



# FLEXIBLE WORKING POLICY

## VERSION 6

<b>Status</b>	Statutory
<b>Responsible committee/Individual</b>	Trust Board
<b>Author</b>	HR Manager
<b>Target Audience</b>	All stakeholders
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## 1. POLICY STATEMENT

- 1.1 The Brighter Futures Learning Partnership Trust (BFLPT) is committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our use and retention of staff.
- 1.2 This Flexible Working Policy gives eligible employees an opportunity to formally request a change to their working pattern and all employees an opportunity to do so informally. Senior leaders are encouraged to facilitate requests unless they cannot be accommodated for school/UTC business or operational reasons.
- 1.3 Employees will not be subjected to any detriment or lose any career development opportunities as a result of making a flexible working request.
- 1.4 This policy does not form part of any employee's contract of employment, and it may be amended at any time.

## 2. SCOPE AND PURPOSE OF THE POLICY

The Brighter Futures Learning Partnership Trust (BFLPT) is committed to fostering flexible working practices that enhance workforce deployment, support improvements in service and curriculum delivery, and contribute to a flexible, motivated, and high-performing workforce. Flexible working benefits both the organisation and individuals by improving work-life balance and supporting staff recruitment and retention. Further guidance can be found in the *DfE Flexible Working in Schools* resource: [Flexible Working in Schools](#).

This policy applies to all employees of the Trust, excluding agency workers, consultants, and self-employed contractors. Employees are encouraged to consider the impact of any changes in working hours on their pension and seek advice from pension providers.

From their first day of employment with the Trust, employees have a statutory right to request flexible working. This policy recognises that right through a formal procedure, allowing employees to make up to two statutory requests for flexible working within any 12-month period. The criteria for eligibility to follow the formal procedure are detailed in paragraph 5.

## 3. PERSONNEL RESPONSIBLE FOR IMPLEMENTING THE POLICY

- 3.1 **The Trust Board, CEO and Central Trust HR Manager** are responsible for monitoring the effectiveness of this policy, ensuring there is a consistent approach to requesting and approving changes to terms and conditions.

- 3.2 **The Local Governing Boards** should monitor the application and impact of this policy in schools.
- 3.3 **The Headteacher/Principal** is responsible for ensuring that staff and managers are aware of this procedure, encouraging staff and managers to consider how flexible working might help the school/UTC recruit and retain staff, helping them to achieve a good work-life balance. Such an approach should enable the school/UTC to enable high levels of performance and engagement. The Headteacher/Principal and members of SLT must ensure they implement this policy fairly and equitably, seeking guidance, clarification and support from the CEO and Central Trust HR Manager as and when required.
- 3.4 **The HR Lead/Office Managers** are responsible for ensuring that employees have access to this procedure and that the Headteacher/Principal, members of SLT and employees apply it fairly and consistently.
- 3.5 **Employees** are encouraged to read this procedure, adhere to the processes detailed and seek clarity from either their Headteacher/Principal or the HR Lead/Office Manager if they have any queries.
- 3.6 Those working at management level have a specific responsibility to set an appropriate standard of behaviour, to lead by example and to promote our aims and objectives with regard to flexible working. All employees are responsible for the success of this policy and must ensure that they familiarise themselves with it and act in accordance with its aims and objectives.

#### **4. FLEXIBLE WORKING PROCEDURE**

As with all matters relating to the staffing establishment in academies, the decision about whether or not individual posts are suitable for job share or any other flexible work scheme rests with the Head teacher/senior management and the Governors. It is important that advice is sought from HR as soon as possible if an employee indicates that they wish to be considered for flexible working arrangements.

When considering any of the possible flexible working options, the needs of the school/UTC and the individual must be taken into account. The specific nature of the work being undertaken and the need to be available at specific times during the school day/year must be recognised. Not all of the options described below will be appropriate in schools across the Trust and the ability to accept or deny requests will very much depend on the individual posts and work environment of those making a flexible working request.

##### **Flexible working options**

Options available include the following:

- Job share schemes

- Part-time/term time only working
- Compressed working hours
- Changes to times worked
- Alternative roles in the school/Trust
- Phased retirement.

## **5. ELIGIBILITY**

- 5.1 Employees are eligible to make an application from the first day of employment. In order to make a request the individual will:
- be an employee (i.e. not an agency/**casual** worker)
  - have not made 2 other applications to work flexibly under this right during the previous twelve months.

## **6. SCOPE OF THE REQUEST**

- 6.1 The Flexible Working Regulations enables eligible employees to request:

- a change to the hours they work;
- a change to the times when they are required to work;

These cover working patterns such as part-time, job share, shift working and term-time working which are all used to an extent across our Trust. It is recognised that working from home is not a viable option for Trust employees.

- 6.2 If an employee seeks a reasonable adjustment for their disability through a request for flexible working, the school/Trust will consider this in line with its legal obligations under the Equality Act 2010. The legal obligation to make reasonable adjustments is separate to the legal obligation to consider a request for flexible working.

## **7. The Procedure**

- 7.1 The statutory overall timeline between receiving an application and the outcome of a potential appeal against a decision is 2 months or longer if agreed with the employee. In the context of our Trust this will mean 2 working months.
- 7.2 To be considered under the formal flexible working regulations the employee must make a written application. Applications should be submitted to the Headteacher/Principal at the School/UTC for consideration (application form attached as [Appendix 1](#)). The employee must specify the change to their working practices or pattern that they are applying for, and the date on which they propose the change should take effect.

- 7.3 The Headteacher/Principal will arrange a meeting with the employee to discuss their request for flexible working. Following careful consideration of the request, including its potential impact on the school/UTC, the Headteacher/Principal will write to the employee to confirm the decision. This correspondence will outline any approved changes and detail the amendments to the employee's contract of employment.
- 7.4 If a further discussion is required with the employee or, if the proposal cannot be accommodated (whether partially or fully), before making the final decision the Headteacher/Principal will arrange a further meeting with the employee to discuss their request. The meeting can be held in person or remotely via Teams, or where neither of those are possible, via telephone call. The Headteacher/Principal may wish to seek advice on the application from Central HR and arrange to meet the employee within 2 working weeks (10 working days) of the date of the application, with a view to exploring the request for flexible working. The employee may be accompanied to this meeting by either a trade union representative or a work colleague. A member of the school/UTC/Trust HR support may also be present.
- 7.5 Within 1 working week (5 working days) of the meeting the Headteacher/Principal will write to the employee, either to agree to the new work pattern, or any alternative work pattern that has been discussed and a start date (which will need to take account of existing timetable and cover arrangements), or to provide a written justification of their decision not to accept the application, stating:
- a) the grounds on which the decision has been made (see below)
- and,
- b) the reasons why those grounds apply
- 7.6 There is no statutory right to appeal a decision. However, in order to inform effective decision making, the school/UTC will hold an appeal providing requests are received in writing within 1 working week (5 working days) following written notification of the decision. Employees will need to inform the Trust HR Manager at [Duncan.t@brighterfutureslpt.com](mailto:Duncan.t@brighterfutureslpt.com) of their intention to appeal, setting out their grounds of appeal. Appeals will be held within 2 working weeks (10 working days) of a written request.
- 7.7 The employee will be invited to attend the appeal accompanied by either a trade union representative or a work colleague, a member of the school HR support/Central HR Team may also be present.
- 7.8 An Appeal Panel will be selected, as per the Trusts Scheme of Delegation. The panel will hear the employee's case and the Headteacher/Principals case. The panel will make a decision based on the evidence they hear and paying due attention to the criteria laid out in the policy. The panel must notify the

employee of their decision within 1 working week (5 working days) of the date of the hearing, again giving a written justification if the decision is not to accept the application, stating the grounds for the decision and how they apply in the particular case. If the decision is to uphold the appeal and implement the change this will be in line with the criteria set out in this policy at point 11.

