




Applications For Changes To Working Arrangements

Ratified Date:	February 2022
Signed:	
	Lynne Thornton, Chair of Governors
Review Date:	February 2025

REVIEW SHEET

The information in the table below provides details of the earlier versions of this document and brief details of reviews and, where appropriate amendments which have been made to later versions.

Version Number	Version Description	Date of Revision
1		February 2022
2		
3		

INTRODUCTION

From 6th April 2003, parents of children aged under 6 (under 18 if disabled) have been entitled to request a change to their working pattern, to enable them to balance childcare responsibilities with their work commitments. This right has been extended to:-

- From 6 April 2007 employees who have caring responsibilities for adults
- From 6 April 2009 the right was extended to employees with a child under the age of 17.

Employees do not have an automatic right to change their working pattern but the employer must give serious consideration to any changes that are requested. Where a change is agreed, it forms a permanent variation to the contract and the employee will not be able to revert to the former arrangement.

This guide sets out the qualifying criteria for the entitlement and the process that should be followed. It also includes the necessary forms and outlines the documentation that should be used.

QUALIFYING CRITERIA

To qualify for the right to apply for a change in your work pattern, you must meet the following criteria:

- You must be an employee, but not an agency worker.
- You must have at least 26 weeks continuous service with School at the time that you make your application (previous continuous service with other employers and authorities does not count towards the 26 weeks)
- You must not have submitted an earlier application to work flexibly within the previous 12 months, regardless of whether the previous application was made in relation to the same caring responsibility or a different one.
- If your application relates to caring for a child, it must be made by the day before the child's 17th birthday (or the child's 18th birthday, if disabled).

You must also meet one the following criteria:

For requests relating to caring for a child

- You must have, or expect to have, responsibility for the upbringing of a child under 17 (or a child with a disability who is under 18) and
- You must be the mother, father, adopter, guardian, special guardian, foster parent or private foster parent of, or a person in whose favour a residence order is in force in respect of, the child concerned, OR

- You must be living together as if husband and wife with, or the spouse or civil partner of, any of those people

For requests relating to caring for an adult

You must be, or expect to be, caring for an adult who is either:

- Living with you as if husband and wife, OR
- Your spouse, OR
- Your civil partner, OR
- Living at the same address as you, OR
- Your relative (relative in this context means mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and includes adoptive relationships and relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption)

There is no definition of a carer in the legislation and employees are not required to demonstrate that the child or adult in question requires a particular level of care, or why they personally must provide the care. Decisions on whether or not an employee's request can be granted will be made on business grounds, rather than on personal circumstances.

However, a request for flexible working must be made for the purpose of caring and not some other reason. Where a Headteacher suspects the right is being abused, for example because they believe that the employee does not meet the qualifying criteria, they may reasonably request evidence of this, or invoke the disciplinary procedure where necessary.

The care that carers of adults give will vary widely between individuals. The sort of care that employees are likely to be involved in includes:

- help with personal care such as dressing, bathing and toileting;
- help with mobility such as walking and getting in and out of bed;
- nursing tasks such as changing dressings;
- giving or supervising the taking of medicines;
- accompanying to hospital and GP appointments;
- emotional support;
- providing company;
- practical household tasks such as cooking, shopping and cleaning; and
- help with paying bills and other paperwork

WHAT CAN BE REQUESTED?

If you are eligible, you can request:

- A change to the number of hours you work
- A change to the times you are required to work
- A change to your place of work (where possible i.e. to work from home or another school building)

These changes cover patterns such as annualised hours, compressed hours, flexitime, homeworking, job-sharing, self-rostering, shift working, staggered hours and term-time working.

You should be aware that unless otherwise agreed, if you make a request and it is accepted, it will form a **permanent** change to your terms and conditions. You do not have the right to revert back to your previous working pattern.

You can only make one request in a 12-month period. If your request is rejected or withdrawn, you cannot make another request for a further 12 months.

THE APPLICATION PROCESS

The Regulations set down a process to be followed by both the employee and employer. This process outlines what information must be provided and sets a timeframe for dealing with requests. Appendix 1 contains a flowchart summarising the process and timescale to be followed. Appendix 3 contains notes for Headteachers about the process to be followed and the documentation that should be provided.

