



FLEXIBLE WORKING POLICY & PROCEDURE

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1. Policy statement

- 1.1 The trust believes that flexible working can increase staff motivation, promote work-life balance, reduce employee stress, and improve performance and productivity.
- 1.2 All employees have the right to request flexible working and to have their request considered seriously by trust. Employees have the right to submit a flexible working request from day one of their employment with SHARE MAT. Employees have an opportunity to make two statutory flexible working requests in a 12-month period even if they withdrew a request. This includes requests for part-time, term-time, flexitime, compressed hours, and varied working locations.
- 1.3 We will deal with flexible working requests in a reasonable manner and within a reasonable time, in any case, a decision will be made and communicated to employees as soon as possible and within a maximum of 2 months of the application.
- 1.4 This policy serves to assist the headteacher, senior leaders and the board of directors in making decisions about requests for flexible working in accordance with legal, contractual and moral obligations.

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2. 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. Legal and statutory framework

- 3.1 As The Employment Rights Act 1996 (as amended) sets out the formal right of employees to request flexible working from the first day of their employment. This is known as making a statutory application.
- 3.2 The Employment Act 2002 introduced the right to request flexible working by amending the Employment Rights Act 1996. It outlined that employees could apply for changes to:
- The hours they are required to work
 - The times when they are required to work
 - Where they are required to work (between home and workplace).

The Act also established the procedural framework for handling flexible working requests.

4. Eligibility

- 4.1 A flexible working 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.
- 4.2 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.
- 4.3 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.

5. Timescale

- 5.1 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.

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6. Roles and responsibilities

Flexible working – Scheme of Delegation	
Trust Board	<ul style="list-style-type: none">• To review and approve the Flexible Working Policy & Procedure annually.• To undertake the flexible working process if a request is made by the CEO.
CEO	<ul style="list-style-type: none">• To undertake the flexible working process if a request is made by a senior executive leader.
Executive Leaders	<ul style="list-style-type: none">• To undertake the flexible working process if a request is made by the headteacher or member of the central team.
Headteachers	<ul style="list-style-type: none">• The Headteacher will receive requests from school staff and follow this flexible working policy when requests are made.

7. Requests for flexible working

- 7.1 The initial onus will be on the employee to make a considered application via an informal discussion with the headteacher/trust leader and formally 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.
- 7.2 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.
- 7.3 All requests must be made in writing by filling in the requisite application form which is attached to this policy at appendix 2, and should be submitted to the relevant person as per the Scheme of Delegation above.
- 7.4 Any request made under this policy must include:
- the date of the application
 - the changes that the employee is seeking to their terms and conditions
 - the date on which the employee would like the terms and conditions to come into effect
 - a statement that this is a statutory request
 - whether or not the employee has made a previous application for flexible working
 - if the employee has made a previous request, when the employee made that application.
- 7.5 Where the request is being made by a disabled person as part of a request for a reasonable adjustment to their working arrangements, the employee should state this in the written application.

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- 7.6 The trust will not reject a request that does not contain the required information. The trust should explain to the employee what additional or amended information they need to provide and ask the employee to resubmit the request.

8. Meeting to discuss a flexible working request

- 8.1 On receipt of the written application, the headteacher/relevant person must consult with the employee in line with the regulations without unreasonable delay and in any case within 2 months following the submission, allowing a window for appeal within that, and usually within 10 working days.
- 8.2 Where a request can be approved without further discussion in line with the terms stated in the employee's written application, a meeting will not be necessary, and the employee will be informed in writing of the decision.
- 8.3 An employee should be given the right to be accompanied by a work colleague or a trade union representative at any flexible working meeting. They will be entitled to speak and confer privately with the employee but may not answer questions on their behalf. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the trust.

9. Outcomes of a flexible working request

- 9.1 The decision maker 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 trust.
- 9.2 After the meeting, the headteacher/relevant person will consider the proposed flexible working arrangements carefully, weighing up the potential benefits to the employee and to the trust against any adverse impact of implementing the changes. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
- 9.3 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the deadline set out at 2 months including appeal. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked to try the flexible working arrangement for a trial period. The employee will be given the right to appeal the decision if the employee's request is not upheld or is upheld in part.
- 9.4 If a decision is made to reject the flexible working request, a full rationale behind the decision will be provided as outlined below.
- 9.5 Unless otherwise agreed, the changes to the employee's terms and conditions will be permanent.

10. Reasons for declining a flexible working request

- 10.1 The Headteacher/relevant person will meet with the employee to give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:
- 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.
- 10.2 If a request has been rejected, the employee will be informed which of those reasons applies in writing, and of the appeal procedure within 10 working days of the meeting.

11. Flexible working requests that are granted

- 11.1 If the request is upheld in full or in part, the employee and the headteacher/relevant person will discuss how and when the changes will take effect. Any changes to terms and conditions, and the date on which they will commence, will be put in writing and sent to the employee as an amendment to their contract of employment / written statement of terms and conditions within 10 working days.
- 11.2 If a trial period is granted, 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.

12. Timescales

- 12.1 All requests will be dealt with within a period of two months from first receipt to notification of the decision on any appeal. The trust must recognise and ensure appropriate timescales for meetings so that there is enough time for any appeal to be concluded.
- 12.2 Time limits detailed in this policy may be extended where both the employee and trust are in agreement. For example, the headteacher/relevant person and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

13. Appeal process

- 13.1 The employee has a right to appeal formally against their employer's decision. Any appeal must be lodged within 10 working days of the decision being notified

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to the employee. All appeals must be made in writing to share.hr@sharemat.co.uk.

13.2 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.

13.3 An appeal will be heard by an individual who is independent of the initial decision-making process and is 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.

13.4 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.

14. Equality and diversity statement

14.1 Share MAT is committed to equality of opportunity, fostering an inclusive working environment and eliminating unlawful discrimination. SHARE recognise that flexible working can be a key to achieving a better work life balance and improving well-being. All employees have the right to request flexible working, and all requests will be handled in a fair, consistent, and non-discriminatory manner, regardless of protected characteristics such as age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex, or sexual orientation.

15. Linked policies

15.1 Policies that link to the trust's Flexible Working policy & Procedure:

- Wellbeing Policy & Procedure
- Attendance Management Policy & Procedure
- Family Leave Policy & Procedure

16. Schedule of amendment

Version No	Amendment