

FLEXIBLE WORKING POLICY & PROCEDURE

Version	3.5
Name of policy writer	Natalie McSheffrey
Last reviewed	March 2023
Date of next review	March 2025
Approved by Directors	21 st March 2024

Schedule of amendment:

V3.5 right to request flexible working as from day one (no requirement to have 26 weeks service) / Timeframe for responding is two month (reduced from three) / Two requests allowed per employee in 12 months (increased from one) / Employer has to consult before refusing the request (Heads do this anyway) / No requirement for employee to either, explain what effect the request will have on the school / service or having to detail how the impact will be dealt with.



1. Introduction

- 1.1 This policy serves to assist the headteacher and the board of directors 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 Share Multi-Academy Trust who are eligible (as defined below) to submit a request for flexible working in accordance with the Flexible Working (Amendment) Regulations 2023 to the Employment Rights Act 1996.

3. Eligibility

- 3.1 As from 6th April 2024 a request can be made at any time (there is no qualifying length of service requirement). If the request is not accepted the employee is permitted to make one 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 The legislation requires that the process is completed within two months of the request being received. This time limit includes any appeals. However, if for some reason the request cannot be dealt with within two 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. They will only be able to make two applications a year under the regulations, 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.



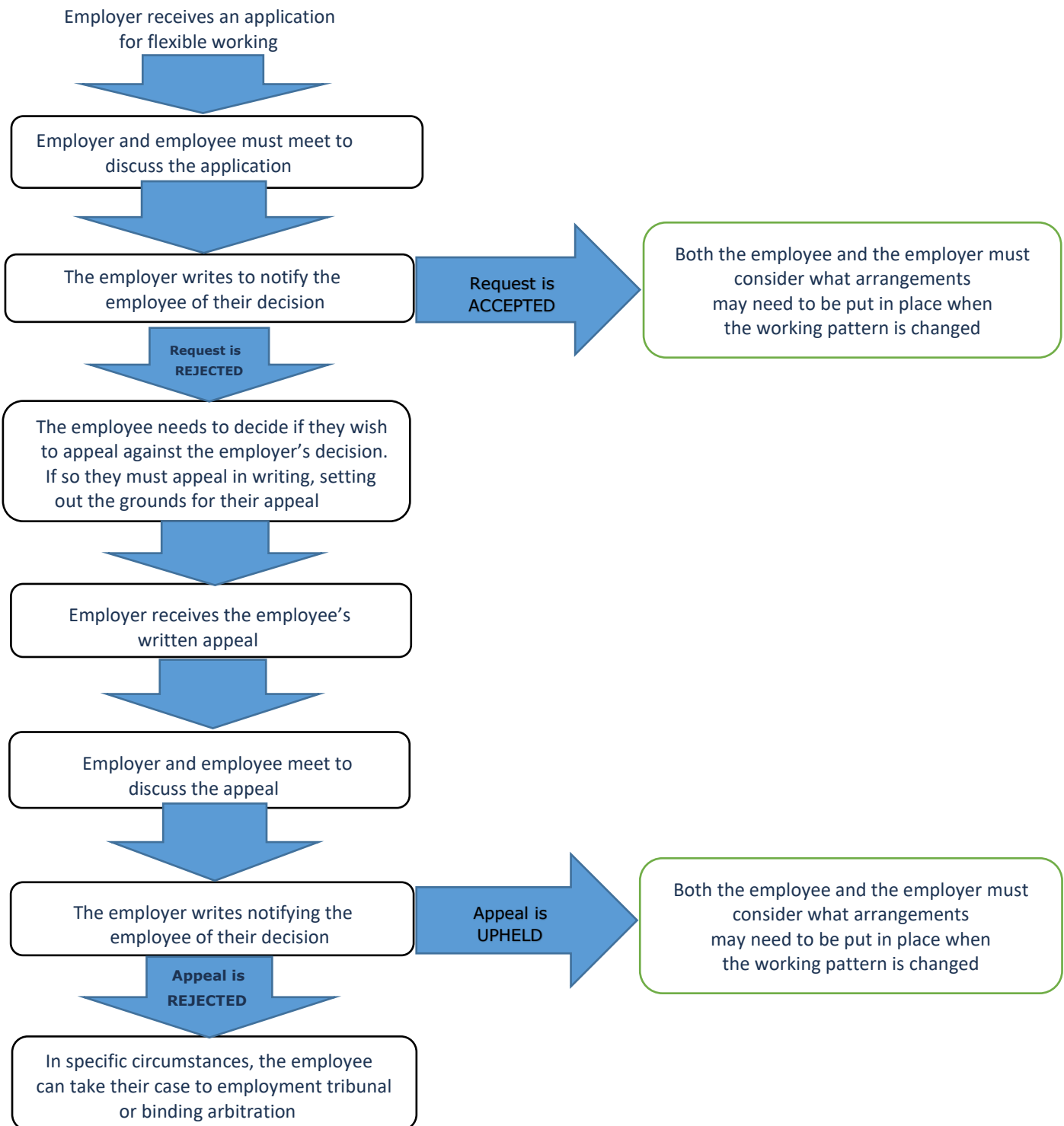
- 5.3 On receipt of the written application, the headteacher must consult with the employee in line with the regulations without unreasonable delay (and usually within 10 working days), to meet with the employee to discuss the request. The employee will be entitled, should they so wish, to bring a colleague or trade union representative to this meeting.
- 5.4 The headteacher 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.
- 5.5 All flexible working requests will be considered in a reasonable manner and will only be refused if there are sound business reasons for doing so.
- 5.6 Any such reason(s) must 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.
- 5.7 The academy should then write to the employee (within 10 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 preceding clause.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 In the event of having considered and approved an initial the headteacher/principal considering the request should be mindful that the business context has now changed and that this can be taken into account when assessing a second (or subsequent) request against relevant business considerations.

- 
- 5.12 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 e.g. 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 5 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/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 making the initial decision. The employee has the right to be accompanied at this meeting by a work colleague or union representative.
- 6.4 The appeal decision should be communicated in writing (within 10 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 two 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 and Flexible Working (amendment) Regulations 2023).

You should note that under the right it may take up to two 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.

Please provide as much information as you can about your desired working pattern.

Once you have completed the form, you should immediately forward it to your headteacher (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).

Personal Details

Name:

Post:

Line Manager:

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I meet the criteria in that I have not made more than one request within the last twelve months:

- 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:

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

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



Please add any further details you wish to add that may provide additional context to your application.

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

Employee Signature: Date:

This form should now be passed to your Headteacher