



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Cynllun gweithio hyblyg ar gyfer staff mewn ysgolion

Flexible Working Scheme for School Based Staff

*Os hoffech dderbyn gohebiaeth mewn perthynas â'ch cyflogaeth yn Gymraeg,
[cysylltwch â'ch Swyddog AD dynodedig.](#)*

*Os hoffech gynnal y broses hon yn Gymraeg, [cysylltwch â'ch Swyddog AD
dynodedig.](#)*

Signed: *Per Short*

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Flexible Working Scheme for School based staff

Version	Date	Action
1	Sept 2019	New Document
2	July 2020	Review & Amendment
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1. Introduction

- 1.1 The Governing Body is committed to considering all applications for flexible working sympathetically having regard to the needs of the employee and service provision. This policy has been written having regard to employment law including the Employment Rights Act 1996, Work and Families Act 2006 and the statutory regulations in respect of flexible working and discrimination.
- 1.2 The purpose of this Scheme is to give employees the opportunity to reduce their working week to assist with out of work responsibilities and activities and, where possible, to seek improvements to service delivery.
- 1.3 The Governing Body recognises that there are a number of potential advantages to both the employer and the employee in considering an application for flexible working. These are summarised as follows:

2. Benefits of Flexible Working

- The recruitment and retention of skilled employees
- The avoidance of the financial costs of making redundancies
- The increase in job security
- The reduction in the overall wage bill
- The improvement of work life balance
- The temporary solution to a temporary problem

3. Roles and Responsibility

Chief Executive/ Corporate Directors

Overall responsibility for the implementation of the policy rests with the Chief Executive and Corporate Directors.

Heads of Service

Heads of Service will be responsible for ensuring that the health and safety arrangements are developed and implemented to satisfy the requirements of this policy. It is a key responsibility of Heads of Service to ensure that where officers have specific responsibilities for securing compliance with the legislation and this policy, that these duties are clearly notified to the officers concerned.

Governing Bodies of Schools Maintained by NPTCBC

There is a shared responsibility for health, safety and welfare between the Council, Governing Body and Headteacher.

Managers / Team Leaders / Headteachers

Each Manager, Team Leader and Headteacher will ensure that procedures/instructions relating to this Policy are implemented within their section.

Corporate Health and Safety Section/ Occupational Health Unit

The Corporate Health and Safety Section and the Occupational Health Unit will provide advice and guidance in relation to this policy.

Human Resources

Human Resources Officers will provide advice and guidance in relation to employment issues resulting from this policy.

Environmental Health Section

Responsibility for enforcement of the legislation will rest with the Council's Environmental Health Section.

Employees

Employees are responsible for compliance with this policy.

4. General Principles

The Governing Body on considering applications for flexible working will have regard of the following general principles:

- The policy applies equally to all relevant employees regardless of hours worked.
- Requests to work flexibly will only be refused where there is a clear business reason.
- If a request is rejected a further request cannot be made for 12 months whilst employed in the current job unless there is a significant change in personal circumstances.

5. What are the different forms of Flexible Working

- **Reduced Hours/Part-time.**
- **Term- time only** (can apply to support staff currently working 52 weeks).
- **Job share** - Job sharing is a form of part-time working where two (or occasionally more) people share the responsibility for a full-time job. They share the pay and benefits in proportion to the hours each

works. Job sharers may work split days, split weeks, or alternate weeks.

- **Compressed hours** - Compressed working weeks involve the relocation of time worked into fewer and longer blocks during the week. This does not necessarily involve a reduction in total hours worked or any extension in individual choice over which hours are worked.

****** Please also refer to Schools leave of Absence Policy for Absence Requests.

6. Eligibility

The School has always adopted the policy whereby all employees have the right to request flexible working. The law changed on 30th June, 2014 whereby this is now a statutory right providing the employee has worked for their employer for more than 26 weeks. Employees employed for less than 26 weeks, agency workers and office holders do not have a statutory right to request flexible working. Nevertheless requests from these groups will be considered. The right previously only applied to parents with children under the age of 17 (or 18 if the child is disabled) and certain carers.

In order to make a request to work flexibly, current legislation requires an employee to:

- have not less than 26 weeks continuous service at the date of application;
- have not made an application within the last 12 months whilst working in their current post;

7. Making an Application

7.1 Applicants for the Scheme should complete an application form and return it to the Headteacher (See Appendix A). Applicants are required to disclose why they are interested in flexible working. The proposed use of their free time should not:

- lead to a financial or other conflict of interest which may weaken public confidence in the Authority's reputation;
- Involve breaches of employment contract.

7.2 Applicants should state the flexible working pattern that they are applying for and the proposed commencement date. They will also need to state the impact that the change will have on service delivery and how any such effect could be addressed.

8. Procedure for making an Application

Step 1 – within 28 days the Headteacher/nominated person should meet with the member of staff to discuss and explore the request to work flexibly. This meeting is an opportunity to discuss the application in detail and consider alternatives if this is deemed necessary. The employee has the right to be accompanied to this meeting by their union representative or work colleague. A Human Resources Officer can attend on the request of the Headteacher.

Step 2 – a meeting of the relevant committee of the Governing Body will be convened to consider the proposal. It is the responsibility of the relevant committee to agree or reject the application. This application should not be considered by the full Governing Body as an employee has the right to appeal the decision.

Step 3 – within 14 days of the meeting the clerk to the Governing Body will write to the member of staff to either agree to a new work pattern or to provide clear business grounds as to why the application cannot be approved. If the application is accepted the notification letter should also confirm the date when the new working arrangements will commence.

An application may only be refused on one of the following grounds:-

- Burden of additional costs;
- Detrimental effect on ability to meet pupil needs;
- Inability to reorganise work amongst existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality or performance;
- Insufficiency of work during the periods the employee proposes to work;
- Planned structural changes.

Step 4 – in the event that the employee making the request is not satisfied with the decision of the Governing Body he/she has 14 days after being notified of the decision to appeal in writing. The employee will be required to set out their grounds of appeal. Within 14 days of receipt of a letter of appeal the relevant appeals committee of the Governing Body, will meet with the employee and his/her trade union representative or work colleague. A Human Resources Officer will be in attendance on request of the Headteacher. The employee will be informed in writing of the decision of the appeals committee. If the appeal is refused the letter will give sufficient reason as to why. There will be no further right of appeal.

9. Time Limits

- 9.1 consideration process must be completed within three months of first receiving the request including an appeal. The statutory regulations on flexible working provide for strict timescales by which each stage of the process is carried out. These timescales have been identified throughout this policy.
- 9.2 Time limits will be extended where the request cannot be dealt with within the timescales, provided the employee agrees to the extension, e.g. the persons who would ordinarily consider the application are unavailable when the application is received e.g. because of school closure periods or sick leave. In instances of extended absence every effort will be made to ensure that any extension of time scales is not prolonged and unreasonable.
- 9.3 In addition, where there is good reason to extend the above time limits, e.g. to explore an alternative working pattern, this may be done with the employee's agreement and confirmed in writing.

10. The Right to return to full-time working

An accepted application will mean a permanent change to the employee's own terms and conditions of employment. However, the Headteacher/Governing Body can consider a temporary reduction over a 12 month period following which any further application will be a permanent arrangement. If a permanent arrangement is accepted the applicant must be clear that they will not be able to automatically revert to their full-time position. He/she will have to wait for a vacancy to arise in the school and be appointed to that position by the Governing Body.

11. Terms and Conditions

- 11.1 **Annual Leave** (support staff) -The basic annual leave specified for the equivalent full-time post will be apportioned on a pro rata basis. Any additional entitlements to this, e.g. long service leave, will be applied individually and pro rata to the hours worked. Annual leave may be expressed in terms of hours rather than days per annum, where appropriate.
- 11.2 **Bank Holidays** - Entitlement to statutory Bank Holidays (and the Authority's Christmas/New Year Extra Statutory Day) will be apportioned on a pro rata basis. Where a particular working pattern leads to an employee receiving more or less than his/her pro rata entitlement to bank holidays (and ESD), then an adjustment to annual leave entitlement must be made to compensate.

- 11.3 **Salary** - Salary will be apportioned on a pro rata basis depending on the rate of pay for the full-time post.
- 11.4 **Hospital and Medical Appointments** - hospital and medical appointments should normally be arranged outside working hours. However, it is recognised that some clinics and surgeries take place on set days and that, in some cases cancellation of an appointment can lead to a long delay in treatment. In these, unavoidable, circumstances, paid absence in accordance with the schools leave of absence policy will apply.
- 11.5 **Inset days** - A full time teacher is required to teach 190 days of the year with an additional five days allocated to in-service training. Depending on the work pattern agreed it is essential that the Head Teacher ensure that each teacher working on a part time or job share arrangement has equal access to the pro rata training days.
- 11.6 **Pensions** – it is the employees' responsibility to contact the Section to find out whether this change

12. Review

The implementation of this policy will be the subject of periodic review or as new Legal requirements emerges.

Application for Flexible/Reduced Hours Working for School Based Staff Schools



Application for Flexible/Reduced Hours Working for School Based Staff	
Name	
Job Title	
School	
Have you made a previous application for flexible working? And if so please provide date	
Are you making this request for flexible working in relation to the Equality Act 2010? (i.e. as a reasonable adjustment for a disability).	(Y/N?)
Please specify the reason for your request:	
Please specify your current working pattern:	
Number/Pattern of Hours/Days/Weeks Requested	
When would you like to start this new working pattern if agreed?	(Please allow up to 3 months to allow your request to be considered)
Please describe what you consider the impact of this new work pattern	

would be on service delivery and how any difficulties could be overcome			
Signed		Date	

To be forwarded to the Headteacher on completion.