



Flexible Working Policy

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Preface

1. Introduction..... 4

2. Purpose and scope..... 4

3. Eligibility..... 4

4. Timescale 4

5. Process..... 4

6. Appeal process 6

Appendix 1: Flexible working request flowchart 7

Appendix 2: Flexible working request application form 8

Appendix 3: Flexible working request acceptance form..... 10

Appendix 4: Flexible working request rejection form 11

Appendix 5: Flexible working request employee appeal template letter 12

Appendix 6: Flexible working request employee appeal reply 13

Appendix 7: Flexible working request extension of time limit form..... 13

Appendix 8: Flexible working request notice of withdrawal of application form 15

Preface – note on interpretation of TLT policies

All policies currently in use within Together Learning Trust Multi Academy Trust (TLT MAT) are designed and intended for use at individual constituent school (and governing body) level in accordance with the relevant scheme of delegations.

*This means that for employees whose role involves working directly for TLT MAT, or employees based at a **supported** academy, references in the policies to headteacher or head of school should be interpreted throughout as relating to the Chief Executive Officer (CEO) of TLT MAT and references to the governing body (or chair of governors) should similarly be interpreted, respectively, as relating to the TLT MAT board (or chair of trustees) **unless** a scheme of delegations is in place which clearly states otherwise.*

1. Introduction

- 1.1 This policy serves to assist the headteacher and governing body in making decisions about requests for flexible working in accordance with legal, contractual and moral obligations.
- 1.2 In accordance with legislation all requests for flexible working will be given serious consideration and will be dealt with in a fair and consistent manner.

2. Purpose and scope

- 2.1 This policy is applicable to all staff working in the academy who are eligible (as defined below) to submit a request for flexible working in accordance with the Flexible Working Regulations 2014 amendment to the Employment Rights Act 1996.

3. Eligibility

- 3.1 All employees with a minimum of 26 weeks' continuous service have a statutory right to make an application for flexible working arrangements. However, once a request has been submitted in accordance with the Flexible Working Regulations the employee is not permitted to make further application under this right for the next 12 months.
- 3.2 Eligible employees are able to request the following:
 - a change to the hours they work (staggered, compressed, reduced etc)
 - a change to the times when they are required to work
 - to work from home.
- 3.3 The facility to apply for flexible working does not provide an automatic entitlement to work flexibly as there may be circumstances when the employer is unable to accommodate the employee's desired work pattern.

4. Timescale

- 4.1 Legislation requires that the process is completed within three months of the request being received. This time limit includes any appeals. However, if for some reason the request cannot be dealt with within three months the time limit may be extended, provided that the employee agrees to the extension.

5. Process

- 5.1 The initial onus will be on the employee to make a considered application in writing to the headteacher/line manager. They will only be able to make one application a year under the right, and if it is accepted it will mean a permanent change to the employee's contract of employment (unless the employer and employee specifically agree otherwise).
- 5.2 The employee has a responsibility to think carefully about their desired working pattern when making an application and the employer is required to ensure that all flexible working requests are afforded serious consideration.

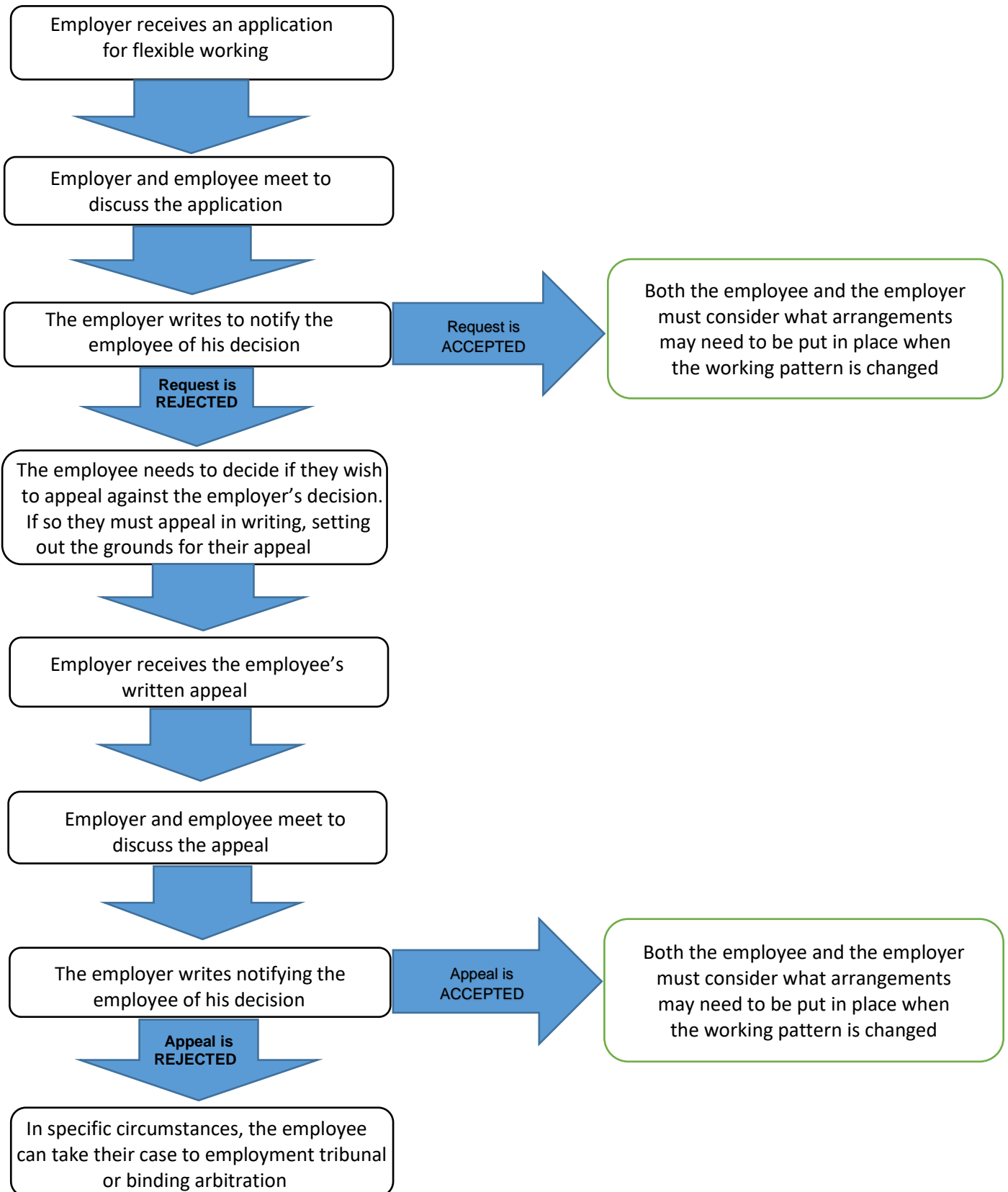
- 5.3 The employee must state what effect the proposed change would be anticipated to have on their employer and how any such effect might constructively be addressed by the employer (see application for flexible working).
- 5.4 On receipt of the written application the academy (as the employer), usually represented by the headteacher or line manager, should arrange, without unreasonable delay (and usually within ten working days), to meet with the employee to discuss the request (unless they feel able to accommodate the request without further consideration). The employee will be entitled, should they so wish, to bring a companion to this meeting.
- 5.5 The headteacher or line manager, in conjunction with the academy governing body, is responsible for ensuring that all flexible working requests are given serious consideration and that each is determined on its own individual merits and in accordance with the case put forward. In every instance, the needs of the individual member of staff should be balanced against the needs of the academy.
- 5.6 All flexible working requests will be considered in a reasonable manner and will only be refused if there is a sound business reason (or reasons) for doing so.
- 5.7 Any such reason(s) must (in order to be regarded as legitimate) be from the following list:
- the burden of additional costs
 - an inability to reorganise work amongst existing staff
 - an inability to recruit additional staff
 - a detrimental impact on quality
 - a detrimental impact on performance
 - 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.
- 5.8 The academy should then write to the employee (within ten working days of this meeting) to either agree to a new work pattern (and a start date) or to provide a clear explanation of business reasons why the application cannot be accepted. Any business reason(s) cited must be from the list provided in the preceding clause.
- 5.9 Unless clearly specified otherwise, any changes to the terms of employment resulting from acceptance of a flexible working request will be permanent. However, before a final decision is reached there may be agreement to a trial period, the purpose of which is to establish whether a revised arrangement is working to the mutual satisfaction of both parties
- 5.10 On the conclusion of the agreed trial period **either** the revised working arrangement is made permanent **or** the employee will revert to the previous (substantive) terms of their contract of employment.
- 5.11 Should the academy receive simultaneous requests (from more than one applicant) they are not required by law to make value judgements about the most deserving request. Each case will be considered on its own merits with regard to the business case and the possible impact of complying with any individual request.
- 5.12 In the event of having considered and approved a request for flexible working the academy, in the person of the headteacher (or line manager) considering such requests, should be mindful that the business context has now changed. Accordingly, this requires to be taken fully into account when assessing any subsequent request against relevant considerations.

- 5.13 The academy will exercise caution in order not to discriminate (either directly or indirectly) against any employee (for instance when dealing with requests from employees with childcare responsibilities or employees with protected characteristics (under the Equality Act 2010) such as disability, race etc).

6. Appeal process

- 6.1 The employee has a right to appeal formally against their employer's decision. Any appeal must be lodged within five working days of the decision being notified to the employee (although at this juncture it may be helpful for the employee to speak informally to the headteacher (or line manager) about their decision as this may reveal new information or an omission before the next stage of the process is initiated).
- 6.2 An appeal should be based on either:
- new information that was not available to the employer at the time the initial decision was made; **or**
 - a belief that the initial decision was unreasonable.
- 6.3 An appeal will be heard by an individual (or panel) who is (or are) independent of the initial decision-making process and is (or are) senior in authority to the person responsible for making the initial decision. The employee has the right to be accompanied in the appeal hearing by a work colleague or union representative.
- 6.4 The appeal decision should be communicated in writing (within ten working days of the appeal being heard) and is to be regarded as final. There is no recourse to the grievance procedure.

Appendix 1: Flexible working request flowchart



Note: Although there is no longer a requirement to deal with flexible working requests within a strict timetable there is a requirement to handle such requests in a 'reasonable manner'. This is interpreted as including (as well as completing the process within a maximum of 3 months) the following elements:

- *assessing the advantages and disadvantages of the application*
- *holding a meeting to discuss the request with the employee*
- *offering and completing an appeal process.*

Appendix 2: Flexible working request application form

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law (Employment Rights Act 1996).

You should note that under the right it may take up to 3 months before consideration of the request need be completed (and this timescale can be extended by agreement). You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be considered valid.

When completing sections 3 and 4, think about what effect your change in working pattern will have both on the work that you do and on your colleagues.

Once you have completed the form, you should immediately forward it to your line manager (you might want to keep a copy for your own records) who will then (within a reasonable period of time) arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions (unless otherwise agreed).

1. Personal Details

Name:

Post:

Line Manager:

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 both of the following eligibility criteria:

- I have worked continuously as an employee of the company 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:

2a. Describe your current working pattern (days/hours/times worked):

**2b. Describe the working pattern you would like to work in future:
(days/hours/times worked)**

2c. I would like this working pattern to commence from (insert date):

3. Impact of the new working pattern - I anticipate this change in my working pattern will affect my employer and colleagues as follows:

4. Accommodating the new working pattern - I think any related impact on my employer and colleagues can be dealt with as follows:

Employee Signature: Date:

This form should now be passed to your employer

Note to employer:

You should meet with the employee (ideally within 10 working days of receiving their request) to discuss their application to work flexibly and clarify their understanding and expectations

Employer's Confirmation of Receipt (to be completed and returned to employee)

Date

Dear

I confirm that I received your request to change your work pattern on (insert date)

I have arranged a meeting on (insert date) at (insert time) to discuss the content of your request.

If you wish you may be accompanied by a colleague or your trade union representative.

Yours sincerely

Name (Manager):	Name (Employee):
Job Title:	Job Title:

Appendix 3: Flexible working request acceptance form

Note to the employer

You should write to your employee (ideally within 10 working days of your meeting) to advise him or her of your decision. If you cannot accommodate the requested working pattern you may still wish to explore alternatives to find a working pattern suitable to you both.

Please note that Appendix 4: Flexible working application rejection form should be used if the employee's working pattern cannot be changed and no other suitable alternatives can be found.

Date

Dear

Following receipt of your application and our meeting on (date)

I have considered your request for a new flexible working pattern and:

- I am pleased to confirm that I am able to accommodate your application. OR
- I am unable to accommodate your original request. However, I am able to offer the alternative pattern which we have discussed and which you agreed would be suitable to you.

Your new working pattern will be as follows:

Your new working pattern will begin from (date)

The change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert to your previous working pattern, unless otherwise agreed and documented in writing.

Yours sincerely

Name (Manager):

Name (Employee):

Job Title:

Job Title:

Appendix 4: Flexible working request rejection form

Note to the employer

You should write to your employee with your decision ideally within 10 working days following the meeting. This letter can be completed by you when declining an application. However, you must ensure that full consideration has been given to the application. You must state the business ground(s) as to why you are unable to agree to a new working pattern and the reasons why this is felt to be relevant to the decision.

Date

Dear

Following receipt of your application and our meeting on (date) I have considered your request for a new flexible working pattern.

I am sorry but I am unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because:

(You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary).

If you are unhappy with this decision you have the right to appeal against it, and you must write to me setting out your grounds for appeal within 5 working days of receiving written notice of the decision

Yours sincerely

Name (Manager):

Name (Employee):

Job Title:

Job Title:

To the employer

If you reject your employee's request for flexible working, your employee has the right to appeal against your decision.

If your employee appeals against your decision to refuse a request for flexible working, you should arrange a meeting with your employee to discuss the appeal, ideally within 10 working days of receiving the appeal letter – the appeal must be heard by an individual (no less senior than the original decision maker) who has had no involvement in the previous decision (to reject the employee's request).

After the meeting has been held you should write to your employee (ideally within 10 working days) to notify him or her of the outcome of the appeal.

Appendix 5: Flexible working request employee appeal template letter

You can use this letter to tell your employer you wish to appeal against your employer's decision to refuse your application to work flexibly.

Date

Dear

I am appealing against your decision to decline my application for flexible working on the following grounds:

Please continue on a blank sheet if necessary

Yours sincerely

Name: [your name]

Appendix 6: Flexible working request employee appeal reply

Note to the employer

You must reply to an appeal that an application to work flexibly has not been properly considered.

You should give notice of your decision in writing, ideally within 10 working days of the meeting at which the appeal was discussed. If the individual hearing the appeal decides to turn down the appeal, the grounds for refusal must be stated.

Headed paper

Date

Dear

Following the appeal hearing with (independent manager) on XX, the initial decision to refuse your application to work a flexible working pattern has now been reconsidered.

(Complete either A or B)

A. Your appeal against the decision has been accepted.

I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from (date)

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern.

B. Your appeal against the original decision has been unsuccessful.

You now have no right to appeal further, or to submit another flexible working application until 12 months has elapsed since the original application was submitted.

Yours sincerely

Name (Manager):

Name (Employee):

Job Title:

Job Title:

Appendix 7: Flexible working request extension of time limit form

Note to the employer

This letter is provided for you to complete when confirming with your employee that you have agreed to extend the time limit for the procedure from that set out in the regulations. The time limit of three months for the overall process may only be extended providing your employee agrees to this.

Date

Dear

I wish to extend the amount of time that the regulations allow me to complete the process of consideration with regard to your flexible working application:

I wish to extend the time limit to days. This means that I will have until (date) to complete the necessary action. I need the extra time for the following reason:

If you agree to this extension, please complete the slip below and return it.

Yours sincerely

Name (Manager):	Name (Employee):
Job Title:	Job Title:

Note to the employee

To allow proper consideration of your request, your employer may wish to extend the permitted time limit for the process. Your employer will need your agreement to any extension of the time limit. If you agree to the above request, please complete the agreement slip below and return it to your employer.

Employee's Agreement to Time Extension (to be completed and returned to employer)

Dear

I accept your request to extend the amount of time to (date).

Yours sincerely

Name (Employee):

Job Title:

Appendix 8: Flexible working request notice of withdrawal of application form

Note to the employee

This form provides notification to your employer that you wish to withdraw your application to work flexibly. Once you have withdrawn your application, you will not be able to make another application until 12 months from the date your original application was made.

Date

Dear

I wish to withdraw my application to work flexibly which I submitted to you on: (date).

I understand that I will not be able to make another application until twelve months after the above date.

Yours sincerely

Name (Employee):

Job Title:

Note to the employer

Once your employee has completed this letter and returned it to you, the application is considered as withdrawn and you are not required to give it any further consideration. You should send the letter below to confirm your receipt of the withdrawal notice.

Employer's Confirmation of Withdrawal (to be completed and returned to employee)

Date:

Dear

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on (date).

Under the right to apply, you will not be eligible to submit another application until twelve months after the above date.

Yours sincerely

Name (Manager):	Name (Employee):
Job Title:	Job Title: