FLEXIBLE WORKING POLICY

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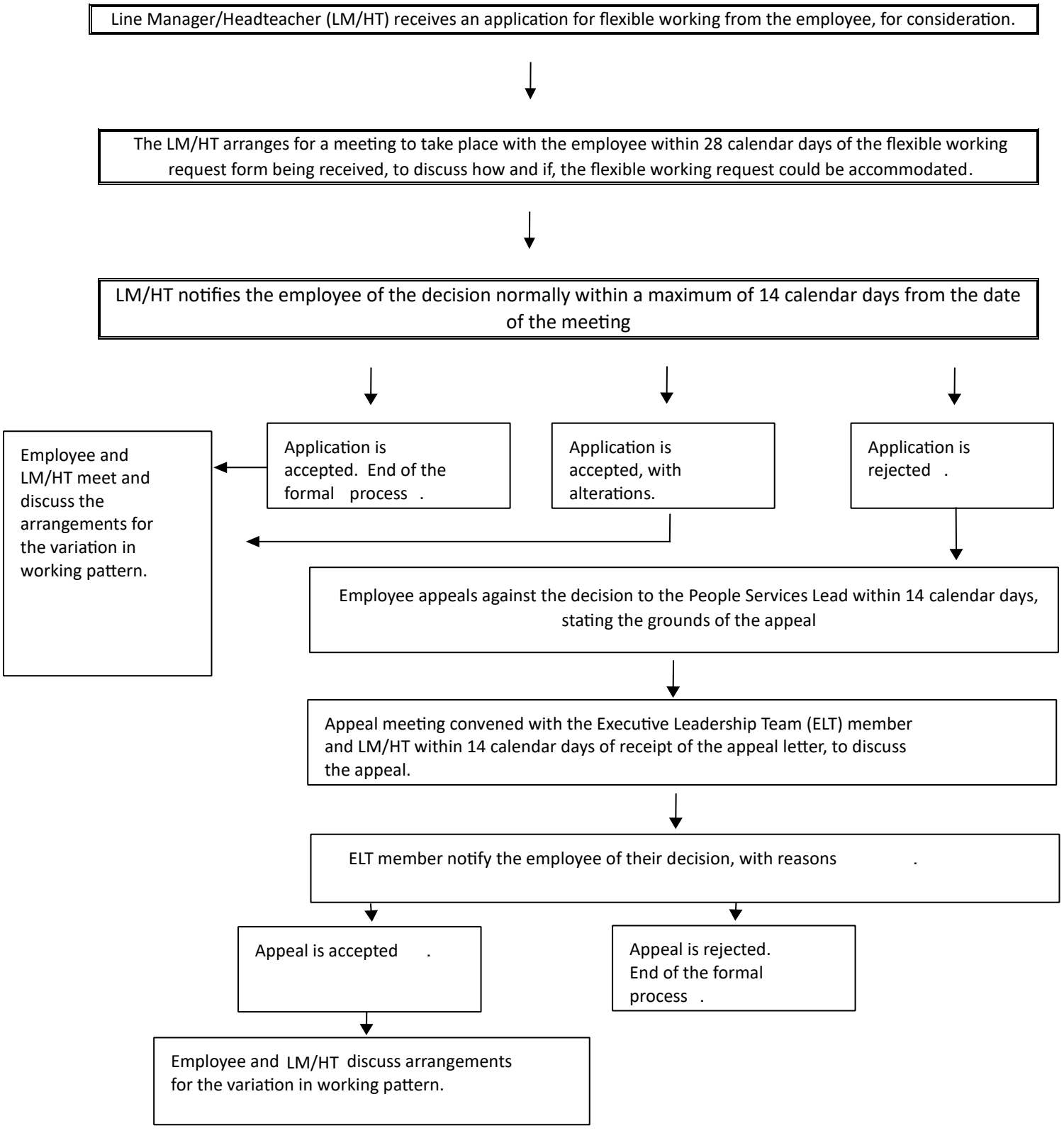
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2. FLEXIBLE WORKING REQUEST FLOW CHART – SCHOOLS

In all schools, requests will be dealt with by the Headteacher. For the Network Support team (NST), requests will be dealt with by the Line Manager.



3. INTRODUCTION AND PURPOSE

3.1 Responsibility for the application of the policy

It is the responsibility of the Trustees to ensure that employees who meet the eligibility criteria detailed in the Flexible Working Requests Policy are provided with the right to request a variation to his or her contract so that they can work more flexibly and thereby achieve a better balance between their lives outside of work and work commitments. This policy has been updated to reflect the Employment Relations (Flexible Working) Act 2023 and the Flexible Working (Amendment) Regulations 2023.

The Trustees are responsible for ensuring that the statutory procedures and timeframes detailed in the Flexible Working Requests Policy are adhered to.

In considering a flexible working request, the Trustees should ensure that they have due regard to the School's staffing structure requirements, in particular ensuring that teaching and learning standards can be maintained.

3.2 Line Manager/Headteacher responsibility

The Trustees agree to delegate responsibility for considering and deciding whether or not to agree to flexible working requests, in line with the Flexible Working Requests Policy, to either the Line Manager (LM) or Headteacher (HT).

In all schools, requests will be dealt with by the Headteacher. For the Harbour Support Service, requests will be dealt with by the Line Manager.

If the LM/HT are absent from work for a extended period a School Leader or a member of the Executive Leadership Teamwill be nominated to manage the process in their absence, until they return. Also see para 6.4.

The LM/HT may seek the advice of a member of the People Team or SLT to discuss the practicalities of accommodating a flexible working request within the existing staffing structure and any effect on teaching and learning.

3.3 Appeal Committee

The Appeal Committee will comprise an ELT member. It should be confirmed that the ELT member has not had any previous involvement in the flexible working request, a close relationship with the employee or a vested interest.

3.4 Consultation

This policy is provided, following consultation with Trade Unions and Professional Associations, for the Trustees to consider for adoption. Should the Trustees wish to make changes to this model policy, the required consultation must be undertaken with the County Officers of the recognised Trade Unions and Professional Associations.

3.5 Costs

Schools must ensure that the Trust has adequate financial resources to cover any costs arising from any subsequent claims.

3.6 Aim of this Policy

This policy supports employees, who meet the eligibility criteria, to request a variation to their contract of employment so that they can work more flexibly and thereby achieve a better balance between their lives outside work and their work commitments.

3.7 Coverage

This policy applies to all staff in The Harbour Schools Partnership and will be made available to every member of staff.

4. POLICY

4.1 Application of the Policy

This policy:

- is non-discriminatory and in accordance with the Trust's equality policies;
- will be consistently and fairly applied across the Trust;
- will be conducted with respect for the confidentiality of individuals and in accordance with the Data Protection Act 2018;
- is based on open communication between members of staff and their managers;
- is explicit about the responsibilities for all involved.

5. CONFIDENTIALITY

The LM/HT will ensure there are full, comprehensive records of the process which will be stored confidentiallyon an individual's file care of the People team.

In the event of the employee making an application under the Data Protection Disclosure Policy, a school can obtain advice from a member of the SLT.

6. EQUAL OPPORTUNITIES

The conditions for qualification under this policy will not disadvantage any employee on the grounds of age, race, religion or belief, disability, gender reassignment, marital status, pregnancy and maternity, sex or sexual orientation.

7. GENERAL PRINCIPLES

7.1 Being accompanied at meetings

Employees have the right to be accompanied by a trade union representative or a workplace colleague at any stage in the procedure. The LM/HT is advised to make staff members aware of this provision.

7.2 Recording of information

All decisions relating to the request should be recorded in writing.

Subject to Data Protection legislation, documentation or data that has been used to form the basis of the decision should be available upon request.

7.3 Contractual variations

If a change is agreed, the employee's contract will be varied as set out in the Flexible Working Request Acceptance Form – Appendix 3.

Where there is concern by either party on the implications of agreeing a flexible working request, a trial period or a limited period of working flexibly can be mutually agreed if appropriate. A timeframe should be agreed in advance of the arrangement commencing and this should be documented in writing.

7.4 Timescales

The timescales detailed in the policy are in accordance with the statutory requirements and therefore must be adhered to unless both parties have agreed to an extension of time.

There may be a number of reasons why the time limits specified are too short and an extension may be required. Where an extension to the time limits is agreed, a written record of this decision should be made. See Flexible Working Extension of Time Limit Form – Appendix 2.

An application is taken to have been made on the date that it is received. Where an application is made by email, it is taken to be received on the day it was transmitted.

The timeframes indicated in the Flexible Working Policy shall not commence until the LM/HT is in receipt of the fully completed Flexible Working Request Form.

An employee who is thinking about making a request to change his or her work pattern should speak to the LM/HT as early as possible in order to explore what possibilities might be available.

The statutory procedures can take up to 2 months to complete (subject to any extensions of time) and therefore sufficient time should be allowed by the employee.

7.5 Pensions

It is recommended that the employee seeks advice from their pension provider prior to requesting a variation to the contract of employment. The employee's Trade Unions/Professional Association may also be able to provide information.

Teachers should contact Teachers' Pensions at www.teacherspensions.co.uk. Support staff belonging to the Local Government Pension Scheme can make contact at www.lgps.org.uk or via Peninsula Pensions (peninsulapensions.org.uk)

8. STATUTORY REPORTING OBLIGATIONS

No statutory reporting obligations exist under this policy.

9. ELIGIBILITY

The Flexible Working Requests Policy applies to employees from day one of their employment and who have made one or less flexible working request under this policy during the past 12 months.

10. NO AUTOMATIC ENTITLEMENT

It is important to note that the Flexible Working Requests legislation provides an employee, who meets the qualifying criteria, with the right to **REQUEST** flexible working arrangements. Whilst every effort will be made to

accommodate a flexible working request, there is no automatic entitlement to have a flexible working request agreed; every request will be considered in conjunction with the needs of the School.

11. NON-ELIGIBLE EMPLOYEES

The principles of the Flexible Working Requests Policy may be used to consider flexible working requests received from employees who do not meet the eligibility criteria. However, it should be noted that the School is not bound by the statutory requirements detailed in the Flexible Working Requests legislation.

12. TYPES OF FLEXIBLE WORKING

Types of flexible work patterns include the consideration of:

- Flexi-time – working time is split between core hours and time when employees can choose when to work.
- Part-time working – allows employees to work a proportion of the hours which would normally be regarded as full-time for that employment.
- Job share – involves two or more people sharing a full-time post.
- Shift working – provides employers with the opportunity to open their business for longer.
- Annualised hours – where working time is organised over the number of hours to be worked in a year rather than a week.
- Term-time working – allows employees to take unpaid leave of absence during the school holidays.
- Home working - individuals have the opportunity to work from home on either a full or part time basis.
- Compressed hours – where individuals complete their hours over a shorter period of time.
- Staggered hours – allows employees to start and finish their day at different times.

The type of flexible working pattern requested by an employee will need to take into account the practicalities of applying the revised working arrangements in a school setting.

13. PROCEDURE

13.1 Making the Request

An employee wishing to make a request for flexible working must complete a **Flexible Working Request Form (Appendix 1)** and submit it to the LM/HT.

The Flexible Working Request Form provides the employee with the opportunity to give an explanation of what effect, if any, the employee thinks the proposed change would have on the school and how they feel any such effect might be dealt with.

Employees should ensure that all sections of the form are completed with the exception of the optional section – see above.

Incomplete forms should be returned to the employee for completion. The timeframes indicated in the Flexible Working Requests policy shall not commence until the completed form is received.

The LM/HT should acknowledge receipt of the request either by email or by returning, to the employee, the LM/HT Confirmation of Receipt Slip at the end of the Flexible Working Request Form.

If an employee unreasonably refuses to provide all the information needed to assess whether the change can be agreed, the LM/HT will be entitled to treat the application as withdrawn. The employee is only able to make two

applications in a 12-month period. In these circumstances, the LM/HT should write to the employee to confirm that the status of the application is considered as being withdrawn.

13.2 Considering the Request

The LM/HT should aim to arrange a meeting with the employee within 28 calendar days of the Flexible Working Request Form being received.

The purpose of the meeting will be to discuss and clarify any aspect of the flexible working request and if necessary, to consider alternatives.

Consideration should be given to the long-term implications of agreeing a flexible working request and the restrictions that may be associated with a particular type of employment contract or the wording used in the Flexible Working Request Acceptance Form and/or Letter of Appointment. Schools may wish to obtain advice from an appropriate member of the People team prior to responding to a flexible working request.

The employee may be accompanied to the meeting by either a union representative/ professional association or by a work colleague.

If the employee is unable to attend the meeting, a new meeting should be arranged for a date within 7 calendar days of the original proposed time.

If the employee fails to attend the meeting without explanation more than once, the employer may consider the flexible working request application withdrawn. The LM/HT should write to the employee to confirm the action taken.

Both parties should be prepared to be flexible when reaching an agreement whilst having due regard for the needs of the school.

Any recommendation provided by the LM/HT should be supported by the relevant documentation and/or evidence.

The LM/HT should ensure that a written record of the meeting is made detailing the key points of discussion, including any alternative working proposals suggested and the response. A copy of the record should be provided for the employee.

If the flexible working request cannot be accommodated it is advisable that the LM/HT explores alternative working arrangements that may enable the employee to work flexibly. The rationale for accepting or refusing any arrangement should be documented.

A decision regarding the flexible working request will be made by the LM/HT. The LM/HT has up to a maximum of 14 calendar days from the date of the meeting to consider the flexible working request, including clarifying any information that may have been submitted as part of the process, and to provide the employee in writing, with details of the final decision.

It may be appropriate for the LM/HT and the employee to agree a trial period of a new working arrangement to establish whether it suits both parties. It is important that any trial period agreed outside of the original flexible working request is documented, detailing the length of time that the trial period will operate, when it will be reviewed and extending the timescales for a final decision to be made on the flexible working request.

Where a flexible working request is unlikely to be accepted, the LM/HT must ensure that the decision can be substantiated with the appropriate evidence, for example, if citing detrimental impact on quality, specifically parental concerns regarding continuity of teaching, it would be reasonable that there is a record of either discussion held or letters received from parents corroborating the reason cited. It is advisable that advice is sought from an appropriate member of the People Team in respect of flexible working requests which may be refused.

13.3 Informing of the Decision

The LM/HT will endeavour to write to inform the employee of their decision within a maximum period of 14 calendar days of the meeting. Unless otherwise agreed, a final decision must be communicated to the employee within two months of the request being received.

If the request is agreed the LM/HT should complete a **Flexible Working Acceptance Form (Appendix 3)** and send it to the employee. Any compromise offered and agreed at the meeting should be detailed in the Flexible Working Acceptance Form.

If the request is refused the LM/HT should complete a **Flexible Working Rejection Form (Appendix 4)** and send it to the employee. The employees must be consulted with before their request is rejected.

The only valid reasons for a request being refused include:

- The burden of additional costs; implementing flexible working may incur additional costs for the organisation.
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- The business (School or Trust) will not be able to meet customer demand
- Insufficiency of work during the periods the employee proposes to work
- Planned structural/workforce changes

In addition to stating the reason for the request being refused the LM/HT should include an explanation about why the reason(s) apply in the circumstances. It is not necessary for the LM/HT to provide evidence to support the explanation however they should ensure that they are able to substantiate any facts in the event of a subsequent dispute occurring.

The LM/HT should arrange for a copy of the Flexible Working Request Form and either the Flexible Working Acceptance Form or the Flexible Working Rejection Form to be placed onto the employee's personal file.

14. APPEAL AGAINST THE DECISION

If an employee is dissatisfied with the response from the LM/HT, he or she has the right of appeal.

An Appeal meeting provides an opportunity for the employee to make representation to a member of the ELT who is not involved in the original decision.

There are no constraints on the grounds under which an employee can appeal.

The employee should register the appeal using a **Flexible Working Appeal Form (Appendix 5)** within 14 calendar days of receiving the written refusal for the request for flexible working. The employee should provide concise details of the grounds under which they are appealing the original decision. The completed form should be sent to the People Services Lead (jo.down@thsp.org.uk)

The appropriate member of the People Team should arrange for an Appeal meeting to be convened within a maximum period of 14 calendar days of receipt of the appeal.

The Appeal should be considered by a member of the SLT acting as the Appeal Panel. It should be confirmed that the SLT member has not had any previous involvement in the flexible working request, a close relationship with the employee or a vested interest.

The employee and the LM/HT will be invited to attend the Appeal meeting to submit their case.

Where an employee fails to attend an Appeal meeting, the HRBP should arrange for a second Appeal meeting to be scheduled. If the employee fails to attend two Appeal meetings the LM/HT can assume that the flexible working request has been withdrawn. It is advisable that the LM/HT writes to the employee to confirm this course of action.

Either party may invite witnesses, who are relevant to the flexible working request, to attend the meeting. The LM/HT should be asked to attend to present and clarify information that he or she has previously submitted to the LM/HT.

An accurate account of the Appeal meeting should be made. This record may be used during any legal process.

The ELT member has responsibility for considering the grounds on which the appeal has been raised; as detailed in the employee's Flexible Working Appeal Form. This may require the panel to review the original decision-making process, the grounds of refusal and any supporting documentation to establish whether the original decision was reasonable and was in line with legislative requirements.

The ELT member must notify the employee of the decision using a **Flexible Working Appeal Reply Form (Appendix 6)**, within a maximum period of 14 calendar days after the date of the meeting.

Once the process is complete, the ELT member should arrange for copies of the Flexible Working Appeal Form and the Flexible Working Appeal Reply Form to be placed onto the employee's personal file in HR.

At the end of the appeal procedure there is no further mechanism for considering the flexible working request.

15. WITHDRAWAL OF FLEXIBLE WORKING REQUEST

If an employee wishes to notify the LM/HT that they wish to withdraw their application, they should do so in writing by email or by using the **Flexible Working Notice of Withdrawal Form (Appendix 7)**. The LM/HT should respond by email or by completing the **School Confirmation of Withdrawal** slip which can be found at the end of the Notice of Withdrawal Form. A copy of the Flexible Working Notice of Withdrawal Form should be placed on the employee's personal file in HR.

Where an employee fails to meet their responsibilities, as detailed in the Flexible Working Requests policy, the School may also treat an application as withdrawn. In these circumstances, the LM/HT should write to the employee to confirm that the application has been withdrawn.

Note: Word versions of all forms are available under the People section of the Staff Hub.

APPENDIX 1 – FLEXIBLE WORKING REQUEST FORM

Personal Details	
Employee Name:	
Line Manager/Headteacher:	School:
Payroll Number:	NI Number:

Work Pattern Details
Detail your current contractual hours including the number of weeks per annum you are contracted to work:
Describe the new contractual variation that you would like the School to consider:
Detail when you would like the new contractual variation implemented (date):

Permanent or Temporary
Detail whether you would like the new contractual variation to be permanent or temporary (if temporary, please detail the date when you would like the variation to end):

Impact of the Flexible Working Request (optional)
Describe how the contractual variation will affect the School and colleagues (this section is optional)

Accommodating the Flexible Working Request (optional)
Describe how the effect on the School and colleagues can be addressed: (this section is optional)
I confirm I have not made more than one flexible working request during the past 12 months. Employee Signature: Date:
NOW PASS THIS REQUEST TO THE LINE MANAGER/HEADTEACHER
Line Manager/Headteacher Confirmation of Receipt (to be completed and returned to employee)
Dear:

I confirm that I received your flexible working request on (date):
Page 2 of 2 A meeting will be arranged to discuss your application within 28 calendar days following this date. In the meantime, you might want to consider whether you would like a trade union representative or work colleague to accompany you at the meeting.
From:
Line Manager/Headteacher Signature: Date:

All forms to be sent to hr@thsp.org.uk

APPENDIX 2 – FLEXIBLE WORKING EXTENSION OF TIME LIMIT FORM

Name	**Payroll Number**
I wish to extend the amount of time that the procedure allows me to: (please tick)	❑ Arrange a meeting to discuss your request (28 calendar days) ❑ Notify you of my decision regarding your request (14 calendar days) ❑ Arrange a meeting to discuss your appeal (14 calendar days) ❑ Notify you of my decision regarding your appeal (14 calendar days)
I wish to extend the time limit to *[Insert number of days]* calendar days	
This means that I will have until *[insert 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 to me	

Name: ……. Date: ……..

Signature: ……

NOW PASS THIS APPLICATION TO THE EMPLOYEE

Cut this slip off and return it to the LM/HT in order to confirm your acceptance of their request.

Employee's Agreement to Time Extension
(to be completed and returned to the LM/HT)

Dear …….

I accept your request to extend the amount of time to …….

Name: …… Date: ……

Signature: ……

APPENDIX 3 – FLEXIBLE WORKING REQUEST ACCEPTANCE FORM

Dear: …… Payroll Number: ……

Following receipt of your request and our meeting on……(date):

I have considered your Flexible Working Request:

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

The variation to your contract of employment will be as follows (please give full details and confirm whether the variation is intended to be permanent or temporary. If the variation is temporary, please confirm the end date):

……
……

……

……

……

The contractual variation will begin from ……. (date):

IMPORTANT FOR PERMANENT VARIATIONS: Please note if you have requested a permanent change to your contract that the variation to your contract set out above remains subject to the needs of the Trust. In particular, whilst we will endeavor to accommodate these working hours and days from one academic year to the next, the Trust may not always be able to do so if they are inconsistent with the needs of the school and its pupils (for example, if they are inconsistent with the timetabling of lessons). The Trust therefore expressly reserves the right to revert your working pattern back to that which was in place prior to your flexible working request where reasonably necessary. By signing this form, you expressly acknowledge that your contracted hours may change in the future and, if you are not prepared to be flexible in this regard, or foresee any issue that may preclude your being flexible in this regard in the future, then you should raise such with your headteacher prior to signing this form and accepting any variation to your contract. In the event that the Trust exercises its right to revert your working pattern in the future you will receive at least six weeks' notice of any such change.

Signature (LM/HT): ……. Date: ……

SEND FORM TO EMPLOYEE FOR SIGNATURE

Name (Employee): …… Date: ……

Signature: ……

PLEASE SIGN THIS FORM IF YOU AGREE TO THE CONTRACTUAL VARIATION ON THE TERMS SET OUT ABOVE BEFORE RETURNING THIS FORM TO YOUR LM/HT

APPENDIX 4 – FLEXIBLE WORKING REQUEST REJECTION FORM

LM/HT TO SEND THIS FORM TO THE EMPLOYEE

Please speak to the appropriate member of the People Team before rejecting a flexible working request (see para 12.2)

Dear: ……. Payroll Number: …….

Following receipt of your request and our meeting on: ……. (date).

I have considered your Flexible Working Request.

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

……

……

……

……

The grounds apply in the circumstances because:

……

……

……

……

Note: 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.

You have the right to appeal against my decision. Details of the appeal procedure are set out below.

Name: ……. Date: ……

LM/HT signature: ……

The Appeal Process

TO THE EMPLOYEE

If your request for flexible working has been turned down, you have the right to appeal against the decision. If you wish to appeal, you must write to the People Services Lead (jo.down@thsp.org.uk) setting out the grounds for your appeal, within 14 calendar days after receiving written notice of their decision. See Para 13.

APPENDIX 5 – FLEXIBLE WORKING REQUEST APPEAL FORM

Dear: ……

I wish to appeal against your decision to refuse my request for flexible working.

I am appealing on the following grounds:

……

……

……

……

……

……

……

(Please continue on a blank sheet if necessary)

Signed: ……. Date: ……

Name: ……. Payroll Number: ……

School: ……

NOW RETURN THIS FORM TO THE PEOPLE SERVICES LEAD

Email Address: jo.down@thsp.org.uk

APPENDIX 6 – FLEXIBLE WORKING APPEAL REPLY FORM

Dear: …… Payroll Number: ……..

Following our meeting on: …….. (date)

The ELT member has considered your appeal against the decision to refuse your Flexible Working Request application.

The ELT member's decision is to accept your appeal against the decision. I am therefore able to accommodate your original request to vary your contract of employment as follows:

……

……

……

The variation to your contract of employment will begin from: ……(date).

Please note that you have no automatic right to revert back.

OR

The ELT member's decision is to reject your appeal for the following ground(s):

……

……

……

The grounds apply because:

……

……

……

Please continue on a separate sheet if necessary

Signed: …… Date: ……..

Name: ……

LM/HT TO RETURN THIS FORM TO THE EMPLOYEE
All forms to be copied to hr@thsp.org.uk

APPENDIX 7 – FLEXIBLE WORKING NOTICE OF WITHDRAWAL FORM

Dear: ……..

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

I understand that I am only able to make two applications in a 12-month period.

Name: …… Date: ……

Signature: ……

NOW RETURN THIS FORM TO YOUR LINE MANAGER/HEADTEACHER

Cut this slip off and return it to your employee in order to confirm your receipt of their withdrawal notice

---

School Confirmation of Withdrawal

(to be completed by the Line Manager/Headteacher and returned to employee)

Dear: ……

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

Under the right to apply, you are only able to make two applications in a 12-month period.

Name: …….. Date: ……..

Signature: ……

This form should be sent to hr@thsp.org.uk for thefile, thank you.

APPENDIX 8 – POLICY HISTORY

Policy Date		Summary of change	Contact	Implementation Date	Review Date
05.04.07		Revision of existing policy following Work and Families Act 2006	P & S	6.04.2007	
1.11.2008		Revision of existing policy – adapted for Schools	Schools Personnel Team	6.04.2009	
30.6.14		Revision of policy following legislation changes with effect from the 30.6.13	HR ONE		
Mar 18	V1.0	Revised policy to reflect the Trust's Leadership structure and terminology	SL Updated Nov 17 Contact: SS	Mar 2018	2020
May 19		Format updates	SS		
Feb 20		Clarity around role of Responsible Officer Removal of background legislation – not required as eligibility is covered elsewhere in the policy	SS	Mar 20	2022
24.2.22		Aesthetic changes and insertion of email address for HRBP instead of Woodwater Academy postal address	SS	Mar 2022	Mar 2024
10.1.24		Changes due to legislation from The Employment Relations (Flexible Working) Act 2023 which came into effect on 6.4.24: - Two requests allowed per 12-month period - Employees no longer obliged to explain potential impact of flexible working on their roles and how it can be managed - A final decision must be communicated to the employee within two months of the request being received. - Employees can make a flexible working request from day one of their employment. - Employees must be consulted with before their request is rejected.	SS	April 2024	March 2026

October 2025	Harmonisation of the Tarka Learning Partnership and Ventrus Flexible Working Policies to create a new policy for The Harbour Schools Partnership	JD		