Barking & Dagenham

Schools Flexible Working Guidance 2026

The Schools HR Advisory Service will review and update this Guidance as necessary to reflect changes to legislation, ACAS guidance, or Schools HR practice, and will notify Schools of any substantive amendments.

This Guidance should not be amended by individual Schools other than to insert School-specific details where clearly indicated. Any substantive amendments made locally may invalidate the Guidance and should be discussed with the Schools HR Advisory Service in advance.

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Appendix A: Application – Statutory Right to Request Flexible Working

1. Introduction

This guide aims to explain what flexible working means, the process and how it can be used to help school employees achieve a better balance between their work and home life.

The Council and School recognises that a better work life balance can improve employee motivation, performance and productivity, and reduce stress.

Therefore, schools will need to give serious consideration to agreeing any flexible working arrangements, provided that the needs and objectives of both the School and the employee can be met.

2. What is flexible working?

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works.

3. The Right to Request Flexible Working

- All employees have the legal right to request flexible working - not just parents and carers.
- Employees can apply for flexible working from the first day of employment and must:
    - Be an employee, not an agency worker or member of the armed forces.
- Employees can only make 2 applications in any 12-month period, (and 1 application at a time), and these must be in writing and state that it is a statutory request for flexible working.

4. Equality, Fairness and Reasonable Adjustments

Schools are committed to ensuring that all flexible working requests are considered fairly, consistently, and in accordance with the Equality Act 2010, as well as the statutory flexible working framework.

When considering a flexible working request, Schools should recognise that such requests may, in some circumstances, also engage statutory equality duties, particularly where matters relate to disability, pregnancy or maternity, caring responsibilities, sex, age, or other protected characteristics.

Flexible Working and Disability

Where an employee has a disability, a flexible working request may also constitute a request for a reasonable adjustment under the Equality Act 2010.

In such cases, Schools must consider the request through both the Statutory Flexible Working Framework and the duty to make reasonable adjustments. This includes

considering whether the proposed arrangement would reduce or remove a workplace disadvantage.

A request should not be refused solely because it does not align with existing working arrangements where reasonable adjustments could be made without disproportionate impact.

Decision-Making and Equality Considerations

When reaching a decision, Schools should ensure that:

- decisions are based on objective evidence, not assumptions or stereotypes;
- statutory grounds for refusal are applied proportionately;
- any equality impacts are explicitly considered and recorded; and
- alternatives or adjustments are explored where the request cannot be agreed in full.

Failure to properly consider equality implications may expose the School to discrimination claims, even where formal flexible working procedures have been followed.

Adjustments to the Process

Schools should also consider whether the process itself requires adjustment, for example by allowing additional time, providing information in accessible formats, or permitting appropriate support or representation.

5. Types of Flexible Working

Job sharing: Two people do one job and split the hours.
Working from home: It might be possible to do some or all of the work from home or anywhere else other than the normal place of work.
Part time: Working less than full-time hours (usually by working fewer days).
Compressed hours: Working full-time hours but over fewer days.
Flexitime: The employee chooses when to start and end work (within agreed limits) but works certain 'core hours', for example 10am to 4pm every day.
Annualised hours: The employee has to work a certain number of hours over the year but they have some flexibility about when they work. There are sometimes 'core hours' which the employee regularly works each week, and they work the rest of their hours flexibly or when there's extra demand at work.
Staggered hours: The employee has different start, finish and break times from other workers.
Phased retirement: Default retirement age has been phased out and older workers can choose when they want to retire. This means they can reduce their hours and work part time.

6. Submitting a Flexible Work Request

An eligible employee must complete the flexible working application form and submit to the school. Any request must include:

- The date of the application

- The changes that the employee is seeking to their terms and conditions
- Specify the date from when the employee would like the proposed change to come into effect
- Where the employee wishes to do so, details of any anticipated impact of the proposed change and how this might be managed.
- and how you can deal with any such effect
- State that it is being made under the statutory right to make a flexible working request
- State whether they have made any applications before and, if so, when.

7. Incomplete Applications

- Where an application is incomplete, the School should support the employee to promptly provide the missing information.
- Consideration of the request may be paused until the required information is provided, but this should be handled proportionately and without unnecessary delay.

8. Processing Applications

Once the school has received the application for flexible working, the following should be undertaken:

- The School must consult with the employee before refusing a request. This will normally involve a meeting, unless the request can be agreed in full without discussion.
- At the meeting, the employee may, if they wish, be accompanied by a Workplace Colleague or a Trade Union Representative.
- Seriously consider all statutory flexible working requests with the aim of deciding whether your business can accommodate the requested work pattern.
- If you cannot accommodate the requested working pattern, you may still wish to explore alternatives to find a working pattern suitable to you both.

All internal timescales set out in this guidance operate within the overarching statutory requirement that the full flexible working process, including any appeal, must be completed within two months of receipt of the original application, unless an extension is agreed with the employee. Where school closure periods apply, working days may not run consecutively, and any required extension will be discussed with the employee and confirmed in writing

9. Reaching a Decision

Notify the employee of your decision within 10 working days (excluding school closures) (if you need more time to consider the request, you must agree this with the employee).

The possible outcomes of this process are the following:

- That the application/work pattern can be accommodated in full and will be implemented as a permanent change
- That the application/work pattern can be accommodated in part, an explanation must be provided

- That the application/work pattern cannot be accommodated, an explanation must be provided

10. Refusing Flexible Working

If you refuse a flexible working request outright, you must put in writing the following:

- State which of the business grounds as per the below apply as to why you cannot accept the request.
- Provide detailed explanations of why the business reasons apply in the circumstances.
- Notify the right to appeal and set out the appeal procedure.

11. Grounds for Rejecting Flexible Working

The only grounds for rejecting a flexible working request are:

- Planned structural changes
- The burden of additional cost
- A detrimental impact on quality
- The inability to recruit additional staff
- A detrimental impact on performance
- The inability to reorganise work among existing staff
- A detrimental effect on ability to meet customer demand
- A lack of work during the periods the employee proposes to work

Note: *All requests, including any appeal, must be considered and decided on within two months of receipt of the original application, unless an extension is agreed with the employee, in line with statutory requirements.*

12. Trial Periods

Where agreed, the proposed work pattern will be subject to a trial period of up to 3 months before any changes are made to the employee's contract. This is to see how the arrangements work in practice and impact on the service and work colleagues.

The Headteacher will confirm the arrangements for the trial period, including for a review at the end, in writing and notify the HR Service Desk before the start date so any payroll changes can be processed in time to avoid any overpayments / underpayments of salary.

At the end of the trail period a decision will be made as to whether the flexible working arrangements are successful or not. If it is clear that the arrangements are not working or need adjusting, this should be addressed promptly and not left to the end of trial period. If the trial period is:

i) successful, a new contract will be issued.
ii) unsuccessful, the application for flexible working will be considered to have failed

and which must be confirmed in writing within 10 working days (excluding school closures) of the review meeting.

There is no statutory right of appeal against the outcome of a trial period. However, employees may raise concerns through the school's usual procedures where appropriate.

13. Appeal and Hearing

The employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may lodge an appeal within 10 working days (excluding school closures) of being notified of a decision on their application. This should be done in writing and clearly state the grounds on which they are appealing.

These time limits may be extended with the agreement of both the employee and the school.

- The school must hear the appeal within 14 working days (excluding School Closures) of receiving the employee's grounds for appeal and should be heard by a different person i.e. Governor or a different manager. ***(It is recommended to arrange a panel of up to three governors to hear the appeal).***

- The appeal should be heard by a person or panel with no prior involvement in the case, with appropriate authority to uphold or overturn the original decision

- The School must notify the employee of the outcome of the appeal in writing within 14 working days (excluding school closures) after the date of the appeal meeting.

This is the final stage; there is no further right of appeal.

14. Complaints

There may be occasions where an employee feels that you have not dealt with their application to their satisfaction. For example, a deadline is missed, if this is the case you should:

- First try to sort out any problems informally – If an employee feels that the issue has not been resolved using informal methods, they may use your grievance procedure if they wish.

Each request should be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

15. Varying Employment Contract

Where flexible working practices are agreed as a permanent change, a variation will need to be made to the employee's contract of employment. A new contract of employment should

be sent to the employee within 28 days of the change to the employee's working pattern being agreed.

16. Withdrawing an Application

Employees should notify the school in writing if they want to withdraw their application. The school can treat an application as withdrawn if the employee misses 2 meetings to discuss an application or appeal without good reason, for example sickness.

Please Note: This document is for advice only and you should seek further guidance from Schools HR Advisory Service or your HR Provider.

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Appendix A: Application – Statutory Right to Request Flexible Working

Part 1: To be completed by the Employee

A. Personal details

Name: _____
Employee Number: _____
Job Title: _____
School: _____
Line Manager / Head Teacher: _____
Work Location / Base: _____
Work Email / Contact Number: _____

B. Statutory declaration

1. **Date of application:** ____ / ____ / _____
2. I am making a **statutory request for flexible working** under **section 80F of the Employment Rights Act 1996**.
3. I confirm that I have **not made more than two statutory flexible working requests in the last 12 months**.
4. **Previous statutory flexible working requests (if any) within the last 12 months:**

- Date of request 1: ____ / ____ / _____ Outcome: _____
- Date of request 2: ____ / ____ / _____ Outcome: _____

5. **Important statutory timeframe:** The statutory process (including any appeal) must normally be completed within **two months** of the date the School receives this application, unless an extension is agreed with me in writing.

Reasonable Adjustments (Equality Act): If this request relates to a disability or long-term physical or mental health condition, the School will also consider whether it should be treated as a request for a **reasonable adjustment**.

C. Current working pattern

C1. Describe your current working pattern (days / hours / times worked):

_____

_____

D. Requested working pattern

D1. Describe the working pattern you are requesting (days / hours / times / location):

_____

_____

D2. Type(s) of change requested (tick all that apply):

☐ Change to working hours (increase / reduce / different hours)
☐ Change to working days
☐ Change to start / finish times
☐ Compressed hours
☐ Job share
☐ Working from home / hybrid (where applicable)
☐ Term-time / part-year working (where applicable)
☐ Other (please specify): _____

D3. Is the change requested:

☐ Permanent
☐ Temporary (please state end date / review date): ____ / ____ / _____

D4. Proposed start date for the new working pattern: ____ / ____ / _____

E. Optional (helpful but not required): anticipated impact and mitigations

You may (if you wish) outline any anticipated impact and how it could be managed. This information is **helpful but is not required** for your application to be considered.

E1. How might this affect work, pupils, and colleagues?

_____

_____

E2. How could any impact be managed / mitigated?

_____

_____

F. Equality & Reasonable Adjustments (optional disclosure)

If you consider this request relates to a **reasonable adjustment** (for example, due to disability), you may provide brief information below (optional).

F1. Brief details (optional):

_____

☐ I consent to the School sharing the minimum necessary information with the **Schools HR Advisory Service / HR Service Desk** to support fair consideration of my request.

G. Employee declaration and signature

Employee signature: _____
Employee printed name: _____
Date: ____ / ____ / _____

Please forward the completed form to your Head Teacher.

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Part 2: To be completed by the Head Teacher (or delegated decision-maker)

H. Receipt and meeting record (procedural compliance)

Date application received: ____ / ____ / _____
Meeting held to discuss request: ☐ Yes ☐ No (only permissible if request agreed in full without discussion)
Meeting date: ____ / ____ / _____
Those present: _____

Companion: Employee was advised they may be accompanied by a **Workplace Colleague** or **Trade Union Representative**.
☐ Attended with companion ☐ Attended without companion ☐ Not applicable

Alternatives discussed (if request could not be agreed in full):
☐ Yes ☐ No (if "No", explain): _____

I. Equality & Reasonable Adjustments decision prompt (audit-ready)

Complete this section **in all cases** (tick and add brief notes as applicable):

1. **Equality considerations:**
   ☐ Considered whether the request engages any Equality Act issues (for example disability, pregnancy/maternity, caring responsibilities).
   Notes (brief):
   _____
2. **Reasonable Adjustments (where relevant):**
   ☐ Considered whether the request should also be treated as a reasonable adjustment (if disability / long-term condition is indicated).
   Notes (brief):
   _____
3. **Process adjustments:**
   ☐ Considered whether any adjustments to the process were needed to ensure fair access (for example additional time, accessible format).
   Notes (brief):
   _____

   _____

J. Decision (tick one)

☐ **Approved in full** (permanent change)
☐ **Approved in part** (with modifications agreed)
☐ **Approved on a trial period** (see section K)
☐ **Refused** (statutory grounds must be completed in section L)

Decision date: ____ / ____ / _____

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Local decision timescale: Aim to notify the Employee of the decision within **10 working days (excluding School closures)**, while ensuring the overall statutory two-month limit is met unless formally extended by agreement.

