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Academies Trust

# Flexible Working Policy

## Policy details

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- Policy owner - Chief People Officer

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## 1.0 Summary of main points

Every Co-op Academies Trust (“our Trust”) colleague is entitled to make a flexible working request; there is no ‘qualifying service’ period. Requests may be made to change work location, working hours and/or working pattern. No more than two applications to work flexibly can be made during any 12 month period.

The application must:

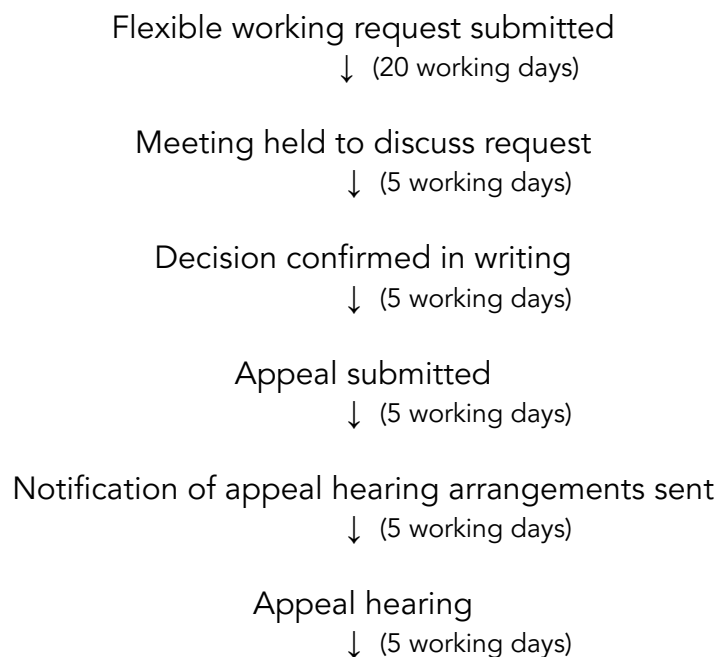
- o be made in writing;
- o give details of the contract variation sought.

In this policy, “Manager” is taken to mean Principal / Headteacher / member of Trust SLT; it may also mean the line manager where responsibility to consider and decide on requests for flexible working has been delegated to other senior managers by the Principal/Headteacher/Trust SLT.

This Policy will be applied with due consideration to our Trust’s Equality, Diversity & Inclusion Policy and our co-operative values.

All requests to work flexibly (i.e. to change contracted working hours, days or attendance times) made under this Policy, including any appeals, must be considered and decided on within a period of two calendar months from first receipt, unless an extension is agreed. Due to the nature of our work, school holiday closure periods (for academy-based staff) gives an automatic extension as the decision maker is unavailable. The recommended timescales (e.g. meetings must be held within so many working days) set out in this Policy are intended to help achieve this two month timeline, however, there may be circumstances where an extension is mutually agreed (see para. 6.2).

Summary timeline (45 working days):



## Outcome of appeal communicated in writing

### Informal Process

Nothing in this process should preclude informal discussion and resolution of flexible working requests. In other words, if agreement can be reached through discussion between the Headteacher / Principal and colleague then the formal process set out in this document does not need to be followed. However, all requests should be:

- documented using the form at Annex 2, even if this is after discussions have been concluded, and whether or not the request was agreed
- confirmed in writing, with any resulting change to contractual terms & conditions of employment formally notified in the usual way
- notified to HR for recording purposes (see 6.5 below).

Equally, should a colleague prefer to follow the steps outlined in this document from the outset, then they shall not be penalised in any way for doing so.

## 2.0 Introduction

2.1 Flexible working opportunities can provide benefits to everyone: employers and their organisations, and employees and their families. Many employers have found that it makes good business sense to provide flexible working opportunities for their staff.

2.2 The Government is committed to providing employees with better opportunities to balance work and personal life and the right to request flexible working is part of a series of legal rights initially introduced for parents under the Employment Act 2002. These rights were extended in April 2010, and again in June 2014 to extend the right to request flexible working to all staff. These rights are due to be extended again, and we have incorporated the expected changes from the Government's forthcoming "Employment Relations (Flexible Working) Bill" into this updated policy.

2.3 Flexible working requests may also be made by reason of disability, and would be considered in light of both this policy and the requirements of the Equality Act 2010, and our Trust's Supporting Attendance Policy where appropriate.

