



Brighter Futures
Educational Trust

FLEXIBLE WORKING POLICY

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Review Committee: ELT

Type of Policy: Non- Statutory

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Next Review: May 2028

VERSION CONTROL

V1.1	March 2024	New Policy
V1.2	March 2025	- Amended last page to two requests rather than one - Trust name change throughout
V1.3	April 2026	- Added 2-month decision requirement in Section 10. - Added consultation requirement in Section 1

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1. POLICY STATEMENT

We are committed to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. We recognise that, in addition to helping balance work and personal lives, flexible working can raise staff morale, reduce absenteeism, and improve our retention of staff.

This policy gives eligible employees an opportunity to formally request a change to their working pattern in accordance with the statutory procedure for such requests. It also allows any employee to make such a request informally without following the statutory procedure.

Through this policy we will accommodate flexible working where possible, considering, and assessment of the effect of, the requested change on the effective running of Brighter Futures Educational Trust for the benefit of the pupils. Where granting flexible working would impact on that, requests may not be granted. Requests will be handled in a reasonable manner and appropriate consultation will take place with employees.

No-one who makes a request for flexible working or intends to make such a request will be subjected to any detriment or lose any career development opportunities as a result.

All requests will be handled appropriately and will not discriminate unlawfully against any employee in relation to any of the protected characteristics set out in the Equality Act 2010. Any requests for a reasonable adjustment relating to an employee's disability should be dealt with separately rather than as a flexible working request.

This policy does not form part of any employee's contract of employment, and it may be amended at any time following consultation.

2. SCOPE AND PURPOSE

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

Employees have a statutory right to request flexible working from day one of their employment. That right is recognised by the formal procedure in this policy.

Any employee interested in flexible working can request an informal meeting with their line manager to discuss their eligibility, the different options and the effect of their proposed work pattern on colleagues and service delivery before submitting a formal or informal request.

3. RESPONSIBILITY FOR IMPLEMENTING THE POLICY

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.

4. FORMS OF FLEXIBLE WORKING

Flexible working can incorporate several possible changes to working arrangements:

- reduction or variation of working hours.
- reduction or variation of the days worked; and/or
- working from a different location (for example, from home).

Such changes may also involve starting a job share, working a set number of hours a year, rather than a week (annualised hours); working from home (whether for all or part of the week); working only during term-time (part-year working); working compressed hours; working flexitime. Some of these arrangements may not be possible due to the nature of the work undertaken by the employee making the request but decisions will be made in consultation with employees.

Employees should be aware that changes to working hours will affect pay and other benefits, for example pension, annual leave entitlement.

5. ELIGIBILITY FOR THE RIGHT TO MAKE FORMAL FLEXIBLE WORKING REQUEST

To be eligible to make a request under the formal procedure, you must:

- be an employee.
- not have already made two formal requests to work flexibly during the last 12 months; and
- only have one live request for flexible working at any one time.

A request will be considered as live unless any of the following apply:

- a decision on the request has been made by the employer.
- the request has been withdrawn.
- an outcome to the request has been mutually agreed by the employer and employee; or
- the statutory timeframe to respond to the request has expired without a decision, withdrawal or a mutually agreeable outcome. It is envisaged this will only happen in rare and exceptional circumstances and the Trust will always endeavour to comply with statutory deadlines.

The Trust will provide a decision within two months of receiving a request unless extended by agreement.

The Trust will consult with the employee before rejecting a request.

A request continues to be live during any appeal or any extension to the procedure that an employer and employee have agreed.

6. MAKING A FORMAL FLEXIBLE WORKING REQUEST

The employee will need to submit a written application if they would like their flexible working request to be considered under the formal procedure. Once the Trust has received a request they will consider it.

The written and dated application should be submitted to the Headteacher and, to meet the requirements of the formal procedure and to help them to consider the request, should:

- state that it is a statutory flexible working request.
- include any information that will be relevant to allow an assessment to be made on the requested change for both the employer and the employee, such as the potential benefits or other impacts of accepting or rejecting it
- provide as much information as possible about the current and desired working pattern, including working days, hours and start and finish times.
- give the date from which the employee wants the desired working pattern to start.
- state whether the employees has made any previous formal requests for flexible working within the last 12 months and, if so, when; and
- be submitted in good time and ideally at least two months before the requested should take effect.

The Trust might be able to agree the proposal without the need for a meeting (which is the next stage of the formal procedure). If that is the case, the Headteacher will write to the employee, confirming the decision and explaining the changes that will be made to their contract of employment.

If the proposal cannot be accommodated, discussion between the employee and the Headteacher may result in an alternative working pattern that can assist the employee.

7. FORMAL PROCEDURE: MEETING

Where necessary, the Headteacher will arrange to meet with the employee as soon as is practicably possible and without unreasonable delay after receiving the written application. The meeting may also be attended by the HR Manager. We will inform the employee if there

is a delay in arranging this meeting. The Headteacher may discuss your request with your line manager and make any necessary enquiries regarding the proposals prior to the meeting.

The employee may bring a companion to the meeting if they wish who may be their trade union representative or a work colleague. The companion will be entitled to speak during the meeting and confer privately with the employee but may not answer questions on the employee's behalf.

The meeting will take place in private and can be held in person or remotely via online video conferencing, or where neither are possible, via telephone call. The content of the meeting and the way it is conducted should allow a reasonable discussion and consideration of the request. An accurate record of the discussion will be kept in writing.

The meeting will be used to discuss the working arrangements you have requested. During the meeting the employer and employee will jointly consider and discuss any alternative flexible working options that may be available and suitable for both parties and the organisation if the original request cannot be met.

8. FORMAL PROCEDURE: DECISION

Following the meeting, the Headteacher will consider the request carefully and notify the employee of the decision in writing as soon as possible.

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 patterns.

If the request is accepted, the Headteacher will discuss with the employee how and when the changes might best be implemented and will confirm these in writing. Such confirmation will include details of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on their personnel file to confirm the variation to your terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that the relevant Line Manager will discuss with the employee.

The Headteacher may suggest starting new working arrangements under an initial trial period to ensure that they meet the employee's needs and those of that team. The employer will set a review date to meet with the employee again shortly before the end of the trial period to discuss how the new arrangements are working.

Unless otherwise agreed (and subject to any agreed trial period) changes to your terms of employment will be permanent. The employee will only be able to make one other formal request until 12 months after the date of their most recent request.

If the Headteacher needs more time to decide, they will discuss this with the employee. For example, they may need time to investigate how the request can be accommodated or to consult several members of staff.

There will be circumstances where, due to business and operational requirements, The Trust is unable to agree to a request. In these circumstances, the Headteacher will write to you:

- giving the business reason(s) for turning down their application.
- explaining why the business reasons apply in their case; and
- setting out the appeal procedure.

If the Trust reject a request, it will be for one or more of the following eight business reasons:

- the burden of additional costs.
- detrimental effect on ability to meet pupil and/or Brighter Futures Educational Trust demand.
- inability to reorganise work among existing staff.
- inability to recruit additional staff.
- detrimental impact on quality.
- detrimental impact on performance.
- insufficiency of work during the periods that you propose to work; and
- planned changes.

The Trust will also set out such additional information as is reasonable to help explain the decision.

9. FORMAL PROCEDURE: APPEAL

The employee may appeal against the decision if their request is rejected, or an alternative arrangement from the one requested is offered. For example, this may be on the grounds that new information is now available that was not available to be considered or if the employee feels their request was not handled reasonably in line with this policy.

Your appeal must:

- be in writing and dated.
- set out the grounds on which the employee is appealing; and
- be sent to the HR Manager within 14 days of the date on which the employee received the written rejection of their request.

The HR Manager will arrange for a meeting to take place as soon as possible following receipt of their appeal. The meeting will be held at a convenient time for all those attending and, as at the meeting that considered the request, the employee may be accompanied by a companion who may be their trade union representative or another work colleague.

Where possible, the appeal meeting will be conducted by the CEO and panel of Trustees who have not been previously involved in considering the request.

The employee will be informed in writing of the Appeal Panel's decision as soon as possible following the appeal meeting.

If the appeal is upheld, the employee will be advised of the new working arrangements, details of any trial period, an explanation of changes to the contract of employment and the date on which they will commence. The employee will be asked to sign and return a copy of the letter. This will be placed on your personnel file to confirm the variation to the terms of employment. There may also be some additional practical matters, such as arrangements for handing over work, that your Line Manager will discuss with them.

The employee should be aware that changes to their terms of employment will be permanent and they will only be able to make one other formal request until 12 months after the date of your original application.

If your appeal is rejected, the written decision will give the business reason(s) for the decision and explain why the reason(s) apply in their case. You will only be able to make one other formal request until 12 months after the date of their original application.

10. TIMESCALES

Requests will be dealt with within a period of two months from first receipt to notification of the decision on appeal.

As a guide and to help ensure that requests are dealt with within this timescale:

- a meeting will normally be held with the employee within 14 days of their request being received.
- The employee will normally be informed in writing of the decision within 14 days of the meeting; and
- where an appeal is lodged, an appeal meeting will normally take place within 14 days of receipt of the appeal, and the outcome will be notified in writing within 14 days of the meeting.

However, there may be exceptional occasions when it is not possible to complete the procedure within these time limits. Where an extension of time is agreed with the employee, the Headteacher will write to them confirming the extension and the date on which it will end.

If the employee withdraws formal request for flexible working, they will only be eligible to make one other formal request for 12 months from the date of their original request.

In certain circumstances, a request made under the formal procedure will be treated as withdrawn. This will occur if:

- the employee fail to attend a meeting and a re-arranged meeting, or an appeal meeting and a re-arranged appeal meeting, without good cause; or
- they unreasonably refuse to provide information required to consider the request, without good cause.

In such circumstances, the Headteacher will write to the employee confirming that the request has been treated as withdrawn.

11. MAKING AN INFORMAL FLEXIBLE WORKING REQUEST

Employees who are ineligible to make a formal request as they have already made two requests within the last 12 months, and who wish to make an informal request for flexible working may make a request to their Line Manager, who will consider it according to our business and operational requirements.

It will help the Line Manager to consider the request if the employee:

- Makes their request in writing and confirms whether they wish any change to their current working pattern to be temporary or permanent.
- provides as much information as possible about their current and desired working pattern, including working days, hours and start and finish times, and give the date from which they want their desired working pattern to start.

The Line Manager will advise them what steps will be taken to consider their request, which may include inviting them to attend a meeting, before advising them of the outcome of their request and the impact on their contract of employment.

12. RETENTION AND DATA PROTECTION

As part of the application of this policy, the Trust may collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time. Records will be kept in accordance with our Workforce Privacy Notice, our Data Protection Policy and in line with the requirements of the Data Protection Legislation.

13. REVIEW OF POLICY

This policy is reviewed every two years by the Trust. We will monitor the application and outcomes of this policy to ensure it is working effectively.

APPENDIX 1 – FLEXIBLE WORKING APPLICATION FORM FOR STATUTORY REQUESTS

Employee name:	
Job title:	
Date employment commenced:	
Line manager:	

CURRENT WORKING PATTERN	
Days/hours	
Location	

PROPOSED NEW WORKING PATTERN	
Days/hours	
Location	
Any additional technology or resources required	
Proposed start date	

I ANTICIPATE THAT THIS CHANGE WILL HAVE THE FOLLOWING IMPACT ON THE SCHOOL AND MY COLLEAGUES	
Benefits	
Challenges	

I ANTICIPATE THAT THESE CHALLENGES CAN BE MANAGED AS FOLLOWS

IS THIS REQUEST IN RELATION TO THE EQUALITY ACT 2010?

If yes, please provide details and other supporting evidence

DECLARATION OF ANY PREVIOUS STATUTORY REQUESTS FOR FLEXIBLE WORKING
ARRANGEMENTS

I confirm that:

- This is a statutory request for flexible working
- I have been in the Trust's continuous employment for at least 26 weeks
- I have not made more than two statutory flexible working requests in the last 12 months

Signed:

Date: