



London Borough  
of Hounslow

# Flexible Working Policy and Procedure for School Based Staff

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 1 of 12

# 1 INTRODUCTION

- 1.1 This policy is intended to ensure that statutory provisions are appropriately observed, and matters considered with due reference to the ACAS Code of Practice and the DfE guidance on requests for flexible working in schools.
- 1.2 Flexible working is a core pillar of the Education Staff Wellbeing Charter, a set of commitments from DfE, Ofsted, and schools and colleges to protect and promote the wellbeing of staff.
- 1.3 The London Borough of Hounslow and its schools are committed to dealing with flexible working requests in a reasonable manner and (add name of school/academy) aims to be an employer of choice by recognising the key role flexible working plays in attracting, retaining, developing and rewarding teachers, support staff and multi-disciplined staff.
- 1.4 There are a variety of reasons why an employee may wish to work flexibly, including to enable caring responsibilities, to support wellbeing or to provide time for hobbies and voluntary activities.
- 1.5 We recognise the positive impact of flexible working in:
- Supporting recruitment and retention.
  - Promoting wellbeing and improving work-life balance.
  - Reducing absences and improving productivity.
  - Promoting an inclusive workplace and supporting equal opportunities and diversity.
  - Creating attractive workplaces.
  - Supporting pupil outcomes by promoting recruitment and retention of experienced staff.
- 1.6 As an employer, we encourage flexible working opportunities and will seek to support employees to enable successful requests for flexible working.
- 1.7 The guiding principles underpinning this policy include:
- **Pupil outcomes and supporting pupils:** we are committed to supporting flexible working and will consider each request on a case- by-case basis, while ensuring that we continue to prioritise the support we provide to our pupils in school.
  - **Leadership:** our leadership team and governors/trustees are committed to embracing and supporting flexible working. Flexible working is a core part of the school, supporting its values and objectives, and ensures it reflects the working lives of families and the communities it serves.
  - **Trust and fairness:** we are committed to open conversations about flexible working and considering all requests fairly by following the process as set out in this policy, although in some situations it may not be possible to permit a request for flexible working. Staff working flexibly, or seeking to work flexibly, will receive fair treatment regardless of their agreed/ contractual working arrangements. All requests will be treated carefully and with sensitivity, taking into account the promotion of equality within the school.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 2 of 12

- **Whole-school approach:** we take a proactive approach that works for the whole school. This includes an annual process for requesting flexible working and preventing any negative impact on other staff.
- **Flexible hiring role:** we welcome conversations about flexible working before/at interview.
- **Flexible progression:** we support flexible working at every level and all stages of a career, including promotion and moving to a new role if you are already working flexibly.
- **Inclusion and fair treatment of those working flexibly:** we ensure those working flexibly are effectively embedded in the staff community. We will ensure that conversations take place around expectations for attendance at INSET Days, parents' evenings, CPD and responsibilities around other duties, considering the needs of those working part time, as set out in the School Teachers Pay and Conditions Document, the Conditions of service for Teachers in England and Wales (the Burgundy Book) and the National Agreement on Pay and Conditions of Service (the Green Book) for support staff.

## 2 SCOPE OF THE POLICY

- 2.1 Employees have a statutory right to request flexible working from the first day of their employment and this policy sets out the school's responsibilities.
- 2.2 This policy applies to all employees (teaching and support staff) employed by the school.
- 2.3 This policy does not apply to agency workers, consultants, or self-employed contractors.
- 2.4 This policy does not apply to a short term or one-off request that an employee might make to vary their working hours/pattern to coincide with a domestic requirement. Such requests should be made to the Headteacher via a Leave of Absence request and will be considered in line with the Special Leave arrangements adopted by the school.

## 3 TYPES OF FLEXIBLE WORKING

- 3.1 Flexible working can be defined as 'arrangements which allow employees to vary the amount, timing, or location of their work'.
- 3.2 Types of flexible working include the below arrangements:
  - Part-time working
  - Job share
  - Phased retirement: gradually reducing working hours and/or responsibilities to transition from full-time work to full-time retirement.
  - Varied or staggered hours: the employee has different start, finish and break times.
  - Compressed hours: working full-time hours but over fewer days.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 3 of 12

- Annualised hours: working hours spread across the year, which may include some school closure days, or where hours vary across the year to suit the school and employee.
- Personal or family days: days of authorised paid leave during term time to which **all** employees in a school are entitled.
- Lieu time: paid time off work for having worked additional hours.
- Home or remote working: the employee carries out work off site. For example, Planning Preparation and Assessment time conducted off site, or leaders carrying out some duties from home.

- 3.3 The school will **consider** requests regardless of the type of flexible working requested, although some forms of flexible working may be more suitable for particular roles than others.
- 3.4 We will consult with individuals before rejecting a flexible working request. This will enable us to explore with individuals whether alternative workable options may be available.
- 3.5 Employees making a request should consider which forms of flexible working are best suited to their personal circumstances and their role, as individual circumstances vary.

## 4 FIXED TERM ARRANGEMENTS

- 4.1 At the end of any agreed fixed term period the employee will be expected to revert to their previous contractual working pattern.
- 4.2 If the employee wishes to make the arrangement permanent, they should discuss the possibility with the Headteacher prior to the end of the fixed term period. A further application is not required. The Headteacher should however respond using the process as outlined in paragraphs 5.8 to reach their decision.
- 4.3 Advice should be sought from the Schools Workforce HR & Development Team or the school's HR Advisory provider on receipt of a flexible working request where appropriate.

## 5 PROCEDURE FOR FLEXIBLE WORKING REQUESTS

- 5.1 Applications to work flexibly must be made in writing by completing all relevant sections on the Request for Flexible Working Form, **(Appendix 2)**, and submitted to the Headteacher for consideration and should include:
- The date of the request.
  - A statement that this is a formal request to work flexibly.
  - Detail of the flexibility being sought in relation to hours, times or place of work.
  - The proposed start date for the flexible working arrangement **(at least a term's notice should be provided where reasonably possible)**.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 4 of 12

- Whether any other request for flexible working has been made in the last 12 months.
- If the request is being made in connection with a protected characteristic, as defined by the Equality Act 2010, you may wish to note this on the form.

- 5.2 A decision (including the outcome of an appeal) will be provided to the employee within two months, or such longer period as might be agreed by the employer and the employee.
- 5.3 We encourage a two-way dialogue before any formal request is made and encourage anyone requesting flexible working to have a conversation with the Headteacher ahead of making a formal request.
- 5.4 All requests will be considered reasonably on a case-by-case basis.
- 5.5 Employees must not have made two requests for flexible working within a 12-month Period and not have a live request for flexible working under consideration.
- 5.6 Once a request has been made, it remains live until any of the following occurs:
- a decision about the request is made by the school.
  - the request is withdrawn.
  - an outcome is mutually agreed.
  - the statutory two-month period for deciding requests ends.
- 5.7 A request continues to be live during any appeal or any extension to the statutory two-month decision period that the school and employee may have agreed.

### Consulting with the employee

- 5.8 If the Headteacher's decision is to agree the employee's flexible working request in full, then there is no requirement to hold a meeting with the employee to discuss their application further, however the Headteacher may wish to meet with the employee to personally inform them.
- 5.9 The decision to agree the Flexible Working must be confirmed in writing to the employee.
- 5.10 If the Headteacher considers they may need to reject or part reject the employee's flexible working request, they **must** meet with the employee **within 20 working days** of receiving the application.
- 5.11 The employee should be given **at least 5 working days' notice** of the meeting. The employee may be accompanied by their trade union representative or a workplace colleague, **however this is at the discretion of the school and is not a statutory requirement.** The purpose of this meeting is to:
- Further explore the desired work pattern and discuss how this might work in practice.
  - Talk through any problems which may arise from the proposed changes.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 5 of 12

- Discuss alternative working arrangements if the requested working pattern cannot be accommodated.
- To give the application serious consideration, in a 'reasonable manner' as set out in the statutory framework.
- Consider a trial period where relevant.

5.12 Within **10 working days** of this meeting the Headteacher will write to the employee to:

- agree the new working pattern in full, and agree the date new arrangements will come into effect and any adjustments to contract of employment, if applicable
- agree the request in part: for example, on the basis of an agreed trial period or on an agreed temporary basis, or
- provide clear business grounds as to why the application cannot be accepted. This may include offering an alternative proposal.

5.13 If written notification is not issued **within 8 weeks** of the date in which the application was originally received and further time is needed to make a decision, then an extension should be agreed with the employee and confirmed in writing.

5.14 Whilst employees have the right to request flexible working, there **is no obligation** for the request to be agreed. The Headteacher must however give due consideration to the request and arrive at a decision based on the business needs of the school. It is for the employer to consider the potential impact of the flexible working request on the business or suggest how this impact could be managed.

5.15 Each application will necessitate careful consideration of the work involved and assessing any detrimental effect the change could have on the pupils, individual, other colleagues or performance as well as cost implications.

5.16 Headteachers seeking flexible working should make their request to the Chair of Governors/Trustees/Executive Headteacher and follow the same process set out above. Any meeting to discuss flexible working will be held with the Chair of Governors/Trustees/Executive Headteacher who will also be responsible for considering the request in a reasonable manner and managing any appeals process.

5.17 An individual may wish to request an alteration to their arrangement as a result of a change in circumstances. Any changes to arrangements would need to be agreed by both parties through discussion and formalised in writing.

### Successful Applications:

5.18 Where the employees request is agreed or partially agreed, written confirmation must include:

- A statement of the agreed changes i.e. new working pattern arrangement and salary implications.
- The start date from which the new working pattern is to take effect.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 6 of 12

- If relevant, that any agreement to work a job share arrangement is subject to a job share partner being found.
- Any agreed trial period arrangements.
- A confirmation that the change is a permanent change to the employee's terms and conditions of employment and detail the changes. (unless the request was for a fixed term arrangement).

5.19 The School must notify both their payroll provider of any change to the working hours of employees in a timely manner so that adjustments to salary payments can be made.

5.20 A revised contract of employment or a letter confirming any changes will be issued, and the payroll system updated accordingly.

### **Trial Periods**

5.21 A new working pattern may be agreed subject to a trial period which is agreeable to both parties, for example for one term, and will be determined on a case-by-case basis, dependent on the nature of the change and role being performed by the employee.

5.22 At the end of the trial period the Headteacher or their designated representative **must** meet with the employee to discuss the trial period and whether the arrangement should be made permanent.

5.23 All trial period arrangements and their agreed outcomes will be confirmed in writing.

5.24 During the trial period the line manager should:

- Hold regular meetings/discussions with the employee.
- Discuss the suitability of the revised working arrangements and agree any necessary adjustments.

5.25 If, on completion of the trial period, the line manager and/or the employee determine that the new arrangements are inappropriate and no suitable adjustments can be made, the employee will be required to revert to the terms and conditions that applied previously. Employees will have the right to appeal against this decision.

### **Unsuccessful Applications:**

5.26 Where the request is rejected or part rejected, the written notification shall set out the reason(s) for the decision.

5.27 The grounds for rejecting a request must be for one of the following reasons as are set out in the Employment Rights Act 1996:

- The burden of additional costs e.g. covering the position with agency staff.
- An inability to reorganise work fairly and appropriately amongst existing staff.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 7 of 12

- An inability to recruit additional staff.
- A detrimental impact on quality e.g. quality of teaching provided to the pupils/students.
- A detrimental impact on performance.
- A detrimental effect on the ability to meet customer demand.
- Insufficient work for the periods the employee proposes to work.
- A planned structural change to the school e.g. plans for a reorganisation.

5.28 The written notification of the rejection of the request must also set out the employees' right to appeal the decision.

## Timescales and Withdrawal of application

5.29 Time limits are set out in the procedure and can be extended either through agreement by the Headteacher and the employee or through the absence from work of the Headteacher dealing with the application. In all instances a written record should be made, and a copy sent to the employee.

5.30 There will however be occasions when an application may be taken as withdrawn. These are if the employee:

- Fails to attend two meetings without reasonable cause.
- Fails to provide the required information without reasonable cause.

5.31 Confirmation of withdrawal should be provided in writing or requested from the employee if they have verbally withdrawn their application.

5.32 Applications that are withdrawn without reasonable cause will count towards the statutory right to two flexible working requests **within 12 months** from date of the receipt of the application.

## 6 RIGHT OF APPEAL

6.1 Employees have a right of appeal should their request be rejected or part rejected. Appeals must be lodged in writing and addressed to either the Chair or the Clerk of the Governing Board **within 10 working days** of receipt of the notification and must state the basis of the appeal, together with any supporting papers.

6.2 The appeal must be submitted to the Headteacher, who will ensure that the necessary arrangements are made for an appeal hearing to be convened.

6.3 The appeal will be heard by an appeals panel formed in accordance with Schools (Government) Regulations. A HR representative should attend as an adviser to the panel.

6.4 The appeal meeting should be held **within 10 working days** of receipt of the appeal.

6.5 The employee will be required to attend the appeal to present their case and may, if they wish, be accompanied by their trade union representative or a work colleague.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 8 of 12

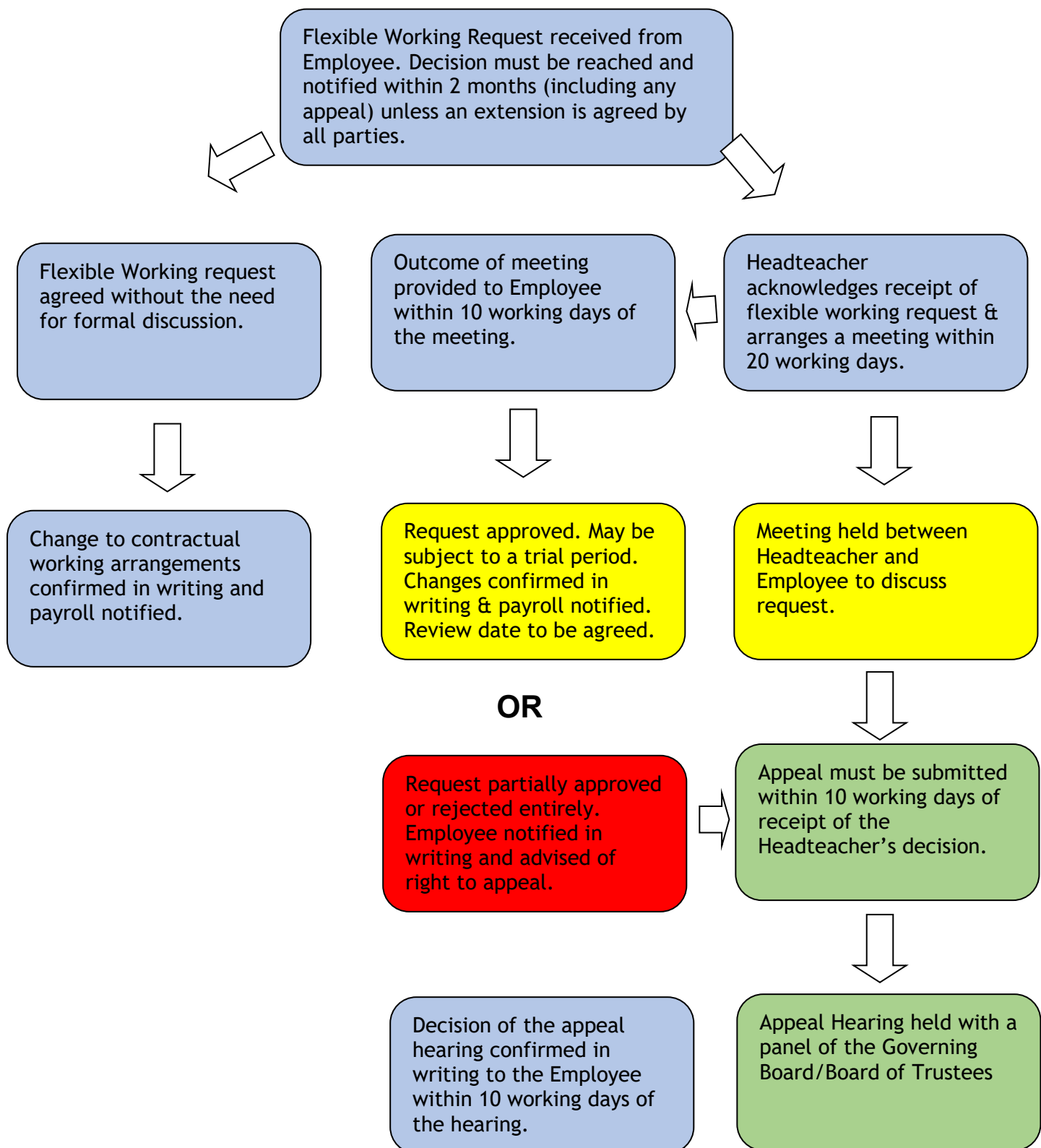
- 6.6 The Chair of the appeal panel will inform the employee of the outcome of the appeal in writing **within 10 working days** of the appeal meeting.
- 6.7 **If the appeal is upheld** the written notification should include details as set out in paragraphs 5.18 of this policy.
- 6.8 **If the appeal is dismissed** the written notification should provide an explanation as to why the grounds for refusal apply in the circumstances.
- 6.9 There will be occasions when an appeal may be taken as having been withdrawn. This will be the case if an employee without reasonable cause fails to attend at least two scheduled meetings with appropriate prior notification.

## 7 TERMS AND CONDITIONS OF EMPLOYMENT

- 7.1 Where an employee's working hours are reduced, the employee's salary will be pro-rated in accordance with the number of hours worked. Other terms of conditions e.g. annual leave may also need to be amended to reflect pro-rata entitlements.
- 7.2 Applications that are approved will be a **permanent** change to the employee's contractual terms and conditions unless approval is agreed for a fixed term. The employee has no right to revert to their previous working pattern.

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 9 of 12

**APPENDIX 1 - FLEXIBLE WORKING REQUEST FLOWCHART**



Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 10 of 12

## APPENDIX 2 – FLEXIBLE WORKING APPLICATION FORM

### Flexible Working Application Form

This form should be used to make a formal application to work flexibly in accordance with the Schools' Flexible Working Policy.

You should note that under the right it may take up to **2 months** for your employer to consider a request and possibly longer where you have agreed to a longer decision period with your employer. You should therefore ensure that you submit your application to the appropriate person well in advance of the date you wish the request to take effect.

It will help your Headteacher to consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. Once fully completed, please submit the to the Headteacher, keeping a copy for your own records.

Where your application is successful, your terms and conditions of employment will change permanently. Should you wish to revert to your original working pattern, a further application must be made.

**NB: Only Two applications for flexible working can be made in a 12-month period.**

#### Personal details

<b>Name</b>	
<b>Payroll Number</b>	
<b>Post</b>	
<b>School</b>	
<b>Employment start date</b>	
<b>I have/have not made a flexible working request in the last 12 months</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Dates of any previous application/s for Flexible Working</b>	

<b>Current Working Pattern</b>	<b>Days per week</b>	<b>Hours Per week</b>	<b>Start and End Working Times</b>

<b>Requested Working Pattern</b>	<b>Days per week</b>	<b>Hours Per week</b>	<b>Start and End Working Times</b>

<b>Revised</b>	<b>Replaces</b>	<b>Author</b>	<b>Page of Total Pages</b>
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 11 of 12

Please provide any information you wish to be considered as part of your application (Please provide further information on an additional sheet if required)

Is this application being made under the provisions of the Equality Act 2010?

Yes                       No

If yes, please provide details and attach other supporting evidence

### Declaration

I confirm that:

- This is a statutory request for flexible working.
- I have not made two previous applications under this policy during the past 12 months.
- I do not have a live request for flexible working under consideration.

*Please note, if you are unable to confirm that you meet the above eligibility criteria then you are not entitled to make a request to work flexibly under the statutory procedure. You may approach the Headteacher to ask if a request you make other than under the statutory procedure will be considered.*

Signed:	Date:
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### Confirmation of Receipt of Application

I confirm receipt of your application for Flexible Working.

<b>Date Application received</b>	
<b>Date Application acknowledged</b>	
<b>Signed</b>	
<b>Job Title</b>	
<b>Date</b>	

Revised	Replaces	Author	Page of Total Pages
01 September 2025	Flexible working policy and procedure for school based staff - January 2025	Schools Workforce HR & Development Team	Page 12 of 12