



# **CLYST VALE COMMUNITY COLLEGE**

## **FLEXIBLE WORKING REQUESTS POLICY**

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# POLICY

## 1. Introduction

1.1 This policy and procedure applies to all staff employed by Clyst Vale Community College who meet the eligibility criteria.

1.2 From 6<sup>th</sup> April 2003, the Employment Act 2002 amended the Employment Rights Act 1996 to provide parents with children under the age of six (or under the age of eighteen in the case of a disabled child), the right to request flexible working and placed a duty on employers to consider these requests seriously. From April 2007 this right to request was extended to the carers of adults.

From 6<sup>th</sup> April 2009, the right to request flexible working is extended to parents of children aged 16 and under.

## 2. Policy

2.1 Clyst Vale Community College's Flexible Working Requests Policy gives eligible employees the right to request a variation to their contracts so that they can work more flexibly and thereby achieve a better balance between their lives outside work with their work commitments. Changes to their hours, times and place of work can be requested. This means using policies such as flexitime, home working, job sharing, term time working and annualised hours to enable greater flexibility. These positive employment practices in turn promote equality of opportunity in employment, aid retention and reduce absenteeism.

2.2 Whilst CVCC is committed to providing a balance between employees' professional and personal lives the desire to provide flexible working must be balanced with the College's duty to maintain service delivery.

## 3. Principles

3.1 CVCC is committed to equality in its policy. The conditions for qualification under this policy will not disadvantage any employee on the grounds of age, race or ethnicity, disability, gender and marital status, gender identity or sexual orientation.

3.2 Employees have the right to be accompanied by a trade union representative or a workplace colleague (not acting in a legal capacity) at any stage in the procedure. The companion can address the meeting or confer with the employee during it.

3.3 If a change is agreed, it will be a permanent variation of contract and there will be no right for the employee to revert back to the former arrangement. However, short-term (12 months or less) temporary changes should be discussed with the Principal or College Manager, outside this policy.

- 3.4 If at any point in the future an employee wishes to end their flexible working agreement they should discuss this with the Principal or College Manager and their wishes will be considered in Principal or College with the College's recruitment and selection policy and business needs.
- 3.5 An application is taken to have been made on the date that it is received. Where an application is made by email or fax, it is taken to be received on the day it was transmitted.
- 3.6 Any meetings should be arranged by the Manager(s) at a time and place convenient to both the employee and employer.
- 3.7 There may be a number of reasons why the time limits specified are too short and an extension may be required. Time limits can be extended where the Manager and employee agree. A written record of this should be made. See [Flexible Working Extension of Time Limit Form](#).
- 3.8 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.

#### **4. Eligibility**

- 4.1. The School allows any employee to request flexible working arrangements. To be eligible to make the request an employee must have worked for Clyst Vale Community College continuously for 26 weeks at the date the application is made and not have made another application to work flexibly in the last 12 months. The Principal may agree to accept more than one request in a year in exceptional circumstances, for example a major change in the role or a change in personal circumstances.

#### **5, Proof of Eligibility**

5.1 There is no legislative requirement for employees to provide evidence or proof that the person in question requires any particular level of care or to detail the type of care that will be provided. However, where it is suspected that there has been abuse of the right, for example because it is suspected that the employee does not genuinely have a qualifying relationship with the person in question, the employer may request evidence (if available).

5.2 Abuse of the right to request flexible working may result in the Conduct Procedures being invoked.

#### **6. Types of Flexible Working**

- 6.1. Types of flexible work patterns include the consideration of:
- Flexi-time
  - Part-time working
  - Job share

- Temporary work
- Shift working
- Annualised hours
- Term-time working
- Home working
- Variable hours

## PROCEDURE

### 1. Making the Request

- 1.1 If an employee wants to make a request for flexible working they must complete a [Flexible Working Request Form](#) and submit it (which includes post, fax or email) to the Principal or College Manager.
- 1.2 If the application is in relation to a child under sixteen, or eighteen in the case of a disabled child, the application should be made at least 2 weeks before the child's sixteenth or eighteenth birthday.
- 1.3 The Principal or College Manager should acknowledge receipt of the request by returning, to the employee, the Principal or College Manager's Confirmation of Receipt slip at the end of the [Flexible Working Request Form](#).

### 2. Considering the Request

- 2.1. The Principal or College Manager will arrange a meeting with the employee within a maximum period of 28 calendar days at which the request will be discussed and if necessary alternatives considered.

### 3. Informing of the Decision

- 3.1 The Principal or College Manager will write to inform the employee of their decision within a maximum period of 14 calendar days of the meeting.
- 3.2 If the request is agreed the Principal or College Manager should complete a [Flexible Working Acceptance Form](#) (any compromise offered at the meeting should be confirmed) and send it to the employee.
- 3.3 If the request is refused the Principal or College Manager should complete a [Flexible Working Reject Form](#) and send it to the employee.
- 3.4 The only valid reasons for a request being refused include:
  - Additional cost to the College
  - Detrimental effect on the College's ability to meet customer demand
  - 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

### 4. Appeal against the Decision

- 4.1 If an employee is dissatisfied with the response from their Principal or College Manager they will have the right to appeal.

- 4.2 Appeals will generally be heard by the Appeals Committee of the Governing Body, although on occasion this may be delegated to the Principal.
- 4.3 The employee should register the appeal using a [Flexible Working Appeal Form](#) within 14 calendar days of receiving the written refusal for the request for flexible working. This should be sent to the Principal.
- 4.4 The Principal must arrange the appeal meeting within a maximum period of 14 days of receipt of the appeal.
- 4.5 The Principal must notify the employee of the decision using a [Flexible Working Appeal Reply Form](#), within a maximum period of 14 calendar days after the date of the meeting.
- 4.6 If the request is accepted the Principal will write to the employee informing them of the variation agreed to and the date on which it is to take effect.
- 4.7 If the request is refused the Principal will write to the employee setting out the grounds for the refusal and explaining why they apply.
- 4.8 This is the end of the appeal procedure and no further appeal mechanism will operate.

## **5. Withdrawal of Flexible Working Request**

- 5.1 If an employee wishes to notify their Manager that they wish to withdraw their application, they should do so in writing. Where this is not forthcoming the Manager should write seeking clarification that the employee has withdrawn their application and the [Flexible Working Notice of Withdrawal Form](#) should be completed and sent to Personnel Administration.
- 5.2 Where an employee fails to meet their responsibilities the College may also treat an application as withdrawn. In these circumstances, the Manager should write to the employee to confirm that the application has been withdrawn.

## **GUIDANCE**

### **1. Employee Guidance**

- 1.1 You should ensure that your application is valid by checking that all the eligibility criteria are met and that you have provided all the necessary information.
- 1.2 The level of detail required on an application will depend on the desired changes, but in all cases it is in your interest to be as clear and explicit as possible. You must provide an explanation of what effect, if any, you think the proposed change would have on CVCC and your team and how you think this may be dealt with. This does not mean that you are expected to know every factor that might influence the decision, simply that you should show you have considered the factors that might influence the decision.
- 1.3 You should ensure that your application is made well in advance of when you want the variation to your contract to take effect.
- 1.4 You should be aware that if you request a flexible working pattern that will result in you working fewer hours, your pay would be reduced too.
- 1.5 If necessary, you should be prepared to be flexible yourself to reach an agreement with your Manager, which balances your wishes with the College's commitment to maintain service delivery.
- 1.6 If you are due to go on maternity leave think carefully about when you make your request. If you want the changes to start on your return from maternity leave, you should make your application in good time.

### **2. Management Guidance**

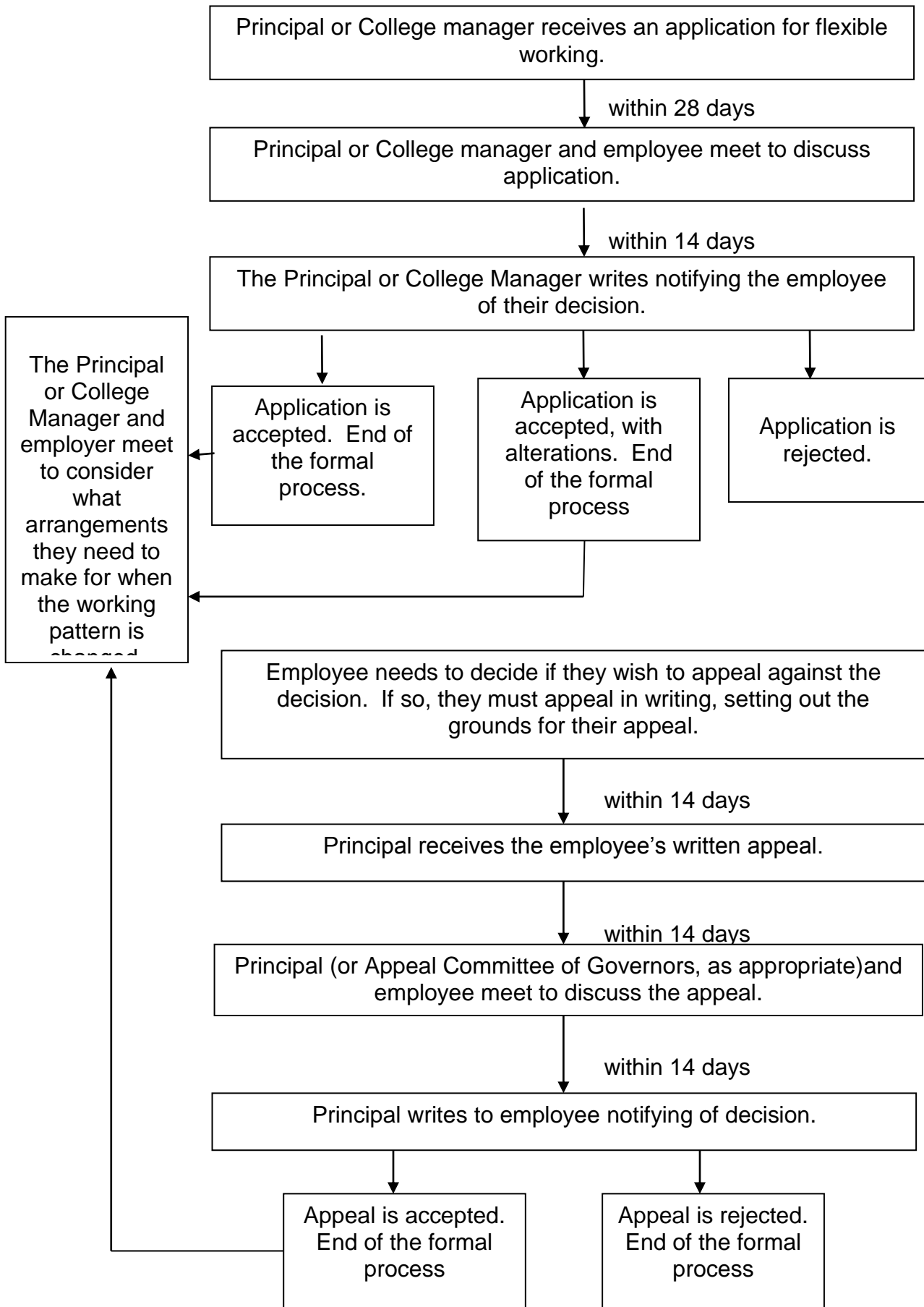
- 2.1 Managers have a duty to consider requests seriously and are able to refuse only where there is a clear business reason.
- 2.2 Managers should acknowledge receipt of a request. An acknowledgement slip is included on the bottom of the request form, which allows you to readily confirm the date on which the application was made.
- 2.3 If staff fail to provide all the required information, you should inform them what they have omitted and ask them to re-submit the application when complete. You are not obliged to consider the application until it is complete and re-submitted.
- 2.4 Managers should ensure that any variation in the procedure is agreed with staff in advance and recorded in writing.
- 2.5 Managers must allow any of their staff to take time off during work hours to act as a companion to another member of staff requesting flexible working.



- 2.6 Where a Manager agrees to a new working pattern, the Manager should try and implement this within 8 weeks of the new working pattern being agreed. It may be appropriate to agree that the new working pattern will take place for an agreed trial period in order to see how it would suit both parties.
- 2.7 When accepting a new working pattern it may be beneficial to mutually agree either a finite time period for the change, or a time-scale (e.g. annually) for reviewing the change.
- 2.8 When accepting a request check:
- That the flexible working method reflects the relevant Clyst Vale Community College policy and guidance
  - Whether or not the employee's pay and/or contract of employment need amending
  - that all health and safety requirements have been met (particularly relevant where the employee is to work from home)
  - that all changes comply with the working time regulations.
- 2.9 When refusing a request you must include an explanation about your reasons, bearing in mind the 'valid reasons' set out in the procedure.

