



# Thinking Schools Academy Trust

## “Transforming Life Chances”

### Flexible Working Policy & Procedure

This policy was adopted in consultation with recognised trade unions:	September 2021
This policy was updated:	April 2024
The policy is to be reviewed:	September 2025

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## Part A – Policy

### 1. Policy Statement

The Trust recognises that at some stages during their working lives, employees may wish to request flexible working arrangements.

The Trust recognises the value of flexible working at all levels of the organisation and the positive impact that this can have on promoting equality of opportunity in the workplace, productivity and staff retention. In an increasingly diverse and competitive labour market we must adopt more flexible working practices if we wish to attract and retain talented and skilled individuals.

Therefore, flexible working requests should be favourably considered in the context of organisational needs and requirements.

Some of the benefit of flexible working are:

- Improve work/life balance for employees
- Allow employees greater control of their working lives
- Increase motivation/productivity
- Ensure employees feel valued
- Assist in promoting equality of opportunity meet the Trusts statutory objectives under the Equality Act 2010 and the Flexible Working (amendment) Regulations 2023.

The Trust will give reasonable consideration to requests made under these provisions and will endeavour to grant flexible working arrangements in so far as is practicable – taking into account the business needs of the Trust.

The Trust reserves the right to decline requests if one of the eight valid business reasons is applicable.

It is important that this policy be applied in a non-discriminatory manner. The Trust will monitor the equality impact of the policy at School and Trust level and will review the policy as necessary to prevent any direct or indirect discrimination.

### 2. Scope

This policy and procedure applies to all employees of The Thinking Schools Academy Trust. Where an employee has transferred into the Trust and has enhanced terms that are subject to TUPE then the enhanced terms will continue to apply.

### 3. Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1<sup>st</sup> September 2021 and supersedes any previous flexible working policy.

This policy will be reviewed by the Board of Directors every four years or earlier if there is a need. This will involve consultation with the recognised unions.

#### 4. Responsibilities of the Academy Trust

- To comply with statutory provisions relating to flexible working
- To consider requests in accordance with the provisions of this procedure
- To consider each request fully and fairly on its own merits and look at any possible business implications of granting the specific request
- To ensure that granting a request does not have a detrimental impact on the operation of the Trust or other colleagues.

#### 5. Timescales for Considering a Request

Requests should be considered within a reasonable timeframe and without undue delay. All requests, including any appeals, must be considered and determined within 2 months from receipt of the initial request.

The following indicative timescales are provided for guidance:

Meeting to consider the request	Within 10 working days of receipt of the request
Written notification of the decision	Within 5 working days of any meeting to consider the request
Appeal to be made	Within 10 working days of the notification of the decision
Appeal to be heard	Within 10 working days of receipt
Written notification of appeal decision	Within 5 working days of the appeal meeting

#### 6. Delegated Responsibility

Flexible Working requests will usually be determined by the Headteacher / Principal or Line Manager but may be delegated to their nominee.

#### 7. Right to Representation

An employee may be accompanied by a trade union representative or workplace colleague at a meeting to discuss a flexible working request or any subsequent appeal.

#### 8. Equality Considerations

In considering a flexible working request, the Headteacher / Principal/Line Manager will consider the equality implications of any decision.

Flexible working arrangements may be considered as a 'reasonable adjustment' to support an employee with a disability (as set out in the Equality Act 2010) or following a return from maternity /shared paternity or adoption leave.

## Part B - Process

### 9. Entitlement to Request Flexible Working

Making a flexible working request is a day one right for employees. An employee can make two statutory requests in any 12 month period. This does not prevent parties from discussing possible flexible working options on an informal basis.

Under flexible working arrangements, a variety of working patterns may be requested including:

- a change to hours
- a change to the times worked
- a change to the place of work
- job share
- temporary variation including any of the above

A request for flexible working may be made on a permanent or temporary basis.

### 10. Making a Request for Flexible Working

Employees seeking flexible working arrangements should make their request in writing to the Headteacher / Principal/Line Manager.

The request should include:

- The date
- A statement that the application is being made under the statutory right to request flexible working
- Details of the working pattern the employee wishes to adopt and whether it is a permanent or temporary change
- The proposed effective date of the change
- The date of any previous application that has been made

Alternatively, employees may complete the Flexible Working request form.

The Headteacher / Principal/Line Manger will acknowledge and confirm receipt of the request in writing.

### 11. Considering a Request

A decision regarding the employee's request should be made by the Headteacher / Principal/Line Manager as soon as possible.

The Headteacher / Principal/Line Manager should consider the benefits of agreeing the request for the employee against any implications for the Trust.

Before reaching a decision, the Headteacher / Principal/ Line Manager and employee will meet to discuss the request in further detail. This meeting may include a discussion of the impact of the proposed working arrangements, how these may be mitigated and any alternative arrangements that may be considered. Where the Headteacher / Principal/Line Manager are in agreement to the request – a meeting is not necessary.

The employee may be accompanied by a workplace colleague or trade union representative during discussions with the Headteacher / Principal/Line Manager about their request.

## 12. Accepting a Request

Where a request is agreed the Headteacher / Principal/Line Manager should discuss and agree the start date of the new working arrangements with the employee.

Where it is not possible for the Headteacher / Principal/Line Manager to accept a flexible working request in full, it may be possible to reach agreement with the employee to accept elements of the request or agree an alternative arrangement. If an alternative arrangement is requested, the employee should confirm this after the meeting when this arrangement is put in writing.

A flexible working request may be agreed on either a permanent or temporary basis. It is also possible for the Headteacher / Principal/Line Manager and Employee to agree a trial period to assess whether the changed working arrangements are practical for both parties longer term.

The details of the new working arrangements should be confirmed in writing with the employee.

## 13. Rejecting a Request

If after meeting and consulting with the employee, it is not possible to agree to a flexible working request, this decision should be confirmed in writing.

This notification should include a detailed explanation of the business reasons for the decision and provide details of the procedure for making an appeal.

In the notification, evidence of which of the following business reasons have led to the decision to decline the request should be outlined:

- the burden of additional costs
- a detrimental effect on the ability to meet customer demand
- an inability to reorganise work among existing staff

- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- insufficiency of work during the periods the Employee proposes to work
- planned structural change

#### 14. Right of Appeal

Employees may appeal against the decision not to grant a flexible working request.

Appeals must be made in writing and submitted within 10 working days of receipt of the written decision. The letter of appeal should include the Employee's reasons for making an appeal.

Arrangements will be made for an appeal meeting to take place as soon as possible (usually within one month of the original decision being taken).

The appeal will usually be considered by a panel of two or more governors.

The Employee may be accompanied at the appeal meeting by a workplace colleague or trade union representative

The Employee will receive a written outcome to the appeal within 5 working days of the meeting.

If an appeal is not upheld the notification must include a detailed explanation for this - including the business reason for being unable to accommodate the request.

The decision of the appeal is final and there is no further right of appeal.

#### 15. Non Attendance at Meetings

If an Employee is unable to attend a meeting to discuss their flexible working request or any subsequent appeal, they should contact the Headteacher/Principal/Line Manager as soon as possible.

The Headteacher/Principal/Line Manager will rearrange the meeting, but if the employee fails to attend the rearranged meeting without a reasonable explanation, the request will be treated as being withdrawn.

If an employee's workplace colleague or trade union representative is unavailable to attend – a meeting or appeal may be deferred by up to 5 working days from the date of the original meeting.

#### 16. Record Keeping

Notes may be taken of all discussions / meetings with employees relating to a request for flexible working. Where notes are taken a copy will be made available to the

employee and copies of any correspondence with the employee relating to their request will be kept on file.

The Trust may also undertake whole school monitoring of flexible working requests. All records will be treated as confidential and processed in accordance with the data protection act which provides individuals with the right to request and have access to certain data.



Appendix 1: Flexible Working Request Form



Name	
Job Title	
Academy/Department	
Manager	

<p>I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996 and the Flexible Working (amendment) Regulations 2023</p> <p>During the last twelve months how many requests for flexible working have been made?</p>
<p><i>If you have previously applied for flexible working rights, please include date(s) of application(s).</i></p>
<p>1. Please outline your current working pattern (<i>days/hours/times worked</i>):</p>
<p>2. Describe the working pattern you would like to work in future (<i>days/hours/times worked</i>):</p>
<p>3. When would you like the new pattern to commence from?</p>
<p>4. Are you requesting a permanent or temporary change? If temporary – please state the requested duration</p>
<p>5. Any other information you would like the Trust to be aware of? (optional)</p>
<p>Signed :</p>
<p>Name:</p>
<p>Date:</p>

Appendix 2: Flexible Working Request Acknowledgement



Dear

Thank you for submitting a flexible working request.

I confirm that I received your request on:

I shall notify you of my decision on this request within two months of this date, unless we agree a longer deadline for this decision.

Signed :

Name:

Position:

Date: