



Flexible Working Requests Policy

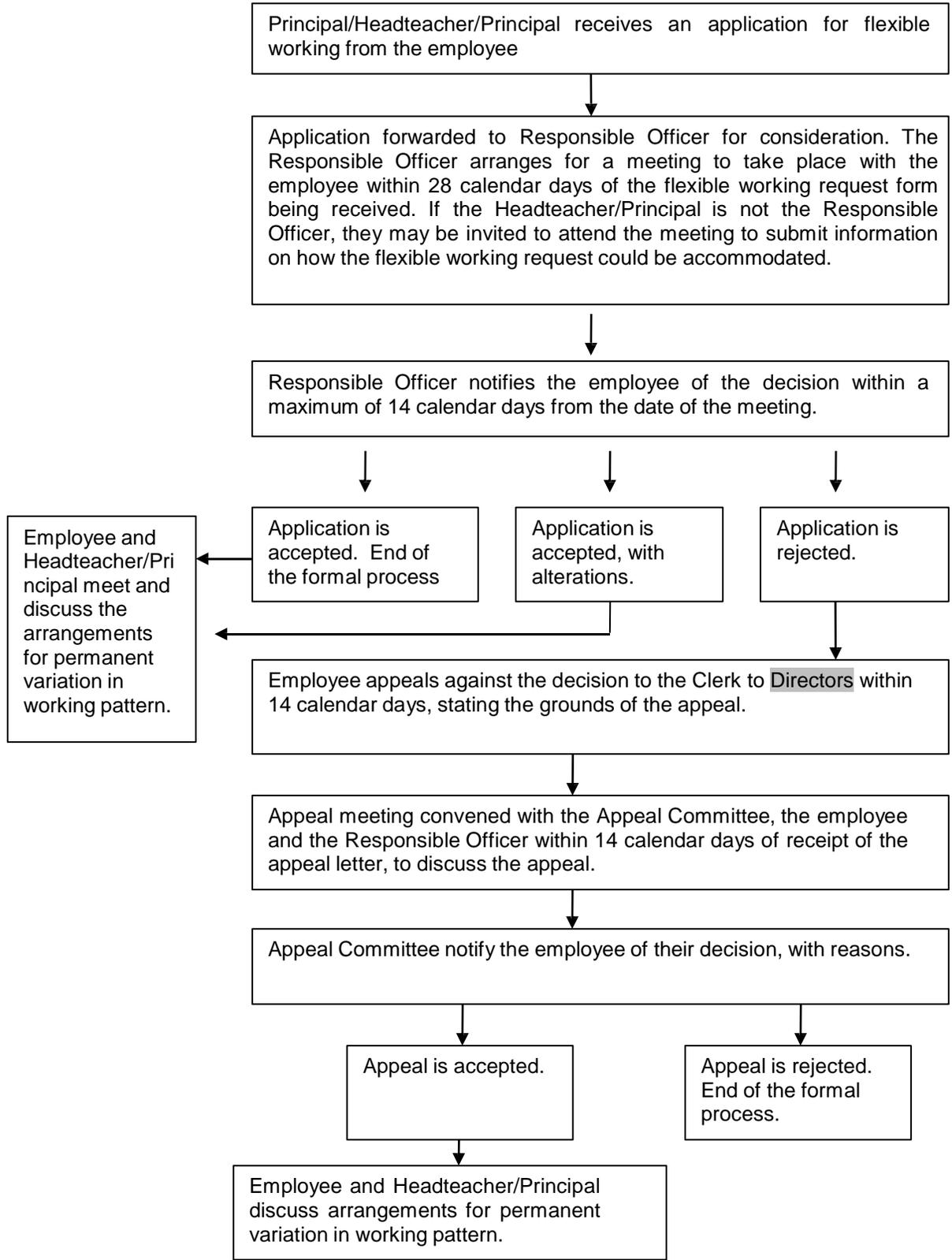
**This policy was adopted by the Directors of
Osprey Learning Trust on 19 May 2020**

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Flexible Working Requests Flow Chart



1.0. INTRODUCTION AND PURPOSE

1.1 Responsibility for the Application of the Policy

It is the responsibility of the Directors and Headteacher/Principal to ensure that employees who meet the eligibility criteria detailed in this policy are provided with the right to request a variation to their contract so that they can work more flexibly and thereby achieve a better balance between their lives outside of work and work commitments.

The Directors and Headteacher/Principal are responsible for ensuring that the statutory procedures and timeframes detailed in this policy are adhered to.

In considering a flexible working request, the Directors and Headteacher/Principal will ensure that they have due regard to Osprey Learning Trust (OLT) staffing structure requirements, in particular ensuring that teaching and learning standards can be maintained.

1.2 Delegation of responsibility

The Directors agree to delegate responsibility for considering and deciding whether or not to agree to flexible working requests, in line with this policy, for school staff to either the Principal/Headteacher.

Flexible working requests for members of leadership teams, or the Trust executive team must be made to the Board of Directors or relevant committee. The nominated individual or committee are referred to as the 'Responsible Officer' throughout this policy.

Where the Responsible Officer is not the Headteacher/Principal, they will obtain information from the Headteacher/Principal on the practicalities of accommodating the flexible working request within the existing staffing structure and any effect on teaching and learning.

1.3 Appeal Committee

The Appeal Committee will comprise of at least one Director of the Trust board, and two additional Directors or governors from the local governing body of that school.

It will be confirmed that none of the governors/Directors have had any previous involvement in the flexible working request, a close relationship with the employee or a vested interest.

1.4 Consultation

This policy is an Academy Schools' version of a policy which was subject to consultation with trade unions/professional associations. It will apply to all employees where this policy has been adopted. Should the Directors wish to make material changes to this model policy, the required consultation must be undertaken with the recognised trade unions/professional associations.

This policy supersedes all previous Flexible Working policies.

1.5 Legislative Base

This policy takes into account the relevant statutory requirements, notably the extension of the right to request flexible working to all staff who meet the eligibility criteria which was introduced from 30 June 2014.

1.6 Aim of this Policy

This policy supports employees, who meet the eligibility criteria, to request a permanent variation to their contract of employment so that they can work more flexibly and thereby achieve a better balance between their lives outside work and their work commitments.

1.8 Coverage

This policy applies to all OLT staff and will be made available to every member of staff through the OLT's internal systems.

2.0 POLICY

2.1 Application of the Policy

This policy:

- is non-discriminatory and in accordance with the OLT's equality policies;
- will be consistently and fairly applied across the OLT;
- will be conducted with respect for the confidentiality of individuals and in accordance with the Data Protection Act 2018;
- is based on open communication between members of staff and their managers;
- is explicit about the responsibilities for all involved.

3.0 CONFIDENTIALITY

The Responsible Officer will ensure there are full, comprehensive records of the process which will be stored confidentially.

4.0 EQUAL OPPORTUNITIES

The conditions for qualification under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

5.0 GENERAL PRINCIPLES

5.1 Being Accompanied at Meetings

Although there is no statutory right to be accompanied at any meetings in this procedure OLT will allow employees to be accompanied by a representative from a trade union/professional association or a workplace colleague.

5.2 Recording of Information

All decisions relating to the request will be recorded in writing. Subject to Data Protection legislation, documentation or data that has been used to form the basis of the decision will be available upon request.

5.3 Contractual Variations

If a change is agreed, it will be a permanent variation of contract and there will be no right for the employee to revert back to the former working arrangement.

Where there is concern by either party on the implications of agreeing a flexible working request, a trial period or a limited period of working flexibly can be mutually agreed. A timeframe will be agreed in advance of the arrangement commencing and this will be documented in writing.

5.4 Timescales

The timescales detailed in the policy are in accordance with the statutory requirements and therefore will be adhered to unless both parties have agreed to an extension of time.

There may be a number of reasons why the time limits specified are too short and an extension may be required. Where an extension to the time limits is agreed, a written record of this decision will be made (See Flexible Working Extension of Time Limit Form – Appendix 2).

An application is taken to have been made on the date that it is received. Where an application is made by email, it is taken to be received on the day it was transmitted.

The timeframes indicated in the Flexible Working Policy shall not commence until the Headteacher/Principal or Board of Directors is in receipt of the fully completed Flexible Working Request Form.

An employee who is considering making a request to change his or her work pattern should speak to the Headteacher/Principal or Board of Directors as early as possible in order to explore what possibilities might be available.

The statutory procedures can take up to 14 weeks to complete and therefore sufficient time should be allowed by the employee.

Where the employee is absent from work due to leave or illness the statutory procedures provide an automatic extension to the time limits. Therefore during periods of school closure or where the employee is absent due to illness, the period that the Responsible Officer has to arrange the meeting will commence either on the day of the employees return or 28 calendar days after the application is made, whichever is the sooner.

5.5 Pensions

It is recommended that the employee seeks advice from their pension provider prior to requesting a variation to the contract of employment. The employee's trade union/professional association may also be able to provide information.

6.0 Eligibility

The Flexible Working Requests Policy applies to employees who:

- have 26 weeks continuous service at the date the application is made
- have not made another application to work flexibly under this policy during the past 12 months.

7.0 No Automatic Entitlement

It is important to note that the Flexible Working Requests legislation provides an employee, who meets the qualifying criteria, with the right to request flexible working arrangements. Whilst every effort will be made to accommodate a flexible working request, there is no automatic entitlement to have a flexible working request agreed; every request will be considered in conjunction with the needs of OLT.

8.0 Non Eligible Employees

The principles of this policy may be used to consider flexible working requests received from employees who do not meet the eligibility criteria. However, it should be noted that OLT is not bound by the statutory requirements detailed in the Flexible Working Requests Legislation.

9.0 Types of Flexible Working

Types of flexible work patterns include the consideration of:

- Flexi-time – working time is split between core hours and time when employees can choose when to work.
- Part-time working – allows employees to work a proportion of the hours which would normally be regarded as full-time for that employment.
- Job share – involves two or more people sharing a full-time post.
- Shift working – provides employers with the opportunity to open their business for longer.
- Annualised hours – where working time is organised over the number of hours to be worked in a year rather than a week.
- Term-time working – allows employees to take unpaid leave of absence during the school holidays.
- Home working - individuals have the opportunity to work from home on either a full or part time basis.
- Compressed hours – where individuals complete their hours over a shorter period of time.
- Staggered hours – allows employees to start and finish their day at different times

The type of flexible working pattern requested by an employee will need to take into account the practicalities of applying the revised working arrangements in a school setting.

10.0 PROCEDURE

10.1 Making the Request

An employee wishing to make a request for flexible working must complete a Flexible Working Request Form (Appendix 1) and submit it to the Headteacher/Principal or Board of Directors (for leadership)

The Flexible Working Request Form provides the employee with the opportunity to give an explanation of what effect, if any, the employee thinks the proposed change would have on the school and how the employee feels any such effect might be dealt with.

The Employee should ensure that all sections of the form are completed. Incomplete forms will be returned to the employee for completion and the timeframes indicated in this policy shall not commence until the completed the form is received.

The Headteacher/Principal will acknowledge receipt of the request by returning the Headteacher/Principal's Confirmation of Receipt Slip at the end of the Flexible Working Request Form.

If the employee unreasonably refuses to provide all the information needed to assess whether the change can be agreed, the Headteacher/Principal will be entitled to treat the application as withdrawn. The Employee would not then be able to make another application for 12 months. In these circumstances, the Headteacher/Principal will write to the employee to confirm that the status of the application is considered as being withdrawn.

10.2 Considering the Request

The Responsible Officer will arrange a meeting with the employee within 28 calendar days of the Flexible Working Request Form being received.

The purpose of the meeting will be to discuss and clarify any aspect of the flexible working request and if necessary, to consider alternatives.

Consideration will be given to the long term implications of agreeing a flexible working request and the restrictions that may be associated with a particular type of employment contract or the wording used in the Flexible Working Request Acceptance Form and / or Letter of Appointment.

An employee may be accompanied to the meeting by either a union representative / professional association or by a work colleague (see Section A.4.).

If an employee is unable to attend the meeting, a new meeting will be arranged for a date within seven calendar days of the original proposed time.

If the employee fails to attend the meeting without explanation more than once, OLT may consider the flexible working request application withdrawn. The Responsible Officer will write to the employee to confirm the action taken.

Both parties should be prepared to be flexible when reaching an agreement whilst having due regard for the needs of the school.

The Responsible Officer will ensure that a written record of the meeting is made detailing the key points of discussion, including any alternative working proposals suggested and the response. A copy of the record will be provided to the employee.

If the flexible working request cannot be accommodated the Responsible Officer will use reasonable endeavours to explore alternative working arrangements that may enable the employee to work flexibly. The rationale for accepting or refusing any arrangement will be documented.

A decision regarding the flexible working request will be made by the Responsible Officer. The Responsible Officer has up to a maximum of 14 calendar days from the date of the meeting to consider the flexible working request, including clarifying any information that may have been submitted as part of the process, and to provide the employee in writing, with details of the final decision.

It may be appropriate for the Responsible Officer and the employee to agree a trial period of a new working arrangement to establish whether it suits both parties. It is important that any trial period agreed outside of the original flexible working request is documented, detailing the length of time that the trial period will operate, when it will be reviewed and extending the timescales for a final decision to be made on the flexible working request.

Where a flexible working request is unlikely to be accepted, the Responsible Officer will ensure that the decision can be substantiated with the appropriate evidence.

11.0 Informing of the Decision

The Responsible Officer will write to inform the employee of their decision within a maximum period of 14 calendar days of the meeting.

If the request is agreed the Responsible Officer will complete a Flexible Working Acceptance Form (Appendix 3) and send it to the employee. Any compromise offered and agreed at the meeting will be detailed in the Flexible Working Acceptance Form.

If the request is refused the Responsible Officer will complete a Flexible Working Reject Form (Appendix 4) and send it to the employee.

The only valid reasons for a request being refused include:

- Additional cost to the OLT
- Detrimental effect on the OLT's ability to meet customer demand
- 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

In addition to stating the reason for the request being refused the Responsible Officer will include an explanation about why the reason(s) apply in the circumstances. It is not necessary for the Responsible Officer to provide evidence to support the explanation however they will ensure that they are able to substantiate any facts in the event of a subsequent dispute occurring.

The Responsible Officer will arrange for a copy of the Flexible Working Request Form and either the Flexible Working Acceptance Form or the Flexible Working Reject Form to be placed on file.

12.0 Appeal Against the Decision

If the employee is dissatisfied with the response from the Responsible Officer, the employee has the right of appeal.

An Appeal meeting provides an opportunity for the employee to make representation to a Committee of Governors/Directors not involved in the original decision.

There are no constraints on the grounds under which an employee can appeal.

The employee should register the appeal using a Flexible Working Appeal Form (Appendix 5) within 14 calendar days of receiving the written refusal for the request for flexible working, providing concise details of the grounds under which the employee are appealing the original decision. The completed form should be sent to the Clerk to the Directors. The Clerk will arrange for an

Appeal meeting to be convened within a maximum period of 14 calendar days of receipt of the appeal.

The Appeal will be considered by a Committee of Governors/Directors acting as the Appeal Panel. It will be confirmed that members of the Appeal Panel have not had any previous involvement in the flexible working request, a close relationship with the employee or a vested interest.

Both the employee and the Responsible Officer will be invited to attend the Appeal meeting to submit the respective cases.

Where the employee fails to attend an Appeal meeting, the Clerk will arrange for a second Appeal meeting to be scheduled. If the employee fails to attend more than two Appeal meetings the Responsible Officer can assume that the flexible working request has been withdrawn. The Responsible Officer will write to the employee to confirm this course of action.

Either party may invite witnesses, who are relevant to the flexible working request, to attend the meeting. The Headteacher/Principal will be asked to attend to present and clarify information that has previously been submitted to the Responsible Officer.

An accurate account of the Appeal meeting will be made. This record may be used during any legal process.

The Appeal Panel has responsibility for considering the grounds on which the appeal has been raised; as detailed in the employee Flexible Working Appeal Form. This may require the panel to review the original decision-making process, the grounds of refusal and any supporting documentation to establish whether the original decision was reasonable and was in line with legislative requirements.

The Chair of the Appeal Panel will notify the employee of the decision using a Flexible Working Appeal Reply Form (Appendix 6), within a maximum period of 14 calendar days after the date of the meeting.

Once the process is complete, the Chair of the Appeal Panel will arrange for copies of the Flexible Working Appeal Form and the Flexible Working Appeal Reply Form to be placed on file.

At the end of the appeal procedure there is no further mechanism for considering the flexible working request.

13.0 Withdrawal of Flexible Working Request

If an employee wishes to withdraw a flexible working request, they should do so in writing using the Flexible Working Notice of Withdrawal Form (Appendix 7). The Headteacher/Principal will respond by completing the Confirmation of Withdrawal slip which can be found at the end of the Notice of Withdrawal

Form. A copy of the Flexible Working Notice of Withdrawal Form will be placed on file.

Where the employee fails to meet any employee responsibilities, as detailed in the Flexible Working Requests policy, OLT may also treat an application as withdrawn. In these circumstances, the Headteacher/Principal will write to the employee to confirm that the application has been withdrawn.

Appendix 1 - Flexible Working Request Form

Personal Details	
Employee Name:	
Headteacher/Principal:	Academy:
Payroll Number:	NI Number:
Work Pattern Details	
Detail your current contractual hours including the number of weeks per annum you are contracted to work:	
Describe the new contractual variation that you would like the OLT to consider:	
Detail when you would like the new contractual variation implemented (date):	
Impact of the Flexible Working Request	
Describe how the contractual variation will affect the OLT, the School and colleagues:	
Accommodating the Flexible Working Request	
Describe how the effect on the OLT, the School and colleagues can be addressed:	

I confirm I have not made a flexible working request during the past 12 months.	
Employee Signature:	Date:
NOW PASS THIS REQUEST TO THE HEADTEACHER/PRINCIPAL	
Headteacher/Principal's Confirmation of Receipt (to be completed and returned to employee)	
Dear:	
I confirm that I received your flexible working request on (date):	
A meeting will be arranged with the nominated Responsible Officer to discuss your application within 28 calendar days following this date. In the meantime you might want to consider whether you would like trade union representative or work colleague to accompany you at the meeting.	
From:	
Headteacher/Principal Signature:	Date:

Appendix 2 - Flexible Working Extension of Time Limit Form

Dear:Payroll Number:

I wish to extend the amount of time that the procedure allows me to: (please tick)

- Arrange a meeting to discuss your request (28 calendar days)
- Notify you of my decision regarding your request (14 calendar days)
- Arrange a meeting to discuss your appeal (14 calendar days)
- Notify you of my decision regarding your appeal (14 calendar days)

I wish to extend the time limit to calendar days.
This means that I will have untilto complete the necessary action.

I need the extra time for the following reason:

.....

.....

.....

If you agree to this extension, please complete the slip below and return it to me.

Name:.....Date:.....

Signature:.....

NOW PASS THIS APPLICATION TO THE EMPLOYEE

Cut this slip off and return it to the Responsible Officer in order to confirm your acceptance of their request.

Employee's Agreement to Time Extension
(to be completed and returned to the Responsible Officer)

Dear:..... I accept your request to extend the amount of time to.....

Name:..... Date:

Signature:.....

Appendix 3 - Flexible Working Request Acceptance Form

Dear:Payroll Number:

Following receipt of your request and our meeting on.....(date):

I have considered your Flexible Working Request:

- I am pleased to confirm that I am able to accommodate your application.
- I am unable to accommodate your original request. However, I am able to offer the following alternative, which we have discussed and you agreed, would be suitable to you.

The variation to your contract of employment will be as follows:

.....
.....
.....
.....

The contractual variation will begin from (date):

Signature (Responsible Officer):
Date:.....

SEND FORM TO EMPLOYEE FOR SIGNATURE

Please note that unless otherwise stated the change will be a permanent change to the terms and conditions of employment and you have no right to revert back to your previous contract of employment.

Name (Employee): Date:

Signature:

NOW RETURN THIS FORM TO THE RESPONSIBLE OFFICER

Appendix 4 - Flexible Working Request Rejection Form

RESPONSIBLE OFFICER TO SEND THIS FORM TO THE EMPLOYEE

Dear:Payroll Number:

Following receipt of your request and our meeting on: (date).

I have considered your Flexible Working Request.

I am sorry but I am unable to accommodate your request for the following business ground(s):

.....
.....
.....
.....

The grounds apply in the circumstances because:

.....
.....
.....
.....

Note: You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary.

You have the right to appeal against my decision. Details of the appeal procedure are set out below.

Name:.....

Date:.....

Responsible Officer signature:

.....

The Appeal Process

TO THE EMPLOYEE

If your request for flexible working has been turned down, you have the right to appeal against the decision. If you wish to appeal, you must write to your Chair of **Governors/Directors**, setting out the grounds for your appeal, within 14 calendar days after receiving written notice of their decision.

Appendix 6 - Flexible Working Appeal Reply Form

Dear: Payroll Number:
.....

Following our meeting on:.....(date)

The Appeal Committee has considered your appeal against the decision to refuse your Flexible Working Request application.

The Committee's decision is to accept your appeal against the decision. I am therefore able to accommodate your original request to vary your contract of employment as follows:

.....
.....
.....
.....
.....

The variation to your contract of employment will begin
from:.....(date).

Please note that the change will be a permanent change to your contract of employment and you have no automatic right to revert back.

The Committee's decision is to reject your appeal for the following ground(s):

.....
.....
.....
.....
.....
.....
.....

The grounds apply because:

.....

.....

.....

.....

.....

.....

Please continue on a separate sheet if necessary

Signed:..... Date:
.....

Name:.....
.....

RESPONSIBLE OFFICER TO RETURN THIS FORM TO THE EMPLOYEE

Appendix 7 - Flexible Working Notice of Withdrawal Form

Dear:

I wish to withdraw my application to work flexibly which I submitted to you on..... (date).

I understand that I will not be able to make another application until twelve months after the above date.

Name: Date:

Signature:

NOW RETURN THIS FORM TO YOUR HEADTEACHER/PRINCIPAL.

Cut this slip off and return it to your employee in order to confirm your receipt of their withdrawal notice.

.....

Confirmation of Withdrawal

(to be completed by the Headteacher/Principal and returned to employee)

Dear:

I confirm that I have received notice that you wish to withdraw your application for flexible working which you submitted to me on:

Under the right to apply, you will not be eligible to submit another application until twelve months after the above date.

Name: Date:

Signature:

POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
February 2017	Revised policy for academy schools based on LA policy previously consulted upon with trade unions.	HR ONE	February 2017	
Jan 2020	Osprey V1	JN	February 2020	