

THE STOKE POGES SCHOOL

Right to Apply for Flexible Working

Date Approved	January 2025
Recommended Review Period	Biannual
Date of Next Review	January 2027
Person Responsible for the Policy	Headteacher

1. Introduction

The Governing Board recognises that employees can experience changes in their circumstances and priorities. Flexible working can increase staff motivation, promote work-life balance and improve performance and productivity. Requests for flexible working will be supported wherever possible, whilst taking account of the needs of the organisation.

2. Aims

This policy aims to:

- Outline our school's expectations for flexible working and how we will process and respond to staff requests
- Set out the process for how staff can apply for flexible working arrangements, and appeal a decision if appropriate
- Support our school's efforts to promote staff's health and wellbeing.

3. Legislation and guidance

This policy meets the requirements of:

[Employment Relations \(Flexible Working\) Act 2023](#)

[Flexible Working Regulations 2014](#)

[Equality Act 2010](#)

[Employment Rights Act 1996](#)

It also reflects best practice guidance set out in:

[The DfE's guidance for flexible working in schools](#)

[Acas' code of practice on requests for flexible working](#)

4. Scope

This policy and procedure set out in this document applies to all Teachers on Teachers' pay and conditions and employees on Bucks Pay Employment Conditions who are employed in Schools.

Employees have a statutory right to request flexible working from their first day of employment. An employee can make two statutory requests in any 12 months; however, only one request may be live at any one time.

This guidance does not form part of any employee's contract of employment, and the school may amend it at any time.

5. Eligible employees

All employees have the statutory right to request flexible working from their first day of employment. Under the statutory procedure, two requests can be made in any 12 months.

An employee may have only one live flexible working request at any one time. Once a request has been made, it remains live until any of the following occur:

- A decision about the request is made by the school
- The request is withdrawn
- An outcome is mutually agreed
- The statutory two-month period for deciding requests ends (includes any appeal)

This policy does not apply to staff who are:

- Taking maternity, paternity, adoption or shared parental leave – please see relevant policy instead
- Taking sick leave – please see our absence policy instead

This policy will also not apply if our school is subject to a temporary or time-limited arrangement to work from home due to public health advice - for example, in the case of a public health lockdown.

6. Principles

- The school will manage requests for flexible working fairly, consistently, and promptly
- The school will seriously consider applications for flexible working, and only decline an application where there is a valid business reason why the request cannot be accommodated
- To encourage a work/life balance for all employees whilst delivering outstanding services to the community of Buckinghamshire
- Employees can appeal the decision not to approve their request for flexible working
- No employee will be subjected to any form of discrimination in the application of this guidance on protected characteristics of age, disability, gender, gender reassignment, marriage and civil partnerships, maternity and pregnancy, race, religion, belief, sex, sexual orientation or other grounds protected by law

7. Types of flexible working

There are a range of flexible working options including:

Flexible working arrangements which include changes to the hours of work, for example:

- Part-time working: where a staff member is contracted to work fewer full-time hours. This may include:
 - Job sharing: where 2 or more people split a full-time post and share the overall duties and responsibilities
 - Phased retirement: where a staff member gradually reduces their working hours to transition from full-time work to full-time retirement

Changes to working patterns:

- Staggered start, finish and break times
- Term-time working: where a staff member takes time off during the school holidays, separate from their annual leave entitlement
- Annualised hours: where a staff member's working hours are spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee
- Compressed hours: where a staff member works full-time hours but over fewer days
- Flexi-time
- Hybrid working: where staff split their time between attending the school and working remotely

Changes to place of work

- Working from home or remotely from an alternative location where appropriate

NB: Remote working does not extend to working from abroad, except in exceptional circumstances, with Headteacher approval and confirmation from the school's ICT provider that it is a 'permitted' country for GDPR requirements. With approval, an employee could work remotely from abroad for a short period of time, for instance, whilst on annual leave/holiday or on compassionate leave, if the work is time-critical.

8. Roles and responsibilities

The Headteacher

The headteacher is responsible for:

- Ensuring that this flexible working policy is applied consistently across our school and that it is in line with equality legislation
- Promoting and leading an environment of inclusion, staff wellbeing and high-quality teaching throughout the school
- Considering all valid requests for flexible working within the agreed timescale, as outlined in this policy
- Making sure that the staff member knows about their right to be accompanied by a colleague or trade union representative to any appeal meeting
- Communicating to the staff member any changes to holiday, pay allowance or other conditions that may result from a contractual change
- Promoting positive working arrangements
- Giving due regard to equality legislation and taking any disability requirements into consideration

The Governing Board

The governing board will approve this policy and hold the headteacher to account for its implementation.

Where the headteacher submits a flexible working request, the governing board will be responsible for considering that request fairly and according to the needs of the school and pupils. The board (or a suitable nominated governor) will respond to the request within the agreed timescale.

