



Tudhoe Learning Trust

Flexible Working

Policy and Procedure

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Appendix 1 - Request for Flexible Working Form

1. Introduction

The Trust are committed to developing a culture which is open to flexible working to support its employees in achieving balance to their work and home life and acknowledges that flexible working can contribute to improved employee wellbeing. The Trust aims to be an employer of choice and recognise the key role flexible working plays in attracting, retaining, developing and rewarding teachers, support staff and multi-disciplined staff.

Flexible working can take on different forms and effective flexible working is dependent on both employee and Trust working together to fulfil the needs of both the individual and the school/Trust.

This policy and the procedure for making a statutory flexible working request, is applicable to all members of staff employed by the Trust and reflects best practice guidance set out in the [Acas Code of Practice on handling and responding to flexible working requests](#) and the [DfE's guidance for flexible working in schools](#). Employees on temporary or fixed-term contracts will be subject to this procedure with adjustments made, where appropriate, to reflect the likely duration of the contract.

Early Careers Teachers (ECTs) are subject to this procedure, however ECTS serving induction on a part-time basis at any point will need to serve the full time equivalent of two full school years in accordance with [The Education \(Induction Arrangements for School Teachers\)\(England\) Regulations 2012](#)

The obligations when reviewing a request are:

- the [Equality Act 2010](#)
- the [Employment Rights Act 1996](#)
- the Employment Relations ([Flexible Working \(Amendment\)](#)) Act 2023
- Part-time Workers ([Prevention of Less Favourable Treatment](#)) Regulations 2000

The policy does not cover requests for personal or family related leave of absence. The Trust has a separate Leave of Absence Policy and Maternity, Adoption, Paternity, Parental and Shared Parental Leave Policy which can be found on the Trust Website at www.tudhoelearningtrust.co.uk

The Head Teacher is responsible for the operational management and monitoring of requests in accordance with the policy.

The operation of this Policy will be kept under review and such changes will be made as deemed appropriate.

2. Key policy points

The Trust acknowledges that effective flexible working can lead to improved employee engagement, and job satisfaction. It also recognises that enabling employees to satisfactorily balance their work and personal lives has a positive impact on:

- Supporting recruitment and retention
- Promoting wellbeing and improving work-life balance
- Reducing absences and improving productivity
- Promoting an inclusive workplace and supporting equal opportunities and diversity
- Creating attractive workplaces
- Supporting pupil outcomes by promoting recruitment and retention of experienced staff

The Trust will consider requests regardless of the type of flexible working requested, although some forms of flexible working may be more suitable for particular roles than others.

Employees making a request should consider which forms of flexible working are best suited to their personal circumstances and their role, as individual circumstances vary. It is possible that a flexible working arrangement can have various elements such as part-time working with compressed hours.

3. Types of flexible working requests

A flexible working request under this Policy means a request to do any or all of the following:

1. Compressed hours: an employee works their usual full-time hours in fewer days. There is typically no reduction of pay or pension contributions under a compressed hours arrangement.
2. Flexitime: an employee requests to vary or stagger their start, finish, and break times.
3. Annualised hours: where an employee's total number of hours to be worked over the year is fixed but there is flexibility over the employee's daily/weekly working patterns.
4. Homeworking/remote working: where an employee carries out their usual work at home or another location.
5. Hybrid working (blended working): allows employees to split their time working in school and working remotely.
6. Job sharing: where a full-time post is divided into two (or more) part-time roles and duties and responsibilities are shared.
7. Part-time working: when an employee reduces their contracted hours. This has implications for salary, pension, and annual leave entitlement.
8. Term-time working: where an employee reduces their hours to take time off during school holidays. This has implications for salary, pension, and annual leave entitlement.
9. Transition to retirement: a reduction in the hours worked but involves the same or very nearly the same job responsibilities, to help support an employee's transition to retirement.

4. Making a flexible working request

A flexible working request should be submitted to the Head Teacher (using the Flexible Working Request Form - Appendix 1). It should:

- (a) state that it is a statutory flexible working request;
- (b) explain the change being requested and propose a start date; and
- (c) state whether any previous flexible working requests have been made and when.

All statutory flexible working requests will be handled in a reasonable manner (within 2 months from receiving the request) and will be treated in a positive and constructive spirit. At the same time, it is recognised that not all flexible working requests will be able to be accommodated.

