



Flexible Working Requests Policy

This policy was adopted by the
Trustees of Osprey Learning Trust
(now Ivy Education Trust)
on 20 May 2020

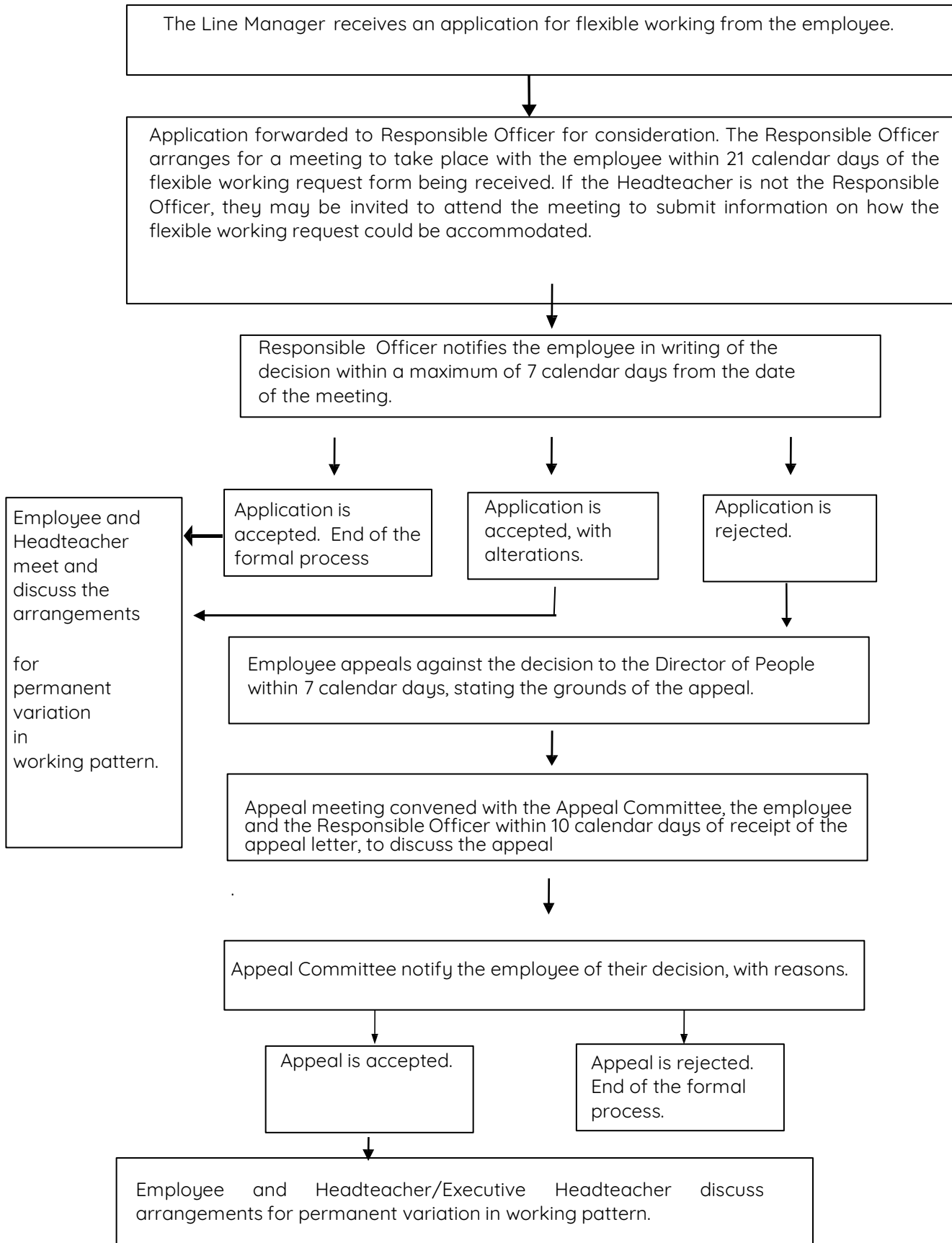
Reviewed: See Amendment Record

CONTENTS

Flexible Working Request Flowchart	4
1.0 Introduction and Purpose	
1.1 Responsibility for the Application of the Policy	5
1.2 Responsible Officer / Committee	5
1.3 Appeal Committee	5
1.4 Consultation	5
1.5 Legislative Base	6
1.6 Aim of this Policy	6
1.7 Coverage	6
2.0 Policy	
2.1 Application of the Policy	6
3.0 Confidentiality	7
4.0 Equal Opportunities	7
5.0 General Principles	7
5.1. Being Accompanied at Meetings	7
5.2. Recording of Information	7
5.3 Contractual Variations	7
5.4. Timescales	7
5.5. Pensions	8
6.0 Eligibility	8
7.0 No Automatic Entitlement	8
8.0 Types of Flexible Working	8
9.0 Procedures	
9.1 Making the Request	9
9.2 Considering the Request	9
10.0 Informing of the Decision	11
11.0 Appeal Against the Decision	11
12.0 Withdrawal of Flexible Working Request	13

Appendix 1 - Flexible Working Request Form	14
Appendix 2 - Flexible Working Extension of Time Limit Form	16
Appendix 3 - Flexible Working Request Acceptance Form	17
Appendix 4 - Flexible Working Request Rejection Form	18
Appeal Process	19
Appendix 5 - Flexible Working Request Appeal Form	20
Appendix 6 - Flexible Working Appeal Reply Form	21
Appendix 7 - Flexible Working Notice of Withdrawal Form	23
Policy History/Amendment Record	24

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 Headteacher/Executive Head Teacher/CEO to ensure that employees are provided with the right to request a permanent 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 Headteacher/Executive Headteacher/CEO are responsible for ensuring that the statutory procedures and timeframes detailed in this policy are adhered to.

In considering a flexible working request, Headteacher/Executive Headteacher/CEO will ensure that they have due regard to Ivy Education Trust (IET) staffing structure requirements, in particular ensuring that teaching and learning standards can be maintained.

1.2 Delegation of responsibility

The Trustees 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 the Headteacher/ Executive Headteacher/CEO.

Flexible working requests for the Trust executive team must be made to the Board of Trustees 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/Executive Headteacher/CEO or delegated nominee, they will obtain information from the Headteacher/Executive Headteacher/CEO 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 member of the Executive Team, and two additional members of the Trust leadership team.

It will be confirmed that none of the panel 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 Trustees 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 operated at the Trust.

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 6 April 2024.

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.

Whilst we recognise that not all types of flexible working will be suitable for every role in the Trust, our starting position will be to consider what may be possible. For staff employed in teaching and learning roles or roles that are classroom based there are key points in the year where it may be easier for Headteachers / Executive Headteachers to consider requests, for example in Jan-March of each year when timetables are being considered for the new academic year.

1.8 Coverage

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

2.0 POLICY

2.1 Application of the Policy

This policy:

- is non-discriminatory and in accordance with the IET's equality policies;
- will be consistently and fairly applied across the IET;
- 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 IET employees can 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/Executive Headteacher/CEO or Board of Trustees for Executive Leadership team postholders is in receipt of the fully

completed statutory request and/or Flexible Working Request Form.

An employee who is considering making a request to change their work pattern should speak to the Headteacher/Executive Head or for the Executive Leadership team, the Board of Trustees as early as possible in order to explore what possibilities might be available.

The statutory procedures can take up to two months 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 21 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

All employees are able to request flexible working from day one of their employment.

Employees can make two flexible working requests within a 12-month period. An employee may only have one live request for flexible working with IET 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 employer
- the request is withdrawn
- an outcome is mutually agreed
- the statutory two-month period for deciding requests ends.

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 IET.

8.0 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.

9.0 PROCEDURE

9.1 Making the Request

An employee wishing to make a request for flexible working must make the request in writing and state that it is a statutory request.

A request must include:

- the date of the request
- the change the employee is requesting to the terms and conditions of employment in relation to their hours, time or place of work.
- the date the employee would like the change to come into effect.
- if and when the employee made a previous request for flexible working

To do this, employees may find it helpful to complete a Flexible Working Request Form (Appendix 1) and submit it to their Line Manager or for the Executive Leadership Team, the Board of Trustees (for leadership).

The Line Manager will acknowledge receipt of the request by email returning the Confirmation of Receipt Slip at the end of the Flexible Working Request Form.

9.2 Considering the Request

The Responsible Officer will arrange a meeting with the employee within 21 calendar days of the Flexible Working Request and/or Form being received.

The purpose of the meeting will be to ensure that all relevant information is understood before a decision is made and to discuss and clarify any aspect of the flexible working request and if necessary, to consider alternatives.

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 as soon as possible following the original proposed time.

If the employee fails to attend the meeting without explanation more than once, IET 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 make reasonable efforts 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 7 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.

10.0 Informing of the Decision

The Responsible Officer will write to inform the employee of their decision within a maximum period of 7 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 IET
- Detrimental effect on the IET'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.

11.0 Appeal Against the Decision

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

If an employee wishes to appeal they should let the Trust know the reasons for their appeal in writing. These may be, for example, the employee has new information they wish to be considered, or they believe the Trust has not acted in a reasonable manner.

The employee should register the appeal using a Flexible Working Appeal Form (Appendix 5) within 7 calendar days of receiving the written refusal for the request for flexible working, providing concise details of the grounds under which the employees are appealing the original decision. The completed form should be sent to the Director of People. The Director of People will arrange for an Appeal meeting to be convened within a maximum period of 10 calendar days of receipt of the appeal.

The Appeal will be considered by a Committee of the Executive Team/School Leadership teams 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 Director of People 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/Executive Headteacher 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 7 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.

12.0 Withdrawal of Flexible Working Request

If an employee wishes to withdraw a flexible working request, they should do so in writing via email or using the Flexible Working Notice of Withdrawal Form (Appendix 7). The Headteacher/Executive Headteacher/ CEO 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, IET may also treat an application as withdrawn. In these circumstances, the Headteacher/Executive Headteacher/CEO will write to the employee to confirm that the application has been withdrawn.

Appendix 1 - Flexible Working Request Form

Personal Details

Employee Name:

Headteacher/
Executive Headteacher:

School/Central Team:

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 permanent contractual variation that you would like the IET to consider:

Detail when you would like the new contractual variation implemented (date):

Please answer as applicable:

I have made a flexible working request in the last 12 months. Y: N:

If yes:

The date I last made a flexible working request:

I confirm I would like to make a statutory request for flexible working as detailed above.

Employee Signature:

Date:

Please pass your request to your line manager

Headteacher's/Executive Headteacher/ CEO 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 21 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/Executive Headteacher/ CEO
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)	
<input type="checkbox"/> Arrange a meeting to discuss your request (21 calendar days)	
<input type="checkbox"/> Notify you of my decision regarding your request (7 calendar days)	
<input type="checkbox"/> Arrange a meeting to discuss your appeal (10 calendar days)	
<input type="checkbox"/> Notify you of my decision regarding your appeal (7 calendar days)	
I wish to extend the time limit to _____ calendar days. This means that I will have until _____ to 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:	
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):	

Name:	Date:
Signature (Responsible Officer):	

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:	
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:
Signature (Responsible Officer):	

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 the Director of People, setting out the grounds for your appeal, within 7 calendar days after receiving written notice of their decision.

Appendix 5 - Flexible Working Request Appeal Form

Dear:

I wish to appeal against your decision to refuse my request for flexible working. I am appealing on the following grounds:

(Please continue on a blank sheet if necessary)

Signature:	
Name:	Date:
Payroll Number:	
School:	

PLEASE RETURN THIS FORM TO THE DIRECTOR OF PEOPLE

Appendix 6 - Flexible Working Appeal Reply Form

Dear:	Payroll Number:
Following our meeting on:	
<p>The Appeal Committee has considered your appeal against the decision to refuse your Flexible Working request application.</p> <p>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:</p>	
<p>The variation to your contract of employment will begin from:</p> <p>Please note that the change will be a permanent change to your contract of employment and you have no automatic right to revert back.</p>	
<p>The Committee's decision is to reject your appeal for the following ground(s):</p>	

The grounds apply because:

Please continue on a separate sheet if necessary.

Name:	Date:
Signature:	

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:
I understand that I can only make requests in line with the statutory limits (2 requests in a 12-month period)

Name:	Date:
Signature:	

NOW RETURN THIS FORM TO YOUR HEADTEACHER

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 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 and AMENDMENT RECORD

Policy Date	Summary of change	Reviewed by	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	Spring 2022
July 2022	General update of terminology and update (e.g. at s.10) to include/refer to Headteacher applications	HR One	October 2021	May 2023 in line with Trust's policy review schedule.
May 2023	Changed OLT to IET and reviewed by Policy Review Group in line with the Trust's review schedule.	GHD	May 2023	May 2026 or sooner if required.
March 2024	Updated to reflect change in legislation and IET process.	EW/P&V Committee	6 April 2024	March 2027 or sooner if required.