2.4 Practical solutions that suit both our Trust and the colleague are likely to increase motivation and commitment and to have positive effects on the quality of provision for pupils through improved attendance levels and effective stress management, as well as helping with colleague retention. However, it is acknowledged that there will always be reasons where, due to the needs of the academy, the application cannot be accepted.

- 2.5 The aim of this procedure is to ensure that managers and colleagues understand their rights and responsibilities under the procedure. This will ensure that colleagues are able to exercise their right to apply to work flexibly, and that a fair and consistent approach is exercised in respect of all requests.
- 2.6 We recognise the importance of a good work/life balance and this policy aims to facilitate colleagues in achieving this. However, it must be remembered that providing a high-quality education to our pupils and students is our overriding priority and all requests to work flexibly will be considered in this context.

### 3.0 Scope

The right to request flexible working applies to all staff from 'day one' of employment. Agency workers do not have a right to request flexible working. Colleagues must not have made more than one other application to work flexibly during the past 12 months.

All staff can request a wide range of changes to their hours of work. This not only includes job share and part-time working, but also compressed hours or a move to term-time only. A change in work location, to another academy within our Trust, may also be requested. Further examples are given at Annex 1, although it is recognised that these may not all be applicable in an educational setting.

It is important to note that where the change sought involves a reduction in hours worked there will also be a pro-rata reduction in salary, annual leave entitlement and any other pro-rata'd benefits. It is recommended that advice is sought by the colleague from their pensions provider if there is a reduction in hours worked.

Any changes to a colleague's terms and conditions of employment will normally be permanent. Where a temporary change is sought and agreed, whether for a set period or for an unspecified period, this must be specifically confirmed in writing by the Manager.

### 4.0 Making a formal application to work flexibly

A formal application to work flexibly can be made at any time. Before submitting a formal application to work flexibly, please make sure you have read the information in this guide carefully and be sure that you are certain you want to make a formal request. It is important to remember that you can only make two formal requests within any 12 month period, even if the requests are turned down. You may therefore find it helpful to have an informal chat with your manager, and/or to seek advice from your union, before making a formal request. This conversation may help to identify any potential issues or problems with your proposed working arrangements and give time to think through how they could be overcome.

Although there is no longer a requirement, when making a request, that the employee must explain what effect, if any, the change applied for would have on the employer and how that effect might be dealt with, if the colleague has suggestions which would help to facilitate the request being agreed, these would be welcomed.

Management determines staffing requirements on the basis of the academic year. It would therefore be helpful if requests could take account of this and be made to coincide with the natural divisions in the school year. For example, it may not be practical to accommodate a change in working hours mid-term because of the impact on the continuity of education for the pupils. For example, making a request in the Spring Term to begin in September would enable plenty of time for consideration and any necessary recruitment to take place (e.g. for a job-share partner).

Applicants must specify a start date for the proposed change, giving our Trust reasonable time to consider the proposal and implement it, which may take up to two months.

Applications should be made to the Manager on the pro-forma at Annex 2.

## 5.0 Considering applications

### *5.1 The Initial Request*

A meeting should be held within 20 working days of the receipt of the application to discuss the details of the request. Meetings should be at a time and place convenient to both parties, and reasonable notice of the meeting should be given.

The colleague has the right to be accompanied by a trade union representative or a work colleague of their choosing. The trade union or the work colleague has the right to address the meeting and confer with the colleague they are accompanying but is not permitted to answer questions on the colleague's behalf. HR may attend the meeting to give procedural advice, but are not required to do so.

The outcome of this meeting may be to:

- Agree the request and a date for implementation
- Agree variations of the original request and a date of implementation. In this situation, the colleague will be asked to confirm agreement following the meeting (e.g. they may need to check impact on finances).
- Consider the application and, where not possible to agree, identify the reason(s) for not accepting the application (see 5.2)

### *5.2 Giving proper consideration*

It is important for the Manager to properly consider the application and how it might be accommodated. To do this, it may be necessary for further

investigations/discussions to take place following the meeting. See Annex 3 for further guidance.

### *5.3 Confirming a request*

Within 5 working days of this meeting the acceptance should be confirmed in writing, along with details of the change to the terms and conditions of employment (see Annex 4).

It should be noted that any change agreed will constitute a permanent change to the colleague's terms and conditions. If mutually agreed, changes can be on a temporary basis, for example for one term or for one academic year, either as a trial of new arrangements or because the colleague does not wish to have a permanent change. This must be stated clearly in writing (see Annex 5).

Payroll must be informed of the duration of the change to terms and conditions. If the change is temporary, it is the responsibility of the Manager to notify payroll to change the terms & conditions again at the end of the agreed period.

### *5.4 Turning down a request for valid business reasons*

It is acknowledged that there may be situations where, due to the needs of the academy/our Trust, the application cannot be accepted. However, to be valid the reason must be one provided for in section 80G of the Employment Rights Act 1996. These are as follows (see Annex 3):

- The burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to re-organise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the colleague proposes to work
- Planned structural changes

In this event Managers are strongly advised to discuss the reason for rejection with their Regional Human Resources Manager.

It is a legal requirement to consult with the employee before rejecting their flexible working request. Therefore, where it is not considered possible to agree to revised arrangements, a meeting should be arranged to discuss the reasons for the refusal and talk about other options / alternatives.

Within 5 working days of the meeting, the Manager should write to the colleague rejecting the proposal (see Annex 6). The appropriate business grounds must be stated in the written reply. A couple of paragraphs will suffice, containing key facts of how the business case applies, ensuring that they are accurate and clearly relevant to the application in this case.

## 6.0 Procedural Issues

### *6.1 Timescales for application*

Applications will be treated as made on the day they are received. Those sent by e-mail will be treated as received on the day of transmission.

Where the person who would ordinarily consider the application is absent at the date of application (e.g. due to sick leave) an automatic extension applies. The 20 working day period within which the meeting should take place will commence after 20 working days, or from the date on which that individual returns to work, whichever is sooner. There are no other circumstances in which there can be an automatic extension, though an extension may be mutually agreed. *Note: if the person who would ordinarily consider the application is on long term absence, another senior leader will progress the request.*

### *6.2 Further time is needed to consider the application*

Throughout the process there may be several reasons why the timescales need to be extended. Time limits can be extended by written agreement between the Manager and colleague. In this event a written record of the agreement reached must be kept which states the period of the extension and the date the extension is to end. It is vital that this record is kept: in the event of a dispute arising on timescales between employer and colleague it may need to be produced at an Employment Tribunal.

### *6.3 Withdrawal of application*

The Manager may treat the application as having been withdrawn where the colleague has indicated in writing that they are withdrawing the application (this may be via email).

The application may also be considered to have been withdrawn if the colleague fails to attend either the meeting with the Manager or the appeal meeting with the Chair, without reasonable cause. Sufficient information must be provided by the colleague to enable due consideration of the proposed contract variation; if the reasonable information necessary to enable a decision to be reached is not given, the Manager or the Chair may inform the colleague that the application has been deemed to have been withdrawn.

### *6.4 Applications from Principals / Headteachers / Trust CEO*

Principals / Headteachers would apply to the Regional Director (or Executive Headteacher, if applicable). Any appeal would be heard by our Trust's CEO on behalf of our Trust Board. Our Trust CEO would apply to the Chair of our Trust Board, and any appeal would be heard by someone with HR expertise external to our Trust and its governance structures.

### *6.5 Recording*

Headteachers / Principals (or their designate) must notify their Regional HR Manager of all flexible working requests, and whether or not they have been agreed, at the conclusion of the process (if the Regional HR Manager is not already involved). This is necessary to enable reporting to our Trust Board.

## 7.0 Appeals

### *7.1 Making an appeal*

A colleague will be given 5 working days after the date on which they are notified of the decision to turn down their application, to appeal in writing. Alternatively, as we wish to give colleagues full opportunity to have their requests for flexible working heard, the colleague may give written notification of their intention to appeal within 5 working days and then submit their appeal in full within 10 working days. By taking this second alternative option, the colleague is consenting to and requesting an extension of the overall 45 day time period (which will become 50 days overall).

The appeal should set out the grounds on which they are appealing using the form at Annex 7 and should be submitted to the person responsible for hearing the appeal (see 7.2), or the Regional HR Manager.

A meeting will be arranged for the appeal to be heard. A written notification advising of the arrangements for the appeal hearing should be sent within 5 working days after receiving the colleague's written appeal. Meetings should be at a time and place convenient to both parties, and 5 working days' notice of the meeting should be given.

The colleague has the right to be accompanied by a trade union representative or a work colleague of their choosing. The trade union or the work colleague has the right to address the meeting and confer with the colleague they are accompanying but is not permitted to answer questions on the colleague's behalf.

### *7.2 Hearing an appeal*

The appeal should be heard by the Principal/Headteacher (where the initial decision was taken by another manager) or the Executive Headteacher/Regional Director in the case of academy-based staff where the original decision was taken by the Principal/Headteacher.

In the case of central Trust staff, the appeal will be heard by our Trust's CEO (if the original decision was taken by another manager) or the Chair of our Trust Board (or their delegate).

For appeals by Headteachers / Principals / Trust CEO, see 6.4.

It is recommended that HR advice is sought by the person hearing the appeal. HR may attend the appeal meeting to provide procedural advice.

### *7.3 Communicating the appeal outcome*

The outcome of the appeal should be communicated to the colleague no more than 5 working days after the hearing. If the appeal is upheld and the request to work flexibly agreed, the colleague must be notified in writing documenting the change to terms and conditions (see 5.3 and Annex 8).

If the appeal is denied the person hearing the appeal must notify the colleague in writing stating the grounds of refusal (see Annex 9).

## **8.0 Review**

This policy will be reviewed once every three years, or when there is any change to relevant legislation or statutory guidance. The review will include information on the level of part time working, amongst both teaching and support staff, in each academy across our Trust. The review will be monitored to ensure consistency of application and adherence to equalities legislation, including an equality impact assessment.

## Annex 1- Examples of Flexible Working

Every eligible Trust colleague is entitled to make a flexible working request, and these will be considered against the business need. The key to making flexible working effective is to find the right arrangement for both the colleague and the employer.

Flexible working, in its widest context in employment generally, could involve one or more of the flexible working approaches set out below. However, it should be noted that not all of these are appropriate in school circumstances and this list is by no means exhaustive.

- Part time working. For example, starting work later and finishing earlier, or working three days per week instead of five.
- Flexible hours. Colleagues may be required to work within essential periods (e.g. to provide reception cover at certain pre-set times) but then outside of the “core times” they may have flexibility in how they work the rest of the hours.
- Job-sharing. Typically, two colleagues share one full-time post. The colleagues could work split days, split weeks or alternate weeks. The split need not be on a 50/50 basis, it could be 40/60 for example.
- Staggered hours. Colleagues in the same workplace have different start, finish and break times e.g. as a way of covering extended opening hours.
- Annual hours. This system calculates the hours which the colleague works over a whole year. These are then split and worked as the demand dictates. For example, a School Business Manager might work full-time during term-time and part-time during school holidays.
- Compressed working hours. Colleagues work their total agreed hours in ‘longs and shorts’, for example a five-day working week compressed into four and a half days.
- Shift-working. Most commonly used where a 24-hour provision of service must be maintained, for example hospital and emergency service, residential establishments. May be appropriate for roles such as cleaning or catering.
- Term-time working. A colleague is not required to work during the school holidays. Whilst this is ‘the norm’ for most of our colleagues, it could be considered under a request for flexible working from someone not currently working this pattern.
- Ad hoc working from home. Where roles permit this, agreement to work from home on an ad hoc basis.

Note: requests for ad hoc time off during term time should be dealt with under the Special Leave Policy.

## Annex 2 - Application Form

### Section 1: Personal Details

Name:

Post Title:

Academy:

### Note to the colleague:

You can use this form to make an application to change your contracted working hours, days or attendance times, or work location, under the right provided in law to help colleagues balance work and life. Before completing this form, you should first read the policy and check that you are eligible to make a request.

You should note that it may take up to two months (excluding school closure periods) to consider a request before it can be implemented and possibly longer where difficulties arise. 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 Principal/Headteacher/Line Manager to consider your request if you provide as much information as you can about your desired working pattern. Once you have completed the form, you should immediately forward it to your Principal/Headteacher/Line Manager (you might want to keep a copy for your own records), who will arrange a meeting with you to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.

### Note to the Principal/Headteacher

This is a formal application made under the legal right to apply for flexible working and the duty on employers to consider applications seriously. Under our Trust's Policy, you have 20 working days after the day you received this application in which to either agree to the request or arrange a meeting with your colleague to discuss their request.

You should confirm receipt of this application using the attached confirmation slip, or by email using the text in the confirmation slip.

Section 2: Application

To the Principal/Headteacher:

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm that I have not made more than one other request to work flexibly under this right during the past 12 months.

Section 2a: Describe your current working pattern (days/hours/times worked)

|  |
|--|
|  |
|--|

Section 2b: Describe the working pattern you would like to work in future (days/hours/times worked)

|  |
|--|
|  |
|--|

(you may continue a separate sheet if necessary)

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

|      |  |
|------|--|
| Date |  |
|------|--|

Section 2d: Impact of the new working pattern (*optional - you are not required to complete this section, but may do so if you wish to*)

I think this change in my working pattern will affect my service delivery and colleagues as follows: -

|  |
|--|
|  |
|--|

Section 2e: Accommodating the new working pattern (*optional - you are not required to complete this section, but may do so if you wish to*)

I think the effect on service delivery and colleagues can be dealt with as follows: -

|  |
|--|
|  |
|--|

Signed

|  |
|--|
|  |
|--|

Date

|  |
|--|
|  |
|--|

Now pass this application to your Headteacher/Principal



*Cut this slip off and return it to the colleague to confirm your receipt of their application, or send the same information via email*

|  |  |              |      |
|--|--|--------------|------|
| Principal Confirmation of Receipt (to be completed and returned to colleague)  |  |              |      |
| Dear   |  | Dept/Section |      |
| I confirm that I received your request to change your work pattern on:   |  |              | Date |
| I shall be arranging a meeting to discuss your application within 20 working days following this date. In the meantime, you might want to consider whether you would like a fellow work colleague or trade union representative to accompany you at the meeting. |  |              |      |
| From:  |  |              |      |

## Annex 3 - Guidance for Managers who are considering requests

Every eligible Co-op Academies Trust colleague has the right to request to work flexibly. That does not mean you have to accept every request but that you should give each request careful consideration on its own merits.

When considering requests Managers must consider the service impact and ensure that if they decline a request their reason/s for doing so fall into the acceptable business reasons (see 5.4). Just because you have been able to accommodate one person's request does not mean that you automatically must grant any further requests.

In the context of the school environment some of the factors which will need to be considered may include:

- the continuity of education for pupils
- the school timetable
- the existing structure of the department or academy e.g. the number of existing part-time colleagues
- ways in which the request could be accommodated e.g. is there a part-time colleague who would welcome more hours to enable a colleague to reduce hours, is there another colleague who would welcome a job-share arrangement, is it possible to recruit someone else?
- other staffing issues, e.g. vacancy levels
- impact of the change on other colleagues, e.g. consideration of communication and management issues if changing from one full-time class teacher in a primary class, to two part-time teachers. This will be both in respect of the two teachers and any other staff in the classroom such as teaching assistants.
- whether it is necessary and possible to reallocate certain duties
- the cost to the academy of making the change, whether this is one-off or ongoing, and how the costs 'measure up' against the benefits. Consideration should be given to how reasonable or unreasonable the additional cost is (if there is one) in the wider context of an academy's finances.

It is also important to show that requests have been seriously considered. It is recommended that advice is sought from your Regional HR Manager if you are considering turning down a request.

### Example

An administrative assistant requests a change from 5 days per week to 4 days per week. Having considered whether the role could be done in 4 days or some of the duties reallocated to existing colleagues within their current hours, and decided this is not possible, the request is turned down on the grounds that the Manager believes they will be unable to recruit for the remaining day.

To show that serious consideration has been given to the request the Manager would need to "test out" this belief and therefore:

- advertise internally to see whether other part-time colleagues might be interested in the additional hours
- advertise externally to determine interest
- discuss alternative options to explore a compromise if advertising is unsuccessful e.g. a 3 day/2-day split might be easier to accommodate, or compressed hours might be a possibility in limited circumstances

## Annex 4 - Template Letter: Request Agreed

ACADEMY ADDRESS

NAME  
ADDRESS

DATE

Dear NAME

### Re: Flexible working request

Following receipt of your request and our meeting on DATE, I am pleased to confirm that ACADEMY NAME is able to accommodate your [reduction to your working hours/a change to your working pattern/a change to your place of work].

May I remind you that these new working arrangements are offered on a permanent basis.