The Head Teacher will arrange to meet with the employee to discuss the request in more detail.

The Head Teacher will give serious consideration to any request for a change, even if a number of such requests have previously been granted within the school/team, to other employees.

Where a statutory request cannot be agreed, the employee will receive written confirmation of the reason(s) for refusal, and they will be able to appeal the decision.

Where a statutory request for flexible working is agreed, a permanent change to the employee's contractual terms and conditions will be made. There may be occasions where a temporary change can be offered as an alternative and this will be discussed with you if appropriate.

5. Eligibility

This policy and procedure applies to all staff employed by the Trust including ECTs, part-time employees, and employees on a temporary or fixed-term contract. It does not apply to workers, contractors, agency workers or self-employed contractors.

Due to a change in legislation from 6th April 2024 under the Flexible Working Bill, employees have the right to make two applications for flexible working request in a 12-month period (academic calendar) if they:

- are an employee;
- have worked at least 1 day with the same employer;

An employee may only have one live request for flexible working at any one time. A request is live unless any one of the following apply:

- a decision on the request has been made by the Trust;
- the request is withdrawn;
- an outcome to the request has been mutually agreed;
- the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome;

Requests for flexible working as a reasonable adjustment relating to disability will be dealt with separately, independently of the Flexible Working Policy. Employees should discuss reasonable adjustments with their Head Teacher.

6. How to apply

All employees who have worked at least 1 day with the same employer currently have the statutory right to make a maximum of two applications for flexible working in a 12-month period (academic calendar).

We encourage a two-way dialogue before any formal request is made and encourage anyone requesting flexible working to have a conversation with their Head Teacher ahead of making a formal request. This can help support a successful request.

It is helpful for employees to consider whether they would like a trial period, before making their request.

To make a statutory flexible working request, employees must submit their request in writing by using the application form provided (appendix A) to the Head Teacher at least two months before the proposed change.

Statutory requests for flexible working must include the following:

- A statement that this is a formal request to work flexibly.
- Detail of the flexibility being sought.
- The proposed start date for the flexible working arrangement.
- Whether any other request for flexible working has been made in the last 12 months and why the request is being made.
- If the request is being made in connection with a protected characteristic, as defined by the Equality Act 2010, you may wish to note this on the form.

If the application form does not contain the required information the employee will be asked to resubmit the request ensuring it includes the necessary information.

7. Timescales

The Trust will respond to a request for a flexible working arrangement within 2 months from the date of receipt (including any appeal outcome). If for any reason it will not be possible to conclude within 2 months, the employee's consent to an extension will be sought.

8. Meeting to discuss a flexible working request

The employee will be invited to meet with their Head Teacher and Trust HR Manager to discuss the request.

The Head Teacher and Trust HR Manager will aim to meet with the employee to discuss the flexible working request within a reasonable time (no longer than 10 school days) of its receipt. If for any reason this is not possible the employee will be informed of the reason for the delay.

The purpose of the meeting is to explore the desired working pattern and to give the application serious consideration, in a 'reasonable manner'.

Employees are encouraged to be as open as possible about their needs during the meeting to engage in a constructive discussion about what may be possible, which may include exploring alternative options that suit both the employee and the school.

There is no entitlement for an employee to be accompanied at this meeting.

If an employee fails to attend a meeting to discuss their flexible working request, including an appeal meeting, and fails to attend a rearranged meeting without good reason, the Trust may consider the request as withdrawn and the employee will be informed in writing.

Following the meeting to discuss the flexible working request the Head Teacher will consider the request, including but not limited to:

- Potential benefits to the employee and the trust
- Any adverse impact of implementing the changes
- If recruitment is required and timescales of that recruitment
- Costs associated with the proposed arrangement

Each request will be considered on an individual basis at the time it is submitted. Agreeing to one request will not set a precedent or create the right for another employee to be granted the same or similar change to their working arrangements.

9. Outcome and notification of the decision

The Head Teacher will notify the employee of the decision in writing within 10 school days after the meeting. If for any reason it is not possible for a decision to be made within this time the employee will be notified of the reason and an expected date for a decision to be made.

Requests may be agreed in full, in part or refused. The flexible working arrangement may be subject to a trial period, details of which will be set out in writing and will form the basis of a final decision about whether the flexible working arrangement will work.

If a flexible working request has been agreed the Trust will make an appropriate variation to the employee's contract of employment or issue a revised contract of employment and unless otherwise agreed the changes will be permanent. There is no right for the employee to return to their original working arrangements.

The Head Teacher will ensure the employee is made aware of contractual changes that may affect pay and holiday entitlements before they agree to changes to their contract.

Where it is not possible to agree a request, it will be for one or more of the following reasons:

- the burden of additional costs;
- an inability to reorganise 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 meet customer demand;
- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.
- a request will not be rejected for any other reason.

10. Trialling a new arrangement

A new working pattern may be agreed subject to a trial period which is agreeable to both parties, for example for one academic year. This approach goes beyond what is set out in the legislation and can help reach a positive outcome. At the end of this period the Head Teacher will meet with the applicant to discuss the experience of the trial period and whether the arrangement can be made permanent. Employees may wish to be accompanied by a trade union representative at this meeting. At this point it may be appropriate to revisit the arrangements to suit all parties. All trial period arrangements and their agreed outcomes will be confirmed in writing.

11. Decision making process

We will inform the employee in writing of our decision as soon as possible after the meeting, but no more than 2 months from the date of when the request was received.

If the request is accepted, we will write with details of the new working arrangements and the date on which they will commence. Employees will be asked to sign and return a copy of the letter.

Unless otherwise agreed, changes to the terms of employment will be permanent.

We may reject a request for one or more of the following organisational reasons:

- the burden of additional costs;
- detrimental effect on ability to meet the demands of our stakeholders;
- inability to reorganise work among existing staff;
- inability to recruit additional staff;
- detrimental impact on quality;
- detrimental impact on performance;
- insufficiency of work during the periods that an employee proposes to work; or
- planned changes.

If we are unable to agree to a request, we will write informing an employee which of those reasons applies.

We will also invite the employee to a meeting and will set out the appeal process.

If the employee does not attend a meeting, without good reasons, we will consider the application to be withdrawn and will write to the employee informing them as such.

12. Appeal process

Appeals must be made in writing within 14 school days of receiving the written decision.

All appeals must be dated and must set out the grounds on which it is being made.

We will hold a meeting to discuss the appeal. The employee making the request can be accompanied to the appeal meeting by a work colleague or trade union representative if they wish.

The Trust Chief Executive Officer will hear the appeal with advice and support from the Trust HR Manager.

We will inform the employee in writing of our final decision within 10 working days after the appeal meeting, including reasons.

If the appeal is upheld, the Panel will notify the employee in writing of any new working patterns and dates they take effect.

If the appeal is rejected, the Panel will state the grounds of the decision and a reason as to why the refusal applies. There is no further right of appeal.

An appeal can be made within 3 months of the decision date to a tribunal if the employee feels their request and subsequent appeal was not handled in a reasonable manner or if they feel the application was wrongly withdrawn.

13. Further information

If you would like any further advice regarding this policy and procedure, please contact Trust HR at office@tudhoelearningtrust.co.uk or Tel: 01388 811 765



**TUDHOE LEARNING TRUST
Flexible Working Request Form**

Appendix 1

Section A: To be completed by employee			
Employee name:			
Job role:			
Have you submitted more than two flexible working request within the last 12 months?	YES	NO	
If you consider yourself to be disabled, is your request for flexible working related to your disability?	YES	NO	
Please describe your current working pattern (days/hours/times worked) below:			
Please describe below the working pattern you would like to work in future (days/hours/times worked):			
Please advise if the request is being made in connection with a protected characteristic, as defined by the Equality Act 2010 (if so it will be managed outside of this procedure).			
From what date would you wish this working pattern to commence:			
Signed by employee			
Date form completed			

Please now submit this form to the Head Teacher

Section B: To be completed by Head Teacher responsible for considering the application:

Name of Head Teacher	
Start date of employee's continuous service	
Date form received	
Deadline for completing process (2 months from receipt, including appeal)	
(Optional) record of meetings/discussions held and actions taken regarding the request:	
Date of meeting/discussion/action	Summary of discussion/action

Outcome of employee's request	
Date communicated to employee	

NB: A copy of this completed form should be placed in the employee's personnel file