



# The Leys Primary & Nursery School

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## Flexible Working Policy

Date of issue: April 2024

Changes since previous version: No changes

DOCUMENT DETAILS	
Approving Body	Resources Committee
Author	HFL
Scheduled Review	Annually
Date of Policy	July 2025
Next Review	July 2026



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## 1. OBJECTIVE AND SCOPE

This policy sets out the rights of the employee to request flexible working and also outlines the process by which employees should make an application to work flexibly.

Flexible working can have a positive impact on an individual and their wellbeing. It can also maximise the potential of our employees and support us in optimising the use of new technology and challenging traditional working methods and practices.

Both employee and employer need to be practical and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas, and we have to consider that appropriate staffing levels must remain in line with the demands of the delivery of education (the business) at all times.

Each application will be considered on an individual basis, decisions do not form a precedent as the circumstances are different and can also change following the acceptance of each request.

## 2. ELIGIBILITY TO APPLY FOR FLEXIBLE WORKING

You have the right to request flexible working from Day 1 of employment. This does not apply to agency workers, consultants or self-employed contractors.

While not all flexible working patterns will be suitable, you have the right to request any flexible working pattern you believe would support yourself and/or us.

You have the right to request flexible working if:

- *you are employed from Day 1 with us at the date of the application*
- *you have not made more than 2 requests for flexible working in the previous twelve months*

It is important to understand that you do not have the automatic right to work flexibly but do have a right to request changes to the conditions of how you work, which may include how, when or where you work, and for this request to be considered fairly.

## 3. IMPACT OF FLEXIBLE WORKING ON OTHER TERMS AND CONDITIONS

### 3.1. Pay and pensions

If you take up flexible working options which result in reduced working hours you will be paid on a pro-rata basis, according to the number of hours worked. You should obtain details of the impact on your pension from the relevant scheme administrator.



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### 3.2. Annual leave

The impact on annual leave arrangements will vary according to the type of flexible working option agreed. If you are part-time for example you will be entitled to annual leave and bank holidays calculated on a pro rata basis.

## 4. PROCEDURE

### 4.1. Making a flexible working application

An application to work flexibly must be made in writing to the Headteacher or (in the case of the Headteacher) the Chair of Governors, and specify the following:

- the date of the application (today's date)
- a statement that this is a statutory request
- details of how you would like to work flexibly and when you would like to start
- an explanation of any flexibilities you may have on certain days you are able to work or not work.
- a statement saying if and when you've made a previous application in the last 12 months

### 4.2. Consideration of the request

The consideration of the request should be completed within 2 months from receiving the request. This 2-month period includes any meetings to discuss the request and any appeal that may occur.

If the request cannot be dealt with during this period, we may extend the time limit by mutual consent. An example of when an extension might be agreed is when non-directed working time, i.e., the summer holidays, sits within the two-month timescale.

We may need to meet with you to consider the request carefully, looking at the benefits of the requested changes for both you and us, and weigh these against any adverse business impact of implementing the changes.

The following non-exhaustive factors may be considered for each request:

- the cost of the proposed arrangement
- the effect the proposed arrangement will have on other staff



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- the impact the proposed arrangement may have on the ability to deliver an appropriate quality of educational service
- the impact the proposed arrangement may have on the ability of the role to deliver and perform to a satisfactory level
- the level of supervision the post holder will need to have
- an analysis of the tasks and workload specific to the role

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 pattern.

### **4.3. Meetings regarding flexible working**

Upon receiving a written request for flexible working we will arrange a meeting with you to:

- discuss the request
- find out more about the proposed working arrangements
- understand how it could be of benefit to both the employee and employer

The meeting will be held within a reasonable amount of time from receiving this request. This time frame may be extended with the agreement of both parties.

Alternatively, we may choose to state in how many days the meeting will be held and confirm this time frame may be extended with the agreement of both parties.

If you fail to attend a meeting without good reason, this meeting may be rescheduled. If you fail to attend the rescheduled meeting your application may be deemed to have been withdrawn.

Where a request can, without further discussion, be approved, a meeting to discuss the request may not be necessary. You will be informed of the agreement to the request by a confirmation letter and your contract of employment will be formally changed following the request being approved.

## **5. OUTCOME OF A FLEXIBLE WORKING REQUEST**

Once a decision has been made, you will receive written confirmation as soon as possible.

The request may either:



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- Be agreed to in full – we will agree to the application and specify the contract variation and the start date on which it is to take effect
- Be agreed to in part – we may agree to part of your request and/or propose alternative arrangements. We may also propose a modified version of the request. Please note, proposed changes from us will only be confirmed as agreed if mutual consent has been received
- Be agreed as a trial period (see section 6 below)
- Be refused - if refused, the specified grounds for refusal must be stated. It should also be explained why those grounds apply in relation to the application. You should also be made aware of the appeal procedure

If we cannot meet your request due to business and operational reasons it may be based on one or more of the following legislative grounds for rejection:

- extra costs that will damage the business
- the work cannot be reorganised among other staff
- people cannot be recruited to do the work
- flexible working will affect quality and performance
- the business will not be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

If at any point the change is agreed as permanent, this becomes your new working pattern and there is no right for you to revert back to your former working pattern.

## **6. TRIAL PERIODS**

Where there is some uncertainty about whether the flexible working arrangement is practicable for both parties, or where it is unclear what potential impact the change will have on the delivery of education and service the role provides, a trial period may be agreed.

The trial period is an opportunity for both parties to ensure that the arrangement is working satisfactorily before it is confirmed in the longer term.



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In order to accommodate the trial period and any additional necessary steps the parties will have to agree an extension to the decision date beyond the statutory two-month period.

If a trial period is offered it should be for a reasonable, although not excessive, amount of time, to enable both parties to understand if this arrangement will work for us both.

If a trial period is offered, the change to your terms and conditions of employment during a trial period is a temporary change for a specified period of time.

If, the trial is not successful you will revert back to your previous terms and conditions of employment, and you will be entitled to exercise your right of appeal. If the requested change of working arrangements is accepted at the end of the trial, then the temporary terms and conditions will become permanent.

## **7. THE APPEAL**

If the flexible working application was not concluded to your satisfaction, you may appeal to us within seven calendar days of receiving the written outcome decision. Wherever possible, the appeal will be heard by an appropriate individual or panel of individuals who have had no prior involvement in the process.

The decision of the appeal hearing and the reasons for that decision will be communicated to all parties and confirmed in writing as soon as reasonably practicable, usually within five working days. The decision reached at this hearing is final.

## **8. WITHDRAWING AN APPLICATION**

A request to work flexibly can be withdrawn at any time before it has been accepted.

If you fail to attend two or more meetings arranged to discuss the request and do not provide a reasonable explanation, we may assume that the application has been withdrawn.

We may also treat an application as withdrawn if you do not provide all the information required.