



# The Milford Academy

## Right to Request flexible Working Policy

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## **RIGHT TO REQUEST FLEXIBLE WORKING (People Management Handbook for Schools)**

### **1. Scope of the Policy**

- 1.1 Nottingham City schools including The Milford Academy recognise the importance of helping colleagues balance their work and home life by offering flexible working arrangements that enable them to balance working life with other priorities, including parental and other caring responsibilities, life-long learning, charity or other voluntary work, leisure activities and other interests.
- 1.2 A flexible working request may be made under a current flexible working policy (e.g. Job-Share Scheme or Flexible Retirement). However, head teachers may also consider requests that do not fall within one of the established schemes.
- 1.3 The process described below can be followed for any flexible working request but there is only a legal obligation to do so where the request is made under the statutory Right to Request Flexible Working legislation (see 2.3). For flexible working requests that are not made under this legislation, school leaders and employees may prefer to reach agreement without following the process described below.

### **2. Statutory Requirements and Obligations**

- 2.1 All employees have the statutory right to request a flexible working arrangement from their first day in a job.
- 2.2 Employees are only entitled to make one request for flexible working under the statutory scheme in a 12 month period.
- 2.3 The school will deal with all applications in a reasonable manner and will notify the employee of its final decision (including the outcome of any appeal) within a 'decision period' of 3 months of the application (subject to any agreement that might be reached to extend this time period).
- 2.4 Return to work following maternity leave

Employees who wish to return to work on a different working pattern, including on a job share basis) need to use this Right to Request Flexible Working (Policy) process. They must give their head teacher at least 3 months notice prior to their return date to enable appropriate arrangements to be put in place.

- 2.5 How to apply

A statutory request to work flexibly must be in writing (which includes email) and:

- a) state that it is an application under the legal right to request flexible working;
- b) set out the change to working conditions they are seeking, e.g. a new working pattern, and the date they wish it to become effective;
- c) explain what effect (if any) they think the change will have on their work, and how any such effect might be dealt with;
- d) state whether a previous application for flexible working has been made by the employee to the school and, if so, when;
- e) state if the request is being made in relation to the Equality Act 2010 (e.g. as a reasonable adjustment).

2.6 An employee may request changes that relate to:

- a) the number of hours they are required to work
- b) the times they are required to work
- c) where they are required to work

2.7 Dealing with applications

The head teacher should give serious and full consideration to all requests to work flexibly. If the head teacher agrees with the proposal, they must notify the employee of the variation that has been agreed and the date on which it will take effect within 28 days of receiving the proposal.

2.8 If a change is agreed at this time it will need to be determined whether this is a permanent or temporary short term arrangement. If there is a permanent variation of contract there will be no right for the employee to revert to the former arrangement. However, an employee may request a return to their former working arrangement once they no longer need or want the flexible arrangement and managers should consider such requests.

2.9 If the head teacher does not agree with the proposal they must meet with the employee to discuss the request to revert to the former arrangement. However, an employee may request a return to their former working arrangement once they no longer need or want the flexible arrangement and head teachers should consider such requests.

2.10 If a variation is then agreed, the head teacher must set out the agreement and the date from which it is to take effect. The head teacher

should submit the required form to the school's payroll provider to amend working hours (e.g. there may be an impact on pay, sick pay allocation, etc).

2.11 If there is no variation agreed and the request is rejected then the head teacher must inform the employee in writing giving clear reasons for rejecting the request.

2.12 The only valid grounds for rejecting a request are as follows:

- a) the burden of additional costs
- b) detrimental effect on ability to meet customer demand (this includes pupil)
- c) inability to re-organise work among existing staff
- d) inability to recruit additional staff
- e) detrimental impact on quality or performance
- f) insufficient work for the periods the employee proposes to work
- g) planned structural changes to the business

2.13 The written decision should set out clearly why the business reason applies in the circumstances and be accurate and relevant.

2.14 The outcome of the meeting should be communicated to the employee in writing within 14 days after the date of the meeting.

### **3. The Appeal**

3.1 The employee has the right of appeal if their application to work flexibly is declined and must put their appeal in writing within 10 working days of receipt of the head teacher's decision setting out the ground for the appeal.

3.2 The appeal will be in line with the school's grievance procedure, with the aim of encouraging all parties to reach a satisfactory decision where possible.

3.3 Employees should be notified of the decision within 10 working days of any hearing.

3.4 All letters regarding meetings should be in writing and clearly stated.

3.5 The final decision of the appeal process is final.

### **4. Time Limits**

- 4.1 There may be a number of reasons why the time limits specified above are too short and an extension may be required in order to reach a satisfactory conclusion. Time limits can be extended where those hearing the appeal and the employee agree. Any decision should be recorded and communicated in writing, to prevent any future dispute relating to the compliance with time limits.

## **5. Right to representation**

- 5.1 An employee will have the right to be accompanied at the initial meeting and at the appeal by a trade union representative or work colleague.
- 5.2 If an employee's chosen companion is unavailable at the time proposed for a meeting then the head teacher, or whoever is representing the school at the meeting, must postpone the meeting to a mutually convenient time, within 5 working days of the date initially proposed.

## **6. Withdrawal of application**

- 6.1 If the employee verbally withdraws their application then the head teacher should write to the employee to confirm this.
- 6.2 Where the employee fails to meet their responsibilities the head teacher may also treat an application as withdrawn. This will apply when an employee fails to attend, without reasonable cause, a meeting more than once or unreasonably refuses to provide the line manager with information the line manager requires to assess whether the contract variation can be agreed. In these circumstances, the head teacher should write to the employee to confirm that the application has been withdrawn.

## **7. Trial Periods**

- 7.1 Where the school leaders or an employee is unsure of how successful a new way of working will be, it is possible for a trial period to be agreed (except in the case of flexible retirements). In such circumstances, the agreement should clearly state:
- a) that agreement to the flexible working request is subject to the outcome of the trial period
  - b) the length of the trial period
  - c) that the change to the employee's terms and conditions during the trial period is a temporary change to their terms and conditions of employment
  - d) what the temporary changes are, during the trial period

e) the date at which the employee will revert to their previous terms and conditions of employment if the trial period is not successful. This should allow time for the employee to re-adjust to their previous terms and conditions of employment (e.g. make appropriate childcare arrangements). In effect, this may extend the length of the trial period.

7.2 Schools must ensure that their payroll provider is notified of any changes in sufficient time for any amendments to be actioned.

## **8. Competing Requests and Equal Opportunities**

8.1 Schools are advised to follow ACAS guidance and deal with competing requests in the order received; however, there are some areas where this is not always practical and schools will need to consider the merits of each case.

8.2 Schools are advised to be mindful of requests from employees with protected characteristics (race, age, gender, disability, sexual orientation, religion/religious belief) to ensure that discrimination does not occur.

8.3 All requests for flexible working should be monitored and kept under regular review.