



Flexible Working Policy

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Together, pursuing life in all its fullness

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The electronic version is the definitive version of this document.

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1. Introduction

The Trust is wholly committed to providing the very best education to its pupils. In order to achieve this, the Trust recognises that recruiting and retaining staff of the highest calibre is fundamentally important, and therefore, the Trust's aspiration is to be an employer of choice and to be recognised as a family friendly employer. The introduction of a Flexible Working Policy recognises that a supportive approach in relation to employees managing work and family life is important in maintaining good employment relationships and staff retention.

1.1 Under provisions set out in the [Employment Relations \(Flexible Working\) Act](#) and [supporting secondary legislation](#), all employees have a statutory right from the first day of employment to ask their employer for a change to their contractual terms and conditions of employment to work flexibly. Employees will be able to make two flexible working requests in any 12-month period.

Although there is no automatic right for any employee to work flexibly, there are advantages for both the employer and the employee. These include retaining skills and expertise within the organisation, increasing staff motivation and loyalty, promoting work-life balance, reducing employee stress and improve performance and productivity.

1.2 In order to make an application **for flexible working**, the individual will need to:

- Be an employee
- Have specified the date of the application, the change to working conditions they are seeking and when they would like the change to come into effect.
- State whether they have made any previous applications for flexible working and if so, the date of any previous requests

NB: The right applies to **all** employees, regardless of their protected characteristic under the Equality Act 2010. All applications will be considered with due regard to the Equality Act 2010.

1.3 Examples of types of flexible working employees are able to request include a change to the hours they work, a change to the times when they are required to start or finish work or to work from home. This covers working patterns such as job sharing, part-time working, term-time working, home-working, hybrid working, working compressed hours and flexi-time or annualised hours, flexible/phased retirement where the role allows.

1.4 The right to request a flexible working pattern aims to facilitate discussion and encourage both the employee and the employer to consider flexible working patterns and to find a solution that suits them both.

1.5 The employer is required to follow a specific procedure to ensure requests are considered seriously and a decision made within 2 months of the application (unless both parties agree to a longer time period e.g. where an application is received prior to the summer holiday period).

1.6 Reasonable requests for flexible working will be considered however there could be circumstances when the employer is unable to accommodate the employee's desired work pattern.

1.7 The employer can reject the application on one or more of the following business grounds:

- The burden of additional costs.

- Detrimental effect on ability to meet customer demand.
- Inability to re-organise work amongst existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficient work during the periods the employee proposes to work.
- Planned structural changes.

2. Procedure

- 2.1 The employee makes a considered application in writing to their line manager, setting out their proposal. Before writing the application, employees may wish to seek advice and guidance from their Trade Union. They should give careful consideration to:
- the working pattern that will help them best to fulfil their flexible working request;
 - any financial implications it may have where it involves a reduction in salary;
 - any benefits it will have on the organisation and wider team(s)
- 2.2 This will constitute a change to the employee's terms and conditions of employment. However, if the employer and employee agree, the change can be temporary, for a fixed period, at the end of which it can be reviewed. Where a request is agreed, the amendment to contract will be confirmed within 20 working days of the request being approved.
- 2.3 The employer will arrange to meet with the employee as soon as practical after receipt of the application. This will be the opportunity for them to explore the desired work pattern in depth and to discuss how it can best be accommodated or to consider alternatives. The employee will, if they wish, be able to bring a Trade Union Representative or work colleague to the meeting.
- 2.4 Within **10 working days of the date of the application**, the employer will meet with and write to the employee to either agree to the new work pattern and a commencement date or to provide clear business grounds as to why the application cannot be accepted, stating the reasons. It may be necessary for the employer to take further action to include holding a feedback meeting with the employee before notifying the employee of their final decision, e.g. take steps to recruit a job share partner or someone to work the hours that have been relinquished.
- 2.5 If the employee is unsatisfied with the outcome of their flexible working request, they may appeal within **10 working days** of being notified of the decision. An appeal meeting will be held within 10 working days with an impartial manager who has not been involved in the initial decision making on the request. The employee may bring with them to an appeal meeting their Trade Union Representative or work colleague. The appeal manager will consider whether the request has been considered in a reasonable manner. The employee may submit any concerns or new information relevant to the request.
- 2.6 The outcome of your appeal will be given in writing. The decision on the outcome of an appeal must be notified within 2 months of the original flexible working request (unless both parties agree to extend this time). The outcome letter will outline the reasons for either upholding the decision or upholding the employee's appeal. If the outcome of the appeal is that the flexible working request is agreed, the start date will be given. The appeal process has the aim of ensuring a reasonable consideration has been made into how the request can be best accommodated. Mediation is strongly recommended as a possible means of resolving any disputes or conflict arising from applications that are not approved. This may avoid the need for the use of external formal proceedings.

3. Considering a request for flexible working

3.1 The Trust looks favourably on requests for flexible working and no reasonable request will be refused.

3.2 In considering a flexible working application, the Trust must take into account the procedure as detailed in Section 2 above.

3.3 The Trust will also ensure that where an employee requests to change their work pattern as part of an adjustment for disability, the manager will proactively consider this request as part of their responsibilities under the Equality Act to consider reasonable adjustments for disability. A manager should refer to the Enabling Attendance Policy where a request relates to an adjustment for disability. In these circumstances, adjustments to work pattern, work environment or other job-related factors will be considered alongside receipt of occupational and/or specialists' advice as appropriate. Adjustments for disability may need to be made on more than two occasions per year.

All requests will be considered on a case-by-case basis, regardless of personal characteristics. The manager will discuss with applicants any alternative arrangements which may meet the needs of multiple requests. However, the date of receipt of a flexible working request will determine the order in which requests are considered (with the exception of a disability-related request where the law on reasonable adjustments applies).

3.4 When considering applications for flexible working, Headteachers/managers will need to take into consideration a number of factors, such as:

- The burden of additional costs.
- Detrimental effect on ability to meet customer demand.
- Inability to re-organise work amongst existing staff.
- Inability to recruit additional staff.
- Detrimental impact on quality.
- Detrimental impact on performance.
- Insufficient work during the periods the employee proposes to work.
- Planned structural changes.

4. Part-time Working Policy

4.1 What is part-time working?

Part-time working is an arrangement in which an employee works less than a full working week or year on a regular contractual basis. The salary and other benefits are calculated according to the time the employee is contracted to work.

From an equal opportunity perspective, all posts should be considered for part-time employment. Advertisements should state if the post is open to applicants wishing to work part-time.

Each job must, however, be considered on its merits. The Trust must not discriminate against part-timers by imposing any condition which is less favourable pro rata than would apply to a full-time colleague.

4.2 How can part-time working arise?

A part-time post can arise in various ways, including an existing employee wishing to reduce their working hours or a Trust deciding to advertise a job as a part-time post.

4.3 What are the advantages of part-time?

For both the employee and the Trust the advantages are similar to those listed under job sharing (see 4.5).

What is the contractual position?

- The part-time employee has the same employment rights as a full-time employee in the same post.
- There needs to be a clear indication in the contract of employment of the responsibilities and the working hours and days as far as is possible to define them.
- Salary shall be paid pro rata to the proportion of full-time worked.
- There is no legal requirement for a part-time employee to attend training days or meetings on days when they are not contracted to work at the Trust.
- In the case of teachers, part-time employees should enjoy the same entitlement, generally pro rata, to timetabled non-teaching time for Planning, Preparation and Assessment Time (PPA), leadership and management, etc as applies to full-time employees.
- Once the contractual hours have been agreed, they cannot be varied without the agreement of the employee.
- Part-time employees should be encouraged to seek advice about any implications in relation to the pension scheme.

What is job sharing?

Job sharing is a part-time working arrangement in which two employees share the responsibility of one full-time post. The salary and other benefits are divided according to the time each employee works. The division of work can be flexible and does not necessarily have to be a 0.5/0.5 split and could, for example, be 0.4/0.6.

All posts should be considered for job sharing. Each job must, however, be considered on its merit. Where a post is filled on a job share basis, tenure is on the same basis as a single occupant in the post.

4.4 How can job sharing arise?

A job-sharing arrangement can arise in various ways:

- two persons may apply for one full-time job;
- an existing employee may wish to reduce their working hours and an additional employee may be appointed to make up the balance of the job; and
- the Trust may advertise a job as available for job sharing.

4.5 What are the advantages of job sharing?

For the employee:

- greater availability of part-time work;
- an opportunity for employees taking a career break to return to work;
- allows employees to carry responsibilities and duties of a full-time post, on a shared basis, when family commitments or disability, for example, make full-time work inappropriate;
- allows employees to maintain a position in the career structure when full-time work is not appropriate, e.g. following early retirement;
- an opportunity for an employee to reduce their workload in advance of retiring;
- an introduction back into the workplace; and
- it may assist with health problems, e.g. stress, tension.

For the Trust:

- job sharing can aid recruitment and retention;
- greater opportunity for flexibility in timetabling;
- two employees are likely to offer a wider range of skills. This can be particularly important where there are discrete, but complementary, specialisms;
- if one job share partner is absent, the other may be able to cover; and
- it may provide the school with an opportunity to make a reasonable adjustment under the Equality Act 2010.

4.6 What are the implications?

- the effect of job sharing (part-time working) on the employee's eventual retirement benefits;
- the need for communication between job share partners could have slight cost implications, for example, time spent handing over;
- the need to consider the timing of team meetings, training and development events to ensure both job share partners have access;
- the need to ensure that both job share partners have an equal share of bank holidays; and
- the need for continuity and positive working relationships between the two partners.

What is the contractual position?

- The job sharing partners will be offered the same employment rights as a full-time employee in the same post.
- There needs to be a clear indication in the contract of employment of how the responsibilities are to be shared and a clear division of working hours and days as far as is possible to define. In the example of a teacher, each job share partner will work the appropriate proportion of 1265 hours "directed time".
- Salary, including any incentive allowance, shall be paid pro rata to the proportion of full-time worked by the job sharers.

In allocating duties, Headteachers/managers must consider the need for communication

between the job sharers and for the necessary overlap of working hours. This may involve, for example, employing a little over the full-time hours to build in a regular and structured overlap.

5. Review and Monitoring

The Trust will review the outcome of Flexible Working requests to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The procedure will be monitored to ensure consistency of application and adherence to equalities legislation, to ensure that the policy operates in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010.

When carrying out any reviews or monitoring, the organisation will ensure that individuals' personal data is handled in accordance with GDPR. Records will be treated as confidential.

This policy will be reviewed every three years in consultation with recognised Trade Unions.

Appendix 1: The Application Procedure

