

# Ysgol Aberconwy



## **Flexible Working** **Policy**

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**THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY**

**Signed:**

**Date: 1/3/21**

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**LT Link: IG**

## CONTENTS

	<b>Page</b>
1. Policy Statement	3
2. Benefits of Flexible Working	4
3. Eligibility	4
4. Making an Application	5
5. The Procedure	5
6. Reasons a Request Might Be Refused	6
7. Extension of Time Limits	7
8. Contractual Terms and Conditions	7
9. Withdrawal of an Application	7
10. Rights and Responsibilities	8
11. Unresolved Applications	9
12. Monitoring and Review	9
Appendix A Form : Application for Flexible Working	10
Appendix B Form : Notice of Withdrawal	13
Appendix C Form : Appeal Form	14
Human Rights Act 1998:	This Policy and its supporting procedures does not contravene the Human Rights Act.
Legislation:	Employment Act 2002 Employment Rights Act 1996 as amended by the Children and Families Act 2014 Equality Act 2010 Flexible Working Regulations 2014

## 1. **Policy Statement**

This policy applies to all employees which are employed by the Governing Body, this includes full-time, part-time, permanent and temporary employees.

The Governing Body believes that its employees are its most valuable asset and we are committed to utilising all the talent and experience available. We recognise the importance of helping our employees balance their work and other commitments in their lives.

The Governing Body also recognises its obligation under the Employment Act 2002 to offer the right for eligible employees to request a flexible working pattern to help them achieve a better balance between work and childcare. We realise that offering more flexibility will help us retain valued skills and experience. This Policy offers the opportunity and provides guidance for eligible employees of the School to make a formal request for flexible working.

All applications will be considered properly and seriously, with due regard being given to any changes relating to the following:

- The hours they are required to work
- The times when they are required to work
- Where they are required to work (whether for all or part of the week)

No employee or potential employee of the school shall be treated less favourably on the grounds of sex, race, ethnic or national origin, religion or belief, disability, gender reassignment, sexual orientation, marital status, age or language. Neither will they be discriminated against, harassed or victimised because of their application under this policy.

Each request will be dealt with individually, taking into account the likely effects that the proposed changes to working hours or place of work are likely to have on the School, the nature of the role and responsibilities of the applicant, the work of the department/discipline in which the applicant is employed, and the applicant's colleagues.

Special consideration under current Health and Safety legislation will be given to each situation before a decision is reached.

Nothing in the provisions included in this policy shall be taken as providing rights less favourable than statutory and other employment rights applied within the employment of School.

Any request for a permanent change that is made and accepted under this policy will be a permanent change to the employee's contractual terms and there is no contractual right to revert back to the previous working pattern, unless mutually agreed for the change to be made on a temporary basis.

## 2. Benefits of Flexible Working

### To the employer :

- Maximise the potential of available labour
- Reduced absenteeism, sickness and stress
- Attract a wider range of candidates such as part-time workers
- Retain valued employees
- Improved employee commitment, morale and loyalty
- Increased ability to deal with change by innovation and creativity
- Increased loyalty and commitment from staff
- Better relationships with management
- May prevent compulsory redundancies during difficult budgetary periods

### 2.2 To the employee:

- Enables employees with outside commitments for care to achieve a better work/life balance
- Enables parents to care for dependents
- Enables employees to pursue further education or other pursuits
- Enables some employees to remain in employment, perhaps on reduced hours which could benefit people with certain disabilities
- Offers flexibility, particularly if approaching retirement age
- Provides a greater sense of responsibility, ownership and control of working life
- Improved well-being, less stress
- More time to focus on life outside work

## 3. Eligibility

- 3.1 Under provisions set out in the Employment Rights Act 1996 and regulations made under it, **all** employees have a statutory right to ask their employer for a change to their contractual terms and conditions of employment to work flexibly provided they have worked for their employer for 26 weeks continuously at the date the application is made. An employee can only make one statutory request in any 12 month period. Employees who have been employed for less than 26 weeks and agency workers do not have a statutory right to request flexible working. Nevertheless, employers may still wish to consider a request from these groups as flexible working can bring business benefits as well as benefits to the employee.
- 3.2 The Policy will apply equally to full-time, part-time, fixed term and temporary employees who have a contract of employment, regardless of the hours worked. This entitlement does not extend to agency workers.
- 3.3 The employee must not have made another application to work flexibly under the right during the past 12 months but consideration will be given if the employee's circumstances have significantly changed.

#### 4. **Making an Application**

- 4.1 The initial onus is on the employee to prepare a carefully thought-out application well in advance of when they would like the desired working pattern to take effect.
- 4.2 The application must be made in writing and should provide specific information in order for the application to be considered. A Flexible Working Application Form (Appendix A) is attached to this policy which ensures that all the relevant information is provided in support of an application. It is important that all questions on this form are answered fully otherwise the application may not be considered further until all relevant information has been provided.
- 4.3 Flexible working may involve many options that separately, or in combination, will help facilitate a better balance between work and other commitments.

#### 5. **The Procedure**

- 5.1 All requests including any appeals will be considered and decided on within a period of three months (13 weeks) from first receipt, unless it is agreed to extend further with the employee.
- 5.2 The application must be submitted on the Flexible Working Application Form (see Appendix A) and should be submitted to the Headteacher / Chair of the Governing Body. The date it is received will be regarded as the date of application. The request will be referred to the Personnel / Staffing Committee.
- 5.3 A meeting must be held by the Headteacher with the applicant to consider the request as soon as practically possible after the date the application is received
- 5.4 The employee has the right to bring a companion to the meeting. The companion may be a fellow worker or a trade union representative. The companion may address the meeting or confer with the employee during the meeting. They cannot however answer questions on the employee's behalf. If the companion cannot attend the meeting, it should be re-arranged within 5 working days of the originally proposed time to the mutual convenience of all parties.
- 5.5 Once the meeting has taken place and the request has been fully discussed with the Staffing/Personnel Committee, the employee will be notified of the decision in writing within 10 working days following the date of the meeting (see Section 7 regarding extensions to time limits).
- 5.6 If the request is accepted, the notification will include :
- a) A description of the new working pattern (which may be the desired working pattern or an agreed compromise)
  - b) State the date from which the new working pattern is to take effect
  - c) If the request is agreed on a trial basis initially, a review meeting should be scheduled within the first 3 months to make sure the new arrangements are working satisfactorily

- d) Details of any changes to pay as a result of the change (which will be notified to payroll).

Once the new arrangements have been finalised and agreed, this will be confirmed in writing and will become a permanent contractual amendment.

5.6 If the request is rejected, the notification will :

- a) State the business ground(s) for refusing the application
- b) Provide a sufficient explanation as to why the business ground(s) for refusal apply in the circumstances
- c) Provide details of the employee's right to appeal

5.7 If the application is turned down, the employee has 10 working days to appeal in writing (after the date they receive the written notification of the decision). The appeal should set out in detail the grounds for the appeal. Appendix D should be used for this purpose (see Section 6 regarding extensions to time limits).

5.8 The appeal meeting must take place within 10 working days after receiving notice of the appeal (see Section 7 regarding extensions to time limits).

5.9 Appeals will be heard by the Appeal Committee. The employee has the right to bring a companion to the hearing. The companion may be a fellow worker or a trade union representative. The companion may address the hearing or confer with the employee during the hearing. They cannot however answer questions on the employee's behalf. If the companion cannot attend the hearing, it should be re-arranged within 7 days of the originally proposed time to the mutual convenience of all parties. A member of Education Human Resources will be present at the appeal meeting.

5.10 The applicant will be informed of the outcome of the appeal in writing within 14 days after the date of the meeting (see Section 7 regarding extensions to time limits).

## **6. Reasons A Request Might Be Refused**

An application will be refused only where there is a clear business reason for doing so. If this is the case, they are likely to be, but not exclusively, one of the following :

- a) Burden of additional costs
- b) Detrimental effect on ability to meet organisational demands
- c) Inability to reorganise work among existing staff
- d) Inability to recruit additional staff
- e) Detrimental impact on quality of work
- f) Detrimental impact on performance
- g) Insufficient work during the periods the employee proposes to work
- h) Planned structural changes

In the event that a request is refused, an explanation of why the business grounds apply in the circumstances would be provided in a clear and accurate manner that will enable the employee to fully understand the reason(s) behind the decision.

## **7. Extension Of Time Limits**

- 7.1 If the School needs more time to deal with the application at any point during the procedure, agreement must be obtained from the employee for an extension to the number of days set out in the Procedure (see Section 5 above). This will :
- a) Specify what stage of the process the extension relates to
  - b) Specify the date on which the extension is to end
  - c) Be dated and sent to the employee
- 7.2 If an employee needs an extension of time, agreement must be obtained from the School for an extension to the number of days set out in the Procedure.

## **8. Contractual Terms and Conditions**

- 8.1 If the changes to the working pattern involve a reduction in hours, then pay and holiday entitlement will be reduced pro-rata to the number of hours worked. Similarly pension contributions will be affected. Details of remuneration changes will be confirmed in writing, once arrangements have been agreed.
- 8.2 Any request that is made and accepted will be a permanent change to the employee's contractual terms, unless otherwise agreed, and there is no contractual right to revert back to the previous working pattern.
- 8.3 Where an employee applies for a temporary change for a duration and this is agreed with the Headteacher / Manager, the employee will have the right to revert back to the previous working pattern.

## **9. Withdrawal of an Application**

- 9.1 There are three reasons why an application may be treated as withdrawn :

### **9.1.1 The employee decides to withdraw the application**

Any withdrawal must be made in writing by the employee (see Appendix B - Withdrawal Form).

### **9.1.2 The employee fails to attend two meetings**

Where an employee fails to attend two meetings relating to their application without reasonable cause, their application may be treated as withdrawn. The Headteacher / Governing Body should ascertain the reason for non-attendance before deeming the application withdrawn.

### **9.1.3 The employee unreasonably refuses to provide the required information**

There may be occasions when an employer is willing to accept a request for flexible working but requires additional information before they can do so. If an employee refuses to provide the information required, then the School can treat the application as withdrawn.

## 10. Rights and Responsibilities

Both employees and Headteachers / Chair of Governors have responsibilities when considering a request for flexible working. These are outlined below :

<b>Employee Rights and Responsibilities :</b>	
<b>Rights</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• To request to work flexibly</li> <li>• To have their application considered properly in accordance with the set procedure and refused ONLY where there is a clear business ground for doing so.</li> <li>• To have a companion present with them when meeting the employer to discuss the application</li> <li>• Where the application is refused, to have a written explanation explaining why</li> <li>• To appeal against the decision to refuse</li> <li>• To take a complaint to a Tribunal in certain circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• To provide a carefully thought out application</li> <li>• To ensure the application is complete by checking that they have provided all the necessary information</li> <li>• To ensure the application is made well in advance of when they want it to take effect</li> <li>• To arrive at meetings on time and be prepared to discuss their application in an open and constructive manner</li> <li>• If necessary, be prepared to be flexible themselves, to reach an agreement with the employer</li> </ul>

<b>Headteacher / Governing Body Rights and Responsibilities:</b>	
<b>Rights</b>	<b>Responsibilities</b>
<ul style="list-style-type: none"> <li>• To agree an application or come to a mutually agreeable compromise solution</li> <li>• To reject an application when the desired working pattern cannot be accommodated within the needs of the business</li> <li>• To seek the employee's agreement to extend timescales</li> <li>• Where it is appropriate, to consider an application withdrawn in certain circumstances</li> </ul>	<ul style="list-style-type: none"> <li>• To consider requests properly in accordance with the set procedure</li> <li>• To ensure they adhere to the time limits contained within the procedure</li> <li>• To provide the employee with appropriate support and information during the course of the application.</li> <li>• To only decline a request where there is a recognised business ground and to explain to the employee in writing why it applies</li> <li>• To ensure that any variation with the procedure is agreed in advance with the employee and recorded in writing</li> <li>• Ascertain the reasons an employee being unable to attend meetings before deeming an application withdrawn.</li> </ul>



11. **Unresolved Applications**

- 11.1 The appeal stage of this Policy (see Section 5.8) will conclude the final decision of an application under this Policy.
- 11.2 It is important that the internal procedure is exhausted before considering a formal complaint to an Employment Tribunal.

12. **Monitoring and Review**

- 12.1 The application of the policy will be monitored in relation to the protected characteristics in the Equality Act 2010. These are:
- Age
  - Disability
  - Gender reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race
  - Religion or belief
  - Sex
  - Sexual orientation

## Appendix A

## Flexible Working Application Form

<b>Full Name of Employee:</b>	
<b>Location:</b>	
<b>Post:</b>	
<b>Pay Ref. No:</b>	
<b>Date commenced employment with Conwy County Borough Council:</b>	

I would like to apply to work a flexible working pattern that is different to my current working pattern.

I confirm I meet the following eligibility criteria (please tick):

- ☐ I have worked continuously as an employee of the Council for the last 26 weeks.
- ☐ I request this flexible working pattern for a temporary period (enter duration below).

.....

- ☐ I have not made a request to work flexibly under this right during the past 12 months.

**Signed:**

**Date:**

**Note:**

Please return your completed application to your Headteacher / Chair of Governors.

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

Describe the working pattern you would like to work in future (days/hours/times worked) :	
<i>(continue on a separate sheet if necessary)</i>	
State the date you would like this working pattern to commence from :	
State whether you have made a previous application and if so, when?	<input type="checkbox"/> Yes      Date: <input type="checkbox"/> No <i>(please tick)</i>
Describe how this change in your working pattern will affect the School and your fellow colleagues :	
<i>(continue on a separate sheet if necessary)</i>	
Describe how you think these changes to your working pattern can be accommodated and dealt with by the School and your fellow colleagues :	
<i>(continue on a separate sheet if necessary)</i>	
Signed :	Date :

**Please return this form to your Headteacher / Chair of Governors**

Date application received by Headteacher/Chair of Governors	
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**Nodiadau Canllawiau i'r Gweithiwr/aig wrth lenwi'r Ffurflen Gais Gweithio Hyblyg**

1. Dylid llenwi'r ffurflen hon os hoffech wneud cais ar gyfer Gweithio Hyblyg. Cyn cwblhau'r ffurflen, dylech yn gyntaf ddarllen Polisi Gweithio Hyblyg yr ysgol er mwyn sicrhau eich bod yn gymwys i wneud cais.
2. Anogir gweithwyr i gysylltu gyda'u cynrychiolydd Undeb am gyngor ac arweiniad
3. Sylwer y gall gymryd hyd at 13 wythnos cyn bod cais yn cael ei ystyried a'i weithredu ac o bosibl mwy na hynny os bydd problemau'n codi. Felly dylech sicrhau eich bod yn cyflwyno eich cais mewn da bryd cyn y dyddiad yr hoffech i'ch cais ddod yn weithredol.
4. Mae'n bwysig eich bod yn ateb yr holl gwestiynau ar y ffurflen hon ac yn darparu cymaint o wybodaeth ag y gallwch am y patrwm gwaith yr hoffech ei gael, neu fel arall mae'n bosibl na fydd eich cais yn ddilys, ac na chaiff ei ystyried ymhellach nes bydd wedi'i gwblhau'n llawn. Ystyriwch ba effaith fydd y newid mewn patrwm gwaith yn ei gael ar y gwaith a wnewch ac ar eich cydweithwyr a sut gellid goresgyn unrhyw broblemau.
5. Ar ôl i chi lenwi'r ffurflen, dylech ei hanfon yn syth at eich Pennaeth / Cadeirydd y Llywodraethwyr. Trefnir cyfarfod gyda chi o fewn cyfnod rhesymol o dderbyn eich cais er mwyn ei drafod. Os caiff eich cais ei dderbyn, bydd hwn yn newid parhaol i'ch telerau a'ch amodau oni bai y nodir yn wahanol.
6. Os byddwch eisiau help gyda'ch cais, yna cysylltwch ag Adain Adnoddau Dynol Addysg.

**Employee Guidance Notes for Completion of Flexible Working Application Form**

1. This form should be completed if you wish to make an application for Flexible Working. Before completing this form, you should first read the School's Flexible Working Policy to ensure that you are eligible to make a request.
2. Employees are advised to contact their Trade Union representative for advice and guidance.
3. You should note that it may take up to 13 weeks to consider a request before it can be implemented and possibly longer where difficulties arise. 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.
4. It is important that you complete all the questions on this form and provide as much information as you can about your desired working pattern, otherwise your application may not be valid and will not be considered further until it is fully completed. Think about what effect your change in working pattern will have both on the work that you do and on your colleagues and how any problems might be overcome.
5. Once you have completed the form, you should immediately forward it to your Headteacher / Chair of Governor. A meeting will be arranged with you as soon as practically possible after receipt of your application to discuss your request. If the request is granted, this will be a permanent change to your terms and conditions unless otherwise agreed.
6. If you require assistance with your application, please contact Education Human Resources Section.

## Flexible Working Notice of Withdrawal

<b>Full Name of Employee:</b>	
<b>Name of School:</b>	
<b>Post:</b>	
<b>Pay Ref. No:</b>	

**Note to employee:**

This form provides notification to the School / Chair of the Governing Body that you wish to withdraw your application for Flexible Working.

Dear: \_\_\_\_\_

I wish to withdraw my application to work flexibly which I submitted to you  
on \_\_\_\_\_.

I understand that I will not be able to make another application until twelve  
months after the above date.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

**Now Return this form to your Headteacher / Chair of the Governing Body**

Date application received by Headteacher / Chair of the Governing Body:	
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## Flexible Working Appeal Form

<b>Full Name of Employee:</b>	
<b>Name of School:</b>	
<b>Post:</b>	
<b>Pay Ref. No:</b>	

**Note to employee:**

If your application has been turned down, you may appeal against this decision. If you wish to do so, you must submit your appeal within 10 working days of receiving written notice that your application for flexible working has been turned down. You can use this form to make your appeal. You should set out in detail the grounds on which you are appealing.

Dear: \_\_\_\_\_

I wish to appeal against your decision to refuse my application for Flexible Working. I am appealing on the following grounds :

*(Please continue on a separate sheet if necessary)*

**Name:**

**Date:**

**Now Return this form to your Headteacher /Chair of the Governing Body**

Date application received by Headteacher/Chair of the Governing Body: