



Thameside Primary School: Flexible Working Policy

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Policy Reviewed by:	Vicki Lucas, SBM	
Key Changes:	<p>Current RBC Module policy adopted February 2021</p> <p>This is still the current FW policy. RBC are currently waiting for the recent updates in legislation to be incorporated into the RBC corporate policy, so to adhere to the latest statutory requirements I have included the following detail below in the policy.</p> <p>What has changed?</p> <p>Under the new legislation introduced in April 2025, key changes to flexible working rights include:</p> <ol style="list-style-type: none"> 1. Day One rights Employees now have the right to request flexible working from their very first day of employment, rather than waiting 26 weeks as previously required. This has major implications for recruitment and onboarding processes. 2. Increased number of requests Employees can now make two requests for flexible working within a 12-month period, doubling the previous allowance of one. 3. Faster response times Employers are now required to respond to requests within two months, down from three months, including any appeal process. 4. Removal of requirement to explain impact Employees are no longer required to explain the potential impact of their flexible working request on the business or suggest how this impact could be managed – placing more emphasis on the employer to carefully consider the request. 	

1. Overview and Scope

Flexible working is a way of working that suits an employee's needs, for example request to change hours of work or having flexible start and finish times or working from home.

Flexible working can increase staff motivation, promote work-life balance and improve performance and productivity. All employees have the right to request flexible working and to have their request considered seriously by their employer, there is no qualifying period of service required. This policy covers the statutory right to request flexible working.

This policy applies to all those employed by the school, including those on permanent, temporary or part-time contracts, job sharers, and employees on non-standard terms of employment.

This policy can be used by a disabled employee as part of a request for a reasonable adjustment to their working arrangements. If this is the case, the employee should state this in their written application and the line manager must seek advice from Occupational Health and HR, if they are not already involved, before considering the request.

All flexible working requests, including a request from a disabled employee as part of a request for a reasonable adjustment to their working arrangements, and any appeals, must be considered as soon as possible and decided on within a period of two months from first receipt. These time limits may be extended where both the employee and employer are in agreement.

All employees have the legal right to request flexible working. Employees can request a change to:

- the number of hours they work
- when they start or finish work
- the days they work
- where they work (if applicable)

2. What employers must do

Employers must deal with requests in a 'reasonable manner'.

Examples of handling requests in a reasonable manner include:

- assessing the advantages and disadvantages of the application
- discussing possible alternatives to the request
- offering an appeal process

Read the [Advisory, Conciliation and Arbitration Service \(Acas\) code of practice on flexible working requests](#).

If an employer does not handle a request in a reasonable manner, the employee can take them to an [employment tribunal](#).

An employer can refuse an application if they have a good business reason for doing so.

3. Applying for flexible working

A request for flexible working could include a request for a change to the number of hours that the employee works, a request for a change to the pattern of hours worked, a request to job share or a request to perform some or all the work from the employee's home.

Employees must make a request for flexible working in writing by filling in the '[Flexible Working Application Form](#)' which is available on in school or from HR. The employee must submit the form to the School Business Manager for attention of the Headteacher. Any request made under this policy must include:

- The date of the application;
- The changes that the employee is seeking to their terms and conditions;
- The date on which the employee would like the terms and conditions to come into effect;
- A statement that this is a statutory request for flexible working;
- Whether or not the employee has made a previous application for flexible working; and
- If the employee has made a previous request, when the employee made that application.

The basic steps are:

If the employer agrees to the request, they must change the terms and conditions in the employee's contract. If the employer disagrees, they must tell the employee giving the business reasons for the refusal. Headteachers should not reject a request that does not contain the required information. The line manager should explain to the employee what additional or amended information he/she needs to provide and ask the employee to resubmit the request.

The employer must discuss the employee's request with them before refusing their application.

Employees can make 2 applications for flexible working in any 12-month period.

4. Considering a flexible working request

Once the line manager receives the request, it will be dealt with as soon as possible. The Headteacher discusses the employee's request with them and must make a decision on it within 2 months or longer if agreed with the employee.

It may be possible for the Headteacher to agree to a flexible working request simply based on the written application. If so, the Headteacher must complete the [Flexible Working Acceptance Form](#) and return this to the employee. HR will arrange to confirm the change to the employee's terms and conditions in writing and send it to the employee as an amendment to their written statement of terms and conditions of employment as soon as is reasonably practicable.

Where it is not possible to agree to the flexible working request based on the written application alone, the Headteacher will arrange a meeting to deal with the request as soon as reasonably practicable. The aim of the meeting is to find out more about the proposed working arrangement and how it could be of benefit to both the employee and the school.

The invite to the meeting will be in writing giving a minimum of five working days' notice, with the letter setting out the date, time and location of the meeting and it must state that the employee has the right to be accompanied by a Trade Union representative or workplace colleague. Reasonable adjustments may be needed for a worker with a disability (and possibly for their companion if they are disabled). For example, the provision of a support worker or advocate with knowledge of the disability and its effect, in addition to the right to be accompanied by a fellow worker or a trade union representative. The employee must tell the Headteacher whether they will be accompanied at least three working days before the meeting.

Where the chosen companion is unavailable on the day scheduled for the meeting, it will be rescheduled, provided that the employee proposes an alternative time within five working days of the scheduled date. If an alternative date is proposed by the employee, it will not be unreasonably refused.

The meeting will always be held somewhere private, and enough time should be scheduled to discuss the issues at hand. The Headteacher will be advised by an HR professional.

After the meeting, the Headteacher will consider the proposed flexible working arrangement, weighing up the potential benefits to both the employee and the school against any adverse impacts of implementing the change. Each request will be considered on a case-by-case basis: agreeing to one request does not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

The employee will be informed in writing of the decision within three working days of the meeting. 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 to try the flexible working arrangement for a trial period. The employee has the right to appeal the decision if the employee's request is not upheld or only upheld in part.

5. Flexible working requests that are granted

After the meeting, if the request is granted, the employee and the Headteacher will discuss how and when the changes will take effect. The Headteacher must complete the [Flexible Working Acceptance Form](#) and give a copy to the employee and to the School Business Manager to process the relevant paperwork for HR / Payroll to amend the employee's contract of employment.

6. Flexible working requests that are declined

If the flexible working request is declined the Headteacher must complete the [Flexible Working Application Rejection Form](#) and give a copy to the employee and a copy to HR within three working days of the meeting.

The Headteacher will give reasons for the rejection of any request. Those reasons must be for one or more prescribed business reasons, which are:

- the burden of additional costs;
- an inability to reorganise work among existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality;
- a detrimental impact on performance;
- a detrimental effect on ability to meet customer demand;

- insufficient work for the periods the employee proposes to work; and
- a planned structural change to the business.

A request cannot be rejected for any other reason.

7. Appeal

If the flexible working request is declined, the employee has the right to appeal. An appeal must be made using the [Flexible Working Appeal Form](#) which is available in school from the School Business Manager or from HR, within five working days of receiving the written notification of the Headteacher's decision. The Headteacher must provide the employee with a paper copy of the [Flexible Working Appeal Form](#) if the employee does not have access to an electronic copy (e.g. because they are off sick or do not use a computer in their role). The employee must submit the appeal form to the Headteacher.

On receipt of the appeal, a hearing will be arranged as soon as reasonably practicable. To ensure that the appeal is considered objectively, the appeal will be heard by a panel of the governing body assisted by a representative from the HR team. The employee will be invited to attend the meeting and can be accompanied by a work colleague, trade union or disability representative. The Headteacher will also be invited to attend to present the business case as to why the request was declined initially.

The employee will be notified of the appeal decision within three working days of the appeal meeting using the [Flexible Working Appeal Reply Form](#) which is available in school or from HR. A copy of the form must also be sent to HR. If the appeal decision is again to decline the request, the employee cannot re-apply for flexible working for a period of 12 months unless there is a substantial change to the request that requires reconsideration. In any case, employees can only submit a maximum of two flexible working application requests with a 12 month period.

If the appeal is upheld, HR will arrange to confirm the change to the employee's terms and conditions in writing and send it to the employee as an amendment to their written statement of terms and conditions of employment as soon as is reasonably practicable.

The outcome of the appeal is final. There is no further right of appeal.

8. Exceptions to the policy

The school will endeavour to process requests for flexible working within two months from first receipt. However, there may be occasions where it is necessary to deviate from this to help reach a suitable outcome. For example, it may be agreed that the timescales are extended if the employee is unable to attend a meeting, or to account for the absence of a school representative.

If an extension of timescales is required, the school will confirm in writing the reasons for the extension and any agreed revision of the timescales involved.

9. Contract variation

It is important to note that a flexible working request that is accepted will normally constitute a permanent change to the employee's contractual terms and conditions and will continue for the length of their current employment contract. The employee has no right to revert back to their previous working pattern, unless a

further change is agreed between the employee and the school through a subsequent flexible working request. For the avoidance of doubt, if the employee applies for and is appointed to a new job, the continuation of their flexible working arrangement cannot be guaranteed.

10. Data protection and retention of employee records

The school processes personal data collected in connection with this policy in accordance with its data protection policy. Such data is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to requests to work flexibly. It will be held on an individual's personal record file which is retained for seven years after their date of leaving the Council. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's Disciplinary Policy.

Appendix 1: Flexible working application form

Note to the employee

You can use this form to make an application to work flexibly under the right provided in law to eligible employees. Before completing this form, read the guidance on the right to request flexible working on GOV.UK, and check that you are eligible to make a request.

You should note that under the right it may take up to 2 months for your employer to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your employer to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid.

Once you have completed the form, you should immediately forward it to your employer (you might want to keep a copy for your own records). If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

Note to the employer

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications in a reasonable manner. You have 2 months after the day you received this application in which to decide whether to grant the request. This period can be extended if you agree to a longer deadline with the employee; any such agreement must be made either within period in which the decision is to be made or in the 2 months immediately following the end of that deadline.

You should confirm receipt of this application using the sample text provided at the end of this document.

Forms accompanying the guidance have been provided for you to respond to this application.

1. Personal Details

Name: _____

Payroll number: _____

Team Manager: _____

National Insurance number: _____

To the Headteacher

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided under section 80F of the Employment Rights Act 1996. I confirm I meet each of the eligibility criteria as follows:

- I have not made more than 1 request to work flexibly under this right during the past 12 months.
- If applicable, date of any previous request to work flexibly under this right: _____

If you are unable to confirm the criteria above, then you do not qualify to make a request to work flexibly under the statutory procedure. This does not mean that your request may not be considered, but you will have to explore this separately with your employer. Many employers offer flexible working to their staff as best practice.

2a. Describe your current working pattern and/or the location of your work (days/hours/times worked/place of work):

2b. Describe the working pattern and/or the location you would like to work in future (days/hours/times worked/place of work):

2c. I would like this working pattern to commence from:

Date: _____ [Now pass this application to your employer.]

Employer's confirmation of receipt (to be completed and returned to employee)

Dear: _____

I confirm that I received your request to change your work pattern on:

Date: _____

I shall notify you of my decision on this application within 2 months of this date, unless we agree a longer deadline for this decision.

From: The Headteacher, Mrs Greenaway

Signed: _____

Date: _____