**8. TIMEFRAME:**

Individual makes an application for flexible working.	SCHOOL TIMEFRAME:
Meeting arranged to discuss application with Headteacher	Within 2 working weeks
Written decision issued	Within 1 working week
Employee may submit appeal	Within 1 working week
Appeal hearing convened	Within 2 working weeks
Appeal outcome issued	Within 1 working week

8.1 Timescales may be extended, providing that the employee making the application agrees. Where an extension of time is agreed, the Headteacher/Principal will write to the employee confirming the date on which it will end.

8.2 Employees may make two statutory requests for flexible working within any 12-month period. An employee may have only one 'live' request for flexible working with the school/Trust at any one time.

Once a request has been made, it remains 'live' until any of the following occur:

- a decision about the request is made by the school/Trust,
- the request is withdrawn,
- an outcome is mutually agreed,
- the statutory two-month period for deciding requests ends.

A request continues to be 'live' during any appeal or any extension to the statutory two-month decision period that an employer and employee may have agreed.

## 9.0 Outcomes

The school may:

- Grant an employee's request – on a permanent basis, unless otherwise agreed to be temporary,
- Offer an alternative post in order to support flexible working – for a period of [determined by the school/Trust] e.g. one year,
- Offer an alternative pattern of work to support flexible working on a permanent basis, unless otherwise agreed to be temporary,
- Reject the request due to one of the reasons outlined below in point 10.

## 10.0 Grounds on which an application may be turned down.

The Flexible Working Regulations sets out that the employer may only refuse an application for flexible working if he considers that one or more of the following grounds applies:

1. the burden of additional costs,
2. detrimental effect on ability to meet customer demand,
3. inability to re-organise work among existing staff,
4. inability to recruit additional staff,
5. detrimental impact on quality,
6. detrimental impact on performance,
7. insufficiency of work during the periods the employee proposes to work,
8. planned structural changes.

10.1 In each of the above the impact on teaching and learning and outcomes for students/pupils in the school will be considered. If an application for flexible working is not accepted it must be because one of the grounds set out above applied, and the written justification of the decision must identify the reason and the way in which it applies. Appendix 2 gives a brief overview of the way in which the school will interpret and apply these business reasons.

10.2 If an employee withdraws a formal request for flexible working, it will be counted as one of the two requests permitted within a 12-month period, as outlined in DfE guidance. Employees must submit their withdrawal in writing to the Headteacher/Principal or the Trust. A request made under the formal procedure may also be treated as withdrawn in specific circumstances, such as the employee failing to attend two scheduled meetings without providing reasonable cause. In such cases, the school/Trust will consider the request withdrawn, and the Headteacher/Principal will confirm this in writing to the employee.



## **11.0 Requests that are granted**

- 11.1 [if applicable] - In consideration of requests for Flexible working the school will look at whether a different role across the school/Trust can be undertaken to support the request for flexible working, therefore an offer of an alternative role to accommodate the request may be offered to the employee.
- 11.2 Any requests for flexible working that are granted in the school/Trust will be a permanent change to an employee's contract of employment, unless this is agreed between parties that it is a temporary change.
- 11.3 If a request is agreed, or where the school proposes an alternative to the arrangements requested, the Headteacher/Principal will write to the employee with 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.

## **12.0 Training Days and Flexible Working**

- 12.1 Teachers are paid as a full time equivalent for 195 days, 5 of those days are training days, when a teacher has a contract that is less than full time; for example, 80% (4 days) or 60% (3 days) their salary is pro rata to 195 days (5 days of which are training days). Therefore, a teacher who works 4 days per week is already paid in their salary for 4 training days, a teacher who works 3 per week is already paid in their salary for 3 training days.

In advance of a flexible working pattern commencing the Headteacher/Principal will discuss and agree with the teacher the training days that will be required in line with the number of days the teacher works.

- 12.2 A teacher cannot be directed to attend work on a day that they are not contracted to work, therefore if training days fall on the day that a teacher is not contracted to work, the teacher will be required to work those training days (hours) in addition to their contracted hours.
- 12.3 Each of the five days should be allocated six hours of directed time, even if teachers do not undertake activities for all of that time. Some schools disaggregate some or all of the days and allocate the hours throughout the year on the 190 days as inset sessions. Where training days are disaggregated it should be agreed with the teacher the number of hours that they are required to attend.

12.4 For example a teacher who works 3 days per week will be paid in their salary for 3 training days, this equates to 18 hours of training. Where the days are disaggregated and there is a twilight session on one of the days that the teacher is required to work the teacher is required to attend and the hours are deducted from the amount already paid

i.e. Teacher works Tuesday, Wednesday and Thursday

Training is disaggregated into 2 full days and 2 disaggregated sessions of 3 hours

Training day 1 is on a Monday – teacher is not required to attend but if they do attend they must be paid for this

Training day 2 is disaggregated over a Tuesday and Wednesday twilight (3 hours each) teacher attends both sessions and has used 6 hours of their training days that they are already paid for.

Training day 3 & 4 is held on a Monday and Tuesday – teacher is not required to attend the Monday session (but if they do they must be paid), teacher attend training day 4 on the Tuesday, this is their second training day that they are already paid for.

Training day 5 is disaggregated over 3 sessions of 2 hours over a Tuesday, Wednesday and Thursday, teacher attends all and has fulfilled their contractual obligation to attend training days.

**Flexible Working Policy agreed at Trust Board: December 2024**

## Appendix 1 - Request form for Flexible Working

Applications for flexible working within the statutory right should be put in writing. Employees may wish to use this form to make a formal request to work a flexible working pattern which is different to their current working pattern.

*(Note to employees: It will help if you provide as much information as possible about your desired working pattern. Once the form is completed, you should forward this to your Headteacher who will then arrange a meeting with you to discuss the details of your request.)*

*If your request is approved, this will form a permanent change to your terms and conditions of employment unless otherwise agreed.*

### 1. PERSONAL DETAILS

Name	Job Title
School/Department	Date of Request

I would like to apply to work a flexible working pattern which is different to my current working pattern, and I confirm that:

<p><b>*Please indicate</b></p> <p>I <b>have/have not</b> made 2 requests to work flexibly under this right during the past 12 months.</p> <p>Proposed Start Date for the New Working Pattern:</p>	
Date of any previous request to work flexibly under this right.	

### 1. REASONS FOR MAKING THE REQUEST (please include details)

**2 CURRENT WORKING PATTERN (Include details of days/times/hours worked)**

**3 REQUESTED WORKING PATTERN (Describe days/hours/times etc)**

I confirm the above are true and accurate statements and I would like the requested working pattern to commence on Date: \_\_\_\_\_

Signed \_\_\_\_\_

Dated \_\_\_\_\_

If a request to work flexibly is rejected then the school/Trust will provide a specific “business reason”, which must be one of the nine stated in the legislation;

1. burden of additional costs
2. detrimental effect on the ability to meet customer demand
3. inability to re-organise work among existing staff
4. inability to recruit additional staff
5. detrimental impact on quality
6. detrimental impact on performance
7. insufficiency of work during the period the employee proposes to work
8. planned structural changes

The School’s interpretation of the “business reasons” are set out below in order to provide a clearer understanding of the matters that will be taken into account in reaching a decision about part time working. Below are examples of what will be considered in making the decision, however this is not an exhaustive list.

**1. Burden of additional costs**

It is a little more expensive to employ part time staff rather than full timers but this would not normally be a key reason for rejecting an application.

**2 Detrimental effect on the ability to meet customer demand**

The school’s customers are their pupils and parents. It is important that the quality of teaching and learning is not adversely affected by agreeing to flexible working. In particular the Head teacher will consider the impact on the need to spread the teaching of individual classes over more than one teacher (split classes), pressure on the timetable to fix particular lessons on a reduced number of days in the week. This is particularly the case where the member of staff is the sole specialist in a subject. In the case of support staff there is a need to ensure that service provision is maintained at a satisfactory level.

**3 Inability to re-organise work among existing staff**

In addition to 2 above where the member of staff has leadership or management responsibilities it is necessary to take into account the ability of

the school to distribute these to other members of staff at times when the part time member of staff is not working. This may require a job-share or a reduction in the allocated responsibilities.

**4. Inability to recruit additional staff**

Excellent quality teaching is paramount for raising school standards. It is not always possible to recruit excellent teaching staff, but the school will make attempts to do so as appropriate. In relation to 3 above, where a job share is required to fulfil the accountabilities of the job description, this may only be possible if there is a colleague who is able and willing to undertake a part of the leadership responsibility. The School/UTC will do what is reasonable to recruit additional staff and will be mindful of the costs of advertising in accordance with normal recruitment practices.

**5. Detrimental impact on quality**

See section 2 above in relation to the possible impact on the quality of learning and teaching and the outcomes of pupils.

**6. Detrimental impact on performance**

Timely marking of pupil work is essential for their progress. It is potentially difficult for part time staff to manage the weekly workload of planning and assessment in the classroom resulting in a possible negative impact on the performance of individual members of staff because they have not been able to complete the marking and other daily assessments to hand over to the next member of staff. It is the responsibility of part time staff to manage weekly workloads in the same way as full-time staff. Staff applying for flexible working will be required to detail how they will fulfil the requirements of the job should the request be agreed, and this will be considered before a decision is reached.

The School Teachers' Pay and Conditions Document sets out the legal requirements for the employment of part time teachers including that any meetings such as parents' evenings must be scheduled on a day that the teacher works. If parent evenings have to be organised for more than one evening this means that parents are inconvenienced.

**7. Insufficiency of work during the period the employee proposes to work**

If more than one member of part time staff requires the same working period, it may be difficult to accommodate part time staff. Whilst individual preferences for working days and times can be considered, the needs of pupils must always come first. This is particularly an issue where the timetable for teachers requires teams of staff to deliver the curriculum to a pool of pupils. The impact of a part time member of staff being absent from school for one

day per week may be to pressurise the time tabler to allocate a predominance of non-teaching periods for others in the team on that day. The School will need to consider the extent to which this is detrimental on the work-patterns of the team.

#### **8. Planned structural changes**

The school will need to consider the impact on its ability to accommodate flexible working on the basis of planned curriculum changes, reduced pupil numbers or changes to the staffing structure.





[Add Name]

[Add Address]

[Add Date]

**Private and Confidential**

Dear [Add Name],

**Re: Request for Flexible Working**

Further to our meeting which took place on [add date], which considered your application to request flexible working dated [add date]. We discussed your desired work pattern in more detail and considered how it may be accommodated within the school/UTC.

You attended the meeting accompanied by [xxxx] (if applicable)

[Add in detail about the request and what was discussed]

*Options depending on outcome:*

I am pleased to confirm that the school/UTC can accommodate your request to work the following pattern.....and we agreed an effective date of [add date].

The meeting considered alternative working patterns and we discussed the reasons why there is difficulty in accommodating your request. We agreed an alternative pattern of.....effective from [add date].

We discussed the reasons why there is difficulty in accommodating your request, however we agreed a pattern of.....on a temporary basis until [add date] to be reviewed on [add date] or sooner if the situation in school changes.

We discussed the difficulties in accommodating your request and I outlined the grounds on which your application has been turned down. To confirm the grounds are based on one or more of the following – *please state which apply and include more detail under each relevant heading:*

- the burden of additional costs
- detrimental effect on ability to meet customer 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 the employee proposes to work
- planned structural changes

The reasons for these grounds are: *[please detail justification for the decision to turn the request down]*

If you would like to accept the proposed working pattern, please sign, and return a copy of this letter to [add name] by [add date].

Alternatively, you have the right of appeal against my decision. If you wish to exercise your right to appeal, please set out the grounds for appeal in writing to the Trust HR Manager at [Duncan.T@brighterfutureslpt.com](mailto:Duncan.T@brighterfutureslpt.com) within 1 working week (5 working days) of receipt of this letter i.e. by [add date].

Yours sincerely,

**Headteacher/Principal**

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I, [add name], agree to the proposed working pattern as outlined in this letter.

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_