



Flexible Working Requests

1. INTRODUCTION

Cardinal Hume Catholic School gives employees who are parents or carers of an adult the right to request a variation to their contracts of employment so that they can work more flexibly and thereby balance their childcare/carer's responsibilities with their work commitments. Changes, which relate to hours and times and place of work (as between home and place of business only) can be requested. The School has a duty to consider requests seriously and is only able to refuse where there is a clear business reason. If a change is agreed, it will be a permanent variation of contract and there will be no right for the employee to revert to the former arrangement.

2. WHOM DOES IT APPLY TO?

The right applies to employees who meet the following criteria:

- Have 26 weeks continuous service at the date of application;
Are the biological parents, legal guardians, adoptive and foster parents and spouses of these, including same sex partners as long as they have parental responsibility for the child
- Are applying to work flexibly in order to care for the child.
- Are applying to work flexibly as a 'carer' for a sick 'relative' or spouse.
- Have a child 16 and under or 18 and under for a disabled child
- Has not made another application to work flexibly under the right during the past 12 months

Only service within Cardinal Hume Catholic School will count for continuous service purposes and not previous continuous service with other schools or employers.

The application must be made more than a fortnight before the child becomes 16 or, if disabled (i.e. entitled to Disability Living Allowance), 18.

2.1 Definition of partner

- The partner of a child's mother, father, adopter, guardian or foster parent is defined as a person who lives with the child and the child's mother, father, adopter, guardian or foster parent in an enduring family relationship. A person who is a relative of the child's mother, father, adopter, guardian or foster parent cannot be a partner and therefore would not be eligible to make a request. The following people are classed as relatives: a parent, grandparent, sister, brother aunt or uncle. Full blood and half blood relatives of this description are also covered.

- Where the child's mother, father, adopter, guardian or foster parent was adopted, their full blood and half blood relatives will still be classed as relatives. The adoptive parents will also be treated as relatives. However, no other adoptive relationships will be treated in this way. Therefore, any other member of the adoptive family could be a partner of the child's mother, father, adopter, guardian or foster parent and would be able to make a request if they fulfilled the other criteria.

2.2 Definition of a carer

The work and families Act defines a carer as an employee who is or expects to be caring for an adult who:

- is married to, or the partner or civil partner of the employee; or
- is a 'relative' of the employee; or
- falls into neither category but lives at the same address as the employee

Definition of a 'relative'

- This definition covers parents, parent-in-law, adult child, adopted adult child, siblings (including those who are in-laws) uncles, aunts, grandparents or step-relatives

DATE OF APPLICATION

An application will be taken as having been made on the first day in term-time after the day that it is received.

Where an application is made by e-mail or fax, it is taken to be received on the first day in term-time after the day it was transmitted. Where it is sent by post, it is taken as being received on the first day in term-time after the day it would have been delivered in the ordinary course of post.

The same principles apply to the giving of notices by the employee and employer throughout the process.

3. WHAT CAN BE REQUESTED?

Changes to:

- The number of hours an employee is required to work
- The times an employee is required to work
- Place of work (as between home and place of business only)

All forms referred to are available from the Headteacher.

4. MAKING THE APPLICATION

Following initial informal discussion with the Headteacher, the employee must complete the Flexible Working Application Form which includes:

- the change applied for, e.g. a new working pattern, and the date they wish it to become effective, giving the academy reasonable time to consider the proposal and implement it. This may take up to 12-14 weeks
- explain the effect that they envisage the change will have on the service, including how it might be accommodated;
- explain how the employee satisfies the requirements relating to the relationship with the child, and
- the application must state whether a previous application has and if so the date on which it was made and
- be signed and dated.

See appendix one for further guidance

5. CONSIDERING THE APPLICATION - THE PROCESS

6.1 The Initial Request

- If the Headteacher agrees with the proposal s/he must notify the employee of the variation that has been agreed to and the date on which it will take effect within 28 days of receiving the proposal.

If the Headteacher does not agree they must meet with the employee to discuss the request within 28 days of it being made. This provides an opportunity to discuss any problems and consider alternatives.

The Headteacher must inform the employee of their decision within 14 days of the meeting.

- If a variation is agreed, the Headteacher must set out the agreement and the date from which it is to take effect, or
- confirm a compromise agreed at the meeting, or
- reject the request and set out clear business reasons for the rejection together with notification of the appeals process
- If they refuse the request the Headteacher must complete the Flexible Working Application Rejection Form. This must give the employee a notice setting out the grounds for refusal, explaining why they apply in the circumstances, and set out the appeal procedure.

6.2 The Appeal

If the request is declined, reasons for the refusal will be stated to the employee in writing. If the employee is not happy with this decision and they feel they have sufficient grounds to work flexibly then they can appeal to the Chair of Governors, using the Flexible Working Appeal Form.

All notices should be in writing, using the Flexible Working Appeals Reply Form and should be dated.

The final decision rests with the Chair of Governors.

6. TIME LIMITS

There may be a number of reasons why the time limits specified above are too short and an extension may be required. For example, more time may be needed to explore an alternative working pattern. Time limits can be extended where the Headteacher and employee agree. A written record of the agreement must be made which states which period the extension relates to and the date the extension is to end by completing the Extension of Time Limit Form. This must be dated and sent to the employee. This is to prevent a dispute arising as to whether the Headteacher has complied with the time limits required or not.

Time limits will be automatically extended where the person who would ordinarily consider the application is absent because of annual leave or sick leave when the application is received. The 28 day period begins when that employee returns to work or 28 days after the application is made, whichever is the sooner.

7. REFUSING A REQUEST

If the request is rejected then the Headteacher must inform the employee in writing, using the Flexible Working Application Rejection Form, setting out the grounds for refusal. The only valid grounds for rejecting a request are as follows:

- The burden of additional costs
- Detrimental effect on ability to meet the educational demands of the school
- It is not possible to re-organise work among existing staff
- It is not possible to recruit additional staff of the quality needed by the school
- Detrimental impact on quality of the service
- Detrimental impact on performance of the service
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

The Headteacher must also provide a sufficient explanation as to why the business reason applies in the circumstances.

8. RIGHT TO BE ACCOMPANIED

An employee will have the right to be accompanied at the initial meeting and at the appeal by a trade union/work place representative who also works for the School.

The companion will have the right to address the meeting and confer with the employee during the hearing, but will not be permitted to answer questions on the employee's behalf.

If an employee's chosen companion is unavailable at the time proposed for a meeting then the Headteacher must postpone the meeting to a time proposed by the employee provided this is convenient for the Headteacher and within seven days beginning with the day after the day initially proposed by the Headteacher.

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

Employees are protected from suffering a detriment because they exercised or sought to exercise their right to be accompanied or sought to accompany an employee.

9. WITHDRAWAL OF APPLICATION

If the employee wishes to withdraw their application they must complete the Flexible Working Notice of Withdrawal Form and forward this to the Headteacher.

Where the employee fails to meet their responsibilities the Headteacher may also treat an application as withdrawn. 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 they require to assess whether the contract variation can be agreed to. In these circumstances, the Headteacher should write to the employee to confirm that the application has been withdrawn.

APPENDIX 1

Guidance for staff on issues to consider and resolve for a successful application.

The Employers' Objective is to develop every pupil to the maximum of their potential within the spirit of Gospel values. All staff must contribute to this objective and any flexible working arrangements should be without undue detriment to this or to other members of staff.

The employers recognise that in some circumstances, flexible working arrangements can be of benefit to the School, for example; retaining and attracting high quality staff, fulfilling a part-time requirement in a department and higher morale. There are other circumstances where part-time working could be to the detriment of the school in that it adversely affects staff morale and it may be difficult to recruit high quality staff to fill any shortfall in staffing requirements.

However there are issues that need to be addressed when considering a request for flexible working arrangements from staff. The over-riding consideration is:

Can all aspects of the job role of the applicant be fulfilled to the same high standards within the flexible working arrangements. If not, can adjustments be made.

In considering the above, the following are examples of issues that will need to be addressed:

- Whether the job roles can be divided and shared without detriment
- Extra burden or inconvenience to other members of staff, e.g. Line managers
- Inability to recruit high quality staff to cover any shortfall in staffing
- The ability of Managers to fulfil their responsibilities in a part-time role
- Difficulty in delegating responsibilities
- Increased problems for internal communication and availability to meet other staff and outside agencies
- Reduced flexibility in the delegation of responsibility commensurate with salary levels
- Increased financial burden to the school
- Overall impact of Flexible Working arrangements on the whole school.

When the applicant is a teacher the following also needs to be addressed:

- Timetabling difficulties e.g.
 - Increased probability of split teaching classes
 - Composition of teacher teams for banding arrangements
 - Reduced quality of class and teacher timetables e.g. weekly spread, matching teacher to class
 - Reduced flexibility in constructing the timetable and homework timetable
- Increased tutorial burden on fulltime staff
- Role of Form Tutor e.g. continuity
- Availability for meetings, e.g. management, department, pastoral, whole school, staff consultation, external, INSET., performance management
- Availability to meet with pupils and parents
- Involvement in extra curricular activities

APPENDIX 2

When considering applications from Teaching Staff, the following needs to be addressed.

The curriculum and therefore the staffing requirements change from year to year. The staffing requirements are calculated annually and the following outlines the process for staffing decisions.

1. Determine any curriculum developments that will have an impact on staffing requirements. E.g. change of curriculum for any year group, change in number of teaching groups in any year group, change of structure of the school day, new subjects introduced into the curriculum.
2. Initial survey of year 11 and year 12 to determine Sixth Form requirements
3. Choices for year 10
4. Calculate the staffing requirements for each department as Full Time Equivalents
5. Match staff with permanent contracts, full or part-time, to the needs of the departments, matching teachers' specialisms to department needs. Take into account any known resignations or retirements.
6. Consider any shortfall in staffing using the following principles
 - a) appoint subject specialists
 - b) avoid using staff outside of their expertise
 - c) appoint full time members of staff where possible for the efficiency of the service
 - d) are there full time vacancies within subject areas
 - e) consider part time appointments to satisfy subject need taking into account the current part-time situation in the overall school and department and the historical impact of part time appointments on the quality of the timetable and the efficiency of the service.
7. Consider the position of any current fixed term appointments and requests under the Flexible Working Policy or other requests for changes in contracts. Are there positions that can be filled by these members of staff. Can Flexible Working requests be accommodated within the staffing structure and within the criteria outlined within this document. Consideration will be made as to whether the positions can be offered as permanent or temporary.
8. Each year the School will review the quality of the timetable and record the impact that part-time working has had on the quality of the education for the pupils and the efficient working of individual departments and the school.