



FLEXIBLE WORKING POLICY

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Reviewed by the SLT MAT Board

“The Trustees of the Southport Learning Trust are committed to safeguarding and promoting the welfare of children and young people at every opportunity and expect all staff and volunteers to share this commitment”

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1. Scope

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

Employees have a statutory right to request flexible working from day one of their employment. That right is recognised by the formal procedure in this policy. The criteria for deciding who is eligible to follow the formal procedure are set out in section 3.

Any employee interested in flexible working can request an informal meeting with their line manager to discuss the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

2. Forms of flexible working

Flexible working can incorporate several possible changes to working arrangements:

- reduction or variation of working hours.
- reduction or variation of the days worked; and/or
- working from a different location

Such changes may also involve starting a job share; working a set number of hours a year, rather than a week (annualised hours); working only during term-time (part-year working); working compressed hours; working flexitime. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request but decisions will be made in consultation with employees.

Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

3. Eligibility for the formal right to request procedure.

Requests under the formal procedure set out in section 4 to 6 of this policy can only be made by employees who meet the criteria set out below.

To be eligible to make a request under the formal procedure, you must:

- be an employee.
- not have already made two formal requests to work flexibly during the last 12 months; and
- only have one live request for flexible working at any one time.

A request will be considered as live unless any of the following apply:

- A decision on the request has been made by the employer.
- the request has been withdrawn;
- an outcome to the request has been mutually agreed by the employer and employee; or
- the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome. It is envisaged this will only happen in rare and exceptional circumstances and the Trust will always endeavour to comply with statutory deadlines.

A request continues to be live during any appeal or any extension to the procedure that an employer and employee have agreed.

4. Making a formal flexible working request

You will need to submit a written application if you would like your flexible working request to be considered under the formal procedure. Once we have received a request, we will consider it.

Your written and dated application should be submitted to the headteacher and, to meet the requirements of the formal procedure and to help them to consider your request, should:

- state that it is a statutory flexible working request.
- provide as much information as you can about your current and desired working pattern, including working days, hours and start and finish times.
- give the date from which you want your desired working pattern to start.
- state whether you have made any previous formal requests for flexible working within the last 12 months and, if so, when; and
- be submitted in good time and ideally at least two months before you wish the changes you are requesting to take effect.

We might be able to agree your proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the headteacher will write to you, confirming the decision and explaining the changes that will be made to your contract of employment.

If your proposal cannot be accommodated, discussion between you and the headteacher may result in an alternative working pattern that can assist you.

5. Formal procedure: meeting

Where necessary, the headteacher will arrange to meet with you as soon as is practicably possible and without unreasonable delay after receiving your written application. The meeting may also be attended by a member of the HR Department. We will inform you if there is a delay in arranging this meeting. The headteacher may discuss your request with your line manager or head of department and make any necessary enquiries regarding your proposals prior to the meeting.

You may bring a companion to the meeting if you wish who may be your trade union representative or a work colleague. Your companion will be entitled to speak during the meeting and confer privately with you but may not answer questions on your behalf.

The meeting will take place in private and can be held in person or remotely via online video conferencing, or where neither are possible, via telephone call. The content of the meeting and the way it is conducted should allow a reasonable discussion and consideration of the request. An accurate record of the discussion will be kept in writing.

The meeting will be used to discuss the working arrangements you have requested. During the meeting we will jointly consider and discuss any alternative flexible working options that may be available and suitable for both you and the organisation if the original request cannot be met.

6. Formal procedure: decision

Following the meeting, the headteacher will consider your request carefully and notify you of the decision in writing as soon as possible.

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.

If your request is accepted, the headteacher will discuss with you how and when the changes might best be implemented and will confirm these in writing. Such confirmation will include details of the new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.

The headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet your needs and those of your team or department. We will set a review date to meet with you again shortly before the end of the trial period to discuss how the new arrangements are working.

Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. You will only be able to make one other formal request until 12 months after the date of your most recent request.

If the headteacher needs more time to make a decision, they will discuss this with you. For example, they may need time to investigate how your request can be accommodated or to consult several members of staff.

There will be circumstances where, due to business and operational requirements, we are unable to agree to a request. In these circumstances, the headteacher will write to you:

- giving the business reason(s) for turning down your application.
- explaining why the business reasons apply in your case; and
- setting out the appeal procedure.
- If we reject a request it will be for one or more of the following eight business reasons:
 - the burden of additional costs;
 - detrimental effect on ability to meet pupil and/or school/Trust demand;
 - 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 you propose to work; and
 - planned changes.

We will also set out such additional information as is reasonable to help explain the decision.

7. Formal procedure: appeal

You may appeal against the decision if your request is rejected, or an alternative arrangement from the one you requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if you feel your request was not handled reasonably in line with this policy.

Your appeal must:

- be in writing and dated;
- set out the grounds on which you are appealing; and
- be sent to the headteacher within 14 days of the date on which you received the written rejection of your request.

The Headteacher will arrange for a meeting to take place as soon as possible following receipt of your appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered your request, you may be accompanied by a companion who may be your trade union representative or another work colleague.

Where possible, the appeal meeting will be conducted by a panel of Governors or someone from the Trust who has not been previously involved in considering your request.

You will be informed in writing of the Appeal Panel's decision as soon as possible following the appeal meeting.

If your appeal is upheld, you will be advised of your new working arrangements, details of any trial period, an explanation of changes to your contract of employment and the date on which they will commence. You will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the

variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your line manager will discuss with you.

You should be aware that changes to your terms of employment will be permanent, and you will only be able to make one other formal request until 12 months after the date of your original application.

If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in your case. You will only be able to make one other formal request until 12 months after the date of your original application.

8. Timescales

Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.

As a guide and to help ensure that requests are dealt with within this timescale:

- a meeting will normally be held with you within 14 days of your request being received;
- you will normally be informed in writing of the decision within 14 days of the meeting; and
- where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal and the outcome will be notified in writing within 14 days of the meeting.

However, there may be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with you, the headteacher will write to you confirming the extension and the date on which it will end.

If you withdraw a formal request for flexible working, you will only be eligible to make one other formal request for 12 months from the date of your original request.

In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- you fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause; or
- you unreasonably refuse to provide information we require to consider your request, without good cause.

In such circumstances, the headteacher will write to you confirming that the request has been treated as withdrawn.

9. Retention and data protection

As part of the application of this policy, the School/Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Retention and Destruction Policy and in line with the requirements of the **Data Protection Legislation**.