



Triumph Learning Trust

Aspiration - Collaboration - Innovation

Flexible Working Policy

Policy Details

Policy Level	Trust
Document Approver	Trust Board
Document Status	Final
Applicable to	All Trust Employees
Review Frequency	Every 3 Years

Revision History

Revision	Date	Details	Approved by
0	28 January 2025	First Issue	PIC

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1. Introduction

This policy aims to encourage staff to consider flexible working arrangements. The Trust recognises that a better work-life balance can improve employee motivation, build better relationships between the Trust and the employee, performance and productivity, promote work life balance and reduce stress and absence. Therefore, the organisation wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests. The organisation is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Trust and the employee can be met. The needs of the children in our schools are paramount to our Trust and we will ensure that these are considered in relation to requests for flexible working.

When advertising for new roles in our schools, consideration will be made as to whether the positions can be undertaken on a part-time or job share basis.

2. Scope of Policy

This policy applies to all employees of the Trust. Both permanent and fixed-term employees are able to make a flexible working request.

3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with flexible working. The Trust recognises that flexible working rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The CEO takes overall responsibility for the implementation of the flexible working policy and ensures that staff are provided with the opportunity to apply for flexible working, whilst ensuring that outcomes for pupils are maintained. The CEO is responsible for all appeals under this policy.

Headteacher or Executive Leader has responsibility for implementing this policy within their school or Shared Services function and ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance.

The HR Team is responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

4. Your right to request flexible working

The Children & Families Act 2014, changed the law on the right to request flexible working. All employees are able to make a statutory request for flexible working from their first day of employment. A request for flexible working may only be made twice in any 12-month period. A request cannot be made until any previous request has been concluded in full. (Additional requests may be made under the Equality Act, 2010 where this relates to reasonable adjustments). This Policy gives employees a right to apply to work flexibly.

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 and to consider the benefits to both the employee and the Trust.

A flexible working request is a request to change the employee's terms and conditions and must relate to:

- the number of hours that the employee works
- the times that the employees works
- the employee's place of work

The policy considers the following options as type of flexible working and that the working pattern may suit any particular individual:

- Job share
- Part-time working
- Term-time working
- Remote work
- Adjusted hours
- Compressed workweeks

5. Flexible Working Request Process

Application for Request

It is the responsibility of employees to ensure that they consider and prioritise the needs of their role within the Trust when making an application to change their working pattern, taking into account the implications for their colleagues.

For school-based staff all requests will be considered by the Headteacher. For all Shared Services staff this will be the equivalent Executive Leader. Requests from members of the Executive Leadership Team will be considered by the CEO.

The law requires an employee who wishes to make a request for flexible working to fulfil certain criteria when submitting the request. The employee must:

- **complete the Flexible Working Request Form** and send to the Headteacher/ Executive Leader and Trust HR;
- date the request;
- state that they are making a statutory request for flexible working and the changes that the employee is seeking to their terms and conditions;
- state the date of which the employee would like the terms and conditions to come into effect;
- indicate whether they have previously submitted a request for flexible working and, if so, when.

- Must state whether they are requesting a variation as a reasonable adjustment under the disability discrimination provision of the Equality Act 2010.

Meeting to discuss the flexible working request

Once the Headteacher/Executive Leader receives the request, it will be dealt with as soon as possible, but no later than the timescales set out in the table below.

The Headteacher/Executive Leader 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 will not be necessary.

An employee has the right to be accompanied by a work colleague or recognised trade union representative at any flexible working meeting. The aim of the meeting is to find out more about the proposed working arrangements and how they could be of benefit to both the employee and the Trust.

If an employee fails to attend a meeting, including an appeal meeting, and then fails to attend a rearranged meeting without good reason, their application will be deemed to have been withdrawn.

Outcome of a flexible working request meeting

After the meeting, the Headteacher/Executive Leader will consider the proposed flexible working arrangements carefully weighing up the potential benefits to the employee and to the organisation against any adverse impact of implementing the changes. 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.

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 the table below. 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 will be given the right to appeal the decision if the employee's request is not granted or is granted in part.

Successful outcome of a flexible working request

If the request is upheld, the employee and the Headteacher/Executive Leader will discuss how and when the changes will take effect. Any changes to terms and conditions will be permanent and confirmed in writing and sent to the employee as an amendment to their contract of employment. Once the change has been made, there is no right for you to revert back to your previous terms and conditions. Further requests will count towards the maximum amount permitted in any 12-month period.

Headteachers/Executive Leaders should monitor flexible working arrangements and if there are concerns, raise these with the employee promptly.

Trial Period

Consideration should 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.

Rejection of Request

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/Executive Leader must state the reason(s) why in writing as per the reasons stated above in section: **Unsuccessful outcome of a flexible working request**

Unsuccessful outcome of a flexible working request

It will not be possible for a Headteacher/Executive Leader to agree to a new working pattern in every circumstance. The reason why a request cannot be granted should be made clear to the applicant providing clear reasons justifying the rejection of a request. The applicant can then make a counter proposal to the headteacher/ Executive Leader for consideration. If this is rejected it must be based on one or more of the following reasons:

- **Burden of additional costs to the Trust:** May incur additional costs that may not be feasible with the Trust's budget.
- **Inability to meet service needs, organisation and delivery:** Flexible hours would limit availability and impact service levels and would disrupt coordination, collaboration, team workflow. It would also disrupt the consistency that students require, particularly if the employee is a teacher or support staff, this would affect students learning outcomes, engagement and academic progress.
- **Team collaboration and planning:** Teachers and support staff collaborate on lesson planning, student's assessments and events. Flexible hours could limit opportunities for these essential interactions.
- **Detrimental impact on performance and quality of service:** May decrease the quality of work or negatively impact the individual or team performance, it may be unsuitable.
- **Insufficiency of work during the periods the employee proposes to work:** Employee's role does not have enough tasks or responsibilities that align with the schedule, the Trust may determine the proposed working hours would lead to inefficiencies.
- **Inability to recruit additional staff:** Hiring additional staff to cover specific hours might exceed budgets, also finding qualified teachers or support staff on short notice to cover flexible schedules can disrupt the educational process. It will not be practical to redistribute tasks or hire temporary support due to complexity of responsibilities. The workload for other members of staff will increase impacting staff morale.
- **Planned structural changes:** If the individual, department or Trust is undergoing changes, implementing new workflows, processes or handling projects that require consistency, flexible arrangements may not be feasible.

- **Detrimental effect on ability to meet users demand:** disruption to operations and will hinder the Trust's ability to fulfil commitments to students, staff and parents/carers.
- **Difficulty in supervising and managing:** supervision or management is essential for productivity safety and security, flexible work may make oversight challenging. Our schools require supervision for students to maintain a safe environment. Flexible hours that limit staff presence during critical times, such as arrival, lunch, or dismissal, could pose safety risks.
- **Compliance:** Might not meet specific compliance or legal requirements for certain roles.

The Appeal Process

Where an application for flexible working is unsuccessful and the employee feels their request has not been properly considered by their Headteacher or Executive Leader, they can lodge an appeal.

Timescale for appeal

Within 10 calendar days of receipt of the notification of the decision the employee may, if they wish, appeal in writing to the CEO or, where the request has come from a Headteacher or member of the Executive Team, the Chair of Trustees. They should set out their grounds for making the 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/Executive Leader may not have been aware of or it may be to challenge a fact that the Headteacher/ Executive Leader has failed to explain the rationale for the decision.

Timescale for response to appeal lodged

Within 10 calendar days after receiving the appeal the CEO/Chair of Trustees 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.

If the employee's representative is not available at the time fixed for the meeting, it may 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.

Within 5 calendar days of the date of the appeal meeting, the appeal panel must inform the employee of the outcome of the appeal in writing.

Timescale for appeal outcome decision

Within 5 calendar days of the date of the appeal meeting, the CEO/Chair of Trustees must inform the employee of the outcome of the appeal in writing.

If the appeal is upheld, the written decision must:

- Include a description of the new working pattern
- State the date from which the new working pattern is to take effect, including any trial period
- Be dated.

If the appeal is dismissed, the written decision must:

- State the grounds for the decision. These should be appropriate to the applicant’s own grounds for making the appeal
- Explain why the grounds for refusal apply. The same principles apply at appeal as at the initial application stage
- Be dated.

A written notice of the appeal outcome constitutes the Trust’s final decision and is effectively the end of the formal procedure.

Conflicting requests

Where conflicting requests for flexible working are received from employees, the Trust may require a compromise to be found so that all requests may be accommodated albeit on different terms as those set out in each request. If no compromise is achievable after consultation with the employees involved, the Trust may use a random selection method to determine the granting of individual requests.

6. Timescales

The application for flexible working will be dealt with within two months of the date of the application unless, both the employee and Trust are in agreement to extensions. 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 14 days of receiving the request for flexible working	Within 14 days of the meeting	Within 10 days of the notification	Within 10 days after receiving the appeal	Within 5 days of the appeal meeting.
The Headteacher/ Executive Leader 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
		Refer to above for the Appeal process	Refer to above for the Appeal process	Refer to above for the Appeal process

7. Pension implications

Flexible working may have an impact on pension benefits and therefore employees are strongly advised to contact the relevant pensions’ team for further advice. Please note that flexible retirement can only be considered once a request for flexible working has been agreed.

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 retirement request.

8. Appendices

Appendix 1	Flexible Working Request Form
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Appendix 1 – Flexible Working Request Form

Please request a Word version of this form to complete from your School Operations Manager or from Trust HR (HR@triumphlearning.org).