

Learning Accord Multi Academy Trust

Flexible Working Policy



Version	01/26
Name of Policy Writer	EducateHR Ltd
Last Updated	January 2026
Next Review Due	January 2027

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1. Introduction

- 1.1 This policy serves to assist the headteacher and governing body in making decisions about requests for flexible working in accordance with legal, contractual and moral obligations.
- 1.2 In accordance with legislation all requests for flexible working will be afforded serious consideration and will be dealt with in a fair and consistent manner.

2. Purpose and scope

- 2.1 This policy covers all staff working in the academy who are eligible (as defined below) to submit a request for flexible working in accordance with the Employment Relations (Flexible Working) Act 2023, applicable with effect from 6 April 2024.

3. Eligibility

- 3.1 All employees, from their first day of employment, have a statutory right to make a maximum of two applications for flexible working arrangements within any period of 12 months.
- 3.2 Eligible employees are entitled to request a change to the following:
 - the total number of hours worked (reduced, staggered or compressed etc)
 - the precise times at which they are required to work
 - the location in which the work is carried out (i.e. to work from home).
- 3.3 The facility to apply for flexible working does not provide an automatic entitlement to work flexibly as there may be circumstances when the employer is unable, for legitimate business reasons, to accommodate the employee's desired work pattern.

4. Timescale

- 4.1 Legislation requires that the process must be completed within two months of the request being received. This time limit includes any appeal process. However, if for any reason the request cannot be determined within two months the time limit may be extended, provided that the employee agrees to the extension.

5. Process

- 5.1 The headteacher, in conjunction with the school governing body, is responsible for ensuring that all flexible working requests are given serious consideration and that each is determined on its own individual merits, and in every instance the desires of the individual member of staff should be balanced against the requirements of the school.
- 5.2 It should be noted that under the relevant legislation:
 - the employee is only permitted to make a maximum of two flexible working applications in any one year; **and**
 - flexible working requests will only be refused if there is a sound business reason (or reasons plural) for doing so.

- 5.3 To commence the process, the employee is required to submit a formal application **in writing**.
- 5.4 Following receipt of a written application, the next step (unless the school feels able to accommodate such a request without further enquiry – in which event no meeting is required) is for the employer (usually represented by the headteacher or line manager) to arrange a meeting with the employee to discuss their request in further detail.
- 5.5 The employee is entitled (should they so desire) to bring a companion, who may be either a work colleague or a union representative, to this meeting.
- 5.6 This meeting (and it should be noted that there is a legal requirement for consultation with the employee to take place before any application for flexible working can be rejected) will take place without unreasonable delay (and this will usually be within ten working days).
- 5.7 Following the meeting (or indeed following any decision to agree to an application for flexible working, even if this has been accepted without the need for further discussion) the school will then write, within ten working days, to the employee to formally communicate their decision on the request.
- 5.8 The outcome letter will state **either**
- a) that the request is accepted, and will both confirm a new work pattern* and specify (effectively by issuing a variation to contract) a start date from which the agreed contractual changes will take effect; **or**
 - b) that the request is refused, and will provide a clear explanation of business reasons why it cannot be accepted.
- *which in certain circumstances may initially be for a **trial period** only – see below*
- 5.9 To be regarded as legitimate grounds on which to reject an employee's request for flexible working, any business reason(s) cited must be from the following list:
- the burden of additional costs
 - an inability to reorganise work amongst 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
 - a planned structural change to the business.
- 5.10 Unless clearly specified otherwise, any changes to the terms of employment resulting from acceptance of a flexible working request will be permanent. However, before a final decision is reached there may be agreement to a **trial period**, the purpose of which is to establish whether a revised arrangement is working to the mutual satisfaction of both parties.
- 5.11 On the conclusion of the agreed trial period **either** the revised working arrangement is made permanent **or** the employee reverts to the previous (substantive) terms of their contract of employment. Once again any decision made following completion of a trial period requires to be confirmed in writing.
- 5.12 Should the school receive simultaneous requests (from more than one applicant) there is no requirement in law to make value judgements about the most deserving request. Each case

will be considered on its own merits in relation to the business case and the possible impact of complying with any individual request.

- 5.13 In the event of having considered and approved a request for flexible working the school, in the person of the headteacher (or line manager) considering such requests, should be mindful that the business context has now changed. Accordingly, this requires to be taken fully into account when assessing, against relevant considerations, any further request(s) subsequently received.
- 5.14 The school will exercise caution in order not to discriminate (either directly or indirectly) against any employee (for instance when dealing with requests from employees with childcare responsibilities or employees with protected characteristics (under the Equality Act 2010) such as disability, race etc).

6. Appeal process

- 6.1 The employee has a right to appeal formally against their employer's decision.
- 6.2 Any appeal must be lodged within five working days of the decision being notified to the employee (although at this juncture it may be helpful for the employee to speak informally to the headteacher (or line manager) about their decision as this may reveal new information or an omission before the next stage of the process is initiated).
- 6.3 An appeal should be based on **either**
 - new information that was not available to the employer at the time the initial decision was made; **or**
 - a belief that the initial decision was unreasonable.
- 6.4 An appeal will be heard by an individual (or panel) who is (or are) independent of the initial decision-making process and is (or are) senior in authority to the person responsible for making the initial decision. The employee has the right to be accompanied in the appeal hearing by a work colleague or union representative.
- 6.5 The appeal decision should be communicated in writing (within ten working days of the appeal being heard) and is to be regarded as final. There is no recourse to the grievance procedure.

Appendix 1: Flexible working request flowchart

Step 1: Employer receives an application for flexible working

Step 2: Employer and employee meet to discuss the application*

Step 3: The employer writes to notify the employee of their decision

request is
ACCEPTED

The employer must consider what arrangements may need to be put in place when the working pattern is changed

request is
REJECTED

The employee needs to decide if they wish to appeal against the employer's decision. If so, they must appeal in writing, setting out the grounds for their appeal

Step 4: Employer receives the employee's written appeal

Step 5: Employer and employee meet to discuss the appeal

Step 6: The employer writes to notify the employee of their decision

appeal is
UPHELD

The employer must consider what arrangements may need to be put in place when the working pattern is changed

appeal is
REJECTED

In specific circumstances, the employee can take their case to an employment tribunal or binding arbitration

Note: although there is no longer a requirement to deal with individual stages of flexible working requests within a strict timetable there is a specific requirement within the legislation to handle such requests in a 'reasonable manner'. This is normally interpreted as including (as well as completing the process within a maximum of 2 months) the following elements:

- *assessing the advantages and disadvantages of the application*
- *holding a meeting to discuss the request with the employee (*although this step is not a requirement if the request is to be accepted without further discussion)*
- *offering and completing an appeal process.*

Appendix 2: Flexible working request application form

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law (Employment Relations (Flexible Working) Act 2023).

You should note that under the right it may take up to 2 months before consideration of the request need be completed (and this timescale can be extended by agreement). You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be considered valid.

Once you have completed the form, you should immediately forward it to your line manager (you might want to keep a copy for your own records) who will then (within a reasonable period of time) arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions (unless otherwise agreed).

1. Personal Details

Name:

Post:

Line Manager:

To the employer

I would like to apply to work a flexible working pattern that is different to my current working pattern.

I confirm I have not made more than one request to work flexibly under this right during the past 12 months.

Date(s) of any previous request(s) to work flexibly under this right:

2. Describe your current working pattern (days/hours/times worked):

**3. Describe the working pattern you would like to work in future:
(days/hours/times worked)**

4. I would like this working pattern to commence from (insert date):

Employee Signature: Date:

This form should now be passed to your employer

Note to employer: you should (unless you feel able to accede to the request without further discussion) meet with the employee (ideally within 10 working days of receiving their request) to discuss their application to work flexibly and clarify their understanding and expectations

Employer's confirmation of receipt (to be completed and returned to employee)

Date

Dear

I confirm that I received your request to change your work pattern on **(insert date)**

I have arranged a meeting on **(insert date)** at **(insert time)** to discuss the content of your request.

If you wish you may be accompanied by a colleague or your trade union representative.

Yours sincerely

Name (Manager):	Name (Employee):
Job title:	Job title: