

Flexible working

The Experiences of Teachers



Purpose

The NASUWT is committed to securing equal opportunities for teachers and ensuring that all teachers, irrespective of background or circumstances, are valued, recognised and respected fully as professionals.

The NASUWT has become increasingly concerned by the number of employers of teachers who resist and actively discourage requests for flexible working. This research by the Union is intended to examine the nature of teachers' experiences when requesting flexible working.

This research seeks to examine the extent to which teachers are being denied access to flexible working and the disproportionate impact this may be having on teachers with protected characteristics.

Background

Since 2014, all employees have had the legal right to request flexible working from their employer. This entitlement is available to employees who have worked for the same employer for at least 26 weeks.

The right to request flexible working was intended to provide employees, including teachers, with greater opportunity to participate in the workplace and to remain in employment by establishing working patterns that suit them best.

A survey by the TUC of British workers over the age of 50 found that nearly two thirds were working and caring for a friend or family member and that one in seven were likely to be juggling paid work with caring responsibilities.¹

In March 2016, the TUC/IPPR research entitled *The Motherhood Pay Penalty* concluded that '*more better-paid jobs [should] be available at reduced hours or as flexible working, to prevent women getting stuck in low-paid, part-time work after having children*' and that '*more [should be] done to ensure all women are supported in the workplace and do not experience discrimination linked to pregnancy and childbirth*'.²

¹ TUC – *Time off and flexible working for carers*, December 2013 edition

² TUC – *The Motherhood Pay Penalty*, March 2016

The Government's rationale for extending the right to request flexible working is to enable employers to better recruit, motivate and retain their employees, as well as to enable employers to establish work patterns that encourage a more inclusive and diverse workforce, built on principles of freedom, fairness and responsibility.³

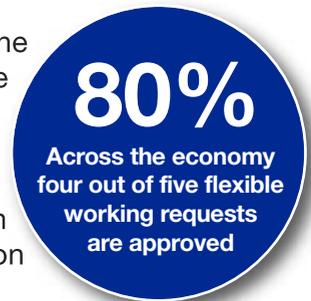
There has been a growing body of evidence highlighting the significant benefits of flexible working, including increased productivity, a more motivated workforce, greater employee engagement and greater diversity amongst the workforce.⁴

The Regus Survey of 2,500 senior business managers found that 70% of managers reported that their workforce's productivity had increased as a result of flexible working practices and 63% linked increasing revenues directly to flexible working.⁵

In addition, nearly three quarters of employers felt that implementing flexible working had a positive impact on staff retention, and 73% reported greater employee motivation and employee engagement.⁶

Research conducted by the Cranfield University School of Management examined practices in seven leading companies including KPMG, Centrica, Rolls Royce and Microsoft. It found a positive relationship between flexible working and individual employee performance.⁷

Across the economy, the initial indicators of the extended right to request flexible working were encouraging. In a study by the Institute for Public Policy Research, whilst only 25% of workers had requested flexible working opportunities, around 80% of requests for flexible working had been agreed by employers since the new legislation came into force in 2014.⁸



³ www.gov.uk/government/uploads/system/uploads/attachment_data/file/82793/12-1269-modern-workplaces-response-flexible-working.pdf

⁴ CIPD Survey (2012)

⁵ www.londonlovesbusiness.com/business-news/tech/e-guide-flexible-working-the-good-managers-guidebook/5692.article

⁶ Ibid

⁷ Working Families Publication, *Flexible Working and Performance – Summary of Research*

⁸ Moss, 2014 cited in *Women and Flexible Working: Improving Female Employment Outcomes in Europe, 2014*

However, few studies have examined the impact of the new right to request flexible working on the teaching profession.

The Right Honourable Nicky Morgan, Secretary of State for Education and Minister for Women and Equality, has, in March 2016, declared the Government's commitment to encouraging women teachers to return to the classroom after having children. The Government's announcement came at the same time as comments by the thinktank, Policy Exchange, which warned that schools needed to embrace flexible working and offer benefits to stop the 'shocking waste of talent' of women leaving the profession after taking maternity leave. Around 70% of teachers in the UK are women.

Research Methodology

The NASUWT conducted research into teachers' experiences of flexible working requests utilising a mixture of electronic and postal surveys, structured interviews and focus groups involving serving teachers and school leaders. Data was gathered during the period August 2015 and February 2016.

Over 1,000 teachers took part in the surveys, interviews and focus groups. Teachers who participated in the research included a mix of respondents in age and length of experience, which was broadly representative of the profile of the teacher workforce.

Teachers from across all sectors/phases were questioned, including early years, primary, middle, secondary, special and further education.

Two thirds of respondents were women.

Almost half of those teachers questioned identified themselves as being black or minority ethnic (BME).

Additional complementary evidence has been identified from analysis of the NASUWT's 2015 Big Question survey, drawing on 15,000 respondents, together with data from the Teachers' Pay Survey, undertaken by the Union of teachers in England and Wales in 2015, which attracted 7,000 responses.

Data has also been analysed from the NASUWT's dedicated member advice services, together with statistical trends gleaned from the Union's online service provision for members.

Finally, research conducted by the University of Warwick for the NASUWT, examining performance-related pay experiences of teachers, has also provided further valuable evidence of teachers' experiences of flexible working.

Main Findings

Analysis of NASUWT casework and member advice services data in the 12 months to 30 September 2015 found that more than 3,000 requests were made from teachers for support to deal with flexible working requests. Ninety per cent of requests for assistance were received from women teachers.



Flexible working requests were made by teachers across all age categories and were most pronounced amongst teachers aged between 30-60 years.

Age group of teachers requesting flexible working

20-30 years	30-40 years	40-50 years	50-60 years years	Over 60
9%	30%	24%	24%	12%

Twenty-five per cent of flexible working requests made by teachers were for support with childcare. Seventy-five per cent of all flexible working requests cited age/health/work-life balance reasons.

The data obtained revealed that nearly a third of all respondents had their flexible working request denied and that for some groups (those on the leadership spine or Teaching and Learning Responsibility (TLR) holders) it was nearing 100%.

The main findings of the research indicate:

1. Teachers lack knowledge about the process with regards to their rights and their employer's legal duties.



Fifty-two per cent of women teachers questioned did not know whether their employer had a flexible working policy. Teachers reported a lack of knowledge about how to make a formal application to their employer or whether they had a right to appeal a negative decision. A significant minority of teachers said that they did not believe that flexible working was an option for them as teachers.

Only 23% of teachers said their workplace had adopted a flexible working policy, despite the fact that all schools and colleges should have a policy in place by law and make workers aware they have the right to work flexibly.

Twenty-five per cent of teachers confirmed that their employer did not have a policy supporting flexible working.

Fifty-two per cent of teachers said they were unaware of the new legislation regarding flexible working that came into force in 2014.

2. All sectors of education are equally at fault for denying flexible working requests.

Sixty per cent of all primary teachers who responded had their flexible working request denied compared to 40% in the secondary sector.

Feedback indicates that for teachers working in FE and in Special Schools, 50% of all requests were denied.

3. Flexible working requests are granted on an informal basis.

Around 30% of teachers said that they were more likely to be granted flexible working on an informal, rather than formal, contractual basis. One teacher reported that her headteacher refused to agree to a formal arrangement for flexible working on the grounds that it might encourage other teachers at the school to make similar requests.

Teachers who were permitted an informal flexible working arrangement were likely to accept such an agreement due to concerns about potential job loss or fear of an adverse pay progression decision or capability concern.

However, teachers also reported complications as a result of agreeing to flexible working arrangements. These usually occurred during changes of management at the school. If reduced hours had not been formally agreed and documented as a variation to contract, teachers found themselves vulnerable to their hours being drastically reduced or increased overnight.

4. Teachers are reluctant to pursue their flexible working request.

Only 8% of teachers said flexible working requests were encouraged in their workplace.



Teachers reported that they did not bother to apply for flexible working or seek to appeal an adverse decision on the grounds that they were unlikely to be successful.

One in five teachers said they had sought or would seek alternative employment at a school that was more conducive to flexible working or where they were able to work reduced hours.

“We got a new headteacher about 18 months ago and he had a rule that he only wanted full-time workers in the school and so flexible working requests have been turned down and people are now discouraged from working flexibly or part time.”

“After making my application and it was turned down, I would never apply again – I would rather look for a new post.”

Three quarters of teachers who responded to the NASUWT Big Question survey 2015 said their wellbeing was not important to schools.

5. Teachers are more likely to leave the profession than return to school full time or to unworkable timetables and hostile colleagues.

“I sadly resigned from my full-time post and joined a supply teachers’ agency. I now have three children and have been a supply teacher for 9½ years.”

Many teachers who were denied their request for flexible working said that they faced the prospect of less secure employment and financial detriment in terms of take-home pay and loss of pension entitlements.

“I decided to go the supply route – but sadly no teachers’ pension.”

Supply teaching was identified by 10% of respondents as a strategy for seeing an improved balance between work and caring responsibilities.

Other strategies cited were:

- withdrawing the flexible working request and returning full time, whilst seeking alternative part-time employment (one in five teachers);
- resigning from post, with financial detriment, including loss of contractual rights and maternity rights;
- seeking alternative employment outside the profession. This included tutoring and child-minding, both of which mean a significant loss in terms of finance, job security and pension contributions.

Women teachers (90% of flexible working applicants are female) and disabled teachers (48% of workers say that flexible working would have helped them stay in work but that they were not given the option),⁹ in particular, were more likely to suffer a worsening of pay and conditions in order to secure flexible working.

⁹ SCOPE – A Million Futures 2013, Living Standards Survey 2013

6. *School leadership is not compatible with flexible working.*

Only 19% of women teachers said that it was possible to combine senior leadership responsibility with working flexibly.

“I am in a senior leadership post and I work flexibly but I am expected to do as much work as colleagues who work full time. I have to go home and catch up with work there. I still do the same amount of work as a full-time person so it is not really flexible working as such.”

School leaders and middle managers reported being forced to relinquish hard-won leadership and management responsibility as a precondition for flexible working. Eighty-one per cent of women teachers said they were not aware of any senior leaders in their workplaces who worked flexibly.



7. *School and college leaders have entrenched negative opinions about flexible working.*

The reasons most cited by employers to teachers for justifying refusal of flexible working requests were:

1. The cost to the employer;
2. The detrimental effect on pupil attainment;
3. The detrimental effect on employer performance.

In addition, teachers listed the following explanations given by schools for denying applications for flexible working:

- Not right for the school;
- Too many changes to the timetable already;
- Don't split GCSE classes;
- It's not convenient;
- It simply wasn't possible;
- All job shares have already been allocated;
- It's not good for the children;
- Because everyone else will want to;

- The school could not recruit suitably qualified staff to job share;
- The school doesn't need part-time workers;
- Having two teachers will confuse the children;
- The school doesn't split exam classes;
- Parents won't like it.

The NASUWT Pay Survey 2015 highlighted a number of issues regarding school and college management attitudes towards flexible working. In the survey, one teacher commented:

“Although I met my targets last academic year, being on the Upper Pay Spine and as a part-time teacher, I would not be able to fulfil the requirement on the next level of UPS due to my working hours and roles within school.”

Another teacher commented about her lack of pay progression:

“The head would not agree to it and after my second child I would like to return to work three days a week rather than the current four. It is not worth making a fuss as she will be less likely to allow a change to my contract.”

With the impact of increased pay flexibilities in schools, teachers who are denied flexible working requests are less likely to challenge these decisions.¹⁰

“I am on Main Scale 6 and can't progress without going through threshold and as I'm part time will possibly wait until my children are older and I am full time.”

When questioned as to why teachers didn't appeal pay awards, one teacher responded:

“Too scared of the repercussions on my long-term future. Boss is vindictive and manipulative.”

¹⁰ Institute for Employment Research – University of Warwick, February 2016. *Longitudinal research into the impact of changes to teachers' pay on equality in schools in England.*

Another said:

“Because, in all honesty, I am scared to appeal. My headteacher is awful and will make my life even more difficult than she already does.”

8. There are schools and colleges operating flexible working for all and it is proving highly successful for teachers

The most important factor in schools and colleges implementing flexible working successfully appears to be the attitudes of school and college leaders.

“I am a TLR holder (SENCO). I did suggest to my headteacher that a colleague (who wanted to do an extra day) could work my day, managing the department and taking some of my teaching load. My head agreed totally and actually encouraged my decision. I feel far more energised and able to do my job more effectively. I do actually have a very supportive headteacher.”

Conclusion

- The research indicates that negative employer attitudes and practices are leading to teachers being denied opportunities for flexible working. These attitudes and practices are encouraging many teachers to explore alternatives to permanent employment, or to a change of employment, or to leaving the profession.
- Teachers appear less likely to benefit from flexible working opportunities than workers in other employment sectors.
- Negative employer attitudes to flexible working are impacting disproportionately on women teachers who, despite comprising around 70% of all teachers, make up 90% of those applying for flexible working.
- In the current climate in schools, teachers are unwilling to challenge negative employer attitudes, often resulting in financial detriment and loss of seniority and status.
- The reasons cited by schools for denying requests for flexible working indicate a failure to grasp the potential benefits of flexible working for schools as institutions, as well as for the workforce.
- More needs to be done to promote good practice which acts in the spirit, as well as the letter, of the legislation.

ANNEX 1

Defining 'flexible working'

The following are all types of flexible working that are encouraged by the Government:

- Compressed hours – compressed working weeks (or fortnights) do not necessarily involve a reduction in total hours or any extension in individual choice over which hours are worked. The central feature is reallocation of work into fewer and longer blocks during the week.
- Flexitime – allows employees to choose, within certain set limits, when to begin and end their working day whilst meeting the requirement to complete a minimum number of hours each day.
- Home-working – allows workers to spend time working from home.
- Job-sharing – allows two, or occasionally more, people to share the responsibility and working time for a job between them.
- Annualised hours – the total number of hours to be worked over the year is fixed but there is variation over the year in the length of the working day and week.
- Part-time working – a contractual arrangement for the discharge of a job within contracted hours fewer than the relevant full-time hours.
- Term-time working – an arrangement which allows a worker to take paid/unpaid leave during school holidays.



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