



Reviewing a statutory flexible working request

Flexible working helps to recruit and retain school staff and enable the high-quality teaching that supports pupil outcomes. School leaders report benefits including improved staff wellbeing, productivity and morale. Your school/ setting including special schools, alternative provisions, pupil referral units should already have in place a clear flexible working policy and strategy. This is to ensure a consistent approach and promote a proactive whole-school approach to flexible working within your school. It is possible to request flexible working outside the statutory route and employers can still consider these requests, but this tool is designed to help decision makers review statutory flexible working requests.

The purpose of the tool is to ensure that a fair and consistent approach is followed, and that the best possible outcome is reached, taking into account the needs of the individual making the request, their team and the school. Flexible working requests should always be supported unless there is a genuine operational reason why this cannot happen. More information on this is set out below.

Following a consistent process for each request, which sets out the issues to be considered before deciding if the school/ setting/ trust can support the change requested, will help you to ensure that all requests are dealt with in a reasonable manner.

Supporting information:

[The Department for Education's guidance on Flexible Working in Schools](#)
[Acas Code of Practice on handling flexible working requests | Acas](#)
[Flexible Teacher Talent](#)
Other resources in the DfE flexible working toolkit

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For use when considering a statutory flexible working application

Name of employee making the request:

Job title:

Current working pattern:

Proposed working pattern:

Considering a statutory flexible working request	Notes
<p>Check that the application includes:</p> <ul style="list-style-type: none"> • Date. • Statement that this is a statutory request. • Details of how the staff member wants to work flexibly. • Details of when they want to start. • Date of any previous flexible working requests, if they have made any. Note that an employee may have only one live request for flexible working with their employer at any one time. Once a request has been made, it remains live until any of the following occur: <ul style="list-style-type: none"> ○ a decision about the request is made by the employer. ○ the request is withdrawn. ○ an outcome is mutually agreed. ○ the statutory two-month period (beginning with the date on which the application is made), or any agreed extended period, for deciding requests ends. • Any particular circumstances in which the application is being made, for example because of a disability. In such cases the request will be considered as a Request for Reasonable Adjustments under the Equality Act 2010. 	
<p>Does the individual have a statutory right to make a flexible working request? You can still consider a request which is not made under the statutory right. Employees have the statutory right from the first day of employment and if they:</p> <ul style="list-style-type: none"> • Are legally classed as an employee. • Have not already made two formal flexible working requests in the last 12 months. 	

Considering a statutory flexible working request	Notes
<p>Have you discussed the request with the individual?</p> <p>In your discussions you should explore:</p> <ul style="list-style-type: none"> • The change they are asking for and the benefits to the individual and the school. • Alternative options. 	
<p>As part of your consideration think about:</p> <ul style="list-style-type: none"> • Does the written request contain sufficient information for you to make a decision? If not, what further information do you need? Can this be obtained by discussing the request? • Is there a genuine operational reason why the request should be turned down? Do you have evidence to support this? • Whether there are alternative options that could be explored with the staff member? • What time frame does your flexible working policy say you need to decide in? Remember that by law statutory applications (including any appeal) must be dealt with within two months beginning with the date on which the application is made. This is unless both parties agree to an extension period. • The type of change that has been requested (fixed term or permanent). Can the school support the change for the duration of the contract? Or offer a trial period, if agreed with the staff member? <p>Suggested alternatives/solutions can be found in the Flexible working Acas.</p>	

You have decided that you can support the flexible working request.	Notes
<p>What steps do you now need to take to support the individual, team and school in making flexible working a success?</p> <p>Example considerations are set out below and should be considered in line with the relevant sections of the School teachers' pay and conditions.</p> <p>Practical implications for the role:</p> <ul style="list-style-type: none"> • How will wider workload be managed, for example how will duties be reduced if working hours are reducing? 	

You have decided that you can support the flexible working request.	Notes
<ul style="list-style-type: none"> • How will you ensure effective communications? • Discuss and agree expectations for attendance at INSET Days, parents' evenings, CPD etc. • What arrangements are in place to keep in touch, for example when homeworking or meetings take place on a non-working day? 	
<p>How might you support the individual moving forward? Examples include:</p> <ul style="list-style-type: none"> • Provide training on the effective management of shared classes. • Support with home-working arrangements. • Regular check-ins for feedback and discussion. 	

You have discussed with the employee and decided that you cannot support the flexible working request.	Notes
<p>Have you shared with the individual the reason(s) for turning down the request (ideally state which of the 8 statutory reasons to reject a request apply) and their right to an appeal as per your flexible working policy? By law, a request can only be turned down if there is:</p> <ul style="list-style-type: none"> • A burden on additional costs. • Detrimental effect on ability to meet customer demand. • Inability to reorganise work among existing staff. • Detrimental impact on quality. • Detrimental impact on performance. • Inability to recruit additional staff. • Insufficiency of work during the periods the employee proposes to work. • Planned structural changes. 	
<p>Have you reviewed your decision to ensure that it is not discriminatory?</p> <p>For example, has the individual made the request because they have a protected characteristic under the Equality Act 2010?</p> <p>Have you ensured it is not discriminatory in relation to decisions taken in respect of others?</p>	
<p>Have you ensured that you have a clear appeals policy and process in place that you can signpost the staff member to, should they wish to appeal the decision?</p>	



Contact us

If you have a query regarding the flexible working toolkit please contact [DfE's flexible working team](#). If you have suggestions on resources we could develop as part of our toolkit, please [contact Capita](#).

