



Leicestershire Traded Services

# Right to Request Flexible Working Policy for Thurlaston CE (Aided) Primary School

Version Number:

Date last amended:

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It will be reviewed on:

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## Model Right to Request Flexible Working Policy for Schools, Colleges and Academies

The Governing Body of Thurlaston CE (Aided) Primary School adopted this policy on \_\_\_\_\_.

### Scope

This policy applies to support staff, Teachers and Head Teachers based in Schools, Colleges and Academies. The procedure detailed below applies to employees who qualify under the statutory right to request flexible working. Information regarding the consideration of [requests from other employees](#) can be found at the end of the policy.

Further information on the application of the policy is available in the supporting [Guidance for Schools, Colleges and Academies](#).

### Definition of 'Flexible Working'

The term 'flexible working' describes a range of working patterns (e.g. job sharing, part-time working, home working, etc.). Under the Flexible Working Regulations, an employee can request to change:

- The number of hours they work;
- The times that they work; and/or
- Their place of work (i.e. to work from home).

### Eligibility Criteria

To qualify to apply for a more flexible pattern of work an employee must, at the time the application is made:

- Have been continuously employed for at least 26 weeks (agency employees are not eligible to apply);
- Not have submitted an application to work flexibly under the statutory scheme within the previous 12 months;

And either be, or expect to be;

- The parent, adoptive parent, guardian, special guardian, foster parent, private foster carer, or granted a residence order in respect of a child under the age of 17 (or 18, if the child in question is in receipt of disability living allowance) or the spouse, civil partner or live-in partner of such a person and are responsible for the child's upbringing; or
- The carer for an adult aged 18 or over, who is the employee's spouse, civil partner or live-in partner, a relative, or someone living at the same address as the employee.

Further information regarding the definition of 'a relative' can be found in the supporting [guidance](#).

### **Application Process**

The application must be made in writing, dated, and state:

- That it is an application under the statutory right to request flexible working;
- The employee's relationship to the child or dependant adult and details of their caring responsibilities. Whilst the employee does not have to prove that a caring relationship exists, they should be encouraged to provide as much information as possible so that their request can be fully understood;
- The type and nature of the change applied for (including whether the change is requested on a permanent or temporary basis);
- The date on which the employee would like the proposed change to become effective;
- What effect the employee thinks the new working pattern might have on the School and how in their opinion this might be dealt with;
- Whether a previous flexible working application has been made by the employee and, if so, when.

In the case of an application regarding a child, the employee must submit their application by the day before the child's 17<sup>th</sup> birthday (or the child's 18<sup>th</sup> birthday if the child is in receipt of disability living allowance).

### **Timetable and Procedure**

When considering a flexible working request, the following timetable and procedure must be adhered to:

- Acknowledge receipt, in writing, of the employee's application;
- Hold a meeting with the employee to discuss their request **within 28 calendar days** of receiving their application. Employees have the right to be accompanied at this meeting by a work colleague or Trade Union representative. This meeting is not required if the request can be accommodated and this is confirmed in writing to the employee **within 28 calendar days** of the request being received. Where the person with delegated authority is absent from work on the day on which the employee's application is received, the period referred to above commences on the day the individual returns to work or 28 calendar days after the application is made, whichever is the sooner;
- Notify the employee, in writing, of the outcome of the meeting **within 14 calendar days** of the meeting taking place. This notification will either agree the request (or a compromise agreed at the meeting), or reject the request. If the request is rejected, the notification must include the business reason(s) on which it is being refused and a detailed explanation as to how the reason applies. The employee should also be advised of their right to appeal;
- If an employee wishes to submit an appeal, this must be done, in writing, **within 14 calendar days** of receiving their decision letter;

- Hold a meeting to discuss the appeal **within 14 calendar days** of receiving the employee's appeal submission. Employees have the right to be accompanied at this meeting by a work colleague or Trade Union representative;
- Notify the employee, in writing, of the outcome of the appeal **within 14 calendar days** of the appeal meeting taking place. This notification will either uphold the appeal and confirm the agreed change to the employee's working pattern or dismiss the appeal. If the appeal is dismissed, the notification must include the reason(s) for the decision and a detailed explanation as to how the reason applies.

The above timescales can be extended by mutual agreement. Any such requests must be made in writing to the employee.

### **Contractual Change**

Any change to the employee's terms and conditions will be on a permanent basis unless agreed otherwise. A variation to contract letter should be issued to, and signed by, the employee.

### **Grounds for Declining a Request**

Applications can only be refused for one or more of the following business reasons:

- Burden of additional cost (e.g. substantial training costs);
- Detrimental effect on the School's ability to meet 'customer' demands (e.g. inability to reorganise timetable/work schedule without having an adverse impact on colleagues/pupils);
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality (e.g. on teaching and learning);
- Detrimental impact on performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

### **Delegation of Authority**

The person responsible for determining whether a flexible working request can be accommodated will depend on who has been given the delegated authority. This could be the Head Teacher, another appropriate manager (e.g. a member of the Senior Leadership Team) or a member of the Governing Body.

### **Right of Appeal**

The appeal meeting must be held **within 14 calendar days** of the employee's appeal submission being received and will be heard by a panel of Governors in line with the [Appeal Policy for Schools, Colleges and Academies](#).

### **Applications from employees who are not covered by the statutory right to request**

The School recognises that employees who are not covered by the statutory right may wish to request a change in their working arrangements. Such requests are not subject to the strict deadlines and process detailed in this policy however they will be considered within a

reasonable timescale and will take account of prevailing service needs. Schools may wish to consider following the same timescales as those for statutory requests.

