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# **EMPLOYEE RIGHTS TO REQUEST FLEXIBLE WORKING ARRANGEMENTS**

**Policy and Procedure for use by  
All Schools and PRUs**

**October 2014  
(Replaces April 2009 Edition)**



**INVESTOR IN PEOPLE**



# **EMPLOYEE RIGHTS TO REQUEST FLEXIBLE WORKING ARRANGEMENTS**

## **Policy and Procedure for Use by All Schools and PRUs**

### **CONTENTS**

### **PAGE**

#### **SECTION A: POLICY**

1. INTRODUCTION .....	3
2. ELIGIBILITY CRITERIA FOR MAKING A REQUEST FOR FLEXIBLE WORKING ARRANGEMENTS .....	4
3. SCOPE FOR FLEXIBILITY.....	4
4. SUBMITTING AN APPLICATION TO WORK FLEXIBLY .....	4
5. DEALING WITH AN APPLICATION FOR FLEXIBLE WORKING .....	5
6. REACHING A DECISION ON A REQUEST FOR FLEXIBLE WORKING.....	6
7. BUSINESS REASONS FOR REJECTING A REQUEST FOR FLEXIBLE WORKING .....	7
8. HANDLING MORE THAN ONE REQUEST TO WORK FLEXIBLY FAIRLY .....	7
9. COLLABORATION ARRANGEMENTS AND FEDERATIONS .....	8

<b><u>SECTION B: PROCEDURE FOR DEALING WITH AN APPLICATION TO WORK FLEXIBLY.....</u></b>	<b>9</b>
--	----------

<b><u>SECTION C: APPENDICES – MODEL LETTERS .....</u></b>	<b>12</b>
---	-----------

ACCEPTANCE OF PROPOSED FLEXIBLE WORKING ARRANGEMENT.....	APPENDIX 1
---	------------

CONFIRMATION OF AGREED COMPROMISE TO PROPOSED FLEXIBLE WORKING ARRANGEMENT .....	APPENDIX 2
--	------------

REJECTION OF PROPOSED FLEXIBLE WORKING ARRANGEMENT.....	APPENDIX 3
--	------------

TRIAL PERIOD AGREED FOR PROPOSED  
FLEXIBLE WORKING ARRANGEMENT ..... APPENDIX 4

REJECTION OF PROPOSED FLEXIBLE WORKING  
ARRANGEMENT FOLLOWING AN APPEAL ..... APPENDIX 5

EXTENSION OF TIME LIMIT FOR DEALING WITH  
AN APPLICATION FOR FLEXIBLE WORKING ..... APPENDIX 6

# EMPLOYEE RIGHTS TO REQUEST FLEXIBLE WORKING ARRANGEMENTS

## Policy and Procedure for use by All Schools and PRUs

### **SECTION A: POLICY**

#### **1. INTRODUCTION**

By amendment to the Employment Rights Act 1996, the right to request flexible working was first made available under the Employment Act 2002 to parents of children under the age of six (or under the age of eighteen if disabled) in April 2003. Over the years since then, the 'right to request' has gradually been extended under new legislation to include carers of certain adults and those with parental responsibility for older children.

**From 30<sup>th</sup> June 2014**, under the Children and Families Act 2014, the Flexible Working Regulations are amended so that **the right to request flexible working is extended to include ALL employees**, provided that they have worked continuously for their employer for at least 26 weeks and have not made another application to work flexibly under the statutory right during the past 12 months.

A further change **from 30<sup>th</sup> June 2014** is that the pre-existing statutory procedure, according to a strict timetable, is removed. Instead, **employers have a duty to consider requests in a reasonable manner and within 3 months**. Employers have the right to refuse requests on business grounds set out in legislation.

Intended benefits of the extended right to request flexible working include:

- Improved recruitment and retention rates;
- Increased staff morale and productivity;
- Improved loyalty and commitment and a reduction in absenteeism;
- The ability for individuals to remain in employment when they are unable to maintain standard hours or working patterns. This will help to support the economy and reduce the number of people dependent on the state;
- The ability for older workers to stagger their retirement;
- Greater flexibility for parents, carers and others to balance work and personal commitments and/or activities.

In dealing with flexible working requests, employers are advised to adhere to the ACAS Code of Practice 'Handling in a Reasonable Manner Requests to Work Flexibly'. The guidance in the Code will be taken into account by Employment Tribunals when considering relevant cases.

The Policy and Procedure contained within this document is based upon the ACAS Code and associated ACAS guidance.

#### **Important Note:**

Numbers of days referred to in this policy and procedure document are 'calendar' days, e.g. 14 days = 2 weeks.

## **2. ELIGIBILITY CRITERIA FOR MAKING A REQUEST FOR FLEXIBLE WORKING ARRANGEMENTS**

To be eligible to make a request, the legislation requires that a person must:

- Be an employee (not an Agency worker).
- Have worked for his/her employer continuously for 26 weeks at the date the application is made.
- Not have made another application to work flexibly under the statutory right during the past 12 months. This is a 'rolling' 12-month period. Each 12 month period runs from the date when the application was made. (This applies regardless of whether a previous application was made for a different reason).

Employees who have been employed for less than 26 weeks and Agency workers do not have a statutory right to request flexible working. However, an employer is still able to consider a request and/or agree alternative working arrangements. In some cases it may suit an employer's needs to do so. Similarly, an employer is at liberty to consider a further request from an individual who has already made a request under the statutory right within the previous 12 months. The *School/PRU* will consider requests in circumstances which fall outside the statutory 'right to request'. **However, priority for considering requests will be given to employees meeting the criteria established by the legislation.**

## **3. SCOPE FOR FLEXIBILITY**

An eligible employee has a statutory right to request a change to his or her terms and conditions of employment in relation to any of the following:

- His/her hours of work.
- The time s/he is required to work.
- His/her place of work.

Flexible working can incorporate a wide range of working practices. A flexible working arrangement may be any working pattern other than that considered to be the normal working pattern. Any proposed and/or agreed working patterns must comply with the Working Time Regulations.

The *School/PRU* will give objective consideration to any type of request received.

## **4. SUBMITTING AN APPLICATION TO WORK FLEXIBLY**

Legislation requires that requests to work flexibly **must be in writing and must include:**

- The date of the application, the change to working pattern the employee is seeking and the date s/he would like the change to come into effect.
- What effect, if any, the employee thinks the requested change would have on the employer and how, in his/her opinion, any such effect might be addressed.
- A statement that the employee is making a statutory request and if and when s/he has made a previous application for flexible working. (NB. If a previous request has been made, the employee may not make a further request under the statutory right to the same 'employer' [to be interpreted as the same school/PRU for this purpose] within 12 months from the date the previous application was made. This applies even if it was for a different reason).

Employees should also state if they are making their request in relation to the Equality Act 2010, for example, as a reasonable adjustment for a disability.

The *School/PRU* has a form for completion by employees wishing to submit a request in order to ensure that all the necessary information is provided. **The ‘Request for Flexible Working Application Form’ for completion by employees is available as a separate document.**

Employees submitting an application to work flexibly under the statutory right will also receive a copy of the *school’s/PRU’s* policy and procedure on ‘Employee Rights to Request Flexible Working Arrangements’.

The law requires that all requests, including any appeals, must be considered and decided upon by the employer within three months from first receipt. However, the two parties can agree to extend this period. Employees should, therefore, ensure that they submit their application well in advance of the requested change.

In relation to the submission of applications, it should be noted that:

- Any application submitted will be considered to have been made on the day it is received by the *School/PRU*.
- The application will normally be acknowledged to confirm the date on which it was received.
- If an application is incomplete and/or does not include all the required information the employee will be asked to re-submit it. It will not begin to be considered until it has been fully completed and re-submitted.
- If the employee unreasonably refuses to provide information needed to assess whether the change can be agreed, the *School/PRU* will treat the application as withdrawn. The employee will not then be able to make another application under the statutory right for 12 months.

## **5. DEALING WITH AN APPLICATION FOR FLEXIBLE WORKING**

Employers have a legal duty to consider all eligible applications and establish whether the working pattern requested can be accommodated within the needs of the workplace without adversely affecting colleagues, customers and/or service provision. All applications will be considered objectively by the *School/PRU* on this basis.

In some cases, it may be possible for the *School/PRU* to agree to a request for flexible working simply on the basis of the application itself. If so, a discussion between the parties about the request and its approval may be all that is required. The agreement will then be confirmed in writing.

In most cases, however, it will be necessary to follow a procedure to ensure consistency of approach in dealing with requests to work flexibly, as well as to ensure that they are considered fully and properly, taking account of all relevant facts, before a decision is reached. A meeting will normally be arranged with an employee submitting a request to discuss it further. The employee may be accompanied by a work colleague or Trade Union Representative if s/he so wishes. In circumstances where a request to work flexibly is rejected, or an employee does not agree with any compromise proposed, the *school/PRU* will allow him/her to appeal. Again, s/he may be accompanied at any appeal meeting arranged.

The *School/PRU* has a procedure in place for dealing with requests. The 'Procedure for Dealing with an Application for Flexible Working' forms part of this document, at Section B.

Model letters, for use throughout the process by the Head teacher and/or Line Managers, the *Governors/PRU Management Committee*, as appropriate, are attached at Section C.

## **6. REACHING A DECISION ON A REQUEST FOR FLEXIBLE WORKING**

Any request received to work flexibly will be considered carefully, taking into account the benefits of the requested change for the employee and the *School/PRU*, weighing these against any adverse business impact of implementing the change. It should be noted that employers are under no statutory obligation to grant a request to work flexibly if it cannot be accommodated on business grounds. (See 7. below).

When the advantages, possible costs and potential logistical implications of granting a request have been considered, the employee will be notified of the decision in writing, which may be to either:

- Agree the request, establish a start date and any other action required.
- Confirm any compromise agreed between the parties, for example, a change to hours and/or days requested.
- Reject the request, setting out clear business reasons, how these apply to the application and the process by which the employee may appeal the decision. (This will include circumstances where the request has been only partially agreed, agreed for a temporary or time-limited period only and/or agreed with other modifications).

A further option, where there may be uncertainty about the potential impact of a request for flexible working, is that the employee may be offered the option to work under the requested arrangement for a 'trial period'. At the end of the trial period, the *school/PRU* will then be in a better position to determine whether the arrangement is sustainable or not.

Note that, where a request for flexible working has been agreed under the statutory right, this will normally constitute a permanent change to the employee's terms and conditions. In these circumstances, the employee then has no right to revert back to a previous working pattern. However, the *School/PRU* may agree to change back to a previous work pattern if this suited both parties. A permanent change to terms and conditions will apply unless a temporary change has been specifically requested and agreed, the *School/PRU* is only able to agree the arrangement on a temporary or time-limited basis or where a trial period is put in place before a final decision is reached.

## **7. BUSINESS REASONS FOR REJECTING A REQUEST FOR FLEXIBLE WORKING**

The *School/PRU* will only refuse a request to work flexibly if, after objective consideration, there are business reasons for doing so. The business reasons for rejecting a request, as set out in legislation, are:

- the burden of additional costs;
- an inability to re-organise work amongst existing staff;
- an inability to recruit additional staff;
- a detrimental impact on quality of service provided;
- a detrimental impact on performance;
- a detrimental effect on the ability to meet customer demand;
- insufficient work during the periods the employee proposes to work;
- a planned structural change to the business.

Where a request is rejected, the *school/PRU* will inform the employee, in terms of relevant and accurate facts, why one or more of the above reasons apply and why the proposed working pattern cannot be accommodated. This will be confirmed in writing.

In considering the above reasons, care will be taken not to inadvertently discriminate against particular employees because of their protected characteristics, such as where flexible working would be a reasonable adjustment for a disabled employee.

## **8. HANDLING MORE THAN ONE REQUEST TO WORK FLEXIBLY FAIRLY**

There may be occasions when the *School/PRU* receives more than one request to work flexibly from different employees, with a similar request for change to terms and conditions, within a similar timeframe and/or in the same area of work. Whilst it may be possible to grant more than one request, it will be necessary to look closely at the impact on service provision before reaching a decision. The following points should be noted in relation to the *School/PRU's* policy in relation to handling all requests fairly:

- Requests will be considered in the order they are received.
- Having considered and agreed a first request, the context of organisation of service provision will have changed and this will necessarily need to be taken into account when considering further requests.
- Each case will be considered on its merits, taking into account the business needs and the possible impact of refusing a request. The *School/PRU* is not required by law to make value judgements about the most deserving request.
- The *School/PRU* may consider it appropriate to have a discussion with the employees to find out if there is any room for adjustment or compromise before reaching a decision.
- If this is not possible, it may be necessary for the *School/PRU* to obtain the agreement of the employees concerned to consider some form of random selection to distinguish between the separate requests.



- Sometimes, it may not be possible for the *School/PRU* to approve a request because others are already working flexibly and any further flexible working arrangements will impact adversely on the organisation of service provision. In these circumstances, consideration will be given to asking for volunteers from existing employees on flexible working arrangements to change back to a previous working pattern or a different working arrangement. This may create capacity for agreeing new requests.

The *School/PRU* is aware of the legislation set out below and will take care not to discriminate unlawfully against any employee when considering requests to work flexibly.

- Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000
- Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- The Equality Act 2010

and any subsequent amendments.

## 9. **COLLABORATION ARRANGEMENTS AND FEDERATIONS**

**School Federation arrangements** allow two or more schools to federate under one Governing Body, subject to the procedures set out in the relevant Regulations.

**School Collaboration arrangements** enable the Governing Bodies of two or more maintained schools to work together in relation to staffing functions. Each school within a collaborative arrangement will retain its own Governing body and will have joint committees. Collaborating Governing Bodies may delegate any of their functions to a joint committee in the same way that they may delegate them to a committee of a single Governing Body. (Similarly, one or more Governing Bodies may make collaboration arrangements with one or more Further Education Bodies).

**The framework for the above arrangements are set out in specific legislation relating to School Governance (Federations, Collaborations, Constitution and Procedures, as relevant) as well as within Education and Inspections, Standards and Framework Acts and School Staffing Regulations.** These apply to Federation and Collaboration arrangements, as appropriate.

Any references in this document to schools, Head teachers, Governing Bodies and Governing Body Panels shall, normally, also be taken to include:

- Schools, Head teachers, Governing Bodies and Panels working together under **Collaboration** arrangements (as well as Principals, Further Education Bodies and Committees, where relevant); and
- Those staff and others attached to, or associated with, schools which are part of a statutory **Federation** under the Federation Regulations and should be interpreted accordingly.

The above arrangements will also apply in the case of PRUs and PRU Management Committees, if applicable at any time.

# EMPLOYEE RIGHTS TO REQUEST FLEXIBLE WORKING ARRANGEMENTS:

## Policy and Procedure for use by All Schools and PRUs

### SECTION B: PROCEDURE FOR DEALING WITH AN APPLICATION TO WORK FLEXIBLY

#### Notes:

(a) It should be noted that this procedure may take up to 3 months to complete, or longer if it is necessary to seek to agree an extension at any point in the process.

(b) One or more of the time periods referred to in the steps below may need to be adjusted as the procedure progresses to ensure that it can be completed within the normal 3-month limit. Otherwise it may be necessary to seek to agree an extension.

*(See also 'Additional Note – Extension of Time Limit' on Page 11).*

**The steps in the procedure for dealing with an application to work flexibly are as set out below.**

1. **On receiving an application for flexible working**, the Headteacher will check that it contains all the required information, meets the eligibility criteria and is signed and dated. (If the application is incomplete or does not meet the criteria, the situation will be explained to the employee).

Receipt of the correctly completed application will be acknowledged to confirm the date on which it was received.

2. **Normally within 28 days of receiving the application, the Headteacher will hold a meeting to consider the request (or otherwise as soon as possible if a school closure period or other extenuating circumstances do not allow a meeting to be arranged within this time period).**

The purpose of the meeting is an opportunity to discuss the request, any issues or implications for the *School/PRU*, how such a change to working arrangements might be accommodated and/or any compromise that may be acceptable. It also allows the employee to explain the reasons for seeking the change if s/he chooses to do so.

The employee may be accompanied at the meeting by a work colleague or trade union representative. At the meeting, either the employee may speak or his/her colleague or representative may speak on his/her behalf.

If the employee, colleague or representative cannot attend at the time arranged for the meeting, it will be re-arranged, where possible, within 7 days of the original proposed date. If the new time is not convenient, the employee should seek an alternative colleague/representative.

If the employee fails to attend the meeting more than once and no reasonable explanation is provided, the application will be considered as withdrawn. The Headteacher will write to the employee to confirm this decision, as a result of failure to attend the meeting.

3. **Normally within 14 days of the meeting** the Headteacher must write to the employee to inform him/her of the decision, either **(or otherwise as soon as possible if a school closure period or other extenuating circumstances do not allow a response to be provided within this time period):**
  - a) Agreeing the request, establishing a start date and any other action required.
  - b) Confirming any compromise agreed between the parties, for example, a change to hours and/or days originally requested.
  - c) Reject the request, setting out the business or organisational reasons, an explanation as to how these apply in the circumstances of the case and the process by which the employee may appeal the decision. (This will include circumstances where the request has been only partially agreed, agreed for a temporary or time-limited period only and/or agreed with other modifications).

**Model letters for use in conjunction with (a), (b) and (c) above are attached to this document as Appendices 1, 2 and 3 respectively.**

#### **Additional Option – A Trial Period**

If there is uncertainty about the potential impact of a request for flexible working, the employee may be offered the option to work under the requested arrangement for a **'trial period'** to determine its effects. At the end of the trial period, the *School/PRU* will be in a better position to determine whether or not the flexible working arrangement is sustainable or not.

Where a trial period is agreed, **a temporary variation to the employee's contract** will be put in place for a specified period of time. In these circumstances, review points will be set (as appropriate) to discuss how the arrangement is working and a time will be arranged to review the temporary variation to the contract towards the end of the agreed trial period. Should it be determined that it is not possible on business or organisational grounds to continue with the new arrangement, and that the employee must revert to his/her original pattern of work, s/he will be able to submit an appeal at that time (where the trial period/temporary variation hasn't in any event been arranged as the result of an appeal).

It must be recognised that, if a trial period were to be offered, it may be necessary to agree an extension to the normal 3-month time limit on dealing with a request work flexibly. (See below and model letter at Appendix 6). This is to allow sufficient time for the trial period itself to take place, as well as for an appeal process at the end of the trial period if appropriate.

**A model letter for use in conjunction with a trial period on the revised working pattern is attached as Appendix 4.**

4. **If the employee wishes to appeal s/he must do so within 14 days** of receiving notice that the request has been rejected.
5. **An appeal meeting will normally be held within 14 days of receipt of the appeal notice (or otherwise as soon as possible if a school closure period or other extenuating circumstances do not allow a meeting to be arranged within this time period).** The appeal will be heard by a Panel of three Governors.

Again, the employee has the right to be accompanied by a work colleague or trade union representative (and the same conditions and arrangements will apply with regard to who speaks at the meeting, re-arranging the meeting if the colleague or representative cannot attend and what happens if the employee fails to attend the meeting more than once).

The Headteacher, as the person who made the original decision, will also be present at the appeal meeting. This will enable both sides to put forward their respective cases to allow the Panel to try and encourage them to reach a satisfactory arrangement, or otherwise to reach an informed decision in the matter.

6. Other steps and timescales in the appeal procedure should follow (as appropriate) the same principles set out in 2. and 3. above, as applied to the original meeting and decision making process.
7. Where the employee's request is rejected at the appeal stage the written notification to the employee must state, in addition to the outcome [i.e. as in 3(a), 3 (b) or 3(c) above, or in relation to the offer of a trial period], that the decision is now final with no further right of appeal.

**A model letter for use where a proposed flexible working arrangement has been rejected (or only partially agreed/agreed with modifications) following an appeal is attached as Appendix 5.** (If a flexible working arrangement has been agreed following appeal, the letter at Appendix 5 will need to be amended, using also content from the letter at Appendices 1 and/or 2, as appropriate).

#### **ADDITIONAL NOTE – EXTENSION OF TIME LIMIT**

There may be exceptional occasions when it is not possible, or it becomes apparent that it will not be possible, to complete the procedure within the 3-month time limit.

For example, one of the parties may be absent from work due to illness or for some other reason. In these circumstances, if the Headteacher is absent from work, it may be considered appropriate for the request to be dealt with by another senior member of staff and/or Governor(s). A decision will be made at the time, taking into account all the prevailing circumstances and the wishes of the employee making the request for a flexible working arrangement. Another example may be where the Headteacher/Governors require extra time to speak to another employee, who is absent, about whether s/he could work the hours left uncovered by the employee's requested working pattern.

Alternatively, it may simply be the case that a school closure period means that the relevant parties cannot meet to progress the request and/or give it full and proper consideration within the normal time period.

It may also be necessary to agree an extension to the normal 3-month time limit on dealing with a request work flexibly if a trial period is put in place. (See above).

Where it is necessary for the Head teacher or Governors to seek an extension to the time limit, this will be sent to the employee in writing, setting out the details of the required extension and the dates, including the date on which the extension will end. The letter will seek the agreement of the employee by requesting his/her signature.

**A model letter for agreeing an extension to the time limit set out in the flexible working procedure is attached as Appendix 6.**

# **EMPLOYEE RIGHTS TO REQUEST FLEXIBLE WORKING ARRANGEMENTS:**

## **Policy and Procedure for Use by All Schools and PRUs**

### **SECTION C: APPENDICES - MODEL LETTERS**

There are six model letters attached:

**‘Acceptance of Proposed Flexible Working Arrangement’ - Appendix 1**

**‘Confirmation of Agreed Compromise to Proposed Flexible Working Arrangement’ – Appendix 2**

**‘Rejection of Proposed Flexible Working Arrangement’ – Appendix 3**

**‘Trial Period Agreed for Proposed Flexible Working Arrangement’ - Appendix 4**

**‘Rejection of Proposed Flexible Working Arrangement following an Appeal’ – Appendix 5**

**‘Extension of Time Limit for Dealing with an Application for Flexible Working’ – Appendix 6**

*Note that the models are only intended to form the basis of letters to be used in response to a request for flexible working. Each letter will need to be adapted according to the particular circumstances of the case. They do, however, provide a guide to the information that will need to be included in the written response to the request.*

**MODEL LETTER – ACCEPTANCE OF PROPOSED  
FLEXIBLE WORKING ARRANGEMENT**

***(Note: This letter will require appropriate amendment if a change to working pattern was requested and agreed for a temporary period only. Some of the wording from the letter at Appendix 4 ‘Trial Period’ may be helpful in terms of contract variation rather than indefinite change to terms and conditions)***

To

Ref:  
Date:

Dear

**Request for Flexible Working**

Further to our meeting on (date), I am pleased to confirm that your proposal for a new, flexible working arrangement has been agreed.

In these circumstances, with effect from (date) your working pattern will be as follows:

*(insert details of new working arrangements)*

It is important you are aware that, now this change to your working arrangement has been agreed, it will not be possible to revert to your original pattern of work and the change should therefore be regarded as indefinite. Although this arrangement has been agreed as an indefinite one, the needs of the school may in the future require patterns and/or hours of work to be reviewed. You will be fully consulted on any proposals or necessary changes.

You will understand that changes made to your working arrangements in this way will have implications in relation to your pay, pension, and certain other Conditions of Service. An amended contract statement will be issued to you shortly. *(N.B. This paragraph may need amending according to the circumstances and changed pattern of work. For example, if an employee working 3 days per week, or 60% fte, is only changing the actual days on which s/he comes into work but will still be working 60% fte. then pay and pension would not be affected.)*

In the meantime, please sign and date the letter as indicated below and return it to me. There is also a spare copy for you to give to the colleague/representative *(as appropriate)* who accompanied you at the meeting, as well as a copy for you. Your copy of the letter should be kept together with your contract statement and other associated employment documentation.

Please note that you will not be able to make a further request for flexible working at this school under the statutory right within 12 months, beginning with the date on which your last such request was made.

Yours sincerely,

etc.

**APPENDIX 1**

I accept the mutually agreed changes to my working arrangements as set out above.

Signed: .....

Date: .....

**MODEL LETTER – CONFIRMATION OF AGREED COMPROMISE  
TO PROPOSED FLEXIBLE WORKING ARRANGEMENT**

***(Note: This letter will require appropriate amendment if a change to working pattern was requested and agreed for a temporary period only and/or where the agreed compromise is for the request to be a temporary arrangement. Some of the wording from the letter at Appendix 4 'Trial Period' may be helpful in terms of contract variation rather than indefinite change to terms and conditions)***

To

Ref:  
Date:

Dear

**Request for Flexible Working**

I refer to our meeting on (date) where we discussed your request for a new flexible working arrangement.

You will recall that it was not possible for me to agree to your original proposal for change for the following reason(s).

*(State the business or organisational grounds for not being able to agree to the original proposal and why they apply in these circumstances. See also in this Document Section A: Policy, Para. 7, Business Reasons for Rejecting a Request for Flexible Working).*

We did, however, manage to reach a compromise solution that was agreeable to you and will be more appropriate and manageable in terms of the needs of the school/PRU.

In these circumstances, with effect from (date) your working pattern will be as follows:

*(insert details of new working arrangements)*

It is important you are aware that, now this change to your working arrangement has been agreed, it will not be possible to revert to your original pattern of work and the change should therefore be regarded as indefinite. Although this arrangement has been agreed as an indefinite one, the needs of the school may in the future require patterns and/or hours of work to be reviewed. You will be fully consulted on any proposals or necessary changes.

You will understand that changes made to your working arrangements in this way will have implications in relation to your pay, pension, and certain other Conditions of Service. An amended contract statement will be issued to you shortly. *(N.B. This paragraph may need amending according to the circumstances and changed pattern of work. For example, if an employee working 3 days per week, or 60% fte., is only changing the actual days on which s/he comes into work but will still be working 60% fte. then pay and pension would not be affected.)*



## **APPENDIX 2**

In the meantime, please sign and date the letter as indicated below and return it to me. There is a spare copy for you to give to the colleague/representative (as appropriate) who accompanied you at the meeting, as well as a copy for you. Your copy of the letter should be kept together with your contract statement and other associated employment documentation.

Please note that you will not be able to make a further request for flexible working at this school under the statutory right within 12 months, beginning with the date on which your last such request was made.

Yours sincerely,

etc.

I accept the mutually agreed changes to my working arrangements as set out above.

Signed: .....

Date: .....

**MODEL LETTER – REJECTION OF PROPOSED FLEXIBLE  
WORKING ARRANGEMENT**

To

Ref:  
Date:

Dear

**Request for Flexible Working**

I refer to our meeting on (date) where we discussed your request for a new flexible working arrangement.

*\*You will recall that, regrettably, I was unable to agree to your request for the reason(s) set out below/\*I have considered your request very carefully but regret that I am unable to agree to it for the reason(s) set out below (\*delete as appropriate according to whether a decision was made at the meeting or afterwards).*

*(State the business or organisational grounds for not being able to agree to the original proposal and why they apply in these circumstances. See also in this Document Section A: Policy, Para. 7, Business Reasons for Rejecting a Request for Flexible Working).*

You do have the right to appeal against my decision to a *Panel of Governors/the PRU Management Committee*. If you wish to appeal, you should do so, in writing, within 14 days of receipt of this letter.

You must set out clearly the reasons why you wish your application for flexible working to be reconsidered and why you disagree with the decision. Your appeal notice must be signed and dated. Your appeal will not be considered if you fail to include this detail.

Once again, you have the right to be accompanied at the appeal meeting by a work colleague or Trade Union Representative. If you intend to be accompanied, please state in your appeal notice who will be accompanying you. Your appeal should be addressed to *(state details)*.

An appeal meeting, which will be heard by *(give details of Panel of 3 Governors/members of the PRU Management Committee)* will normally take place within 14 days of receipt of your appeal notice.

### **APPENDIX 3**

I am sorry that I am not able to agree to your request for a new pattern of work for the reason (s) stated above. However, I would like to assure you that your request has been given the most serious consideration.

Please note that, whether or not you decide to appeal against my decision, you will not be able to make a further request for flexible working at this *school/PRU* under the statutory right within 12 months, beginning with the date on which your last such request was made.

A spare copy of this letter is attached for you to give to the colleague/ representative (*as appropriate*) who accompanied you at the meeting.

Yours sincerely,

etc.

**MODEL LETTER – TRIAL PERIOD AGREED FOR  
PROPOSED FLEXIBLE WORKING ARRANGEMENT**

To

Ref:  
Date:

Dear

**Request for Flexible Working**

I refer to our meeting on (date) where we discussed your request for a new flexible working arrangement.

I am pleased to confirm that there will be a mutually agreed temporary variation to your existing working arrangements for a trial period from (date) to (date). For the duration of the trial period your working pattern will be as follows:

*(insert details of new working arrangements)*

The purpose of the trial period is to allow me to assess the impact of this change on the school and to decide whether it is operationally possible to continue with it in the longer term *(and/or state other reason(s) as appropriate)*. The new arrangement may be confirmed as an indefinite one if the trial period is a success. The position will be reviewed on (date) at (time) when we will meet to discuss the matter. (N.B. *It is advisable to set a date for the review meeting towards the end of the trial period to reach a final decision on the matter. However, it may be decided that it would be appropriate to also set a date(s) for an earlier review meeting(s) to discuss how the arrangement is working so far.*)

You will have the right to be accompanied at the meeting by a work colleague or Trade Union Representative. If you intend to be accompanied, please let me know who will be accompanying you prior to the date set for the meeting.

If, towards the end of the trial period, the new working pattern is not considered to be operationally possible, the reason(s) for this will be explained to you and confirmed in writing. In these circumstances, you will be given the opportunity to appeal against the decision to a third party. (N.B. *The right of appeal will not apply where the trial period has been arranged as the result of an appeal against an earlier decision to reject the proposed flexible working pattern*). If you do not appeal, or if it is decided, following an appeal, that the new flexible working pattern cannot continue, you will revert to your original working arrangement at the end of the trial period, i.e. with effect from (date).

## **APPENDIX 4**

You will understand that changes made to your working arrangements in this way, even though temporary in the first instance, will have implications in relation to your pay, pension and certain other conditions of service. A temporary variation to your contract statement will be issued to you shortly. *(N.B. This paragraph may need amending according to the circumstances and changed pattern of work for example, if an employee working 3 days per week, or 60% fte., is only changing the actual days on which s/he comes into work but will still be working 60% fte., then pay and pension will not be affected).*

Please note that, whatever the eventual outcome of the trial period, you will not be able to make a further request for flexible working at this school under the statutory right within 12 months, beginning with the date on which your last such request was made.

In the meantime, please sign and date the letter as indicated below and return it to me. There is also a spare copy for you to give to the colleague/representative *(as appropriate)* who accompanied you at the meeting, as well as a copy for you.

Yours sincerely,

etc.

I accept the mutually agreed temporary variation to my working arrangements for a trial period as detailed above.

Signed: .....

Date: .....

**MODEL LETTER – REJECTION OF PROPOSED FLEXIBLE  
WORKING ARRANGEMENT FOLLOWING AN APPEAL**

To

Ref:  
Date:

Dear

**Outcome of Appeal against Decision to Reject Request for Flexible Working**

I refer to our meeting held on (date) together with the *Headteacher (or as appropriate)* and your *colleague/representative (state name)*, where we discussed your appeal against the earlier decision to reject your request for a new flexible working arrangement.

The Panel has considered the matter very carefully, taking account of the facts presented to me and the views and reasoning of both parties. However, I regret to inform you that we are unable to change the original decision and must confirm, therefore, that it is not possible to agree to your request for a flexible working pattern. The reason(s) are as set out below.

*(State the business or organisational grounds for not being able to agree to the original proposal and why they apply in these circumstances. See also in this Document Section A: Policy, Para. 7, Business Reasons for Rejecting a Request for Flexible Working).*

The Panel's decision in this matter is final and there is no further right of appeal.

Please note that you will not be able to make a further request for flexible working at this school within 12 months, beginning with the date on which you last such request was made.

A spare copy of this letter is attached for you to give to the colleague/representative (*as appropriate*) who accompanied you at the meeting. A copy has also been sent to the *Headteacher (or appropriate Governor(s) if the applicant is the Head teacher)*.

Yours sincerely,

Chair of Governors' Appeal Panel//PRU Management Committee Panel

**MODEL LETTER – EXTENSION OF TIME LIMIT  
FOR DEALING WITH AN APPLICATION FOR FLEXIBLE WORKING**

To

Ref:  
Date:

Dear

**Request for Flexible Working:  
Extension of Time Limit**

I wish to extend the time limit normally allowed by the relevant Regulations for *me/the Governors/PRU Management Committee* to reach a decision on your request for flexible working.

I/We (*as appropriate*) wish to extend the time limit to ..... (*no. of days*). This means that I/we (*as appropriate*) have until ..... (*date*).

I/We (*as appropriate*) need the extra time because (*enter reason[s]*).

Please complete below and return the signed letter to me (*state contact details if reply is to Chair of Governors Appeal Panel/PRU Management Committee Panel*) to indicate that you agree to the extension.

Yours sincerely,

*Headteacher/Chair of Governors Appeal Panel/Chair of PRU Management Committee Panel*

**Employee's Agreement to Extension of Time Limit**

I agree to the extension of the time limit as set out above.

Signed: ..... Date .....

