

CARDIFF COUNCIL

SCHOOL FLEXIBLE WORKING PATTERNS POLICY AND PROCEDURE

PREAMBLE

This is a model Flexible Working Patterns Policy and Procedure recommended by the Council for adoption by Governing Bodies. It is based on Council Policies/Procedures and relevant legislation and adapted, as appropriate, for schools. It is a statutory policy following the Employment act 2002.

PURPOSE

1. Flexible working relates to a range of working practices and patterns that can be tailored to meet the needs of the School and the individual needs of employees. This policy formalises the right to request flexible working patterns for parents with children aged 16 years or under (18 years if the child has a disability), or employees who are adult carers, and the duty to consider those requests by the Governing Body. Requests from employees who can demonstrate they have caring responsibilities will also be considered.

SCOPE

2. The policy applies to **all** staff working in the schools. It does not apply to Direct Services Unit staff, i.e. catering cleaning, grounds maintenance and repairs and buildings maintenance staff or centrally employed staff working within schools as Council policies and procedures will apply to them.

KEY PRINCIPLES

3. Requests for flexible working must be made in writing on the appropriate form (appendix 1) and will be accepted from any employee
 - (a) with at least 26 weeks continuous service with Cardiff County Council

and

 - (b) with a child aged 16 years or under (18 years if the child has a disability). The employee must be the mother, father, adopter, guardian or foster parent of that child (or the spouse or partner of such a person and living with the child) and have or expect to have responsibility for bringing up that child.

or

 - (c) who can demonstrate they have caring responsibilities (provided there is no detriment to the service user i.e. a child, parent or an individual or group who use the school)

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or

(d) with an adult (aged 18 or over) who is in need of care. An employee must be caring for or expect to care for a spouse, partner, civil partner or relative. If the person does not fall into one of these categories, the adult in need of care has to live at the same address as the carer.

4. Serious consideration will be given to all written requests for flexible working.
5. Requests for flexible working must be for a reason related to caring for the child or for demonstrable caring responsibilities.
6. The consideration of any written requests for flexible working will be undertaken in line with a defined procedure.
7. A successful request for flexible working will result in a permanent change to the employment contract. However, flexible working can be trialled for a specified period of time if it is uncertain that the arrangement will work in practise.
8. If a request for flexible working is turned down the employee will be provided with a written explanation of the reasons why the request cannot be accommodated.
9. If an employee feels that a request has not been given due consideration, an appeal can be made to the Grievance Appeal Committee of the Governing Body.
10. Only one request for flexible working in any 12 month period will be considered, unless circumstances surrounding the request have changed significantly. This is regardless of whether a previous application was made in respect of a different caring responsibility. For example, an employee who wishes to make a request to care for an adult would still have to wait a year if the previous request had been to care for a child.
11. The time limits specified in this policy can be extended with the agreement of both parties involved. They can also be extended by up to 28 days if the Headteacher is unable to comply with the timescales due to him/her being on leave or sickness absence. The Deputy Headteacher would become involved should the Headteacher be absent for more than 28 days.
12. Employees shall not suffer any detriment for exercising their right to request flexible working.
13. This Policy and Procedure will be reviewed in the light of 12 months operational experience and/or any subsequent legislative changes.

PROCEDURE

14. The procedure for dealing with written requests for flexible working patterns is as follows:
15. Any written request for flexible working must be made on the application form and:
 - (a) Be submitted in writing no later than 2 weeks before the child's 17th birthday (18th birthday if disabled) or if caring responsibilities, as soon as possible.
 - (b) Explain how the employee meets the criteria

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- (c) State that it is for a contract variation
- (d) Specify the desired change and proposed commencement date
- (e) Explain how the employee thinks the change could be accommodated by the school

16. The Headteacher will consider any request for flexible working. Human Resources will provide advice and guidance on each individual request.

When considering requests for flexible working the following factors will be taken into consideration

- The needs of the school.
- The cost implications.
- The Working Time Regulations 1998
- Health and Safety Issues.
- Supervision arrangements and methods for monitoring of work performance
- Training needs and provision.

17. The Headteacher will arrange a meeting within 28 calendar days of the receipt of the request, with the employee to discuss the issue.

18. The employee has the right to be accompanied at this meeting by either a trade union representative or a work colleague.

19. If an employee fails to attend a scheduled meeting on two separate occasions the request for flexible working can be deemed to be withdrawn.

20. The Headteacher will then convene a meeting of the Staffing/Personnel Committee to consider the application as soon as possible and will write to the employee within 14 calendar days of the meeting giving a decision on whether the request can be accommodated.

21. In providing the decision made with regard to the request, the Headteacher will either

- Accept the request in full and detail in the letter the arrangements that will be made, including a start date for the new working arrangements.
- Reject the request as it was made but confirm a mutually agreed alternative, which will be detailed, including a start date for the new working arrangements. The Headteacher will outline the reasons why the original request could not be accommodated and will also outline the appeals procedure in this letter.
- Reject the request in full. The Headteacher will detail for the employee the business reasons why the request could not be accommodated. The Headteacher will also outline the appeals procedure in this letter.

22. If a trial period for the flexible working is decided upon the Headteacher shall specify in writing the length of the trial period and arrange a meeting with the employee to discuss its success at least 10 working days before the end of the trial period.

23. The employee can appeal against the decision made by writing to the Clerk to the Governors, outlining the reason for the appeal. The appeal must be made within 14 working days of the date of the letter giving the decision.

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24. The Grievance Appeal Committee will meet with the employee and his/her representative within 14 working days of receipt of the appeal.
25. A decision regarding the appeal will then be given to the employee, in writing, within 14 working days of the appeal meeting. If the appeal is unsuccessful the reasons for that decision will be given.

FURTHER DOCUMENTATION

[4.HR.160-Sch](#) School Application for Flexible Working Pattern

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