

A consideration of the Timelines inherent in flexible working requests

School leaders and teachers will inevitably consider the 6th April 2024 adjustments to flexible working legislation from differing perspectives. Some school leaders may welcome the changes as an opportunity to innovate whilst others may be concerned about the implications for their settings of these changes and what this legislation might look like in practice. Evidence suggests that the demand for flexibility in the school's workforce is growing and that the legislation will be welcomed by teachers as an overdue opportunity to gain the flexibility needed to adapt to the sometimes challenging role of school teaching in the context of the complexities of life in the 21st century. It may appear that there is a tension between the perspective of some school leaders and the wider workforce, but the reality at present is that lack of flexibility is a contributing factor to the challenge of recruiting and retaining high-quality teachers which, if resolved, would potentially see more people remaining in the school workforce, allowing school leaders to fully staff their classes.

Under the new legislation, from 6th April 2024 employees will be given the right to request flexible working from day one of their employment. There is a range of types of flexible working that employees can request including part time, flextime, compressed hours, and varied working locations. For clarity, the legislation has not broadened the nature of FW requests. The law does not have a straight definition of FW, but it has always been the case (since 1996 Employment Rights Act and subsequent amends) that an employee has the right to request a change of terms relating to hours worked, times when required to work and location. This remains the case with the 2023 Act.

The emphasis has shifted from the burden of being on the employee to set out the potential impact associated with their flexible working request, to the employer having to consult with the employee before rejecting a request. Decisions will need to be made in two months, not the current three months and employees will be able to make two statutory requests in any 12-month period, not just one. These changes will have a significant impact on current policies and practices that schools need to be aware of.



The three key pieces of legislation to be aware of are:

- Employment Rights (Flexible Working) Act 2023.
- Carer's Leave Act 2023.
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023

How might this impact on the timeline of requests in relation to timetable and staffing planning?

The new two-month time period and opportunity to make two requests per year may put the consideration of such requests out of sync with the normal term dates, timetable cycles, recruitment and resignation timelines. This means staff planning may need to be more dynamic and adaptable. In practice, however, while the right to make a request is statutory, the timeline for implementing any agreement could be more flexible in line with staffing changes at the start of a new academic year or term, allowing curriculum, budgetary, timetabling and staff planning cycles to take place. The key will be to ensure that staff get a response within the two-month timeframe, unless both parties agree to an [agreed] extension period.

The 2023 act will amend the right to request flex working which will encourage a better dialogue between employers and employees about the benefits of flexible working opportunities, increase the possible frequency of requests and speed up the administrative process of requests, leadership teams will need to adjust to the practical implications of this situation.



What adjustments should school leadership teams and governing bodies consider?

In response to the new regulations, schools might consider taking intentional actions to engage with their staff body opening a continuing conversation. Managing flexible working in a strategic macro way, rather than managing individual requests in isolation is likely to create more options and solutions for school leaders. School leaders may wish to develop an awareness of staff and their personal circumstances where these may lead to a need for greater flexibility. In doing so, it will be important to challenge unconscious biases around who is likely to make a request, as requests could come from anyone for a multitude of reasons. In particular, Generation Z, greatly values flexibility and often want to balance their career aims with other life aspirations.

Enhancing established continuing professional development to provide space for staff to focus on their life aspirations, may form part of a flexible working strategy. Some staff may benefit from a career/life review which encompasses exploring their health, finances, and workplace aspirations. As part of such reviews flexible working arrangements may be an invaluable method of meeting both personal and organisational needs and retaining staff at all life stages and experience levels.

The schools that recognise that staff have shifting concerns and changes in life circumstances will be more agilely placed to adapt to flexing to meet staff needs. Schools that respond with empathetic, innovative, and creative approaches to staff needs will be better placed to both attract and retain high quality teachers in the system. Leaders will need to be imaginative and intentional in their leadership.

For more information on flexible working in education, visit the Flexible Working Programme website and consider our series of free support webinars. [Home | Flexible working in Multi-Academy Trusts and schools \(flexibleworkingineducation.co.uk\)](https://flexibleworkingineducation.co.uk)

About the author:

John Faulconbridge, an accomplished education professional, brings a wealth of experience to the table. As the executive sponsor for the Capita/Entrust DfE National Flexible Working Project, he provides strategic oversight, ensuring that flexible working practices become an integral part of our educational landscape. John also leads the Early Careers Framework Programme for Capita/UoB. His 35 years in the field, including 23 years as a senior leader in state secondary schools, have equipped him with invaluable insights into the intricacies of school management.