## FLOW CHART

### FLOW CHART



## APPENDICES: FORMS OR LETTER TEMPLATES

### Appendix 1: Flexible Working Request Form

#### 1. Personal Details

Name:

Line-Manager:

2a. Detail your current working pattern (days / hours / times worked):

2b. Describe the working pattern you would like to work in future (days / hours / times worked):

2c. I would like this working pattern to commence from:

Date:.....

#### 3. Impact of the new working pattern

I think this change in my working pattern will affect Clyst Vale Community College, colleagues and students as follows:

4. Accommodating the new working pattern

I think the effect on Clyst Vale Community College, colleagues and students can be dealt with as follows:

I have not made a request to work flexibly under this right during the past 12 months.

Signed:.....Date: .....

NOW PASS THIS REQUEST TO YOUR PRINCIPAL OR COLLEGE  
MANAGER

-----  
*Cut this slip off and return it to your employee in order to confirm your receipt of their request*

**Principal or College Manager's Confirmation of Receipt** (to be completed and returned to employee)

Dear:

I confirm that I received your request to change your work pattern on: Date:.....

I shall be arranging a meeting to discuss your application within 28 days following this date. In the meantime you might want to consider whether you would like a fellow colleague to accompany you at the meeting.

From:

## Appendix 2: Flexible Working Request Acceptance Form

Dear:	Payroll Number:
Following receipt of your request and our meeting on:	Date:
I have considered your request for a new flexible working pattern.	
I am pleased to confirm that I am able to accommodate your application.	<input type="checkbox"/>
I am unable to accommodate your original request. However, I am able to offer the following alternative pattern, which we have discussed and you agreed, would be suitable to you.	<input type="checkbox"/>

Your new working pattern will be as follows:
--

Your new working arrangements will begin from:	:
--	---

Please note that unless otherwise stated the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right to revert back to your previous working pattern.

Signed:	Date:
Name:	

### Appendix 3: Flexible Working Request Rejection Form

Dear:	
Following receipt of your request and our meeting on :	Date:
I have considered your request for a new flexible working pattern.	

I am sorry but I am unable to accommodate your request for the following business ground(s):

The grounds apply in the circumstances because:

Note: You should explain why any other work patterns you may have discussed at the meeting are also inappropriate. Please continue on a blank sheet if necessary.

If you are unhappy with the decision you may appeal against it. Details of the appeal procedure set out below.

Signed:	Date:
Name:	

## The Appeal Process

### To the employee

If your manager has turned down your request for flexible working, you have the right to appeal against the decision. If you wish to appeal, you must write to the Principal setting out the grounds for your appeal, within 14 days after receiving written notice of the decision.

## Appendix 4: Flexible Working Appeal Form

Dear:

I wish to appeal against your decision to refuse my request for flexible working. I am appealing on the following grounds:

Please continue on a blank sheet if necessary

Signed:

Date:

Name:

NOW RETURN THIS TO THE PRINCIPAL



## Appendix 5: Flexible Working Appeal Reply Form

Dear:

Following our meeting on:

Date:

I have considered your appeal against the decision to refuse your application to work a flexible working pattern.

I accept your appeal against the decision. I am therefore able to accommodate your original request to change your working pattern as follows:

Your new working arrangements will begin from:

Date:

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right to revert back to your previous working pattern.

OR I am sorry but I must reject your appeal for the following ground(s):

The grounds apply because:

Please continue on a separate sheet if necessary

Signed:

Date:

Name:

## Appendix 6: Flexible Working Extension of Time Limit Form

Dear:

I wish to extend the amount of time that the procedure allows me to:  
(please tick)

Arrange a meeting to discuss your request (28 days)

Notify you of my decision regarding your request (14 days)

Arrange a meeting to discuss your appeal (14 days)

Notify you of my decision regarding your appeal (14 days)

I wish to extend the time limit to .....days.

This means that I will have until: .....to complete the necessary action.

I need the extra time for the following reason:

If you agree to this extension, please complete the slip below and return it to me.

Signed:

Date:

Name:

Cut this slip off and return it to your Principal or College manager in order to confirm your acceptance of their request.

**Employee's Agreement to Time Extension** (to be completed and returned to Principal or College manager)

Dear:

I accept your request to extend the amount of time to

Signed:

Date:

Name: