

Bishop Vaughan Catholic School

Flexible Working Policy

Flexible Working Policy



Bishop Vaughan Catholic School follows the LA's policy on Flexible Working. It is reproduced here in full.

\*\*\*\*

Copies of this policy are available on our website, in policy folders on the school network and can be made available on request.

# FLEXIBLE WORKING POLICY

# FLEXIBLE WORKING POLICY

## CONTENTS

<b>POLICY</b>		<b>Page</b>
1.	Policy Statement	3
2.	Scope	3
3.	What is a flexible working arrangement?	3
4.	Benefits of Flexible Working	4
5.	How many flexible working requests can an employee make?	4
6.	Reviewing flexible working arrangements	4
7.	Employee Responsibilities	4
8.	Making a Request	5
9.	Considering a Flexible Working Request	5
10.	New working arrangement agreed	6
11.	New working arrangement cannot be agreed	6
12.	Treating an application as withdrawn	6
13.	The employee's notice of appeal	7
14.	Policy Monitoring	8
<b>APPENDIX</b>		<b>9</b>
1.	Definitions of types of flexible working	9-11

# FLEXIBLE WORKING POLICY

## 1.0 POLICY STATEMENT

- 1.1 Swansea Council are a major provider of services and employs a diverse range of individuals, with different skills, knowledge and experience. The Council values its employees and the contribution they make in enabling it to meet its many goals.
- 1.2 The Council recognises that in order to attract and retain this diversity we should offer flexibility in employment that provides individuals greater choice over where, when and how they work.
- 1.3 There is no obligation on the Council to allow flexible working, however the Council must consider all requests for flexible working and each application will be considered on its own merits.
- 1.4 It is a mandatory requirement that the principles of this policy and its procedures are adhered to.
- 1.5 All requests, including any appeals, must be decided and communicated to the employee within a period of two months from when the request was firstly received. The employer and employee may agree to extend this period. If an extension is agreed, the employer should confirm this in writing to the employee.
- 1.6 The Council is committed to ensuring the fair and reasonable treatment of all these employees in line with its Equality Statement and employment legislation.
- 1.7 An employee with a disability can make a flexible working request in relation to a reasonable adjustment. Any request will be considered in line with this policy.
- 1.8 The effective operation of this Policy will be dependent on the full cooperation of employees, trade unions and managers/headteachers in the process and the provision of all necessary and relevant information to support consideration and decision making. For school based staff these requests do not need to be considered by the Governing Body, this duty is delegated to the Headteacher.

## 2.0 SCOPE

- 2.1 This Policy applies to all employees including school staff.

## 3.0 WHAT IS A FLEXIBLE WORKING ARRANGEMENT?

- 3.1 Flexible working describes a type of working arrangement which gives a degree of flexibility on how long, where, when and at what times employees work.
- 3.2 Types of flexible working practices include:
  - Voluntary Reduction of Hours
  - Part-time working
  - Job Sharing

# FLEXIBLE WORKING POLICY

- Annualised Hours
- Compressed Hours
- Term time working
- Home Working

- 3.3 This list is not exhaustive and other practices of flexible working may be considered.
- 3.4 Flexible arrangements must comply with the law on working time.
- 3.5 Definitions of the types of flexible working can be found in Appendix 1 of this policy.

## 4.0 BENEFITS OF FLEXIBLE WORKING

- 4.1 The Council recognises that an enhanced work-life balance can improve employee motivation, performance and productivity, and reduce stress and therefore wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, personal commitments, further learning and other interests.
- 4.2 The Council is committed to agreeing flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

## 5.0 HOW MANY FLEXIBLE WORKING REQUESTS CAN AN EMPLOYEE MAKE?

- 5.1 Under the Employment Relations (Flexible Working) Act 2023, employees have the right to submit two flexible working request applications in any 12-month period.
- 5.2 A second flexible working request application cannot be submitted until the first application is concluded, which includes the conclusion of any subsequent appeal process.
- 5.3 Each year runs from the date the first application was made.

## 6.0 REVIEWING FLEXIBLE WORKING ARRANGEMENTS

- 6.1 Where deemed appropriate, flexible working arrangements can be reviewed annually, so that the employee and line manager/Headteacher can discuss its suitability.
- 6.2 When a request is agreed, the new working arrangement will be permanent unless there are circumstances whereby a temporary arrangement is agreeable for the employee and line manager/Headteacher (NB if school staffing structure needs to be changed the Governing Body need to be informed of this decision)
- 6.3 A temporary flexible working arrangement must be subject to periodic review and would not ordinarily exceed 12 months unless agreed by the line manager/Headteacher in line with service needs.

# FLEXIBLE WORKING POLICY

## 7.0 EMPLOYEE RESPONSIBILITIES

- 7.1 Prior to making a flexible working application, it is important that employees give careful consideration to:
- changes that may occur to their contract e.g. if an employee becomes part time, their annual leave entitlement will be pro-rata
  - any financial implications e.g. where the requested working pattern will involve a reduction in salary.
- 7.2 Employees must attend any meetings that are arranged, or their application may be dealt with in their absence or considered as withdrawn.

## 8.0 MAKING A REQUEST

- 8.1 If an employee wishes to make a flexible working application, it is their responsibility to make an application in writing to their line manager/Headteacher.
- 8.2 The request should set out:
- The reason for the request
  - The type of flexible working pattern applied for
  - The proposed start date
  - If applicable, the date of any previous request

## 9.0 CONSIDERING A FLEXIBLE WORKING REQUEST

- 9.1 On receipt of the request, the line manager/Headteacher must arrange to meet with the employee without unreasonable delay, while taking into account the statutory 2 month period for deciding requests including any appeal.
- 9.2 If there are difficulties identified with accommodating the proposed arrangement outlined in the application, this meeting provides the opportunity to discuss and consider other alternative working arrangements.
- 9.3 The employee may be accompanied at this meeting by a Trade Union representative or by another employee of the Authority.
- 9.4 The line manager/Headteacher considering the request must:
- adhere to the timescales set out in this policy
  - consider any applications received in a reasonable manner and make any decision based on appropriate business grounds
  - not treat any employee detrimentally for exercising their legal right to make a request
  - seek advice from Human Resources if required.
- 9.5 A request should only be refused if there are appropriate business grounds to do so. These are listed under the under the Employment Rights Act 1996, s.80G(1)(b)

## FLEXIBLE WORKING POLICY

and include:

- The burden of additional costs
- Detrimental effect on 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
- Any other grounds as stated by the Secretary of State.

### 10.0 NEW WORKING ARRANGEMENT AGREED

10.1 The line manager/Headteacher must write to the employee as soon as is practicable after the date of the meeting, while taking into account the statutory 2 month period for deciding any request including any appeal, and the letter must detail the below:

- The new agreed working pattern/arrangement
- The date on which the arrangement will start
- Whether the arrangement means a permanent change to the employee's terms and conditions of employment (unless agreed on a temporary basis as outlined in paragraph 6.2)

10.2 The letter must be dated.

10.3 It is the line manager/Headteacher's responsibility to ensure that the employees working hours are adjusted accordingly.

10.4 Managers must send the letter confirming any new working arrangement to the Workforce Transactional mailbox so that any adjustments can be processed.

### 11.0 NEW WORKING ARRANGEMENT CANNOT BE AGREED

11.1 The line manager/Headteacher must write to the employee as soon as is practicable after the date of the meeting, while taking into account the statutory 2 month period for deciding any request including any appeal, the letter must detail the below:

- The business grounds which apply
- An explanation as to why the particular business reasons apply
- The right to appeal against the decision

11.2 The letter must be dated.

### 12.0 TREATING AN APPLICATION AS WITHDRAWN

12.1 There are three circumstances where an application can be treated as withdrawn:

## FLEXIBLE WORKING POLICY

- The employee unreasonably refuses to provide the information needed to consider their application
- The employee fails to attend a meeting on more than one occasion to discuss their request (or a meeting to discuss an appeal) without reasonable cause
- The employee confirms in writing that they have decided to withdraw their application

12.2 Any withdrawal of a flexible working request/application will be confirmed in writing by the line manager/Headteacher.

### 13.0 THE EMPLOYEE'S NOTICE OF APPEAL

13.1 If an employee wishes to appeal the outcome of their request, their appeal must be made in writing within 7 days of being notified of the decision.

13.2 The appeal must clearly state the grounds on which the employee wishes to appeal and should be sent to the line manager/Headteacher.

13.3 The appeal will be considered by a nominated Appeals Officer/Committee of the Governing Body, this must be arranged without unreasonable delay, while taking into account the statutory 2 month period for deciding requests including the appeal. A decision will be conveyed to the employee in writing as soon as is practicable following the meeting.

13.4 The Appeals Officer/Governing Body will arrange to meet with the employee as soon as possible. Employees and their representatives should make every effort to attend the meeting.

13.5 The Appeals Officer should:

- Arrange a meeting
- Ensure the employee(s) is aware of their right to be accompanied.
- Ensure that a member of the HR team is present.
- Ensure that a confidential note taker is present.
- Consider whether any reasonable adjustments are necessary for a person who is disabled and/or their representative.
- Remain impartial and objective at all times.
- Make any relevant enquiries to inform their decisions.
- Tell the employee when they might reasonably expect an outcome if one cannot be made at the time or within the specific timeframes.

13.6 The purpose of the meeting is to enable the Appeals Officer/Governing Body to consider the employee's presentation only on the points raised for the appeal, including any relevant documentation.

13.7 The decision of the appeals officer will be final.

13.8 If the appeal is successful the employee and the line manager/Headteacher will consider the necessary arrangements for the working pattern to change.

# FLEXIBLE WORKING POLICY

## 14.0 POLICY MONITORING

The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources and Service Centre. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

<b>Version Number</b>	<b>Details of Change</b>	<b>Date</b>
1.0	Introduction of Single Status	1 <sup>st</sup> April 2014
2.0.	Para 6.16 amended to allow vacant job share positions to offered to those on redeployment list first rather than job share partner	May 2016
3.0	Full review of policy	April 2024

# FLEXIBLE WORKING POLICY

## APPENDIX - DEFINITIONS OF TYPES OF FLEXIBLE WORKING

This list is not exhaustive and other practices of flexible working may be considered.

*\*\*It is important to note that any reductions to hours or working weeks will result in other conditions e.g. pay, holidays, sickness and pension entitlements being impacted and calculated on a pro-rata basis.*

### 1. Voluntary Reduction of Hours/Part time working

A voluntary reduction of hours is an arrangement that enables an employee to reduce their working time by an agreed amount, with the option to return to full-time working after a mutually agreed set time, unless this is agreed as a permanent arrangement at the outset.

Part-time work are hours which are less than 37 hours or less than 27.5 hours for teachers.

A voluntary reduction can also take the form of shorter working days, or a shorter working week.

### 2. Job Sharing

Job Sharing is an arrangement which enables two employees to share the responsibilities and duties of one full-time job.

Each employee will be considered part time and certain conditions e.g. pay, holidays and sickness entitlements will be calculated on a pro-rata basis.

Where a joint application is made i.e. where two existing employees wish to share one of their posts, they can only make a joint application if they are currently:

- on the same grade, and
- in posts which are substantially the same.

Where only one employee applies for a job share and the application is agreed, the remainder of the post will be advertised in the normal way in line with the Council's Recruitment and Selection processes.

If a suitable job share partner is not found, the manager may decline to allow the application.

When one employee leaves a shared post, the line manager/Headteacher will follow the normal procedure for reviewing the vacancy and the vacant half of the post will be offered to those on the redeployment list in the first instance.

If there is no interest expressed through redeployment, the remaining job sharer will be given the option of working full time before the post progresses to advertisement.

If it is decided to fill the remaining half of the post, it will be advertised in the normal way. If no suitable applicant is found to share the post, the line manager/Headteacher may determine that the post should be filled by a single occupant.

# FLEXIBLE WORKING POLICY

The existing job sharer will cover the vacancy and be given the option of transferring to full-time employment in that post. If this offer is declined, every endeavour will be made to place them into an alternative job share or part time post.

Where no suitable post can be identified and all other options have been exhausted, the remaining job sharer's employment in that post will come to end whereby the principles of the Council's Redeployment policy in force at that time will apply.

This condition will be an explicit term of the job sharer's contract and on acceptance of a job share post, the job sharers will be asked to acknowledge and accept this term prior to commencement.

## **3. Annualised Hours**

Annualised hours are a method of organising an employees working time over the course of one year. This type of working should be regarded as an optional alternative to fixed weekly hours and are particularly useful if service demands are seasonal and there are fluctuating capacity needs.

Payments are made on the basis of an annual salary or wage (on a pro-rata basis, if part-time) payable in twelve equal instalments.

The annualised hours system ordinarily operates from the 1<sup>st</sup> January each year, up to and including 31<sup>st</sup> December. A normal working day will be determined by the nature of the service.

No carry over of hours is allowed on this scheme.

Staff operating on an annualised hours working pattern will, throughout the year, work different numbers of hours each month, therefore, it is important to remember that the annual salary, which is paid calendar monthly on 25th day of each month, will be paid in twelve equal payments and, will not alter as a consequence of a member of staff varying monthly working hours.

## **4. Compressed Hours**

Compressed hours is a working arrangement whereby an employee undertakes the working hours for a post in a compressed period, for example working 37 hours over 4 days.

An agreement for an employee to work a compressed hours arrangement must set out the allocation of working hours and the pattern in which they are worked.

## **5. Term time working**

Term time working arrangements are contracts of less than 52 weeks in duration. Typically, employees will work between 39 - 41 weeks per annum.

The annual salary for such posts will be pro-rata for hours and weeks worked, but will include an element for annual leave, bank and extra statutory holidays.

## FLEXIBLE WORKING POLICY

The salary will be annualised and paid in twelve monthly instalments.

Annual leave is not allowed to be taken during term time unless there are exceptional circumstances in which special dispensation is needed. However the Authority has other forms of leave which can be requested.