



Little Way Catholic
Educational Trust

Flexible Working Policy

Approved by: Trust Board

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Aims

This policy aims to:

- Outline our Trust's expectations for flexible working and how we will process and respond to staff requests.
- Set out the process for how staff can apply for flexible working arrangements, and appeal a decision if appropriate.
- Support our Trust's efforts to promote staff's health and wellbeing.

Legislation

This policy meets the requirements of:

- [Employment Relations \(Flexible Working\) Act 2023](#)
- [Flexible Working Regulations 2014](#)
- [Equality Act 2010](#)
- [Employment Rights Act 1996](#)

It also reflects best practice guidance set out in:

- [The DfE's guidance for flexible working in schools](#)
- [ACAS' code of practice on requests for flexible working](#)

Our Approach to Flexible Working

The LWCET is open to flexible working and the benefits that it provides. We recognise that offering flexible working has the potential to:

- Improve staff's work-life balance and help them manage their work around other responsibilities.
- Reduce staff stress and have a positive impact on wellbeing.
- Raise morale and improve staff motivation, performance and productivity.
- Reduce staff absence and help improve retention by creating new opportunities and ways of working.
- Allow us to recruit from a wider pool of talent that includes people with different lifestyles, experiences and perspectives.

We are an equal opportunities employer, and we recognise the contribution of flexible working to this ongoing commitment.

Scope

4.1 Eligibility

This policy applies to all staff employed by our schools, including part-time employees. It does not apply to agency staff and self-employed contractors. Staff members have the right to make a statutory request for a flexible working arrangement if they:

- Are an employee at LWCET.
- Have not already made two statutory requests for flexible working arrangements in the last 12 months.

All staff members can make a non-statutory request, whether or not the statutory route is available to them (see Section 6).

4.2 Exceptions

This policy does not apply to staff who are:

- Taking maternity, paternity, adoption, neonatal or shared parental leave – please see our Parental Leave Policy instead.
- Taking sick leave – please see our Staff Absence Policy.

This policy will also not apply if our trust is subject to a temporary or time-limited arrangement to work from home due to public health advice – for example, in the case of a public health lockdown.

4.3 Types of flexible working arrangements

This policy covers the following types of flexible working arrangements:

- Part-time working: where a staff member is contracted to work less than full-time hours. This may include:
 - i. Job sharing: where two or more people split a full-time post and share the overall duties and responsibilities.
 - ii. Phased retirement: where a staff member gradually reduces their working hours to transition from full-time work to full-time retirement.
- Term-time working: where a staff member takes time off during the school holidays, separate from their annual leave entitlement.
- Working off-site: where a staff member works some or all of their hours remotely and is not required to be on the school site (also known as working from home).
- Varied hours, including:
 - i. Staggered start, finish and break times.
 - ii. Annualised hours: where a staff member's working hours are spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee.
 - iii. Compressed hours: where a staff member works full-time hours but over fewer days.

Roles and Responsibilities

5.1 The Headteacher

The Headteacher is responsible for:

- Ensuring that this flexible working policy is applied consistently across the school and that it is in line with equality legislation.
- Promoting and leading an environment of inclusion, staff wellbeing and high-quality teaching throughout the school.
- Considering all valid requests for flexible working arrangements equally, fairly and according to the needs of the school and pupils.
- Responding to requests within the agreed timescale (see section 7.1 for more on timescales).
- Making sure that the staff member knows about their right to be accompanied by a colleague or trade union representative to any appeal meeting. Communicating to the staff member any changes to holiday, pay allowance or other conditions that may result from a contractual change.
- Promoting positive working arrangements.
- Giving due regard to equality legislation and taking any disability requirements into consideration.

5.2 The Trust Board and Shared Service Team

The Trust Board is responsible for adopting this policy and holding the CEO to account for its consistent implementation across all schools within the Trust. The Trust Board will also consider any flexible working requests made by the CEO fairly and according to the needs of the Trust and its schools. The Central Team (e.g. CEO, COO, HR lead) is responsible for:

- Ensuring the policy is applied consistently across the Trust.
- Providing guidance and support to headteachers when handling flexible working requests.
- Monitoring trends in flexible working requests and decisions across the trust to ensure consistency, fairness, and equality of opportunity.
- Promoting positive and inclusive working arrangements across the Trust.

