

**We follow in the footsteps of Jesus as  
we live, love and learn together.**



## **Flexible Working Request for School Based Staff**

This policy will be reviewed regularly and re-presented to The Governing Body as appropriate if significant changes are made.

**Policy reviewed: April 2019**

**To be reviewed: Summer 2021**

Reviewed by:

Date:

Signature:

Date:

Chair/Vice of Governors Signature:

Date:

## 1. **INTRODUCTION**

From the 6 April 2003, working parents have the right to request a variation to their contracts so that they can work more flexibly and balance their childcare responsibilities with their work commitments.

With effect from 1 April 2007 the legislation is extended to carers of adult age

If agreement is reached for the employee to change their contract, this will then be a permanent variation to the employee's terms and conditions of employment, **unless only a temporary arrangement has been requested and approved.**

## 2. **SCOPE OF THE SCHEME / QUALIFYING CRITERIA**

This Procedure applies to employees who meet the following criteria:

### **In the case of working parents:**

- the employee has 26 week's continuous service at the date of application;
- must be the parent / partner of the parent of the child
- applying in relation to and being responsible for the upbringing of a child under 6 years old (or 18 if receiving disabled living allowance)
- applying in order to care for a child

### **In the case of carers of adults:**

- the employee has 26 week's continuous service at the date of application;
- the employee must be caring, or expecting to care for an adult; (an adult is a person aged 18 years or over)
- the employee must be married to, or the partner or civil partner of the adult, a relative of the adult or live at the same address as the adult (in the case of an adopted person, such of those relationships as would exist but for the adoption).

Only service with this school or schools within this Borough will count for continuous service purposes and not previous continuous service with other local government bodies.

In the case of working parents, any applications must be made more than 2 weeks before the child's 6<sup>th</sup> birthday or 18<sup>th</sup> birthday, if the child is entitled to Disability Living Allowance.

If a request is rejected, a further request cannot be made for a period of 12 months.

## 3. **OPTIONS AVAILABLE**

Changes can be considered to:

- the number of hours an employee is required to work;
- the times an employee is required to work;
- the location of the employee's workplace.

The new contract may be agreed on an initial trial basis, if there is written agreement from both the employee and Headteacher. The written agreement must state the duration of the trial period and the agreed end date for the trial period.

#### **4. APPLICATION PROCEDURE**

An application will be taken as having been made on the day that the Headteacher has received it.

The application must be made in writing and include the following information:

- a statement that the application is being made under the procedure to request flexible working;
- a statement as to whether a previous application has been made and if so, when;
- details of the change applied for, e.g. a new working pattern and the date it is requested to become effective;
- an explanation of the effect that the change will have on their employment, including how it might be accommodated;
- be signed and dated.

See Appendix 1 for a copy of the "Flexible Working Application Form".

Employees must also provide evidence of their relationship to the child/adult and of the child's birth date, with the completed application form.

#### **5. PROCESS FOR CONSIDERATION**

##### The Initial Request

The Headteacher must confirm receipt of the application in writing within 7 days and initially consider it, taking advice as necessary.

##### If Agreement is Given to the Proposal

The employee will be notified in writing, that the variation to their contract has been agreed. This notification will state the date on which it will take effect. The employee will receive written notification of the response to their application within 28 days of the Headteacher receiving the application.

##### If Agreement is Not Given to the Proposal

The Headteacher will meet with the employee to discuss the proposal within 28 days of the request being received. This initial meeting will provide an opportunity for any problems to be discussed and consideration to be given to any suitable alternatives.

The employee will then receive written notification of the decision made within 14 days of the initial meeting being held.

If a variation is agreed, the written notification will inform the employee of the agreement and the date from which it is to take effect.

If the request is refused, the written notification will provide the employee of the grounds for refusal, explaining why the business reason applies in the circumstances and the process for appeal.

#### Reasons for Rejection

The only valid grounds for rejecting a request are as follows:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to re-organise work amongst existing employees
- inability to recruit additional employees
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

#### Right to be accompanied

The employee will have the right to be accompanied at this initial meeting and at any Appeal, by another employee of the School or a trade union representative who works for the School/wider Council

A companion is entitled to time off during working hours for the purpose of accompanying the employee.

A companion / trade union representative will have the right to address the meeting and confer with the employee during any Appeal Hearing but will not be permitted to answer questions on the employee's behalf.

If an employee's chosen companion / trade union representative is unavailable at the time proposed for a meeting, then the meeting must be postponed to a time agreed with. However, this must be within 7 days, beginning with the day after the day initially proposed for the meeting.

6

### **APPEALS PROCEDURE**

Appeals under this Procedure will be heard by the School's Appeals (Personnel) Committee.

The employee has 14 days after the date he / she was notified of the decision in writing by the Headteacher, to appeal in writing, to the Schools Appeals (Personnel) Committee, setting out the grounds for appeal.

An Appeal Meeting will be held within 14 days of receipt of receiving the employee's notice of appeal.

The employee will have the right to be accompanied at the initial meeting and at any Appeal, by another employee of the Council or a trade union representative.

A companion is entitled to time off during working hours for the purpose of accompanying the employee.

A companion / trade union representative will have the right to address the meeting and confer with the employee during any Appeal Hearing but will not be permitted to answer questions on the employee's behalf.

If an employee's chosen companion / trade union representative is unavailable at the time proposed for a meeting, then the meeting must be postponed to an agreed time. However, this must be within 7 days, beginning with the day after the day initially proposed for the meeting.

After the Appeal Meeting the employee will receive written notification of the decision, within 14 days, after the meeting has been held.

- If the request is accepted, the employee will be informed in writing, of the variation agreed to and the date on which it is to take effect.
- If the request is refused, the employee will receive the grounds for the refusal, in writing, explaining why they apply. The decision of the Appeal Meeting shall be final. There shall be no further right of appeal.

## **7. TIME LIMITS**

The time limits specified may be too short in certain circumstances and an extension may be required. Time limits may be extended where the Headteacher and employee agree.

A written record of the agreement must be made that states:

- which period the extension relates to;
- the date the extension is to end.

This must be dated and sent to the employee.

Time limits will automatically be extended where the Headteacher is absent because of, for example, sick leave, when the application is received. The 28 day period will begin when the Headteacher returns to work or 28 days after the application is made, whichever is the sooner.

## **8 WITHDRAWAL OF APPLICATIONS**

If an employee verbally withdraws their application, the Head Teacher will write to the employee to confirm this.

An application will be treated as having been withdrawn where an employee has failed to meet their responsibilities. This will apply when an employee:

- fails to attend (without reasonable cause) a meeting more than once; or
- unreasonably refuses to provide the Headteacher with information required to assess whether the contract variation can be agreed to.

In these circumstances, the Headteacher will write to the employee to confirm that the application has been withdrawn.

**CONFIDENTIAL**

**APPLICATION FOR FLEXIBLE WORKING**

**1. PERSONAL DETAILS**

Name: \_\_\_\_\_ Dept.: \_\_\_\_\_

Payroll No.: \_\_\_\_\_ Manager: \_\_\_\_\_

**To the Employer**

I would like to apply to work a flexible working pattern that is different to my current working pattern under my right provided in law. I confirm I meet the eligibility criteria in section 2 of this policy and provide the documentary evidence required.

I am applying as a:

Working Parent/Carer of an adult (Please delete as appropriate)

**2a. Describe your current working pattern (days/hours/times worked)**

**2b. Describe the working pattern you would like to work in future (days/hours/times worked)**

*[you may continue on a separate sheet if necessary]*

**2c. I would like this working pattern to continue from:**

**Date:**

\*Until \_\_\_\_\_ (Date) (\*If a temporary variation is requested)

**3. Impact of the new working pattern**

*I think this change in my working pattern will affect my employer and colleagues as follows:*

**4. Accommodating the new working pattern**

*I think the effect on my employer and colleagues can be dealt with as follows:*

<b>Signed:</b>		<b>Date:</b>	
----------------	--	--------------	--

**NOW PASS THIS APPLICATION TO YOUR HEADTEACHER/LINE MANAGER WITH EVIDENCE OF YOUR RELATIONSHIP TO THE CHILD/ADULT AND EVIDENCE OF THE CHILD'S BIRTH DATE.**

✂.....

**Employer's Confirmation of Receipt (to be completed and returned to employee)**

**Dear:**

**I confirm that I received your request to change your work pattern on:**

**Date:**

St Luke's Catholic Primary School  
Flexible Working Request for School Based Staff  
April 2019

**From:**

**Date:**