key role when considering proposals for flexible work arrangements.

The major flexible work arrangements available to teaching staff are: Part-time, Job share and some flexible start and finish arrangements.

For non-teaching staff in schools, the range of flexible work options may include: Part-time, job share, flexible start and finish times, compressed work week, telecommuting (working from home) and purchased leave.

Ad-Hoc or Short-Term Requests for flexibility

Flexibility requests to meet short-term needs such as the attendance of an appointment or occasional work from home are not continuing arrangements and therefore are not within the scope of this policy. One-off requests should be managed in the context of the school's daily program.

ROLES AND RESPONSIBILITIES

Principal responsibilities include

- Adopting a strategic approach to flexible work and ensuring that the achievement of business objectives drives flexible work planning
- Building a climate supportive of flexibility and work-life balance including communication of the business needs in which flexible work options have to operate
- Applying the *Flexible Work Guiding Principles* and the processes set out in this document
- Processing flexible work requests in a timely manner
- Transparent and fair decision making with each case being considered on its merits
- Documenting all discussions and decisions
- Considering the impacts that flexible work arrangements may have on colleagues and stakeholders and working to address these openly and transparently
- Approaching requests for flexible work with an open mind
- Ensuring clarity when communicating the business reasons for not approving the request
- Ensuring the capacity to implement the decision and regular review of the arrangement with the employee.

Employee responsibilities include

- Appropriately assessing personal objectives with respect to work-life balance and being open minded about how these can be achieved in the relevant workplace
- Being aware of the factors Principals must consider when assessing requests for flexible work
- Applying the *Flexible Work Guiding Principles* and the processes set out in this document
- Working with Principals and school leaders to ensure flexible work arrangements operate effectively in the school
- Being open to genuine negotiation about the type of flexible work arrangements available and/or the details of the original request
- Considering the impacts that flexible work arrangements may have on colleagues and stakeholders, and working with principals to address them openly and transparently
- Being prepared to review the arrangement periodically and working with Principals and school leaders to address issues as they arise

A SUPPORTIVE CLIMATE FOR FLEXIBILITY

Flexibility requires the right climate to flourish. Schools can create such a climate by exploring ways to build a supportive culture.

A strategic approach

Flexibility needs to be viewed from both short and long term perspectives and must be linked to school goals and workforce plans.

Principals can check the work-life balance aspirations and expectations of employees and ensure that information is available to them. The business case for flexibility in schools is compelling and it needs to be translated into school workforce plans and shared with employees so they can tailor their plans accordingly.

Principal 'To do' - assess the life balance needs of different groups

Many employees can have their work-life balance needs met through some fairly simple and cost effective innovations and adjustments. They do not need major changes such as formal flexible work arrangements. Consider the make up of the staff group in terms of their life cycle and career stage needs.

Attitudes to flexible working

As with all change strategies and innovations, management attitudes and support will influence the success of flexible working. Negative attitudes (whether overt or covert) are barriers to success and may lead to discriminatory practices. Identify objections to flexible work arrangements and test them to see if they are sound and based on genuine workplace requirements or outdated assumptions.

To do:

Display flexible work information prominently and inform employees of Department policies

Supportive management skills

Supportive management is the key to success. Characteristics include:

- effective communication
- feedback
- mentoring and coaching
- trust
- respect
- understanding employees 'whole lives'
- consistency and fairness in decision-making

The Guiding Principles for flexible working

The *Flexible Work Guiding Principles* set out the standards and values that underpin a culture of flexibility. They provide guidance to both principals and employees in carrying out their respective roles and responsibilities with respect to flexibility.

Understand different perspectives and be able to discuss them

Each case is different. It is important to be able to discuss the impact that work arrangements can have on the school program and on student outcomes. Discussions should also include impacts on individuals – morale, family and lifestyle needs and financial security. Principals need to be able to discuss an individual's performance record, work style, personal suitability for specific flexible working options, and appropriate home arrangements and life cycle changes which impact on balancing work and personal life.

Cultures supporting flexibility

Features of school culture which support flexibility include:

- innovation - rethinking the ways work can be done
- proactive approaches to flexibility for all employees
- an enjoyable work environment
- having positive role models for flexible working and work-life balance
- reward and recognition for supporters of flexibility and
- celebration of positive stories about flexibility

Checklist – A Supportive Climate for Flexibility

- i. Do the school's employees know about the Department's policies regarding flexible work?
- ii. What innovation, ideas, programs and practices have been introduced to support work-life balance in the school?
- iii. Are supportive management skills applied? How would you rate the levels of:
 - communication,
 - feedback,
 - mentoring and coaching,
 - trust,
 - respect,
 - understanding of employee 'whole lives'
 - consistency and fairness in decision-making?
- iv. Are there visible role models for flexibility?
- v. Are there high levels of trust and autonomy?
- vi. Is the work environment productive and enjoyable?
- vii. Do employees feel comfortable requesting flexible work arrangements?
- viii. Is flexibility seen as a part of the school's culture?

Step 1. Preparation

- I. Complete the Work-Life Balance Self Assessment at the end of this Guide and consider your circumstances and the options available to you
- II. Have a preliminary discussion with the Principal to let her or him know you are considering options to address your work-life balance needs
- III. Become familiar with the administrative processes for making a request and the Guiding Principles for flexible work

A **Work-Life Balance Self Assessment Template** can be found at the end of this document.

Step 2. Complete and submit a written proposal

- I. Complete the flexible work *Proposal Template*
- II. Consider what will be involved to make the arrangements in the proposal work
- III. Submit the proposal

A **Proposal Template** can be found at the end of this document.

Scenario – A Proposal for a Telecommuting/working from home arrangement

A Business Manager has an exceptionally long commute and has requested a telecommuting arrangement for two days a week to save time and reduce the stress of peak time travel.

A proposal which includes an analysis of the amount of time spent on face-to-face tasks and individual-based tasks has been developed. A convincing case has been made that a telecommuting arrangement would enable all tasks to be effectively undertaken, while also improving work-life balance and well-being.

A well researched proposal assists decision-making. There are a range of considerations in relation to telecommuting. See the **Flexible Work Telecommuting Supplement** for assistance to support decision-making and (if approved) implementation.

Step 3. Plan for a discussion

- I. Prepare some notes to make sure that you will be able to discuss your proposal confidently
- II. Examine the criteria that Principals consider when assessing proposals for flexible work and understand the issues (next section)
- III. Think through any objections and consider solutions

Scenario - A Principal's concern: "There are too many people in this school working part-time, we have reached saturation point".

Approach: While this is not simply a numbers issue, in some instances this concern may be justified. You might clarify with the Principal precisely what issues are of concern and then work together to resolve them. Often people will find ways to make some adjustments if they know what the problem is and it is in everyone's interest to get a good outcome.

Step 4. Discuss the proposal in a meeting

- I. Present your case with a focus on mutual gains - addressing your needs and meeting work objectives
- II. Use objective criteria, including the *Guiding Principles*, to support a fair result
- III. Don't assume that the subject of your negotiation is one fixed option - be open to suggestions

Step 5. Consider the decision

- I. You will be informed of the decision in writing and possibly verbally
- II. If the request has been declined or significantly modified and you are unhappy with the decision, read through the reasons given and discuss your position with the Principal. Principals are expected to consider each request on its merits, and show **reasonable business grounds** for declining a request
- III. Seek advice as to what you might do as a next step as there may be an option to change some aspect of the proposal which would make it more workable
- IV. If the request is declined and you feel that you have reasonable grounds to seek a review of the decision, you have the option of lodging a grievance

Step 6. If the request is accepted, complete an Agreement and start with a trial

- I. The proposal needs to be formalised in a written Agreement outlining the terms and conditions of the flexible work arrangement
- II. Flexible arrangements should be altered (with negotiation and agreement) to meet changing school or individual circumstances
- III. Flexible arrangements need to be regularly reviewed.

Carers and parents versus other work-life balance reasons

Principal's concern: *"You are asking for a flexible work arrangement, but you have no carer or parental responsibilities. I think we have to respond to carers and parents as a priority, so I am sorry, I am refusing this request."*

Possible response: Suggest that you discuss this further. You might ask the Principal to reflect on how many requests are likely to be made and what impact is expected on the school. Consider asking the Principal to openly raise the issue of flexibility with employees to find out what level of uptake there is likely to be. The application could then be assessed in the context of the school's workforce plan.

A GUIDE TO MANAGING REQUESTS FOR FLEXIBLE WORK ARRANGEMENTS

The following approach to managing requests for flexible work arrangements will help Principals comply with the requirements of the *Fair Work Act* National Employment Standard (NES) and Equal Opportunity legislation. These best practice steps can also help to build confidence that decision making is transparent and impartial.

Step 1. Systems and processes

- I. Provide access to adequate information regarding Flexible Work policy and processes
- II. Make sure systems are in place to:
 - accept requests
 - provide written responses within 21 days. If circumstances prevent this, seek agreement from the employee
 - record discussions, negotiations and decision-making

Step 2. Written Proposals

- I. Encourage use of the work-life balance self assessment (at the end of this document) including an appraisal of how a flexible arrangement might work
- II. Inform employees that they should submit written proposals and that a template is available for this purpose
- III. Process the written proposals appropriately

Step 3. Assess the proposal and plan for a discussion

- I. Review the written proposal. Keep in mind that making a request can be stressful and may have arisen due to a personal issue
- II. Use the Evaluation Template to start assessing the proposal
- III. Set out a plan for a meeting to discuss the proposal in which you:
 - Reread and make sure you understand the detail of the proposal
 - Refresh your understanding of the options available. Refer to the Overview of Key Flexible Work Options at the end of this document – you may need to explore options other than those outlined in the proposal. Possible options may be found by looking at the roles of other employees

Scenario - Understanding the reasons for the request

A teacher's request for a transition to part time work came as a surprise as she had no family responsibilities. This is a difficult case as the teacher holds a position of leadership and has a wide range of responsibilities.

It is important to explore the circumstances of the request, but not to pry. Getting to the underlying rationale takes skill and does require a level of trust between the Principal and the employee. An effective way to do this is to discuss the employee's Self Assessment (included in the *Employee Guide to requesting Flexible Work Arrangements*, see page 11) and explore whether the identified needs match the options requested. This will also help you to determine that the employee has thought through the work, financial and other implications of the request.

It may be possible to develop a solution which better matches school and personal needs than a transition to part-time work.

The **Proposal Evaluation Template** can assist Principals to evaluate proposals for flexible work strategically. It can also assist to plan for the discussion and make a decision. The template can be found at the end of this document.

- Clarify with the employee what is confidential and what can be shared with others – talk to others
- Identify what would be a good outcome for the school
- Refresh your skills if you think negotiation may be required
- Write down your plan

Step 4. Conduct a Meeting

I. Take the preliminary steps of:

- Setting up a time for a meeting which suits both of you and when you will not be rushed
- Reflecting on the fact that the request may be made in a context of a stressful situation. Consider ways to make the employee comfortable
- Considering what the employee is trying to achieve by requesting flexible work options
- Reflecting on what you know about the employee’s work style
- Considering how the request for a flexible work option will assist the employee to achieve a work-life balance

II. At the meeting:

- Listen and actively show you are taking in what you are being told
- Explore the details of the proposal and any other options you have thought of
- If some, or all of the request is unrealistic, indicate this and explain why
- If the meeting becomes a negotiation, consider what would be a good outcome
- Indicate when a response will be given

Scenario – The proposal submitted is not workable

The proposal suggests that there are pressing reasons why a transition to part-time work is needed, but it does not provide any suggestions for a workable solution.

Open communication is important - the employee needs to be:

- given feedback regarding areas in the proposal to be addressed
- assisted to think through the issues, and
- advised to talk with school leaders and colleagues

Practical Tip - Negotiations

The essential elements of principled negotiation are:

1. separate the person from the problem
2. focus on interests not positions
3. look for solutions which involve mutual gain
4. use objective criteria, including the *Guiding Principles*, to promote a fair result

If negotiation is required:

- Set a meeting time
- Approach a negotiation with an open mind and seek to achieve a win/win result

Prepare yourself by:

- knowing your responsibilities under Department policy and legislation
- understanding the details of the proposal
- anticipating requests/arguments and preparing your response
- considering alternative options
- being clear about what you might approve and any associated limitations
- reviewing future options if approval is unlikely
- Making notes before the meeting.

Scenario - Emotions are running high

When in negotiations, emotive statements are sometimes used. For example:

“If you do not agree to my request, I will resign”.

One way to handle these emotive statements is to request the other party to be precise. For example request a reply which requires precision;

“You mean you will resign even if we can arrange for you towhich seems to be one way in which the needs identified in your proposal might be addressed.”

Wait for an answer. It is harder to use emotional tactics if you are precise, calm, and constructively considering possible options to meeting the other party’s needs.

Step 5. Make a decision

- I. Be clear about what you are approving and any limitations/requirements associated with approval.
- II. Ensure decision making is informed by the *Guiding Principles*.
- III. Consider:
 - The appropriateness of the flexible work option proposed
 - The impact on student learning, with an understanding that this can occur in different ways
 - Parental expectations
 - Impact of the proposal on other employees
 - How you will you cover workload issues
 - Whether the proposal adequately covers potential concerns
 - What support/opposition to the request exists
 - Operational management matters, including the number/ proportion of part-time teachers already on staff
 - Communication and participation strategies
 - Level of resourcing required
 - Curriculum needs
 - The impact on the team and timetables
 - Whether the arrangement will have an impact on the employee participating in the life of the school

Practical Tip - Decision-making

Make these points become part of your decision-making process:

1. Thoughtfully examine the contents of the proposal.
2. Consider whether there are viable, better alternatives.
3. If there is to be a trial period (usually a good idea) set milestones and criteria for review.
4. Apply the “spot light” test – how would all aspects of the decision stand up to external scrutiny?

- The impact it will have on student access
 - If the proposal relates to working outside normal hours, any access or security issues
 - Any Occupational Health and Safety issues
 - Potential for a grievance or appeal
 - The consequences for the employee of not approving the request
- IV. Do not deny a request just because of potential flow-on effects such as triggering a number of requests. Each case must be considered on its own merits.

Scenario - Too many requests for the same day

A teacher requests a change to .8 in order to have Fridays free, but there are already a number of part-time arrangements in place where teachers do not work Fridays. Accepting this request would pose timetable problems.

The discussion needs to explore what objective the request is aiming to achieve - is changing to .8 the best/only way of achieving this?

The written proposal should address the realities of the school and show how the arrangement would work. What does it propose about Fridays and the consequent impact on the time table?

The *Guiding Principles* need to be applied i.e. Flexibility must support the achievement of school outcomes – how does the proposal address this?

Locking in long-term agreements to a particular day is problematic. What other options are available?

Practical Tip - Reasonable Business Grounds

Legislation and Department policy require that any decision to refuse a request for a flexible work arrangement must be supported by 'Reasonable Business Grounds'. Although not legally defined, statutory guidance suggests factors for schools may include:

- Cost
- Number of persons to be disadvantaged versus number who would benefit
- Impact on efficiency
- Detrimental impact on student learning
- Impact on parental expectations - ability to attract and retain students
- The circumstances in the school – particularly in relation to staff numbers, subject, timetable requirements
- work among existing employees
- Insufficiency of work during the periods the employee proposes to work
- Inability to recruit additional staff
- Inability to re-organise
- Unwillingness of the person to consider alternative options which meet school goals and still support the person's capacity to meet parental/carer responsibilities etc

It is the Principal's responsibility to identify the business rationale supporting the decision (and if a grievance is lodged to provide supporting evidence).

Step 6. Communicate the decision in writing

- I. Inform the employee of the decision
- II. Put the decision in writing and provide to the employee within 21 days of receiving the written proposal. If circumstances prevent this, seek agreement from the employee
- III. If not approved, the written explanation must include the **reasonable business grounds for the decision**
- IV. If approved, discuss a trial period

Templates - 'Proposal approved letter' and 'Proposal not approved letter' templates are available in this document.

Practical Tip - The importance of documentation

Documentation is important in relation to legal compliance and laying the foundation for trial arrangements or full implementation.

There are dangers in allowing informal arrangements. Written proposals and agreements are an essential part of successful flexible work arrangements in Victorian Government Schools and may be a legislative requirement. In developing a written proposal, employees:

- Have the opportunity to do a self assessment of their work-life balance needs
- Work out what they can do in their personal lives to meet these needs
- Identify precisely what available option, or combination of options, would best meet their needs
- Work out how the proposed arrangement will support the achievement of school goals
- Check the level of support for the proposal.

Documentation is also essential if a grievance or appeal is lodged.

Step 7. Where the proposal is agreed, develop a written Agreement

- I. Confirm the arrangement with any team leaders who need to be involved in implementation
- II. Clarify whether the Agreement is full implementation or for a trial period
- III. Complete the Agreement template

Template: - An Agreement Template is available in the Flexible Work Resources on HRWeb

Myth: Parents are opposed to part-time and job-share arrangements

Reality: Parents understandably will be opposed to arrangements which they believe might disadvantage their child. However, if their experience of these arrangements is positive they will be accepting. Some Principals have had the experience of early opposition to such arrangements and then when they work well, find parents requesting that their child be placed in the job-share teachers' class! It is important that school leaders and teachers discuss the benefits of flexible work with parents.

Practical Tip - Sustainable Levels of Flexibility

To assess the optimum ratio of full-time to part-time staff to achieve sustainable student outcomes, or any saturation or tipping point which might hinder progress, you should:

- monitor the external supply of talent and assess what role flexibility could play in improving the school's ability to attract talent.
- monitor the impact of flexible work arrangements on the school's performance, curriculum and management requirements. If there is evidence that the proportion of employees working in flexible arrangements is resulting in operational needs not being met, you may need to modify or decline further requests and/or review existing arrangements.

Practical Tip - Flexibility at senior levels

Scenario: An Assistant Principal's request for a flexible arrangement (transition to 0.9) has been refused on the grounds that being absent for one day per fortnight will result in the management role not being carried out.

The proposal detailed how the Assistant Principal's absence from the school one day per fortnight could be managed, including options for succession planning. The proposal also cites a similar arrangement being used in a similar sized school.

There are a number of issues to consider:

1. All employees (including those with leadership responsibilities) may request flexible work arrangements. Principals should make their requests to Regional Directors.
2. The same tests apply - are the grounds for refusal **reasonable business grounds**?
3. Does the proposal offer a workable solution?
4. The Department is not bound by precedents (See the *Guiding Principles*) - Flexibility is an option for all employees and decisions are made on a case-by-case basis.

The assistant principal may have a case for this decision to be reviewed internally, which would be the first option, and then to pursue action through the Merit Protection Board.

REVIEW OF DECISIONS

Employees who submit a proposal for a flexible work arrangement which is refused are able to seek a review of the decision using the Department's [grievances processes](#).

IMPLEMENTATION

Critical components of successful flexible arrangement implementation include:

- work arrangements
- communication
- the attitudes of Principals, the leadership team and colleagues

No matter how well structured and planned, once implementation begins there may be challenges that require reconsidering the arrangement or creating solutions.

Make the necessary adjustments

- Ensure work arrangements include consideration of the impact on other employees.
- Performance reviews should take into account flexible work arrangements and the impact these may have on the ability of the individual to achieve the outcomes of the job. This is particularly important where the arrangement involves either a period of leave or flexible attendance.
- Flexible work arrangements should not disadvantage an individual in their employment or career. Development and promotion opportunities must take into account people working in flexible work arrangements.

Clear communication

- Communication is a two-way process and Principals and employees each have their respective responsibilities. Time devoted to information exchange and coordination is very important to making flexible working arrangements successful.
- Relevant people need to be kept in the loop. Ensure employees on extended leave are regularly kept informed of school developments. Pay attention to shared calendars, message systems, notice boards, and consider buddy systems to make sure formal and informal communication occurs.
- Employees working in flexible arrangements must be included in the life of the school. Meetings should be

Practical Tip - Work Arrangements

All jobs need to be well organised. This is especially true if they include flexible work arrangements. Do a check of such positions to see if they include the following features:

- Workloads are appropriate to the hours of work
- Hours of work allow for interaction with students, parents, colleagues, school leaders and participation in meetings
- Hours of work allow for participation in teams

A team's concern: *"We feel we are picking up the slack for all the part-timers. They are not available for so many extra curricular events and they need to be brought up to speed on what has happened when they are away. We feel like saying- 'What happened when you were away? We took your phone calls and looked through your desk to find your students' work'!"*

Response: Flexible work implementation needs to cover such things as communication strategies (shared calendars, message systems, notice boards) and a buddy system to ensure the formal and informal communication loops are operating properly. Flexible work arrangements may affect several people, and consideration of full-time colleagues needs to be part of the equation. A review of the arrangement should be conducted regularly and improvements made as required.

scheduled to maximise attendance. Employees working in flexible arrangements should have at least some hours in common in the week and these should cover attendance at key meetings.

- Flexible working arrangements require a level of goodwill on the part of a number of people. School community perceptions about how the arrangement is going should be checked on a regular basis.
- Arrangements should be publicised for transparency and so that the work schedules of those working in flexible arrangements are known. It is important that everyone knows when and where colleagues are working.
- Communicate the arrangements to other relevant stakeholders. This may involve letting students, parents, colleagues, and school council members know of the arrangements. Email signature blocks should indicate hours of availability.
- Put in place arrangements for colleagues to access documents and resources that may be required when the employee is not available.
- School leaders should be able to contact employees on flexible work arrangements if necessary. Respect for privacy means such contact should occur only when absolutely necessary.

Recognise and reward the effort of all involved

- Successful implementation requires positive attitudes and commitment from the employee, team members and school leaders. This commitment should be recognised.
- The school community should be acknowledged for successes in developing alternative models of working and maximising diverse talents by accommodating work-life balance needs.
- Positive results such as reductions in absenteeism or improved productivity and performance attributable to flexible working arrangements should be communicated. Regular and open consultation with parents and staff will ensure that support for flexible work options can be sustained.

Myth: Ensuring adequate communication between people working in flexible work arrangements and team leaders, colleagues, parents and students will be difficult.

Reality: It is true that communications may have to change. However, with proper planning, flexible work arrangements can be the catalyst to improved communications in general. In some schools, changes to meeting times, and meeting effectiveness strategies precede implementing flexible work arrangements. Techniques and tools such as phone protocols, buddy systems, sign-out boards, voice mail, email, social networking, and mobile phones will assist.

Myth: “Students need consistency - not part-time teachers”

Reality: Consistency and flexibility need not be incompatible. Staff members who work part-time do need to be accessible to students. Work schedules and time-tables need to be designed to ensure consistency and balance.

Scenario - Part-time teacher’s concern:

“My child care arrangements have changed and I now need to work Monday, Tuesday and Wednesday, instead of Monday, Thursday and Friday”.

Principal’s Response: While every effort is made to assist employees balance their work-life commitments, if this situation means major time tabling changes, impacts on student learning or on the schedules of a number of other employees, the request may be modified or denied.

Checklist - Implementation

A. Whole of school flexibility

- i. Has an analysis of work-life balance needs of employee groups been considered?
- ii. Are school-wide innovations in place to meet some of these needs?
- iii. Have appropriate options for early career, people with young families, mid-career or mature-age employees been determined?

B. Employee Flexible Work Arrangements

Job arrangements/communication

iv. Has the role been arranged to accommodate a flexible arrangement?

v. Ensure that:

- Workload is commensurate with agreed hours
- Workload components are balanced
- Any impact on colleague workload is acceptable
- Communication processes, meetings and support networks optimise productivity

Performance Appraisal

vi. Are performance measures realistic for the arrangement?

Professional development

- vii. Are professional development opportunities available to employees working in flexible arrangements
- viii. Has a cost-benefit analysis been applied?

Technology

ix. Are ways to support flexibility and communication in place?

Recognition

x. Are those involved in contributing to success recognised and rewarded?

Review

- xi. Are there regular dates to review arrangements?
- xii. Is it clear what is to be reviewed and what criteria will be used?

Accountability

xiii. Do school leaders and individuals share responsibility for making arrangements work?

REVIEW AND IMPROVE

Monitoring and review mechanisms need to be established when an arrangement is implemented.

Monitor progress for the school and the employee

- The flexible work arrangement should include criteria to assess its success (or otherwise), such as impacts on:
 - teaching and learning
 - student needs
 - parent views
 - supervisory/managerial responsibilities
 - team work
 - workplace effectiveness
 - personal performance
- The arrangement should be reviewed on a regular basis to address any concerns that may arise, or to reflect any change in circumstances.
- Feedback should be sought from employees working in flexible arrangements regarding their perceptions in relation to expectations and needs. Feedback from other members of the school community in relation to the progress of flexible work options can help inform any adjustments to be made.
- At the school level, monitor the uptake and outcomes of different options; satisfaction; attitudes and perceptions; impact; and positives and negatives.

Fine-tuning arrangements in light of feedback

- As with any human resource management policy, mutually agreed improvements should be sought and implemented, and further opportunities for flexibility identified.
- Principals and employees should understand the spirit and intent of flexible work options. Training about flexible work options can be provided to ensure that any problems that arise in implementation can be addressed and arrangements that have been implemented can be supported in a sustainable way.

Scenario - Job share arrangements

After a number of years in a successful job-share teaching partnership, one teacher is resigning to go overseas. Another part-time teacher has expressed an interest in taking on the role, but the remaining job - share partner is hesitant – citing professional differences and personal incompatibility.

Job share agreements need to include an understanding of what happens if the partnership changes. Options include:

- the remaining person to work full-time,
- advertising externally for a job share partner
- finding a partner in the school

It is important that partners are compatible. In this case, if the decision is to advertise the position as a job share arrangement, the part-time teacher would prepare an application, and the objections can be discussed. It is unwise to commence a job share arrangement if both partners are not in agreement.

Checklist - Review of Flexible Work arrangements

Organisational issues

Communication

- i. Are opportunities provided for staff to express views about work-life balance?

Access

- ii. Have the range of flexible working arrangements used in the school been assessed?

Impact

- iii. Have the arrangements been reviewed from the perspective of:
 - employees working in flexible arrangements
 - the employee's team
 - school leaders
 - students/parents/clients/other stakeholders?
- iv. Check what impact flexible working arrangements have had on:
 - outcomes
 - attraction & retention of staff
 - staffing budget
 - diversity
 - morale
 - performance
 - health and wellbeing
 - enhanced services
 - productivity
 - quality

Room for Improvement

- v. Have any problems identified been addressed?
- vi. Are there areas for improvement?
- vii. Can the arrangements be better supported?

Individual Issues

- viii. Check whether:
 - the arrangement contributes to a positive work-life balance
 - any aspects of the arrangement are seen to be positive
 - any aspects of the arrangement are seen to be negative

FOR FURTHER ASSISTANCE

See the Department's [Flexible Work for Work-Life Balance](#) website

CONTACT HUMAN RESOURCES

For advice or assistance on any matters related to flexible work contact Schools HR Services on 1800 641 943.

Managers and staff in non-school locations can obtain advice, assistance or further information by contacting their [Corporate HR Services Consultant. \(Word - 285Kb\)](#).

OVERVIEW - FLEXIBLE WORK IN SCHOOLS

The context for flexible Work in Schools	<ul style="list-style-type: none"> Understand the context for flexible work in Victorian government schools: <ul style="list-style-type: none"> The case for flexibility Shared roles and responsibilities 	
Supportive climate	<ul style="list-style-type: none"> Think creatively when requesting and evaluating requests for workplace flexibility. Explore ways of meeting requests at different life stages (part-time work is only one option) Be open to preliminary discussions about preferences and options. Be clear about the range of flexible work options (including technology support) available to support individual needs 	
Policy and Legislation	<ul style="list-style-type: none"> Be familiar with Department policy and relevant legislation 	
The Steps to Making and Evaluating Requests for Flexible Work		
	Employees	Principals
Step 1 Preparation	<ul style="list-style-type: none"> Use the self-assessment tool to help identify what work-life balance you are trying to achieve Have a preliminary discussion with your principal and become familiar with the school's procedures for making a request See the 'Overview of Key Flexible Work Options' at the end of this document and consider which options best suit your needs 	<ul style="list-style-type: none"> Have a process for recording receipt of written requests from employees. Develop a tracking system to ensure decisions are made and communicated to applicants within 21 days from receipt of the written proposal. If circumstances prevent this, seek the agreement of the employee
Step 2 The Written Proposal	<ul style="list-style-type: none"> Prepare a request for a flexible work arrangement using the <i>Proposal template</i> Submit the request and receive an acknowledgement slip 	<ul style="list-style-type: none"> Request a written proposal if a verbal proposal is made Encourage the employee to use the <i>Work-life Balance Self Assessment</i> and <i>Proposal Template</i> to conduct their own appraisal of how a flexible arrangement might work Ensure that written proposals are processed appropriately

<p>Step 3 Plan for a discussion</p>	<p>Consider the key issues that Principals must consider when making their decision. Work out possible solutions for potential problem areas</p>	<ul style="list-style-type: none"> Commence assessing the proposal using the <i>Proposal Evaluation Template</i> Plan for a meeting to discuss the proposal. Set a date and time.
<p>Step 4 Meeting</p>	<ul style="list-style-type: none"> Have a meeting with the Principal and present your case. Focus on mutual gains and be prepared to negotiate a variety of options Be open to suggestions 	<ul style="list-style-type: none"> Reflect on the employee's situation, work style and factors which are relevant to the conversation Discuss the details of the proposal. If the discussion becomes a negotiation, refer to your Proposal Evaluation – consider what would constitute a good outcome
<p>Step 5 Decision</p>	<ul style="list-style-type: none"> Consider the written decision. If you are unhappy with the decision, or aspects of it, discuss your concerns with the Principal Is there a particular aspect that is causing difficulty and which could be changed to make the proposal more workable? 	<ul style="list-style-type: none"> Consider the request on its merits. Consider the impact on school goals and student learning. Do not deny a request just because of potential flow-on effects, e.g. concern that approving one request will trigger further requests. Consider all requests on a case-by-case basis Ensure decision-making is informed by the <i>Guiding Principles</i> If approving – ensure you are clear about what you are approving If not approving – ensure your decision is based on reasonable business grounds Complete the <i>Proposal Evaluation Template</i>. Check: <ul style="list-style-type: none"> Have you involved the person making the request and other stakeholders in your decision-making process? Have you followed the assessment steps? Have you carefully documented the decision and the factors considered in making the decision?
<p>Step 6 Agreement</p>	<ul style="list-style-type: none"> If accepted, document the arrangement in a written agreement using the <i>Flexible Work Agreement Template</i> Start with a trial 	<ul style="list-style-type: none"> Confirm the arrangement with the employee's direct line-manager or supervisor (if any) Clarify whether the agreement is full implementation or for a trial period Complete the <i>Flexible Work Agreement Template</i>

Implementation (if approved)	
Work design	<ul style="list-style-type: none"> • Make any necessary adjustments to work arrangements • Ensure the job description and duty statement clearly identifies required duties • Ensure workload is consistent with agreed arrangements
Supervision	<ul style="list-style-type: none"> • Consider any supervision/support requirements
Meetings & Training	<ul style="list-style-type: none"> • What arrangements need to be made to ensure access to regular meetings? Eg staff/parent/stakeholder meetings
Communication strategies	<ul style="list-style-type: none"> • Put strategies in place to ensure the arrangement is effectively communicated to the school community • Consider the ways of maintaining communication with staff working in flexible work arrangements if they are off site
Problem solving	<ul style="list-style-type: none"> • Ensure issues around flexible work arrangements can be aired in a professional and safe manner and that co-workers can express concerns
Attitudes and Support	<ul style="list-style-type: none"> • Recognise the effort of all involved
Review and Improve	
Review	Consider how the arrangement can be reviewed on a periodic basis. Set timeframes
Establish criteria	<p>The flexible work agreement should include criteria to assess the outcome of the arrangement, such as:</p> <ul style="list-style-type: none"> - Impact on teaching and learning - Impact on student needs - Consideration of parents' views - Impact on supervisory/managerial responsibilities - Impact on team work - Impact on workplace effectiveness - Personal performance
Assessment	Assess the outcome of the arrangement against the agreed criteria
Ongoing communication	Discuss the arrangement with the individual, supervisor, team members to assess its outcomes
Fine-tune arrangements	Fine-tune arrangements in light of feedback

OVERVIEW OF KEY FLEXIBLE WORK OPTIONS

Important: the availability of various flexible work options will depend on the role and responsibilities of the employee (eg teacher, education support officer) and the circumstances of the school.

Option Description	Success Factors	Proposal Should include	Advantages	Disadvantages
<p>Part-time work</p> <p>Part-time employees work less than 76 hours per fortnight on average and accrue leave on a pro-rata basis. Part-time work can involve a reduction in hours over a short or medium term. It is often used to enable a phased return from maternity, family or other extended leave, or to support retirement. Depending on workplace requirements, part time employees can work a certain number of days per week or a certain number of hours per day.</p>	<ul style="list-style-type: none"> • the role is able to be undertaken part time and the benefit of it being done this way is evident to the school, eg assists recruitment • the arrangement has principal and colleague support • the roles and responsibilities are clearly defined • the performance review system is realistic • part-time employees are able to accept the need to be flexible, accessible and available • communication strategies are well planned and implemented • coverage (when the person is not at work) does not pose problems • part-time employees have similar career opportunities as other employees • regular review of the arrangement 	<ul style="list-style-type: none"> • benefits to the school and how potential issues can be addressed • work and time schedules • clear description of roles and responsibilities • a communication plan • continuity considerations including how the tasks will be covered when the part time employee is not at work • review period 	<ul style="list-style-type: none"> • meets employee needs • retaining and attracting staff • reduced 'down time' • increased flexibility to afford additional staff • increased range of skills • provides for graduated change, e.g. on return from maternity leave, or prior to retirement • potential flexibility to match work load with staffing • potential to offer opportunities to other employees 	<ul style="list-style-type: none"> • increased management and coordination responsibilities • restricted ability to participate in the full range of workplace activities • continuity • communication • may restrict choices of work, e.g. class levels, subjects • reduced timetable flexibility • financial effects e.g. impact on superannuation • may impact on ability to replace work time in some roles – eg particular curriculum areas
<p>Job share</p> <p>Job sharing involves the voluntary sharing of the duties and responsibilities of one position by two employees. Job sharing arrangements can be very flexible and tailored to suit a variety of circumstances. Some job share arrangements work with two .6 positions and this provides for an overlap of time when both employees are at work. In other job share arrangements, such as two .5 positions, there is a need to ensure strong recording and communication processes are in place.</p>	<ul style="list-style-type: none"> • benefits to the school can be demonstrated • the arrangement has principal and colleague support • students, parents and co-workers are well informed of the arrangement • roles and responsibilities clearly defined • job share partners are personally and professionally compatible • job share partners have similar or complementary work philosophy • communication strategies are well considered • job share partners have similar career opportunities as their colleagues • regular review of the arrangement 	<ul style="list-style-type: none"> • benefits to the school and how potential issues can be addressed • work and time schedules • respective roles and responsibilities including hand over processes • a communication plan • proposed dissolution plan • review period 	<ul style="list-style-type: none"> • multiple skills and experience for one salary • diverse perspectives • mutual support • mutual review and development • increased motivation • increased ability to cover for absences 	<ul style="list-style-type: none"> • increased management and coordination load • complexity in designing job share to match skills and accommodate individual differences • communication • ensuring career development • dissolution • additional cost where overlap is needed • additional complexity in performance assessment

Option Description	Success Factors	Proposal Should include	Advantages	Disadvantages
<p>Flexible attendance arrangements</p> <p>Flexible attendance arrangements enable an employee and their principal to negotiate start and finish times and for employees to take time off without loss of salary on the basis that time lost will be made up. Flexible attendance arrangements can include</p> <ul style="list-style-type: none"> • Flexible start and finish times • Flexible scheduling of work • Compressed hours 	<ul style="list-style-type: none"> • benefits to the school can be demonstrated • arrangements are tailored to meet both the work requirements and personal needs • work flow is flexible • absence does not compromise service • colleagues are experienced and knowledgeable • employee is independent, dependable and has good organisational skills • individual accepts the need to be flexible and available according to workflow requirements • communication strategies are in place • regular review of the arrangement 	<ul style="list-style-type: none"> • benefits to the school • work and time schedules • communication plan • coordination details • review period • capacity to respond to short-term high priority needs 	<ul style="list-style-type: none"> • better matching workflow and staffing • covering peak work times • tailoring hours to meet individual needs • tailoring hours to meet curriculum, student or other school programming requirements • retaining full-time position while meeting multiple responsibilities 	<ul style="list-style-type: none"> • difficulty of coordination • over taxing individuals—trying to do too much • may mask the need for reorganising work schedules /altering workflow • may impact on the capacity to meet unforeseen situations • may not be possible for some classroom teachers
<p>Sabbatical Leave</p> <p>The sabbatical leave scheme is made up of a work period consisting of between one to four years at a reduced rate of pay, and a subsequent leave period of between 10.4 weeks to one year. Payment during the leave period can be 80% or 100% depending on the scheme being accessed. The conditions associated with sabbatical leave schemes vary for different types of employees.</p>	<ul style="list-style-type: none"> • consideration is given to the taxation and superannuation implications of the reduced salary • employee has carefully considered the financial implications of a reduced salary for the relevant work period • the break is used to achieve a particular goal or purpose • communication with the workplace is maintained during the break • employee has planned the break and the return to work carefully 	<ul style="list-style-type: none"> • benefits to the school • benefits to the individual • time and dates of leave • details of who is affected • proposal for coverage during the absence • proposal for return to work arrangements 	<ul style="list-style-type: none"> • retention and attraction of skilled employees • new skills and renewed enthusiasm of employees • ability to plan for absence in advance • employees able to plan for absence at selected points in professional and personal life • supports individual continuous learning and professional development 	<ul style="list-style-type: none"> • effort/costs associated with short-tem replacement • loss of continuity in staffing • management load in maintaining communication during absence • employees may find it difficult to judge the impact of reduced salary, and the taxation and superannuation implications

<p>Purchased leave arrangements</p> <p>Purchased leave arrangements enable employees to purchase additional annual leave and received a pro-rata annualised salary. Eg 46/52 - instead of working fifty-two weeks on full pay, (including 4 wks annual leave) employees work forty-six weeks with an annualised salary. Employees take 10 weeks leave (4 weeks paid annual leave and 6 weeks purchased leave) without loss of employment continuity. Purchased leave often enables employees with family responsibilities to increase annual leave to match school holidays or to meet other family or life commitments. Other examples can include 51/52, 50/52 etc.</p>	<ul style="list-style-type: none"> • leave is planned so staffing arrangements can be maximised • work is re-organised to ensure agreed outcomes and outputs are met • employees undertake prior financial planning to understand proportionate fortnightly salary reduction and superannuation implications 	<ul style="list-style-type: none"> • benefit to the school • benefits to the individual • proposed leave time(s) • work reorganisation plans showing match between workflow and leave • details of who is affected • proposal for coverage during the absence 	<ul style="list-style-type: none"> • attraction and retention of skilled staff • may assist with covering work load peaks and troughs • enables employees to better combine work and family life • reduces stress associated with care responsibilities at times such as school holidays • enables extended leave while retaining job level and most entitlements • improved employee productivity and satisfaction 	<ul style="list-style-type: none"> • nature of the work may make short-term replacement difficult • effort/cost of recruiting short-term replacement staff • colleagues may perceive that they have additional workload during absences
<p>Telecommuting/Working from Home</p> <p>Telecommuting is working at an approved alternative work site such as an employee's home for an agreed number of days a week or hours a day. These arrangements would generally be on a regular basis. Facilities for telecommuting such as a computer terminal, a modem and Internet access may be required. See the Telecommuting Guidelines and agreement template for further information. http://www.education.vic.gov.au/hrweb/divequity/balance.htm</p>	<ul style="list-style-type: none"> • benefits to the school can be demonstrated • manager is comfortable with the arrangement and trusts the employee • face-to-face contact requirements are flexible or can be time specific • aspects of the job are better done in isolation and without interruption • necessary technical support is available • roles and responsibilities are clearly defined • individual is, independent, dependable and trustworthy and has good organisational and work scheduling skills • individual is able to accept the need to be available in the workplace if required • communication strategies are well considered • telecommuting employees have similar careers opportunities as their colleagues • regular review of the arrangement 	<ul style="list-style-type: none"> • benefits to the school • work and time schedules • clear description of roles and responsibilities • communication plan • review period • equipment sourcing 	<ul style="list-style-type: none"> • productivity improvement • improved morale and motivation • better use of time (reduced travel) • retention of valued staff • decreased absenteeism • accelerated use of technology 	<ul style="list-style-type: none"> • home office costs • occupational health and safety assessment • insurance and security assessment • reduces face to face contact with work colleagues • personal and professional isolation

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State Service Authority, [Making Flexible Work a Success: A Guide to Promoting Work/Life Balance in the Victorian Public Service](#)