5.3 The Local Governing Committee

Local governing committees will:

- Support the headteacher to implement this policy fairly and consistently in their school.
- Consider any flexible working requests made by the headteacher alongside the CEO, responding within the agreed timescale and in line with the needs of the school and pupils. Hold the headteacher to account for promoting positive working arrangements.

5.4 Other staff

Staff are expected to follow the procedures set out in this policy and adhere to the stated timescales when responding to or appealing the school's/Trust's requests or decisions.

Requests for flexible working arrangements

In this section we set out the right for staff to apply for flexible working. While our Trust welcomes applications and will consider all requests openly and fairly, we are not obliged to grant flexible working arrangements in all cases (see Section 7.3 to see when we may reject an application).

In all cases, we encourage staff to discuss flexible working arrangements with their line manager on an informal basis **before** making a request, covering:

- The potential impact on the school and pupils.
- Different options for flexible working arrangements.
- A trial period to test out a proposed arrangement.

6.1 Non-statutory requests

A non-statutory request can be used to apply for any flexible working request, including but not limited to:

- One-off or temporary (upto one short term) flexible working arrangements.
- Arrangements that don't involve altering the staff member's contract – for example, varying start or finish times but maintaining the same number of working hours.

Staff should send their application to the headteacher and in it, the staff member should identify ways of mitigating the impact of their request on the school and their colleagues.

If the headteacher requests flexible working, they should send their application to the chair of governors and CEO.

Non-statutory requests do not have to satisfy the eligibility requirements set out in Section 4.1.

6.2 Statutory requests

Staff should use a statutory request for flexible working if their proposal requires a permanent change to their contractual terms and conditions or a change for more than one short term. Only eligible staff members may use this route (see Section 4 for the eligibility criteria).

Staff must make a statutory request for flexible working arrangements in writing. They should use the application form attached in Appendix A, and submit their application at least two months before the proposed change. Legally, all requests must include:

- Date of the application.
- Statement to confirm that this is a statutory request.
- Proposed changes to working hours or pattern, and when the staff member wishes to start the new arrangement.
- Whether they've previously applied for flexible working arrangements, and if so, when that was.

The staff member should also include whether they're making their request concerning the Equality Act 2010, for example, as a reasonable adjustment for an employee with a disability and should identify ways of mitigating the impact of their request on the school and their colleagues.

Staff should send their application to the headteacher.

If the headteacher requests flexible working, they should send their application to the chair of governors and CEO.

How the LWCET Will Consider Applications

7.1 Timescale

The Trust will respond to a statutory flexible working request within two **months** from receiving an application. This includes the conclusion of any appeal process.

The response period may be extended if both parties agree to it – for example, in the case of an agreed trial period. Any extension to the timescale will be confirmed in writing.

7.2 Consultation meeting to discuss an application

The trust recommends that a consultation meeting is held for every flexible working request so arrangements can be discussed openly, even where the request is likely to be accepted.

The headteacher (for school staff) or the CEO/Shared Service Team line manager (for Shared Service Team staff) may arrange a consultation meeting with the staff member to:

- Clarify the staff member's proposed flexible working arrangements.
- Make it clear whether the request relates to a reasonable adjustment for a disability.
- Discuss any foreseen challenges regarding the proposed arrangements and how they can be overcome.
- Consider any potential modifications to the original request, or any alternative flexible working options that may be available and suitable for all sides.

The meeting will take place no later than **28 calendar days** after the application is received. A member of HR may also attend the meeting.

If the staff member wishes, they may be accompanied by a colleague or trade union representative. Any companion will be entitled to speak during the meeting and confer privately with the staff member, but they may not answer questions on their behalf.

7.3 Response

The headteacher (for school staff) or CEO/Shared Service Team line manager will provide a response, in writing, as soon as possible after the application, and no more than **14 calendar days** following any consultation meeting.

If the request is accepted, or an alternative arrangement is agreed, the response will set out:

- Details of the new working arrangements.
- Details of any trial period.
- Any changes to the staff member's employment contract.
- The date the new arrangements will start.

To confirm the contractual variation, the staff member must sign and return a copy of the document, which will be placed in their personal file.

If more time is needed to decide—for example, to investigate how to accommodate a request or to consult several staff members—this will be discussed with the staff member as soon as possible.

If the request is rejected, a meeting will be arranged with the staff member to inform them, including the reasons for the rejection. The decision will also be confirmed in writing, with advice about the right of appeal (see Section 9).

Requests will only be rejected on one or more of the following statutory grounds:

- The burden of additional cost to the school/Trust.
- A detrimental effect on the quality of work (for example, if pupils risk not receiving high-quality teaching).
- A detrimental effect on performance (for example, if deadlines are likely to be missed).
- A detrimental effect on the ability to meet demand (for example, if cover would be unavailable at peak workload periods).
- Inability to reorganise work among existing staff.
- Inability to recruit new staff.
- Insufficient work during the proposed working period.
- Planned changes to staffing structure.

7.4 Contractual changes

Once a flexible working arrangement has been agreed (and following any trial period – see Section 8), the Trust will make appropriate changes to the staff member's contract of employment.

Unless otherwise agreed, these changes are **permanent** and cannot be altered unilaterally. There is no automatic right for a staff member to revert to their original working arrangements, or for the school/Trust to force a staff member to revert, without agreement from both parties.

A staff member may make **up to two statutory flexible working requests within any 12-month period**.

Contractual changes may also include changes to pay and holiday entitlements, such as a pro-rata arrangement. The headteacher (or CEO/shared service team line manager for central staff) will ensure that any staff member seeking a flexible working arrangement is aware of these changes before confirming changes to their contract.

Trial Period

Where a staff member's application is successful, they will be subject to a trial period of one long school term. This period will form the basis of a final decision about whether the flexible working arrangement will work.

When informing the staff member that their application is initially successful, the headteacher/line manager will set out the details of the trial period in writing.

This will be considered an agreed extension to the statutory two -month timescale for the school/Trust to respond to flexible working applications.

At the end of the trial period, the staff member and headteacher/line manager will meet to discuss:

- Whether the trial period was successful.
- What (if any) adjustments need to be made.
- Whether to continue with the arrangement permanently/for the agreed time period.
- Whether to extend the trial period – for example, to observe any adjustments to the arrangement or due to absence.

In the case of disagreement, all decisions about the outcome of the arrangement rest with the headteacher/line manager.

Appeals

Staff members can appeal any unsuccessful flexible working application.

They must make their appeal in writing, state the reason for appealing the decision, and submit their appeal to the Chair of Governors within 5 working days of receiving a written rejection.

This appeal will be heard by a governor who will meet with both the employee and headteacher to understand reason for decision and appeal. The outcome of the appeal will be given within 5 working days. This decision is final and there is no further right to appeal.

Withdrawing a request

A staff member can withdraw a request for flexible working at any time after it has been made. However, if they have withdrawn a statutory request, and the withdrawn request was their second statutory request in a 12-month period, they will not be able to make another statutory request for 12 months after their first request.

Outline your school's process for withdrawing a non-statutory request [here](#). If it's the same process as for statutory requests, adapt the text above accordingly.

Our school/Trust will treat an application as having been withdrawn by the staff member if the staff member fails to, without good reason:

- Attend the first meeting and second, rearranged meeting to discuss their flexible working request, or
- Attend the first meeting and second, rearranged meeting to discuss their appeal

Where our school/Trust treats a staff member's conduct as a withdrawal of their request, we will notify the staff member of this in writing.

Monitoring arrangements

It will be reviewed annually by the Trust Board. At every review, this policy will be approved by Trust Board

12. Links to other policies

This policy links to the following policies:

- Staff wellbeing policy
- Staff sickness policy
- Parental leave policy
- Any other relevant policies

Appendix A: Flexible working application form for statutory requests

Employee name:

Job title:

Date employment commenced:

Line manager:

Current working pattern	
Days/hours	
Location	

Proposed new working pattern	
Days/hours	
Location	
Any additional technology or resources required	
Proposed start date	
Identify ways of mitigating the impact of this request on the school and your colleagues	

IS THIS REQUEST IN RELATION TO THE EQUALITY ACT 2010?
If yes, please provide details and other supporting evidence

DECLARATION OF ANY PREVIOUS STATUTORY REQUESTS FOR FLEXIBLE WORKING
ARRANGEMENTS

I confirm that:

This is a statutory request for flexible working

This request does not bring my total number of statutory flexible working requests in the last 12 months to more than two.

Signed:

Date: