



# **Flexible Working Policy and Procedure**

Authority Guidelines on Staffing Procedures for Community,  
Voluntary Controlled, Community Special Schools and Early Years  
Centres (and those adopted by Governing Bodies of other  
maintained or non-maintained schools)

**Updated: April 2024**

# Flexible Working Policy and Procedure

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# Flexible working policy

## 1. Introduction

The Local Authority, following consultation with the recognised Trade Unions and Headteachers, are advising that this Flexible Working Policy and Procedure be recommended for adoption by schools' Governing Bodies.

The school is committed to promoting flexible working in the context of our need to provide high quality services to pupils, to retain a skilled workforce and reduce absence levels. We also recognise the importance of a healthy workforce and of the benefits that work-life balance brings.

The Flexible Working Policy and Procedure provides advice and guidance on dealing with flexible working requests. This policy aims to encourage staff to consider flexible working arrangements. The school recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore, the school wants to support its employees achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The school is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the school (such as outcomes for pupils, Ofsted requirements) and the employee can be met.

This recommended procedure is subject to the provision of relevant Education Acts. It is recommended to apply to all staff in schools, where adopted by the Governing Body.

### Legal Framework

The Employment Rights (Flexible Working) Act 2023 enables all employees to request a flexible working pattern as a day one right, and to have the request considered seriously. The legislation previously only applied to certain people with care responsibilities for both children and adults.

## 2. Flexible working options

### What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. There is scope to apply for different types of working pattern, for example:

- **changing the hours** you work
- **changing the times** when you are required to work
- **reducing your working hours** (part time working)
- **job-sharing** (eg two people employed on a part-time basis but working together to cover a full-time post)
- **term-time working** (take unpaid leave of absence during the school holidays)
- **compressed hours** (work your total number of agreed hours over a shorter period)

- **annualised hours** (a system of working where your hours are defined over a whole year; you may work flexibly within these hours but must also be available to cover peaks in workload)
- **staggered hours** (start and finish your day at different times)

Employees should be mindful of the nature of the school environment, their job role and the potential impact on pupils and the school when considering the details of their request.

The Diocesan Director of Education for the Diocese of Chester and the Director of Education for the Diocese of Shrewsbury Education Service have recommended that in Aided Schools and Academies the Governing Body should delegate this responsibility to a Staffing or Personnel Committee who would decide requests for flexible working (as above).

# Flexible Working Procedure

## 1. Overview

This procedure sets out the steps that employees need to take should they wish to request flexible working. It also outlines the process the school will follow to ensure that any requests are considered fairly. Further advice or information can be obtained from your Headteacher or HR provider.

Throughout this document any reference made to a manager can be defined as a Headteacher or equivalent, Chair of Governors or a member of staff delegated by the Headteacher or Chair of Governors.

## 2. Requesting flexible working

All requests for flexible working must be made using the flexible working request form. Please see Appendix 1.

## 3. Eligibility

- A day **one right** to request flexible working
- you must be an **employee** of the school

## 4. Application process

Under the Employment Rights (Flexible Working) Act, employees can make **two statutory requests for flexible working in any 12-month period**. This section explains the information that must be included for an application to be valid and the issues that will be considered.

Applicants must:

1. Apply in **writing**. Please see Appendix 1.
2. **Specify the flexible working pattern requested**. Remember, this may result in you working fewer hours, and your pay and pension will reduce too. Provide as much detail as you can in your application. For further advice or details regarding this, contact your Line Manager or the HR provider.
3. Give **the effective date for the prop**
4. **Proposed change**. You should attempt to apply well in advance of this date. Remember it may take some time to consider your request and you should allow 2 months for a final response. You should not make any arrangements which are dependent on your request being approved until you receive notification about whether it has been approved.

5. Say if and when you have made **any previous application(s)**.

6. Include the **date of your current application**. A hard copy of the application will be considered to have been made on the day that it ~~was~~ is received by the school.

***NB If you are due to go on maternity leave you might wish to mention to your line manager before you take leave that you are interested in applying to work flexibly on your return.***

The school will then consider your application and **establish whether it is possible** to accommodate your new work pattern within the **operational requirements** of the school.

If you fail to provide all the required information, you will be asked to resubmit your application. Your request will not be considered until it has been fully completed and received.

The school should acknowledge receipt of the request to confirm the date on which the application was made.

## **5. Meeting to consider flexible working application**

The Headteacher or line manager will arrange a meeting with **without reasonable delay** after the application has been received. The process **must take no longer than \_2 months**.

The meeting will provide you with the opportunity to discuss the desired work pattern in depth.

The employee may bring a Trade Union representative or work colleague to accompany the employee to the meeting. If the representative is attending, then the Headteacher or line manager may request HR to attend as well.

It is important that you attend this meeting. If you fail to attend without notification, you should contact the Headteacher or line manager as soon as possible to explain your absence and allow the school to rearrange the meeting.

If you fail to attend the meeting more than once and do not provide a reasonable explanation, the school will treat the application as having been withdrawn. The school will inform the employee in writing that the application is considered to be withdrawn.

***NB Employers are expected to agree requests for flexible working request unless there is a genuine business reason not to.***

## **6. Accepting a request in whole**

The school will confirm the decision within **10 working days** after the date of the meeting. Before confirming the decision, the school will:

- check to see if any pay or contractual details need to be amended

- check if all health and safety requirements have been satisfied
- consider who else needs to be informed, including other colleagues
- include an accurate description of the new working pattern
- establish the start date for the new working pattern
- include a date of decision on the response

In most circumstances the arrangements should be made on a permanent basis. However, should an employee request to increase their hours, who has previously requested a reduction in hours through Flexible Working, the school should consider whether they can accommodate the change and notify the employee in writing.

***NB If the requested working pattern cannot be accommodated, the meeting also provides an opportunity to see if an alternative working arrangement may be appropriate. An open-minded approach is necessary as reaching a compromise may be the best way forward.***

## **7. Accepting a request with modifications and/or conditions**

The school will confirm the decision within **10 working days** after the date of the meeting. Before confirming the decision, the school will **state the business reasons for not accepting the request in full.**

***A decision to reject a request must be for one or more of the following business reasons*** which are set out in the Employment Rights Act 1996 which are:

- the burden of any additional costs is unacceptable to the organisation.
- an inability to reorganise work among existing staff.
- the employer considers the change will have a detrimental impact on quality.
- the employer considers the change would have a detrimental effect on the business' ability to meet customer demand.
- detrimental impact on performance
- there is insufficient work during the periods the employee proposes to work.
- planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans.

### **Actions required by a Headteacher when agreeing a request with modifications/ or conditions**

- check to see if any pay or contractual details need to be amended
- check if all health and safety requirements been satisfied
- consider who else needs to be informed, including other colleagues
- include an accurate description of the new working pattern
- establish the start date for the new working pattern
- include a date of decision on the response

***NB This may be dependent on the recruitment of an additional member of staff.***

## 8. Trialling new working arrangements

Where the school cannot accept the request in full, or there is some uncertainty about whether the flexible working arrangement is practicable for the school, a trial period may be mutually agreed.

If a trial period is arranged, the school will allow sufficient time for an employee and their line manager or Headteacher to implement and become used to the new working practices, before taking any decisions on the viability of a new arrangement.

NB Ensure that action is taken to temporarily change the contract and set out the terms of the trial in writing.

## 9. Declining a request

There may be circumstances where, due to the operational needs of the school, the Headteacher or Chair of Governors decides that it is not possible to approve a flexible working request. Schools are advised to contact their HR provider prior to declining a request to ensure that the reasons are valid in law (ACAS Code of Practice on Flexible Working). You will receive notification which will:

- state the business ground(s) for refusing the application
- provide a sufficient explanation as to why the business ground(s) for refusal applies in the circumstances
- provide details of your right to appeal
- be dated

Requests to work flexibly must be considered objectively and an employer can only refuse them if there are **business reasons** for doing so. The ACAS Statutory Code of Practice on Flexible Working requires employers to do this. The business reasons set out in legislation and are:

- the burden of any additional costs is unacceptable to the organisation
- an inability to reorganise work among existing staff
- the employer considers the change will have a detrimental impact on quality
- the employer considers the change would have a detrimental effect on the business' ability to meet customer demand
- detrimental impact on performance
- there is insufficient work during the periods the employee proposes to work
- planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans

In addition to providing **specific business grounds**, the school must include an accurate and clearly relevant explanation about why the business ground(s) applies in the circumstances. In any dispute, an employment tribunal does not have the power to question the employer's business reasons for declining a request but will want to see evidence of any facts relied upon.



## **10. Appeal procedure**

In the case of an appeal against a decision of the Headteacher or Chair of Governors (see 1 - Introduction) to grant flexible working, the appeal should be considered by the school's Appeal Committee, please see Appendix 5

## **11. Withdrawal of application**

There are three reasons why an application may be treated as withdrawn:

1. The employee decides to withdraw the application. If an application is withdrawn, the employee will be able to make one further request within 12 months of the submission of the first application. The employee must notify the school of their decision in writing.
2. If the employee fails to attend two meetings. In cases where two meetings are missed without reasonable cause, the school may treat the application as withdrawn.

## **12. Equality issues**

The Governing Body must be satisfied that the terms of this policy will not impact adversely on members of staff who have protected characteristics within the meaning of the Equality Act 2010.

The Governing Body is committed to promoting equality and will ensure that the flexible working policy is fair and non-discriminatory, and that monitoring data will be reported to Governors annually by the Headteacher including covering each of the protected characteristics within the Equality Act 2010.

The Headteacher will also report on whether there have been any appeals or representations, on an individual or collective basis, on the grounds of alleged discrimination under any of the protected characteristics.

# **Flexible Working Policy and Procedure**

## **Appendices**

1. Flexible working request form
2. Template Invitation to meeting to discuss flexible working request
3. Template letter refusing an application for flexible working
4. Appeals procedure for Governors

## Appendix 1 - Flexible working request form

Use this form to apply for flexible working. Please read the flexible working request procedure carefully before making your application. Keep a copy for your records and return this form to the Headteacher or line manager.

Name	
Address	
Daytime telephone – work / mobile	
Email address	
Job title	
Payroll number	
I have made a previous requests to work flexibly in the last 12 months. If you have, please state dates of application(s).	
My current working arrangements are:	
My proposed working arrangements are (days and times):	
I would like the new arrangements to start on (date):	
Signed	
Date	

Flexible working request approved	Yes / No / Yes with modifications and/or conditions
Reason for refusing flexible working request (if appropriate) or accepting request with modifications: <i>(NB A formal letter should be sent to the employee informing them of the decision as per procedure)</i>	
Signed	
Date	
Role / position	

## Appendix 2 - Invitation to meeting to discuss flexible working request

Dear

Thank you for your letter of [date] requesting flexible working. I would like to discuss your request with you to see how your proposed working pattern might be made to work in practice, and also to ensure that you are fully aware of all the implications of changing your working pattern.

I would therefore request your attendance at a meeting with me on:

**Date**

**Time**

**Location**

You may, if you wish, bring a Trade Union Representative or work colleague with you to the meeting.

Following the meeting, a decision will be made on the feasibility of your request, and the decision will be communicated to you in writing no later than [10 Working Days] after the meeting.

We will endeavour to grant your request for flexible working if it is at all possible to do so, but we will also need to consider the effects of your proposals on the school, the work of your department and your colleagues.

If the school cannot grant your request in full, it would be helpful if you are willing to meet and discuss possible alternatives to the changes you have requested with a view to seeking a compromise arrangement that suits both parties (if this is necessary).

In the event that the organisation refuses your request, we will explain the reason why we believe that your request is not workable for the organisation, in writing.

Please can you confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely

## Appendix 3 - Sample letter refusing an application for flexible working

Dear

### Outcome of application for flexible working request

I refer to our meeting held on [date] at which we discussed your request for a change to your pattern of working.

Having given the matter thorough consideration, I regret that the organisation is unable to agree to your request. The [reason / reasons] for this [is / are] set out below.

You requested xxxxxx (state requested change). Unfortunately, we consider that agreeing to [this change / these changes] would [list the appropriate points and expand on them as necessary]:

- the burden of any additional costs is unacceptable to the organisation
- an inability to reorganise work among existing staff
- the employer considers the change will have a detrimental impact on quality
- the employer considers the change would have a detrimental effect on the business' ability to meet customer demand
- detrimental impact on performance
- there is insufficient work during the periods the employee proposes to work
- planned structural changes, for example, where the employer intends to reorganise or change the business and considers the flexible working changes may not fit with these plans

The reason why this is relevant to your application for flexible working is [explain further why the employee's request is not workable].

You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you must do so in writing within [10 working days] of receipt of this letter to Clerk of Governors. Your letter requesting an appeal meeting **must set out the grounds on which you wish to appeal** against the organisation's decision as set out above.

Yours sincerely

## **Appendix 4 - Appeals Procedure for Governors**

### **Introduction**

The employee has the right of appeal to the school's Staff Appeal Committee against any decision to refuse a flexible working request.

The appeal must be in writing and must include a copy of the request form and any further explanation for the reason for appealing the decision.

All appeals against a flexible working request should be submitted in writing to the Clerk to Governors.

Appeals should be submitted within 5 working days of the decision.

### **Flexible working request - appeal hearing procedure**

1. Introductions.
2. Outline the reasons for the meeting.
3. The employee (or his/her representative) to put their reasons for the appeal request and put forward their case.
4. The Headteacher to ask questions of the employee (or his/her representative).
5. The members of the school's Appeal Committee to ask questions of the employees (or his/her representative).
6. The Headteacher to sum up.
7. The employee (or his/her representative) to sum up.
8. Following the summing up, both parties, together with their representatives will withdraw.
9. The Chair of Appeals Committee may announce its decision to the Headteacher and/or the employee and his/her representative personally or subsequently in writing. Whichever method is chosen both parties should be informed in a like manner. A decision notified orally should be confirmed in writing by the Clerk to the Governors
10. The outcome of any appeal should be confirmed in writing with the employee within ten working days of the appeal