Other staff

Staff are expected to follow the procedures set out in this policy and adhere to the stated timescales when responding to or appealing the school's requests or decisions.

9. Request for flexible working arrangements

In this section we set out the right for staff to apply for flexible working. While our school welcomes applications and will consider all requests openly and fairly, we are not obliged to grant flexible working arrangements in all cases (see below).

In all cases, we encourage staff to discuss flexible working arrangements with the Headteacher on an informal basis **before** making a request, covering:

- The potential impact on the school and pupils
- Different options for flexible working arrangements
- A trial period to test out a proposed arrangement

Requesting flexible working

Employees should complete and submit a Flexible Working Application form to the headteacher using the form on SchoolsWeb. If the headteacher is requesting flexible working, they should send their application to the chair of governors.

Legally, all requests must include:

- The date of the application
- The changes that they are seeking to their terms and conditions of employment
- The date on which they would like the terms and conditions to come into effect
- What caring provisions (if applicable) are in place if the request is regarding working from home
- Whether they are seeking a permanent or temporary change to their terms and conditions of employment
- Whether or not they have made a previous application for flexible working within the last 12 months; and
- If they have made a previous request, and when that application was made.

Where a request for flexible working does not contain all the required information, they will be asked to resubmit the request with the necessary additional information.

The member of staff should also include whether they're making their request in relation to the Equality Act 2010 – for example, as a reasonable adjustment for an employee with a disability.

Timescales

On receipt of a flexible working request, it will be dealt with as soon as possible. However, all requests will be dealt with within the statutory two-month period from receipt of the request to notification of any appeal decision.

The timescales within this guidance may be extended where this is mutually agreed.

If the member of staff fails to attend a meeting to discuss their flexible working request, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, the application will be deemed to have been withdrawn.

Meeting to discuss a flexible working request

If the application request cannot be approved without consultation, the headteacher will arrange a meeting with the employee to discuss the request. The meeting can help make sure that all relevant information is understood before a decision is made. It can also make clear whether a request may relate to a reasonable adjustment for an employee's disability.

The headteacher should aim to hold the meeting without reasonable delay so as to take into account the two-month period to decide on requests, including any possible appeal.

The employee may ask a work colleague or trade union representative to attend the meeting with them.

Where a request can, without further discussion, be approved in the terms set out in the written application, a meeting will not be necessary.

Considering your request

During the meeting, the headteacher will consider the proposed flexible working arrangements carefully, weighing up:

- The potential benefits to both the member of staff and the organisation; and
- 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 patterns.

A request may be granted in full or in part. For example:

- The manager may propose a modified version of the request
- The request may be granted temporarily
- The employee may be asked to try the flexible working arrangement for a trial period
- The specific day(s) of the week spent working from home or are non-working days may be discretionary and subject to periodic review

Reasons for rejecting a request

A request for flexible working will be rejected only because of:

- The burden of additional costs
- An inability to recognise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- A detrimental effect on ability to deliver effective teaching and learning to pupils; or management of the school
- Insufficient work for the periods the employee proposes to work; and
- Planned changes to staffing structure

10. Notifying the decision

The outcome of an application will be confirmed to the employee in writing within two months. The outcome will include details of the agreed arrangement such as start date, review period and working pattern. If the application is rejected, the written outcome should confirm the business reason(s) why and include any relevant information to explain the decision. A copy of this outcome should be held locally by the school.

11. Flexible working requests that are granted

If the request is upheld, the employee and the headteacher should discuss how and when the changes will take effect.

Any changes to terms and conditions of employment, whether permanent or temporary, will be put in writing and sent to the individual as an amendment of their contract of employment.

12. Right to appeal

Employees have the right to appeal if their request for flexible working is rejected or only agreed in part.

Following receipt of the decision, the appeal should be sent in writing to the Headteacher as soon as reasonably possible to allow the appeal to be dealt with within two months. The appeal letter should set out the grounds of the appeal. An appeal meeting will be held within 7 calendar days of the appeal being lodged. Exceptionally, if this is not possible, this will be discussed with the employee.

An employee may wish to ask a work colleague or trade union representative to attend the appeal meeting with them.

Employees will be informed of the outcome of their appeal as soon as possible and within the two-month period unless this is reasonably not possible.

The outcome of the appeal is final, and there is no further right to appeal.

13. Data protection

When managing a flexible working request, the school will process personal data collected in accordance with our data protection policy. Data collected from the point at which a flexible working request is received will be held securely and accessed by, and disclosed to, individuals only for the purposes of managing their request for flexible working.

14. Health and safety

Home workers are expected to complete a new Home Health and Safety Assessment to identify if they have any need for reasonable adjustments, such as additional equipment to enable them to work successfully from home. Further information is available on the Health and Safety pages on Schoolsweb.

15. Monitoring arrangements

This policy will be reviewed biannually by the Headteacher.

At every review, this policy will be approved by the Governing Board.

Headteacher		Date	
Chair of Governing Board		Date	