

**ST CUTHBERT MAYNE School**  
**Joint Catholic and Church of England 11-18 Comprehensive School**  
**Dioceses of Plymouth and Exeter**



**St Cuthbert Mayne school**  
**Flexible Working Policy**

**Approved by Resources Committee: November 2024**

**Reviewed by Full Governing Body: December 2024**

**Next Review Date: November 2025**

# 1 Introduction

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Under the Flexible Working (Amendment) Regulations 2014, employees have the legal right to request flexible working from their first day of employment. The variations which might be requested include changes to working hours, revised start and finish times and working from home, for example. The school has a legal obligation to give reasonable consideration to a flexible working request and requests can only be refused when there is a clear business reason for this. All employees are eligible to make up to two requests in any 12-month period, for example e.g. If your first request is on 21<sup>st</sup> June 2024 and your second request is on 3<sup>rd</sup> October 2024, you will not be able to make a further request until 22<sup>nd</sup> June 2025.

## 2 Scope

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This policy will apply to all school employees and also includes Governors and supply teaching staff.

## 3 Equality Statement

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This policy applies equally to all school employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

## 4 Who does the legal right apply to?

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Employees have the legal right to request flexible working if they have:

- Commenced employment – the right to make a flexible working request is a ‘day one right’  
*and*
- Have not made more than 2 applications during the past 12 months

### 4.1 What can be requested?

All employees, regardless of whether they are covered by the ‘legal right’ can request changes to vary:

- The number of hours they are required to work
- The times they are required to be at work
- Where they are required to work - i.e. can request that they work full time or on an occasional basis from home.

Changes to working hours can include:

- Working part time
- Working annualised hours (a total number of hours to be worked per year, but not over a fixed weekly pattern)
- Compressed working week (e.g. 37 hours over less than 5 days)
- Greater flexibility in existing flexitime arrangements
- Job sharing (where 2 people share responsibility for 1 post)
- Working some form of shift working
- Term-time only working (in the case of Business Support staff).

## 5 Making an application

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The right to request flexible working legislation requires that employees must make their request in writing, setting out the following information:-

- Date of the application, the change to working conditions they are seeking and when they would like the change to come into effect;
- They are making the application under their legal right to request flexible working and if they have made a previous application for flexible working and the date of the application.
- The change applied for (e.g. wanting to work part-time, including details of the hours they'd prefer to work) and the date they wish it to become effective
- If the employee is making their request in relation to making a reasonable adjustment for a disability (under the Equality Act 2010), they should also make this clear within their request.

Applications should be made in writing by the employee to the Headteacher. An application for a flexible working request form must be used for making a formal flexible working request. A copy of the form is available from the Headteacher's PA.

## 6 Considering an application

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The school is strongly advised to consult their HR Advisor if they receive an application from an employee. This is to help ensure applications are dealt with in a consistent and equitable way across the school.

Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on the school, the work of the department in which the employee making the request is employed and the employee's colleagues. Agreeing to one employee's request will not therefore set a precedent or create a right for another employee to be granted a similar change to his/her working pattern.

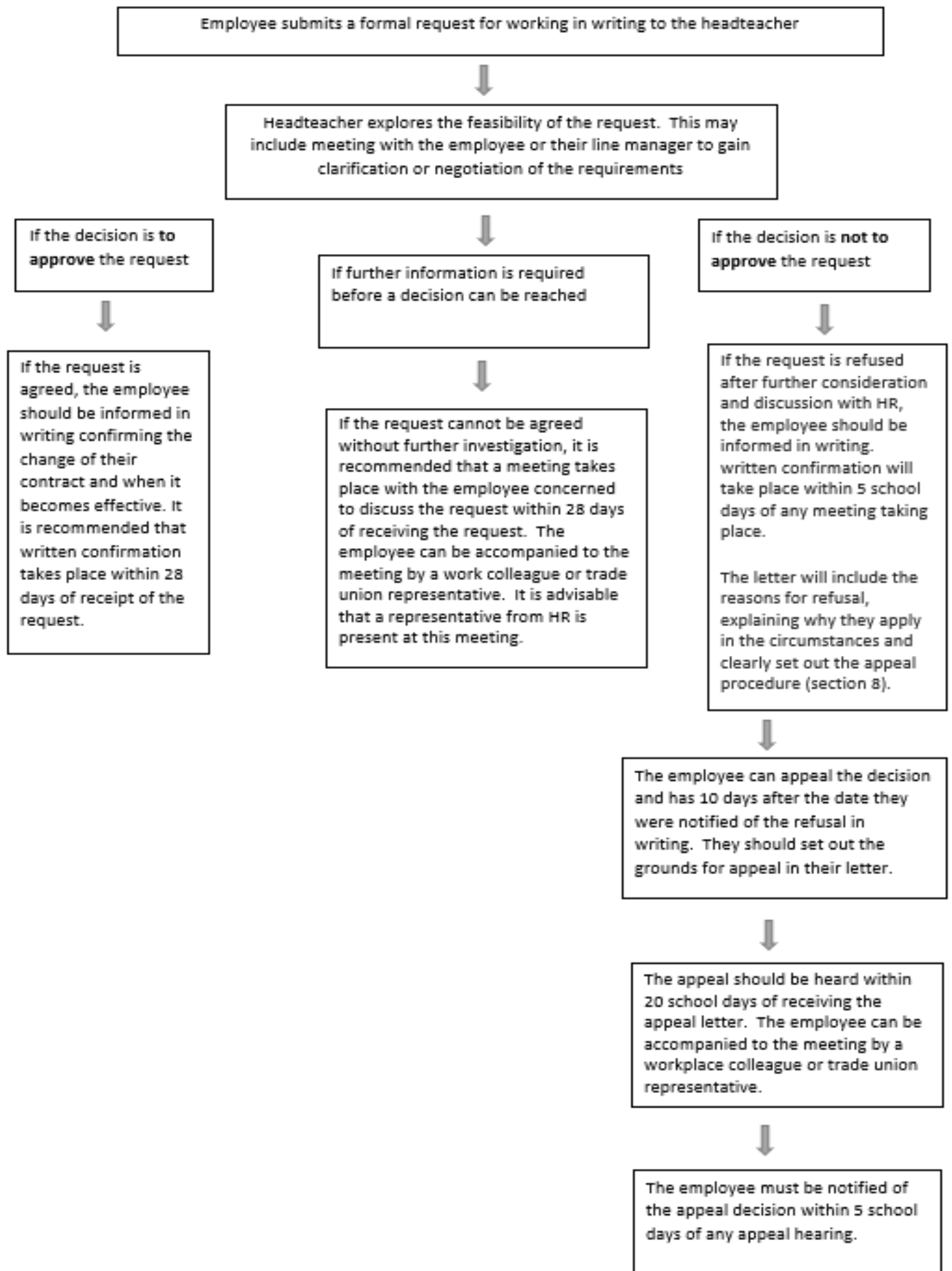
Schools are not automatically obliged to agree to a request for flexible working but are under a duty to consider any valid request seriously. The following process should be followed in dealing with a flexible working request.

The legal timescale for considering a flexible working request is 2 months from when the request was made (including any appeal stage). The timescales set out below are recommended in accordance with best practice and to ensure fairness and consistency in dealing with requests.

NB: The two month timeframe may be extended if agreed by the employee and employer. If an extension is agreed, the school should confirm the details of the extension in writing to the employee.

No request will be refused without consultation with the employee prior to the decision being made.

## Flowchart



## 7 Making a fair decision?

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Where the school receives more than one request, they should be dealt with in the order that they are received. School managers are not required to make value judgements about the most deserving request. Each request will need to be considered on its own merits, taking into consideration the business case and the possible impact of refusing a request. Further discussions may be needed to see if there is any room for adjustment or compromise before coming to a decision.

Human Resources can be sought to help to arrive at a fair and consistent decision.

## 8 On what grounds can a request be refused?

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In line with the statutory ACAS Code of Practice 5 – Code of Practice on requests for flexible working April 2024, the only grounds for refusal are “business reasons”, as set out in legislation:

- the burden of additional costs
- an inability to reorganise work amongst existing staff
- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change to your business.

If a request is refused, the employee must be provided with an explanation as to why the particular reason (from the list above) applies in their particular circumstances.

## 9 Appeal

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The employee can appeal the decision, and under this policy has 10 calendar days after the date they were notified of the refusal to appeal in writing, setting out the grounds of the appeal. The appeal letter should be addressed to the headteacher.

Where possible, the appeal will be heard by the line manager of the person who refused the initial request and a panel of governors within 20 calendar days of receiving the appeal letter. The employee can be accompanied to the meeting by a work colleague or trade union representative.

The employee must be notified of the appeal decision verbally and in writing to comply with the legal timescale within 10 calendar days of any appeal hearing. At St Cuthbert Mayne School we aim to notify employees in writing within 7 days of the meeting.

The employee will be notified of the decision within 7 days of any appeal hearing. If the request is again refused, then the reasons for refusal must be set out in writing, explaining why they apply in these particular circumstances.

NB: Dates may alter if they run over a school closure period

If the request is accepted following the appeal hearing, the employee will be notified of the change to their working pattern in writing and when it will start (as set out previously).

In exceptional circumstances, it may not be possible for hearings to be arranged or responses to be given in line with the time limits set out above (e.g. the line manager is absent). In such cases, the employee should be informed and any hearing arranged at the earliest possible mutually convenient date.

If the employee is dissatisfied with the way it's been handled s/he can raise a grievance under the organisation's grievance procedure.

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

## 10 External appeals (to an Employment Tribunal)

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Employees covered by the legal right to request flexible working have the right to complain to an employment tribunal if they are dissatisfied with the outcome of an internal appeal.

An eligible employee can complain to an employment tribunal that the school:

- Failed to hold an initial or appeal hearing
- Failed to provide notice of a decision in accordance with the statutory time-scale (2 months)
- Rejected the application based on incorrect facts

A complaint would normally have to be brought within 3 months of any appeal hearing or date when it is alleged the procedure was not followed.

If a claim is brought, the tribunal will look as to whether all proper procedures have been followed and will examine any disputed facts as to why the relevant business grounds for refusal apply.

If an employee's complaint is upheld by a tribunal, they can order that:

- The request by the employee should be reconsidered *and/or*
- Compensation be paid (up to a maximum of 8 weeks' pay);
- The complaint be referred to arbitration by ACAS (both parties have to agree to this as a potential remedy)

**Schools are advised to consult their HR Advisor if they receive an application for flexible working and are considering refusing the request.**

Last updated: May 2024 in line with new employment legislation