

Down Ampney Primary School

Right to Request Flexible Working Policy

Signed by:



Headteacher

August 2022

Date: _____



Chair of governors

August 2022

Date: _____

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Statement of intent

The right to request flexible working policy aims to support employees achieve good work/life balance whilst maintaining an effective school service.

Flexible working covers a number of working patterns, including part-time hours, job sharing, term-time only working and compressed hours. The level of flexibility available will depend on the working arrangements and the needs of individual schools.

The right to request flexible working is a statutory provision and applies to all employees.

'*Manager*' will be used throughout the policy to refer to the line manager, Headteacher or Chair of Governors (the relevant line manager).

This policy applies to all individuals

1. Legal framework

Every employee has the statutory right to request to work flexibly (this is a right to request flexible working, not a right to receive it). Employers must consider the request objectively and can only refuse it if there are business reasons for doing so (see point. 7.2 below).

Any change agreed will be a permanent change to the employee's terms and conditions of employment (unless a trial or temporary period is agreed).

An employee can request to work flexibly if they have continuous employment of at least 26 weeks and they have not made a request to work flexibly in the last 12 months (whether that request was accepted or declined).

This policy has due regard to legislation including, but not limited to, the following:

- [Equality Act 2010, including Public Sector Equality Duty](#)
- [The Human Rights Act 1998](#)
- [General Data Protection Regulation Act 2018](#)
- [Health and Safety at Work etc. Act 1974](#)
- [Local government terms and conditions \(Green book\)](#)
- [DfE \(2021\) 'School teachers' pay and conditions document 2021 and guidance on school teachers' pay and conditions' \(STPCD\)](#)
- [The School Staffing \(England\) Regulations 2009](#)
- [The Working Time Regulations 1998](#)
- [DfE \(2020\) 'Headteachers' standards'](#)
- [DfE \(2022\) 'Flexible working in schools'](#)
- GCC Right to Request Flexible Working Model Policy October 2020

2. Types of flexible working arrangements

An employee must decide what working arrangements would work best for them but also consider if this would be possible in a school setting.

A request could be for any of the following examples (this list is not exhaustive):

- different working hours/days;
- different start and finish times;
- part-time working;
- job sharing;
- permission to work from home;
- term-time only working;
- compressed hours.

3. Making a request – the process

An employee should complete the application form ([Appendix A](#)) and give this to their manager. The manager should acknowledge receipt of the request ([Appendix B](#)).

Once a request is received the manager should arrange a meeting to discuss the request as soon as possible (this is not a statutory requirement but is good practice).

If the manager is able to grant a request then meeting may not be necessary (but a meeting may be useful to discuss the request to ensure the proposal is the best solution for both employer and employee).

If the request cannot be immediately agreed the manager should arrange a meeting with the employee. The purpose of the meeting is to discuss the request, consider any potential impact on the school (positive or negative) and explore other possible working arrangements.

The employee can be accompanied at the meeting by a work colleague or a trade union representative (this is not a statutory requirement but it is good practice to offer this).

The manager will keep a record of the meeting and write to the employee with their response to the request; whether agreeing the request; agreeing the request on a trial basis; agreeing part of the request or declining the request.

The law requires that requests and appeals are considered and decided upon within 3 months of the date the completed request was received by the school. If the request is received during a school closure period the time will run from when the school reopens. This period can be extended with the agreement of the employee. Any extension will be recorded in writing.

If the relevant manager is absent from school long term the employee submit the application to another member of school management who will make the arrangements for the request to be considered, this may include seeking the written agreement of the applicant to delay the process if necessary.

4. Non-attendance at the flexible working request meeting

If the employee or manager is unable to attend the meeting, efforts will be made to rearrange the meeting at a convenient time.

If the employee fails to attend a meeting more than once or unreasonably refuses to give the manager information they require to assess the request, the request may be considered to be withdrawn. The manager will confirm this in writing to the employee.

5. Agreeing a request

The relevant manager must confirm the agreement in writing, including the working arrangements and when they start.

This agreement will be a permanent change to the contract of employment, unless the change has been agreed temporarily or for a trial period (with an end date).

If a trial period is agreed a meeting will be arranged to review the trial period. A decision on whether to agree the arrangements on a permanent basis will be made at this meeting. The decision at the review meeting will be confirmed in writing, including if part(s) of the request or a variation of the request is agreed, and why.

6. Declining a request

The relevant manager will give reasons for refusal in writing following the meeting. The employee has the right to appeal against the decision within 14 days of receipt of the letter.

A request may reasonably be refused for one or more of the following reasons:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- inability to reorganise work amongst existing employees
- inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- insufficient work for the periods the employee proposes to work
- a planned structural change to your school.

7. Appeal

If the employee wishes to appeal against a refusal, they must complete an appeal form ([Appendix C](#)) and give the completed form to their manager. An appeal meeting will be arranged. Employees have the right to be accompanied at the appeal meeting by a work place colleague or a trade union representative.

The appeal will be heard by governors not previously involved with the request. The governors will confirm the outcome and the reasons for it to the employee in writing.

8. Withdrawing a request

A request can be withdrawn any time before the request has been accepted. The employee must confirm they are withdrawing their request in writing.

9. Reverting back to the original working pattern

Once agreed the change to the working arrangements is permanent and the employee has no right to revert back to their original working arrangements and they cannot make another flexible working request within 12 months.

10. Monitoring and review

All members of staff are required to familiarise themselves with this policy as part of their induction programme.

The Headteacher will review this policy on a biennial basis and will make any changes necessary. When statutory law changes the policy is held automatically to have been amended by that change and will be updated as soon as practically possible.

The next scheduled review date is August 2024

Request for flexible working - Application form

Before making a flexible working request please read the 'Right to Request Flexible Working Policy'.

Please complete all sections of the form otherwise it will be returned to you. When complete, give it to your manager/Headteacher/Chair of Governors.

Your manager/Headteacher or governing board may invite you to a meeting to discuss your request.

Personal details:	
Name of applicant:	Payroll No.:
Role:	School:
Name of line manager/Headteacher/Chair of Governors:	
Current working pattern (days/hours/pattern worked):	
Working pattern requested:	
Proposed start date of new working pattern:	
Dates of any previous flexible working requests:	
How will the change in your current working pattern and the proposed working pattern affect your colleagues and the pupils?	
How can the proposed working pattern be managed to ensure the school continues to deliver its service?	

Signature:

Date:

Please give your application form to your line manager/Headteacher/chair of governors

Employer's confirmation of receipt of flexible working request – template letter:

To be issued to the employee making the request where it cannot be agreed immediately and where a meeting is required, complete the relevant information

[Name]
[Address]

Date

Dear [name]

Re: Confirmation of receipt of a flexible working request

I am writing to confirm I received your request for flexible working on:

[date application/request received]

I will arrange a meeting to discuss your application as soon practically possible and confirm the details of this meeting in writing to you.

Yours sincerely

[Name]
[Role]

Enc. Copy of the flexible working request policy

