

Flexible Working Policy

DOCUMENT CONTROL

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Please note that a record of the changes made to the original issue of this document can be found at Schedule 1 after any Appendices to the Policy/Procedure.

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1. SCOPE

This Policy has been adopted by Cumbria Education Trust Board and applies to all staff employed across Cumbria Education Trust (CET) (hereafter referred to as ‘the Trust’).

2. POLICY

- 2.1 The Trust has a commitment to being an exemplary equal opportunities employer and we recognise the contribution flexible working can make to this. The needs of the children in our academies is paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working. The policy will be applied in line with the Equality Act 2010.
- 2.2 The Employment Relations (Flexible Working) Act 2023 changed the law (The Employment Rights Act 1996) with effect from 6 April 2024 to give all employees the right to make a flexible working request from the first date of employment, it also placed a legal duty on employers to follow the statutory procedure.
- 2.3 The Trust is required by law to consider the request in a reasonable manner, which will usually involve holding a meeting with the employee to hear more about the nature of the proposed arrangements.
- 2.4 A flexible working request is a request to change the employee’s terms and conditions and must relate to:
 - 2.4.1 the number of hours that the employee works;
 - 2.4.2 the times that the employee works; or
 - 2.4.3 the employee’s place of work.
- 2.5 Examples of flexible working are part-time, change in working hours, job share, term-time working, hybrid working and working from home. You may request a change to your working patterns on either a temporary or a permanent basis.
- 2.6 When advertising for new roles, consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.
- 2.7 A request for flexible working can be made twice in any 12-month period. This policy gives employees a right to apply to work flexibly and does not imply that an application is guaranteed to be agreed. The law prescribes a 2-month time limit, starting with the date on which the application is made, within which the employer must make a decision about the request.
- 2.8 The 2-month period includes the time taken to deal with, and notify the employee of the decision on, any appeal. The legislation provides for the employer and employee to mutually agree an extension of this time limit.

3. EMPLOYER RESPONSIBILITIES

- 3.1 **All** requests are considered in line with the equality legislation and should be recorded in detail.

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3.2 In addition, the appropriate line manager for the member of staff will ensure that:

- 3.2.1 working patterns comply with the working time regulations;
- 3.2.2 working patterns do not adversely impact on the level and/or quality of the service;
- 3.2.3 the contractual entitlements of any employee is not contravened;
- 3.2.4 no employee's application is refused without consultation.

4. EMPLOYEE RESPONSIBILITIES

4.1 To make the request in writing using the Trust's flexible working request form.

5. STEP 1 – MEETING TO DISCUSS A FLEXIBLE WORKING REQUEST

- 5.1 Once a Headteacher/appropriate senior manager receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in section 10. The Headteacher/appropriate senior manager will usually arrange a meeting to deal with the request. Where a request can, without further discussion, be approved in the terms stated in the employee's written application, a meeting may not be necessary.
- 5.2 An employee should be given the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The meeting should take place in a private meeting room so that the discussion is kept away from other employees. The aim of the meeting is to find out more about the proposed working arrangements and how they can be of benefit to both the employee and the academy/Trust.
- 5.3 If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, the employee will be notified that his/her application will be deemed to have been withdrawn.

6. STEP 2 – OUTCOME OF FLEXIBLE WORKING REQUEST

- 6.1 After the meeting, the Headteacher/appropriate senior manager will consider the proposed flexible working arrangements carefully. Each request will be considered on a case-by-case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.
- 6.2 The employee will be informed in writing of the decision as soon as is reasonably practicable after the meeting, but no later than the timescales set out in section 10. The request may be granted in full or in part: for example, the school may propose a modified version of the request, the request may be granted on a temporary basis, or the employee may be asked or may request to try the flexible working arrangement for a trial period. The employee will be consulted and given the right to appeal the decision if the employee's request is not granted or is only granted in part.

7. WHERE A REQUEST IS DECLINED

It may not be possible for a Headteacher/appropriate senior manager to agree to a request in every circumstance. The reason why a request cannot be granted should be made clear to the applicant and

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consultation should take place with the employee justifying the rejection of a request based on one or more of the following nine reasons:

- Burden of additional costs to the academy/Trust;
- Inability to organise work within the staffing resource available;
- Detrimental impact on quality;
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Inability to recruit additional staff;
- Planned structural changes;
- Detrimental effect on the ability to meet customer demand;
- Such other grounds as the Secretary of State may specify by regulations.

8. WHERE A REQUEST IS GRANTED

8.1 If the request is upheld, the employee and the Headteacher/appropriate senior manager will discuss how and when the changes will take effect. Any change to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to their contract of employment.

8.2 Headteachers/appropriate senior managers should monitor flexible working arrangements and if there are any concerns raise these with the employee promptly.

8.3 Trial Period

8.3.1 Consideration may be given to whether the request should be subject to a trial period. The trial period could form the basis when deciding whether or not a new arrangement can work successfully. This will be considered as an agreed extension to the statutory time frame.

8.3.2 At the end of a trial period, if the arrangement has not been successful, both parties could discuss what compromises will need to be made in order for a further trial period to take place. If the application is turned down, the Headteacher/appropriate senior manager must state the reason(s) why in writing.

9. APPEALING A DECISION

9.1 Where an application for flexible working is unsuccessful the employee can lodge an appeal.

9.2 Within 7 calendar days of receipt of the notification of the Headteacher's/appropriate senior manager's decision, the employee may, if they wish, appeal in writing to the next level of appropriate manager. They should set out their grounds for making an appeal and date the letter. There are no constraints on the grounds under which an employee can appeal. For example, they may want to address something the Headteacher/appropriate senior manager may not have been aware of or it may be to challenge a fact that the Headteacher/appropriate senior manager has failed to explain the rationale for the decision.

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- 9.3 Within 7 calendar days after receiving the appeal the Appeal Manager will arrange an appeal meeting. The employee may be accompanied if they wish by a work colleague or trade union official at the appeal meeting.
- 9.4 If the employee's representative is not available at the time fixed for the meeting, it must be rescheduled to accommodate the availability of the companion, so long as a reasonable alternative date is proposed which is within 5 working days of the originally proposed date.
- 9.5 Within 7 calendar days of the date of the appeal meeting, the Appeal Manager must inform the employee of the outcome of the appeal in writing.
- 9.6 If the appeal is upheld, the written decision must:
- 9.6.1 Include a description of the new working pattern;
 - 9.6.2 State the date from which the new working pattern is to take effect, including any trial period; and
 - 9.6.3 Be dated.
- 9.7 If the appeal is dismissed, the written decision must:
- 9.7.1 State the grounds for the decision. These should be appropriate to the applicant's own grounds for making the appeal;
 - 9.7.2 Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage; and
 - 9.7.3 Be dated.
- 9.8 A written notice of the appeal outcome constitutes the Trust's/academy's final decision and is effectively the end of the formal procedure.

10. TIMESCALES

- 10.1 All requests will be dealt with within a period of 2 months from first receipt to notification of the decision on any appeal.
- 10.2 These time limits may be extended where both the employee and employer/Trust/academy are in agreement. For example, the relevant manager and the employee may agree to extend the time limit to give the employee a trial period on the flexible working arrangements.

Within 28 days of receiving the request for flexible working	Within 7 days of the meeting	Within 7 days of the notification	Within 7 days after receiving the appeal	Within 7 days of the appeal meeting
The Headteacher/ appropriate senior manager or delegate should hold the meeting	Notify the employee of the decision	Employees who are dissatisfied can lodge an appeal	The appeal to be heard	The employee will be informed of the outcome of their appeal

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11. PENSION IMPLICATIONS

- 11.1 Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions team for further advice.
- 11.2 The Local Government Pension and Teachers Pension Schemes are subject to change and therefore guidance should be sought from the appropriate pensions team prior to making any flexible retirement request.

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SCHEDULE 1

DOCUMENT CONTROL – RECORD OF CHANGES

Version Number:	Publication Date:	Nature of, and Reason for, Change(s)
001	March 2020	General review
002	October 2021	Annual review
003	January 2023	Reviewed and no changes required
004	May 2025	Updated in line with revised legislation: The Employment Relations (Flexible Working Act) 2023

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