Either (a) As you have already made one previous request in the last 12 months, you will be unable to make another request for flexible working under the statutory procedure for 12 months from the date on which that previous application was made. Or (b) Under the statutory procedure, you are able to make one other request for flexible working in the next 12 month period.

Your new working arrangements will take the following form:

Place of work: NAME

Hours of work: XXX

Days and times of work: XXXXXX

Actual salary: £XXXXX [only applicable if reducing number of hours]

Please confirm your acceptance of this contract variation by signing both copies of the enclosed declaration and returning one copy to NAME. The second copy is for your retention.

All other terms and conditions remain the same.

Yours sincerely,

NAME  
JOB TITLE

I agree to the contract variation as outlined above:

Signed ..... Date .....

## Annex 5 - Template Letter: Temporary variations agreed on trial basis

ACADEMY  
ADDRESS

NAME  
ADDRESS

DATE

Dear NAME

### Re: Flexible working request – temporary change to terms and conditions

Following your meeting held on DATE to discuss your request for flexible working, I can confirm that I have agreed to the changes detailed below on a temporary basis from DATE.

I can confirm that your temporary working arrangements are [list days and hours and/or any other temporary arrangements agreed and include new salary details etc. if applicable].

**Either:** We have agreed that these changes will be made on a temporary basis and are expected to come to an end on DATE.

**Or:** The [x number of weeks] trial period will end on DATE. I will arrange a meeting with you shortly before the end of the trial period to discuss whether you wish, and/or it is possible to make the changes permanent, once we have considered the impact of your request during the trial period. An integral part of this consideration will be to ensure that any flexible working arrangements agreed meet the business needs of the Academy, the operational needs of your area of work / department and do not impact negatively on work colleagues, pupils or on customer demands.

**In all cases:** It is important to understand that the above working pattern is agreed as a temporary variation to the terms and conditions of your employment, and at the end of the agreed period you will revert to your previous contractual working pattern – unless a further agreement is made.

**Either (a)** As you have already made one previous request in the last 12 months, you will be unable to make another request for flexible working under the statutory procedure for 12 months from the date on which that previous application was made. **Or (b)** Under the statutory procedure, you are able to make one other request for flexible working in the next 12 month period.

Please confirm your acceptance of this temporary contract variation by signing both copies of the enclosed declaration and returning one copy to **NAME**. The second copy is for your retention.

All other terms and conditions remain the same.

Yours sincerely,

**NAME**

**JOB TITLE**

I agree to the contract variation as outlined above:

Signed ..... Date .....

## Annex 6 - Template Letter: Request Refused

ACADEMY ADDRESS

NAME  
ADDRESS

DATE

Dear NAME

I refer to our meeting held on DATE at which we discussed your flexible working request which was received on DATE.

You requested [a reduction to your working hours/a change to your working pattern/a change to your place of work]. I have considered your flexible working application thoroughly against each of the statutory grounds outlined below (Employment Rights Act 1996 – Section 80G) and unfortunately, I am unable to grant your request based on the grounds below [one or more of the following grounds – delete as applicable]:

- It would impose an unreasonable burden of additional costs because [explain costs and why they would be incurred]; and/or
- It would have a detrimental effect on our ability to meet our customer demands [explain why, e.g. because we would be unable to cover the service between 9.00 and 17.00]; and/or
- It would create unacceptable difficulties for us as we have been unable to decide to reallocate the work amongst other staff [explain attempts considered]; and/or
- It would create unacceptable difficulties for us as we [would be/have been] unable to recruit additional staff [explain why]; and/or
- It would have a detrimental impact on operational performance [explain why]; and/or
- It would have a detrimental impact on the quality of service delivered [explain why]; and/or
- It would create unacceptable difficulties for the Academy/Department due to an insufficiency of work during the periods you proposed to work [explain why]; and /or
- It would be inappropriate due to planned structural changes [explain changes].

Either (a) As you have already made one previous request in the last 12 months, you will be unable to make another request for flexible working under the statutory procedure for 12 months from the date on which that previous application was

made. Or (b) Under the statutory procedure, you are able to make one other request for flexible working in the next 12 month period.

You have the right to appeal against the decision to refuse your request for flexible working. If you wish to appeal, you should complete the right to request flexible working appeal form and send it to [xxxxx] within 5 working days of receipt of this letter. Your flexible working request appeal form (annex 7) must set out the grounds on which you wish to appeal against this decision as set out above.

Yours sincerely

NAME

JOB TITLE

# Annex 7 - Appeal Form

|       |  |
|-------|--|
| Name: |  |
|-------|--|

|             |  |
|-------------|--|
| Post Title: |  |
|-------------|--|

|          |  |
|----------|--|
| Academy: |  |
|----------|--|

### Note to the Colleague

If your application has been refused, you may appeal against your Manager's decision. You should use this form to make your appeal. You must give notification of your intention to appeal within 5 working days (this can be via email), and provide this completed form setting out the grounds on which you are appealing within 10 working days of receiving written notice that your application for flexible working has been turned down.

### Note to the Manager

This is a formal appeal made under the legal right to apply for flexible working. You have 10 working days following receipt of this form in which to arrange a meeting for the colleague's appeal to be heard (the 10 days includes giving 5 working days' notice of the hearing).

|      |  |
|------|--|
| Dear |  |
|------|--|

I wish to appeal against your decision to refuse my application for flexible working. I am appealing on the following grounds:

|  |
|--|
|  |
|--|

(Please continue a blank sheet if necessary)

|        |  |      |  |
|--------|--|------|--|
| Signed |  | Date |  |
|--------|--|------|--|

|            |  |
|------------|--|
| Department |  |
|------------|--|



## Annex 8 - Template Letter: Request agreed after appeal

ACADEMY ADDRESS

NAME  
ADDRESS

DATE

Dear NAME

### Outcome of appeal for flexible working request

Following receipt of your application to [enter details of request] and the appeal hearing on DATE I am pleased to confirm that your appeal has been upheld and your application will be accommodated.

Your new working pattern will be [enter details of times, days etc] and will commence on DATE.

**OR:** As discussed, this is a temporary change to your terms and conditions of employment due to [enter reason why this is temporary] and you will revert to your substantive work pattern and terms and conditions of employment with effect from DATE.

All other terms and conditions remain the same [or give details if they do not e.g. if salary is changing due to increase / reduction on hours].

**Either (a)** As you have already made one previous request in the last 12 months, you will be unable to make another request for flexible working under the statutory procedure for 12 months from the date on which that previous application was made. **Or (b)** Under the statutory procedure, you are able to make one other request for flexible working in the next 12 month period.

Please confirm your acceptance of this contract variation by signing both copies of the enclosed declaration and returning one copy to NAME. The second copy is for your retention.

Yours sincerely,

NAME  
Job Title of person hearing the appeal

I agree to the contract variation as outlined above:

Signed ..... Date .....

## Annex 9 - Template Letter: Appeal not upheld

ACADEMY  
ADDRESS

NAME  
ADDRESS

DATE

Dear NAME

Following receipt of your application for a [reduction to your working hours/a change to your working pattern/a change to your place of work] and the appeal hearing on DATE, I have carefully considered your grounds for appeal and write to inform you that unfortunately I am unable to uphold your appeal.

This is for reason/s relating to: [one or more of the following grounds – delete as applicable]

- It would impose an unreasonable burden of additional costs because [explain costs and why they would be incurred]; and/or
- It would have a detrimental effect on our ability to meet our customer demands [explain why, e.g. because we would be unable to cover the service between 9.00 and 17.00]; and/or
- It would create unacceptable difficulties for us as we have been unable to make arrangements to reallocate the work amongst other staff [explain attempts considered]; and/or
- It would create unacceptable difficulties for us as we [would be/have been] unable to recruit additional staff [explain why]; and/or
- It would have a detrimental impact on operational performance [explain why]; and/or
- It would have a detrimental impact on the quality of service delivered [explain why]; and/or
- It would create unacceptable difficulties for the Academy/Department due to an insufficiency of work during the periods you proposed to work [explain why]; and /or
- It would be inappropriate due to planned structural changes [explain changes].

[Include any relevant details that came to light as part of the appeal meeting]

Your work arrangements will therefore remain as they are at present.

Either (a) As you have already made one previous request in the last 12 months, you will be unable to make another request for flexible working under the statutory procedure for 12 months from the date on which that previous application was made. Or (b) Under the statutory procedure, you are able to make one other request for flexible working in the next 12 month period.

Please do not hesitate to contact me if you have any further queries.

Yours sincerely

NAME

Job Title of person hearing the appeal