K. Trial period (where applicable)

Trial period agreed: ☐ Yes ☐ No
Trial start date: ____ / ____ / _____ **Trial end date:** ____ / ____ / _____
Review meeting date: ____ / ____ / _____
Trial arrangements / success measures:

(If the trial results in a permanent change, contract variation will be required.)

L. Statutory refusal grounds checklist (complete if refused or agreed in part)

If the request is **refused** or **only agreed in part**, the School must state which statutory business ground(s) apply and provide a clear explanation of why they apply in the circumstances.

Select the applicable statutory ground(s) (tick all that apply):
☐ Planned structural changes
☐ The burden of additional cost
☐ A detrimental impact on quality
☐ The inability to recruit additional staff
☐ A detrimental impact on performance
☐ The inability to reorganise work among existing staff
☐ A detrimental effect on ability to meet customer demand
☐ A lack of work during the periods the Employee proposes to work

Evidence-based explanation (must be specific to the School context):

Alternatives considered (record what was explored and why not feasible):

M. Extension agreement (only if needed)

If more time is needed (for example due to School closures), an extension must be agreed with the Employee.

Extension agreed: ☐ Yes ☐ No
New deadline date: ____ / ____ / _____
Employee confirmation obtained: ☐ Yes (attach evidence)

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N. Notification and record-keeping

☐ Written outcome issued to Employee on: ____ / ____ / _____
☐ Copy sent to HR Service Desk for personnel file (if approved)
☐ Decision shared with **Schools HR Advisory Service** for monitoring purposes

Head Teacher signature: _____
Head Teacher printed name: _____
Date: ____ / ____ / _____

Part 3: Appeal (to be completed by the Employee)

The School's procedure provides a right of appeal if the request is refused or only agreed in part.

Appeal must be submitted within 10 working days (excluding School closures) of the decision letter, unless an extension is agreed.

Date appeal submitted: ____ / ____ / _____

Grounds for appeal (please state clearly):

Outcome sought:

Employee signature: _____
Employee printed name: _____
Date: ____ / ____ / _____

Part 4: Appeal outcome (to be completed by the appeal decision-maker / Governor panel)

Appeal heard by (name / role): _____
(Should be heard by a different person / Governor(s), not previously involved in the original decision.)

Appeal hearing date: ____ / ____ / _____
Those present: _____

Appeal decision (tick one):
☐ Appeal upheld (request approved in full)
☐ Appeal upheld in part (modified agreement)
☐ Appeal not upheld (original decision stands)

Rationale (must be clear and evidence-based):

Outcome letter issued on: ____ / ____ / _____

Appeal decision-maker signature: _____ **Date:** ____ / ____ / _____

Office Use Only (HR / Schools HR Advisory Service)

Application received: ____ / ____ / _____
Acknowledged: ____ / ____ / _____
Decision recorded: ____ / ____ / _____
Appeal received (if applicable): ____ / ____ / _____
Final outcome recorded: ____ / ____ / _____

Stand-alone: Statutory Refusal Grounds Checklist for Head Teachers (Quick Reference)

Use this when refusing or agreeing in part. The refusal must be based **only** on one or more of the statutory business grounds below, with a clear explanation.

Tick statutory ground(s):
☐ Planned structural changes
☐ Burden of additional cost
☐ Detrimental impact on quality
☐ Inability to recruit additional staff
☐ Detrimental impact on performance
☐ Inability to reorganise work among existing staff
☐ Detrimental effect on ability to meet customer demand
☐ Lack of work during the periods requested

Mandatory prompts (complete all):

- Consultation meeting held (unless agreed in full without discussion): ☐ Yes ☐ No
- Companion offered (Workplace Colleague / Trade Union Representative): ☐ Yes ☐ No
- Alternatives explored: ☐ Yes ☐ No (record why)
- Equality & reasonable adjustments considered (where relevant): ☐ Yes ☐ No
- Written rationale is evidence-based and School-specific: ☐ Yes ☐ No
- Statutory two-month limit met (unless extension agreed): ☐ Yes ☐ No