



Education Trust

Inspiring the individuals of today, for a better society tomorrow

“Aspire, Belong, Collaborate”

FLEXIBLE WORKING POLICY

Review Frequency	Annual
Reviewed	June 2025
Next Review	June 2026
Agreed by Trustees	18 th June 2025



INTRODUCTION

In accordance with The Flexible Working (Amendment) Regulations 2023 and the Employment Relations (Flexible Working) Act 2023, employees have the right to request flexible working from their first day of employment.

There are a number of different ways of working which can be requested under this right. The most common is part-time working (reduced hours and/or reduced days) but the following are examples of flexible working which can also apply:

- Compressed Hours
- Working from Home / Hybrid Working
- Job Share
- Staggered Hours

The Trust has a legal obligation to give reasonable consideration to a flexible working request and requests can only be refused when there is a clear business reason.

Requests for flexible working deal with **permanent variations** to work, therefore if a change to an employee's contract is agreed upon, it will be a permanent variation and there is no automatic right of the employee to revert back to the former working arrangements. However, this does not prevent any employee from making a **request for a temporary adjustment** to their line manager, in such cases this would be dealt with informally (outside of these procedures, but using these procedures and principles as a guide).

Employees can make up to two requests for flexible working in a 12-month rolling period.

WHO DOES THE LEGAL RIGHT APPLY TO?

All employees of Riviera Education Trust have the legal right to request flexible working, providing that have made no more than two other requests in the last rolling 12-month period.

EQUALITY STATEMENT

This policy applies equally to all Trust employees, as above, regardless of their age, disability, sex, sexual orientation, race, religion or belief, gender reassignment, pregnancy and maternity, marriage and civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy.



WHAT CAN BE REQUESTED?

All employees can request changes to vary:

- The number of hours they are required to work
- The times they are required to be at work
- Where they are required to work - i.e. can request that they work full time or on an occasional basis from home.

Changes to working hours can include:

- Working part-time
- Working annualised hours (a total number of hours to be worked per year, but not over a fixed weekly pattern)
- Compressed working week (e.g. 37 hours over less than 5 days)
- Greater flexibility in existing flexitime arrangements
- Job sharing (where 2 people share responsibility for 1 post)
- Working some form of shift working
- Term-time only working (in the case of staff not already working term time).

It is acknowledged that some of the above flexible working arrangements may not be feasible within the Trust context, given the nature of term-time working and lesson delivery. However, the Trust must give due consideration to all written requests for flexible working and where there could be an impact on pupils, the Trust will fully consider and consult on impact, and work towards an agreeable solution. If a request is to be refused, it is for one of the business reasons outlined in this policy.

MAKING AN APPLICATION

The right to request flexible working legislation requires that employees must make their request in writing, setting out the following information:

- Date of the application, the change to working conditions they are seeking and when they would like the change to come into effect
- They are making the application under their legal right to request flexible working, and if they have made a previous application for flexible working and the date of the application.
- If the employee is making their request in relation to making a reasonable adjustment for a disability (under the Equality Act 2010), they should also make this clear within their request.

CONSIDERING AN APPLICATION



The Trust is strongly advised to consult HR if they receive an application from an employee. This is to help ensure applications are dealt with consistently and equitably across the Trust.

Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on the Trust, the work of the department in which the employee making the request is employed and the employee's colleagues. Agreeing to one employee's request will not therefore set a precedent or create a right for another employee to be granted a similar change to their working pattern.

Schools are not automatically obliged to agree to a request for flexible working but are under a duty to consider any valid request seriously. The following process should be followed in dealing with a flexible working request.

Important Note:

The legal timescale for considering a flexible working request is 2 months from when the request was made (including any appeal stage). The timescales set out below are recommended in accordance with best practice and to ensure fairness and consistency in dealing with requests.

The Trust may adjust timescales, as long as requests are dealt with within the 2-month legal timescale.

Where flexible working requests are made that coincide with school closure dates, individuals and Line Managers should work to a mutually agreeable timescale.



REQUEST FOR FLEXIBLE WORKING PROCESS

Individual makes a request for flexible working to the Head of School or Line Manager (for non-pupil facing staff)

Meeting with Head of School or Line Manager normally arranged within 10 working days of receipt of flexible working application.

HoS/Line Manager **agrees** to request

The employee will be informed of the change in writing, confirming the **permanent** change to their contract, and when it becomes effective.

HoS/Line Manager may suggest a provisional trial before making a final decision

Once the decision is made refer to HoS/Manager **agrees** to request or HoS/Line Manager **refuses** the request.

CEO or HoS **refuses** request

HR will inform the employee in writing of their **decision within 7 days** of the meeting. This will include the reasons for the decision and set out the appeal procedure.

If requested, an Appeal will be heard by the committee of Trustees normally within 21 days of receipt of the appeal. The decision of the Appeals Committee will be confirmed **within 7 days**. The decision of the Appeals Committee will represent the final stage of the Trust's internal process.



MAKING A FAIR DECISION

If the School receives more than one application for flexible working at the same time, a fair and reasoned decision must be made, based on the circumstances, and taking into account the possible consequences for the School. Whatever the process and decision results in, it is well-advised to keep a record of all decisions.

Where the School receives more than one request, they should be dealt with in the order that they are received. School managers are not required to make value judgements about the most deserving request. Each request will need to be considered on its own merits, taking into consideration the business case and the possible impact of refusing a request. Further discussions may be needed to see if there is any room for adjustment or compromise before coming to a decision.

HR should be sought to help to arrive at a fair and consistent decision.

TRIALLING NEW WORKING ARRANGEMENTS

Where there is some uncertainty about whether the flexible working arrangement is practicable for an employee and/or the Trust, a trial period may be agreed upon. If a trial period is arranged the organisation will allow sufficient time for an employee and their manager to implement and become used to the new working practices before taking any decisions on the viability of a new arrangement. This will vary based on circumstances but the trial period should be for no longer than required to make a reasonable assessment of the proposed arrangements. If a trial period of longer than 2 months is required, the timeline should be agreed in advance.

ON WHAT GROUNDS CAN A REQUEST BE REFUSED

In line with the statutory Acas Code of Practice – Handling in a Reasonable Manner Request to Work Flexibly (June 2014), the only grounds for refusal are “business reasons”, as set out in legislation:

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work amongst existing staff or recruit additional staff
- Detrimental impact on quality or performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes.



If a request is refused, the employee must be provided with an explanation as to why the particular reason (from the list above) applies in their particular circumstances.

APPEAL

Under this policy, the employee can appeal the decision and under this policy **14 days** after the date they were notified of the refusal to appeal in writing, setting out the grounds of appeal.

Any appeal will be heard by a separate Committee of Trustees normally **within 21 days** of receipt of the appeal. An employee may be represented by a work colleague or trade union representative.

The employee will be notified of the **decision within 7 days of any appeal hearing**. If the request is again refused, then the reasons for refusal must be set out in writing, explaining why they apply in these particular circumstances.

If the request is accepted following the appeal hearing, the employee will be notified of the change to their working pattern in writing and when it will start (as set out previously).

In exceptional circumstances, it may not be possible for hearings to be arranged or responses to be given in line with the time limits set out above (e.g. the line manager is absent). In such cases, the employee should be informed and any hearing arranged at the earliest possible mutually convenient date.

If the employee is dissatisfied with the way it's been handled s/he can raise a grievance under the organisation's grievance procedure.

If an employee fails to attend a meeting, including an appeal meeting and fails to attend a rearranged meeting without good reason, his/her application will be deemed to have been withdrawn.

External appeals (to an Employment Tribunal)

Employees covered by the legal right to request flexible working have the right to complain to an employment tribunal if they are dissatisfied with the outcome of an internal appeal.

An eligible employee can complain to an employment tribunal that the Trust:

- Failed to hold an initial or appeal hearing
- Failed to provide notice of a decision in accordance with the statutory time scale (3 months)



- Rejected the application based on incorrect facts

A complaint would normally have to be brought **within 3 months** of any appeal hearing or date when it is alleged the procedure was not followed.

If a claim is brought, the tribunal will look as to whether all proper procedures have been followed and will examine any disputed facts as to why the relevant business grounds for refusal apply. If an employee's complaint is upheld by a tribunal, they can order that:

- The request by the employee should be reconsidered *and/or*
- Compensation be paid (up to a maximum of 8 weeks' pay);
- The complaint be referred to arbitration by Acas (both parties have to agree to this as a potential remedy)

Schools and Academies are advised to consult their HR Team if they receive an application for flexible working and are considering refusing the request.

WHERE DO I GO FOR FURTHER ADVICE?

HR can assist in helping to consider any request that might be made and responding to such requests.

Further guidance has been issued by Acas, which also includes some useful case studies and scenarios about the types of flexible working requests that may be received and how to deal with them. The guidance can be accessed via the Acas website: -

Statutory Code of Practice "Handling in a Reasonable Manner Requests to Work Flexibly" –

<http://www.acas.org.uk/media/pdf/f/e/Code-of-Practice-on-handling-in-a-reasonable-manner-requests-to-work-flexibly.pdf>

The Right to Request Flexible Working: an Acas Guide-

<http://www.acas.org.uk/media/pdf/1/a/The-right-to-request-flexible-working-the-Acas-guide.pdf>



DETAILS OF AMENDMENTS

December 2019

- Created Flexible Working Hours Request Policy 2019

May 2021

- Page 4 Flow Chart updated to allow for the CEO / Head of School to make the original decision on flexible working with an appeal heard by a committee of Trustees

May 2022

- Reviewed without change

October 2023

- Minor formatting changes
- Review date amended - Awaiting finalised changes to legislation which should be agreed early 2024

March 2024

- Changed to reflect change in legislation on 6 April 2024; The Flexible Working (Amendment) Regulations 2023 (the regulations) and the Employment Relations (Flexible Working) Act 2023 (the Act). This includes:
 - Day one right to make a request for Flexible Working
 - Allowing employees to make two flexible working applications in a 12-month rolling period
 - Requiring flexible working requests to be resolved within 2 months (including any appeal process)

Other changes were brought into force as a result of this legislation but these had already been adopted as part of best practice

- Changed to include more information around trial periods
- Gender neutral pronouns used

June 2025

- Reviewed without change

