



Right to Request Flexible Working **Scheme**

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Responsible Officer: Ellen Williams /
Bethan Davies

Telephone Contact: 01443 444538 /
01443 444537

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1. INTRODUCTION

- 1.1 This policy relates to eligible employees who have the right to request a flexible working pattern (it does not provide an automatic right to work flexibly but places a duty on the Governing Body to consider the requests seriously).
- 1.2 In drawing up the scheme, the Governing Body recognises that the scheme:
 - i) Contributes to mainstreaming equalities
 - ii) Ensures consistent application of the right to request flexible working across the School.
 - iii) Removes the potential for perceived discrimination
 - iv) Fulfils the requirements of the legislation
- 1.3 It should be noted that this policy does not cover requests for phased retirement as there is a separate procedure for this.

2. ELIGIBILITY

- 2.1 The Right to Request Flexible Working Scheme is available to all employees of the Council/Governing Body.
- 2.2 Employees must have worked for the Council/Governing Body continuously for 26 weeks at the date the application is made.
- 2.3 Agency workers **are not eligible** under the scheme.

Applications

- 2.4 One application a year can be made under the right to request flexible working. Each year runs from the date when the application was made.

Successful Applications

- 2.5 Successful applications will be treated as a **permanent** change to the employee's contractual terms and conditions (unless otherwise agreed). The employee has **no right to revert back to the previous working pattern.**
- 2.6 Successful applicants will remain on current terms and conditions until the date agreed for the commencement of the change.

Unsuccessful Applications

2.7 An application can be refused only where there is a clear business reason. The business ground(s) for refusing an application must be from one or more of those listed below:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Trial Periods

2.8 If the Head teacher is uncertain about the impact that a request for flexible working will have on the School, he/she in conjunction with the Chair of Governors and HR Committee may allow the employee to work under the requested flexible working arrangement on a reasonable 'trial period' to determine if the arrangement would have an adverse effect on the service.

2.9 If a trial period is agreed the following should be clearly spelt out:

- That the agreement to the employee's request for flexible working is subject to the outcome of the trial period
- The length of the trial period, to include starting and finishing dates
- That the change is a **temporary change** for the trial period only
- The details of the change agreed for trial. For example reduced working hours
- The date that the employee will revert back to their previous terms and conditions if it is determined that the change is not working.
N.B. this decision must be for a business reason as identified in point 2.10

3. **THE PROCEDURE**

3.1 The procedure and time limits are set out below:

- Applications must be made in writing on the Request for Flexible Working Application Form (Form FW1) and forwarded to the Head teacher as identified in 2.8
- Applications will be acknowledged in writing confirming the date of receipt
- The Head teacher (Chair of Governors in case of Head teacher) will arrange a meeting with the employee to discuss the application within 28 days of receipt
- An employee has the right to bring a companion to the meeting who must be either a work colleague or trade union representative. The companion has the right to address the meeting or confer with the employee during it but is not allowed to answer questions on the employee's behalf
- The Head teacher (Chair of Governors in case of Head teacher) will put forward their recommendation to the HR Committee for ratification. A representative from Human Resources will be there in an advisory capacity
- The Chair of the HR Committee will inform the employee of the decision in writing within 14 days of the meeting using either the Flexible Working Application Acceptance (Form FW2) or Rejection Form (Form FW3) depending on the decision made
- In the case of a successful application the Head teacher (Chair of Governors in case of Head teacher) and employee will consider the arrangements to be made for the change in working pattern
- If the application is rejected the employee has the right of appeal. An appeal must be made in writing on the Flexible Working Appeal Form (Form FW4) and must be registered within 14 days of receipt of the decision
- An appeal meeting must be held within 14 days of receipt of the Flexible Working Appeal Form (Form FW4)
- The appeal meeting will be held by the Grievance Appeals Committee and a representative from Human Resources in an advisory capacity
- An employee has the right to bring a companion to the meeting who must be either a work colleague or trade union representative. The companion has the right to address the meeting or confer with the employee during it but is not allowed to answer questions on the employee's behalf
- The employee will be informed of the appeal decision in writing within 14 days of the meeting on the Flexible Working Appeal Reply Form (Form FW5)

3.2 Extension of Time Limits

There are two circumstances where time limits can be extended.

- Time limits may be extended through agreement of the employer and employee

Requests for an extension must be made in writing on the Flexible Working Extension of Time Limit form (Form FW6).

- Where an application is sent to the Head teacher (Chair of Governors in case of Head teacher) and he/she is absent from work due to leave or illness, an automatic extension applies. The period that the employer has to arrange the meeting will commence either on the day of the Head teacher's return or 28 days after the application is made whichever is the soonest

There are no other circumstances where an automatic extension to any period applies.

3.3 Withdrawal of Application

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

- An employee decides to withdraw their application and must do so in writing on the Flexible Working Notice of Withdrawal Form (Form FW7). The Head teacher will confirm in writing the withdrawal of the application

An employee who withdraws their application will not be eligible to make another application for 12 months from the date their application was made.

- If an employee fails to attend two meetings without reasonable cause, the HR Committee may treat the application as withdrawn
- If an employee unreasonably refuses to provide the Head teacher (Chair of Governors in case of Head teacher) with the required information to enable him/her to make a recommendation then the Chair of the HR Committee can treat the application as withdrawn

4. **FURTHER INFORMATION**

Further information, copies of appropriate forms and guidance can be obtained from Human Resources Tŷ Elai, Dinas Isaf East, Williamstown, Tonypandy, CF40 1NY.

APPENDIX ONE

IMPLICATIONS OF FLEXIBLE WORKING FOR TEACHING STAFF

- **Work pattern** – There should be clear written specification of the work pattern. If there is a permanent change to the work pattern then this will need to be confirmed in writing and issued in consultation with Human Resources.
- **Alteration in work pattern** – if a temporary alteration in the work pattern is required to accommodate the needs of the school then at least one terms notice should be issued to the teacher concerned. Should a permanent alteration be required this can only be agreed by mutual consent. In the event that mutual agreement cannot be achieved the matter should be referred to the relevant committee of the Governing Body.
- **Inset days** – a full time teacher is required to teach 190 days of the year with five days allocated to in-service training. Depending on the work pattern agreed it is essential that the Headteacher ensure that each teacher working on a part time or job share arrangement has equal access to the pro rata training days. For example, a teacher working Monday to Wednesday will be entitled to attend three training days per academic year. In planning the training days the Headteacher should in discussion with the teacher concerned ensure that he/she has the opportunity to attend three training days. This arrangement is made easier if the inset days are set at the commencement of the academic year as the teacher working a reduced week may need to alter their working pattern to accommodate his/her attendance on the most relevant training days. It is recommended that a minimum period of one terms notice be given to the teacher if an alteration in working days is required. Should the Headteacher feel that it is essential for the development of the teacher and the needs of the school that the teacher attend all five training days additional payment will need to be made for the days which fall outside the teachers contracted hours.
- **Parent evenings** – there may be a requirement that a teacher working a reduced week attend all parent evenings.
- **Communication** – job share arrangements rely on good communication. It is essential therefore to ensure that the contractual arrangement incorporates an opportunity for both parties to meet/share information on a regular basis. This will include planning, marking and an awareness of day-to-day issues in the classroom e.g. pupil discipline and behaviour.

APPENDIX TWO

Procedure at HR Committee Meeting

- 1/ Chair will introduce those present and confirm that the Committee will hear all information from the Head teacher (Chair of Governors in case of Head teacher) and staff member and make a decision on that information. The Chair will outline the procedure for the meeting as follows:
- 2/ **Head teacher** (Chair of Governors in case of Head teacher) will present their case.
- 3/ The staff member or representative and / or governors have the right to question the Head teacher in order to clarify certain points.
- 4/ **The staff member or representative** will present their case.
- 5/ Questions may be asked by the Head teacher/Chair of Governors and / or Governors in order to clarify points.
- 6/ Summing up by both sides with no interruptions and no new evidence to be presented. Head teacher (Chair of Governors in case of Head teacher) will have the opportunity to sum up first. With the staff member or representative summing up after.
- 7/ The Chair will advise the staff member that the decision will be made in writing within 14 days of the date of the meeting. The staff member will be advised that there is an appeals mechanism if they are unhappy with the outcome.
- 8/ All parties to the **hearing** will then withdraw and the Committee will consider the **evidence** and reach a decision. The Human Resources Adviser present will provide advice, as requested, to assist the Committee but will not be entitled to vote or have any role in the making of the decision.
- 9/ A detailed minute of the meeting will be taken on behalf of the Committee by Human Resources. Those minutes should be made available to both parties as soon as is practicable following the Hearing.

APPENDIX THREE

Procedure at Appeals Committee Meeting

- 1/ Chair will introduce those present and confirm that the Committee will hear all information from the Head teacher (Chair of Governors in case of Head teacher) and staff member and make a decision on that information. The Chair will outline the procedure for the meeting as follows:
- 2/ **Head teacher** (Chair of Governors in case of Head teacher) will present their case.
- 3/ The staff member or representative and / or governors have the right to question the Head teacher in order to clarify certain points.
- 4/ **The staff member or representative** will present their case.
- 5/ Questions may be asked by the Head teacher/Chair of Governors and / or Governors in order to clarify points.
- 6/ Summing up by both sides with no interruptions and no new evidence to be presented. Head teacher (Chair of Governors in case of Head teacher) will have the opportunity to sum up first. With the staff member or representative summing up after.
- 7/ The Chair will advise the staff member that the decision will be made in writing within 14 days of the date of the meeting. The staff member will be advised that this is the final stage of the process and they are unable to make a new application for 12 months.
- 8/ All parties to the **hearing** will then withdraw and the Committee will consider the **evidence** and reach a decision. The Human Resources Adviser present will provide advice, as requested, to assist the Committee but will not be entitled to vote or have any role in the making of the decision.
- 9/ A detailed minute of the meeting will be taken on behalf of the Committee by Human Resources. Those minutes should be made available to both parties as soon as is practicable following the Hearing.