Making an Application

The first stage of the process is that you need to submit an application to your Headteacher for a change to your work pattern. For your application to be valid it must:

- Be made in writing (this includes e-mail and fax – *with a signed copy to follow*)
- State that it is an application under the legal right to request flexible working
- Confirm your eligibility regarding your relationship to the child or adult in question
- Clearly set out the change for which you are applying
- State the date on which you would like the new arrangements to start
- Explain what effect the change may have on your role, your colleagues and the School, including how the change could be accommodated
- State whether you have made a previous application to the School and if so, when it was made
- Be signed and dated

Appendix 2 contains a standard form that should be used to submit your application.

You should note that if you have not provided all the required information, your application will not be valid and will be returned. You will need to complete the required information and re-submit the application. Under the regulations, if you do not provide the required information without good reason, your application will be considered to have been withdrawn. If you need help to complete your application form, you could ask a colleague, trade union representative or line manager/Headteacher for assistance.

It is therefore important that before you make an application, you consider issues such as:

- Which working pattern will help you best care for the child or adult
- What are the financial implications e.g. if you reduce your hours
- What effects the changes would have on how your role is performed, how it would affect your colleagues and how it would affect the School - and how this could be accommodated
- Any change will be a permanent change to your terms and conditions
- Providing as much detail about the pattern you would like to work
- Providing as much notice as possible before you want the new arrangements to apply (the process can take up to 14 weeks and longer if there are any difficulties).

Consideration of your Application

The School, as an employer, has a legal duty to consider your application and establish whether the request can be accommodated within the needs of the School. Appendix 3 provides notes for Headteachers about the process to follow and the information to be provided.

Once your application is received, your Headteacher should arrange to hold a meeting with you within 28 days, to discuss your request. You can be accompanied at this meeting by a work place colleague or Trade Union rep. Your companion can confer with you and address the meeting but will not be allowed to answer questions on your behalf. Your Headteacher may also be accompanied at the meeting.

If you or your companion are unable to attend a meeting, you should let your Headteacher know as soon as possible and arrange another mutually convenient time, which should normally be within the next 7 days. You should note that if you fail to attend more than 1 meeting without reasonable explanation, your application will be considered to be withdrawn.

Within 14 days of the meeting, your Headteacher should write to you confirming their decision regarding your request.

If your request is accepted, you will receive written confirmation detailing the agreement and the date from which it will take effect. You should work with your Headteacher to ensure that the change is as smooth as possible.

There may be circumstances where your initial request cannot be accommodated but with some amendments, a modified arrangement can be agreed. You should therefore be prepared to be constructive and flexible, in order to reach an agreement.

If your request is rejected, you will receive written confirmation giving the grounds for refusal and explaining how it applies in the circumstances. It will also set out the appeal procedure. Applications can only be refused where there is a clear business reason and must be for one or more of the following grounds:

- The burden of additional costs
- A detrimental effect on the ability to meet customer demand
- An inability to reorganise work among existing staff
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- An insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Alternatively, a trial period could be implemented for a defined temporary period. This would provide an opportunity to review how the arrangements work in practice and determine whether or not they are likely to create any practical difficulties.

The start and end date of a trial period will be clearly documented and signed. At the end of the period your Headteacher will hold another meeting with you to review how the revised working pattern has worked out and decide whether or not the arrangement can be made permanent. If your Headteacher does not think the changes have been workable you will revert to your previous working pattern.

Appeals

If you wish to appeal against the decision to reject your request, you should do this within 14 days of receiving written confirmation of the decision. Your appeal should be in writing, dated and should clearly state your grounds for appeal.

Your appeal should normally be heard by the Chair of Governors. Once your appeal is received, the Chair of Governors should arrange to hold a meeting with you within 14 days, to discuss your appeal. As with the meeting to discuss your application, both you and the Chair of Governors can be

accompanied, and the same rules apply regarding non-attendance at this meeting. The Headteacher who dealt with your original application may be asked to attend, to outline why your request was rejected.

Within 14 days of the meeting, the Chair of Governors who heard your appeal should write to you, confirming their decision regarding your request.

If your request is now accepted, you will receive written confirmation detailing the agreement and the date from which it will take effect. You should work with your Headteacher to ensure that the change is as smooth as possible.

If your request is rejected, you will receive written confirmation giving the grounds for refusal and explaining how it applies in the circumstances. This will be the end of the formal internal procedure.

Time Limits

It is important to ensure that all documents are dated, as under normal circumstances, all the time limits of the application process should be adhered to.

There may, however, be circumstances in which time limits need to be extended (e.g. to allow more time for a working pattern to be explored). Both yourself and the Headteacher must agree any extension to the time limits, and you should be provided with written confirmation of the agreed extension, which specifies why the extension is required and the date on which it will end.

In circumstances when the Headteacher who would normally consider your application is absent due to annual / sick leave, the time limits are automatically extended. The 28 day period in which to arrange a meeting will start on the day when they return, or 28 days after the application is made, whichever is sooner. If their absence is longer than this, another appropriate nominee will consider the application.

FAIR TREATMENT

You have the right not to be dismissed or be subjected to unfavourable treatment for a reason connected to applying for, or having a request granted, under this right. This also applies to any colleagues who accompany you, or you ask to accompany you, to a meeting.

REVIEW OF ENTITLEMENT

This entitlement will be reviewed in line with legislative changes and any changes to national agreements on conditions of service.

EXISTING PROVISIONS

In addition to the statutory scheme outlined in this guide, there are a number of existing policies that cover some forms of alternative working arrangements. Unlike the statutory scheme, these do not always have to form a permanent change to your terms and conditions and they are open to all employees. These are summarised below:

Voluntary Reduced Working Hours

This policy is open to all employees and provides an opportunity for you to reduce your working hours. This can be either on a short or long-term basis, ranging from a period of 1 month, to a permanent reduction. If you wish to reduce your working hours, you should apply in writing to your Headteacher. You should also ensure that you take advice on the effect of reducing your working hours on your pension.

Part Time Working

As with Voluntary Reduced Working Hours, you can apply to work part time hours, covering the number of days you work or the time of day when you work. Requests for Part Time working should be made in writing to your Headteacher

Term Time Working

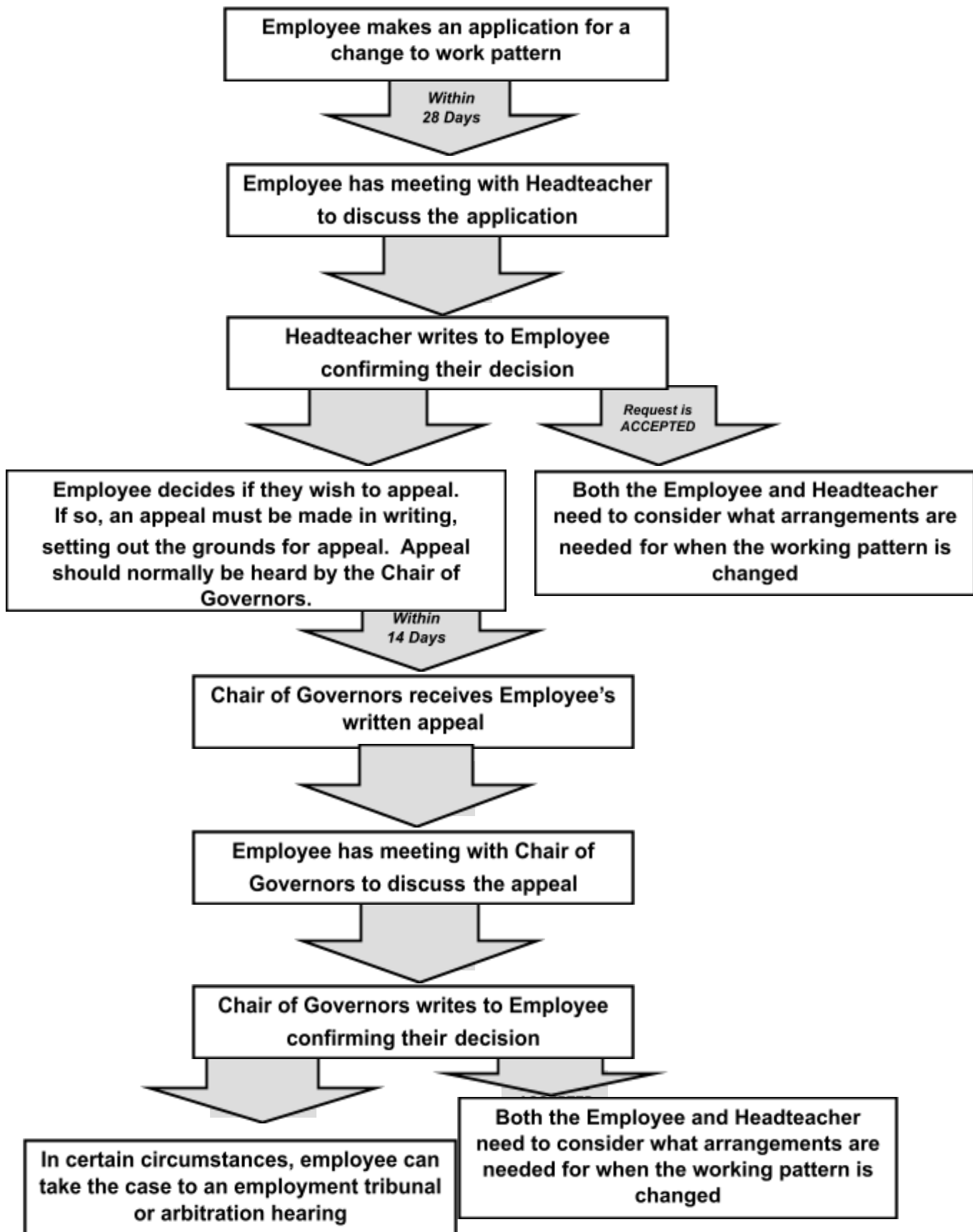
Under this arrangement, which is open to all employees, you work for either 38, 39 or 40 weeks dependant upon length of service. Your annual salary is paid over 12 months, so that your monthly pay does not fluctuate. If you wish to work a term time contract, you should apply in writing to your Headteacher

Job Sharing

This is an arrangement which involves two employees sharing the responsibilities of one full time post. The precise working arrangements and split of duties will be determined by the Headteacher in consultation with the Job Sharers. Applications for job sharing should be made to your Headteacher.

Policy agreed by Management and Trade Unions on 15 May 2013

SUMMARY OF THE APPLICATION PROCESS



APPENDIX 2

APPLICATION FORM

Employee Application for a Change to Working Arrangements

You should use this form to make an application to change your working arrangements. Before completing the form, you should check that you are eligible to make a request.

It will help your Headteacher to consider your request if you provide as much information as you can about your desired working pattern, the impact it will have, and how it could be accommodated. You must fully complete every section, otherwise your application will not be valid and will be returned.

Employee Details

Name: **School :**

Home Address: **Occupation:**

..... **Personal Number:**

..... **NI Number:**

..... **Start Date with School:**.....

Name of Headteacher (to whom application should be submitted):

Employee Declaration of Eligibility

I would like to apply to change my working pattern under my right provided in law. I confirm that I meet the qualifying criteria as follows:

- I have been an employee of School continuously for at least 26 weeks AND
- I have not made a request to change my working pattern under this right in the past 12 months AND
- I have, or expect to have, responsibility for the upbringing of a child under 17 (or a disabled child under 18) and I am the mother, father, adopter, guardian, special guardian, foster parent or private foster parent of, or a person whose favour a residence order is in force in respect of, the child concerned or I am living together as husband and wife with, or the spouse or civil partner of, any other those people OR
- I am a carer who is, or expects to be, caring for an adult who is living with me as if husband and wife, or my spouse, or my civil partner, or is living at the same address as me, or is my relative (relative in this context means mother, father, adopter, guardian, special guardian, parent-in-law, step-parent, son, step-son, son-in-law, daughter, step-daughter, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, uncle, aunt or grandparent, and includes adoptive relationships and relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for the adoption) AND
- I am making this request to help me care for the child or adult AND
- In relation to any request relating to care of a child, I am making this request no later than the day before the child's 17th birthday (18th birthday where disabled).

(You may be required to provide proof that you meet the qualifying criteria).

Current working pattern *(please continue on a separate sheet if required)*

My current working pattern is (days / hours / times worked):

Requested working pattern *(please continue on a separate sheet if required)*

The working pattern I would like to work in future is (days / hours / times worked):

I would like this working pattern to commence from (date):

Impact of the new working pattern *(please continue on a separate sheet if required)*

I think this change in my working pattern will affect the School, my role and my colleagues as follows:

Accommodating the new working pattern *(please continue on a separate sheet if required)*

I think the effect on the School, my role and my colleagues can be dealt with as follows:

Employee Signature

Signed:

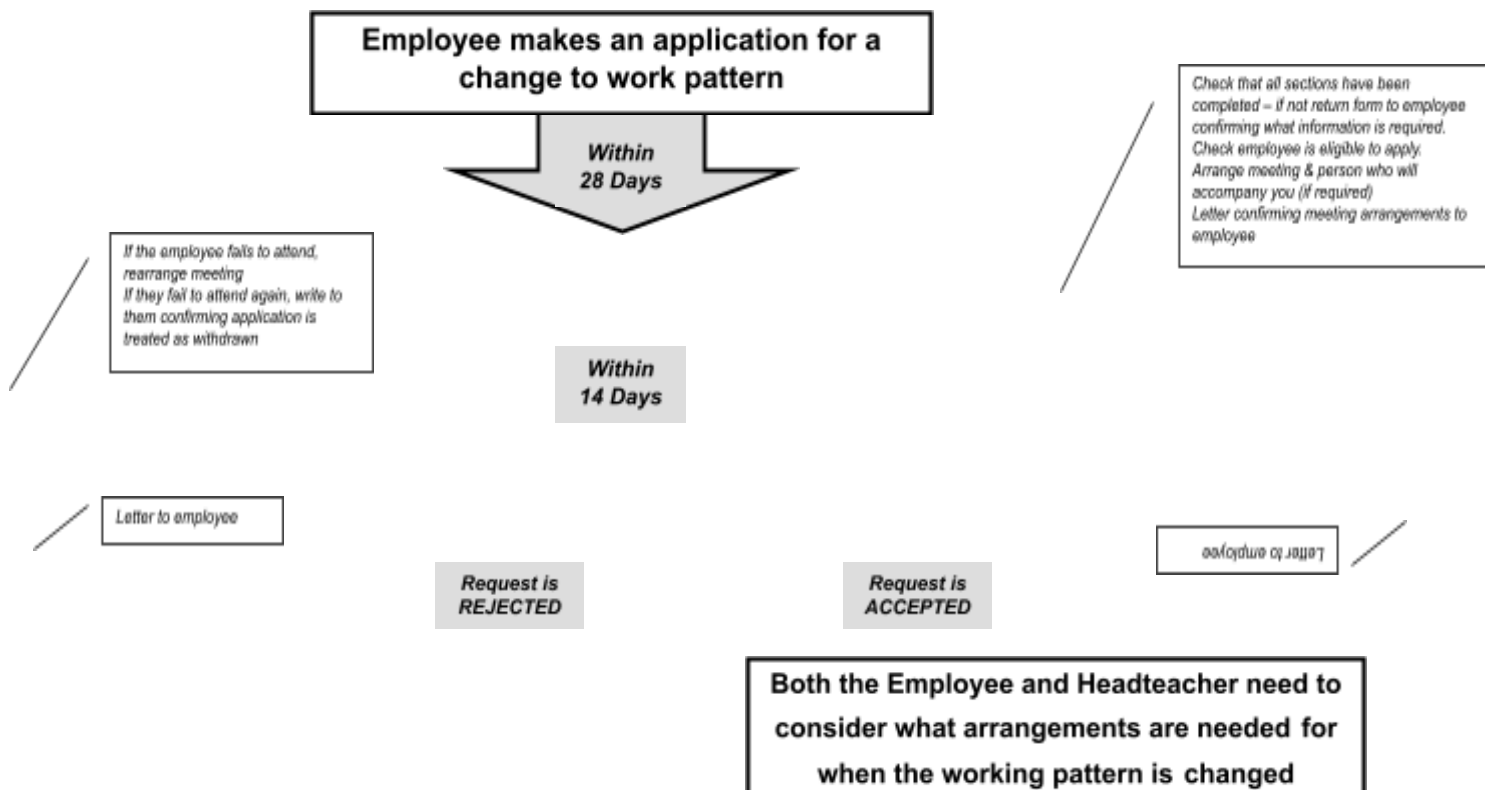
Date:

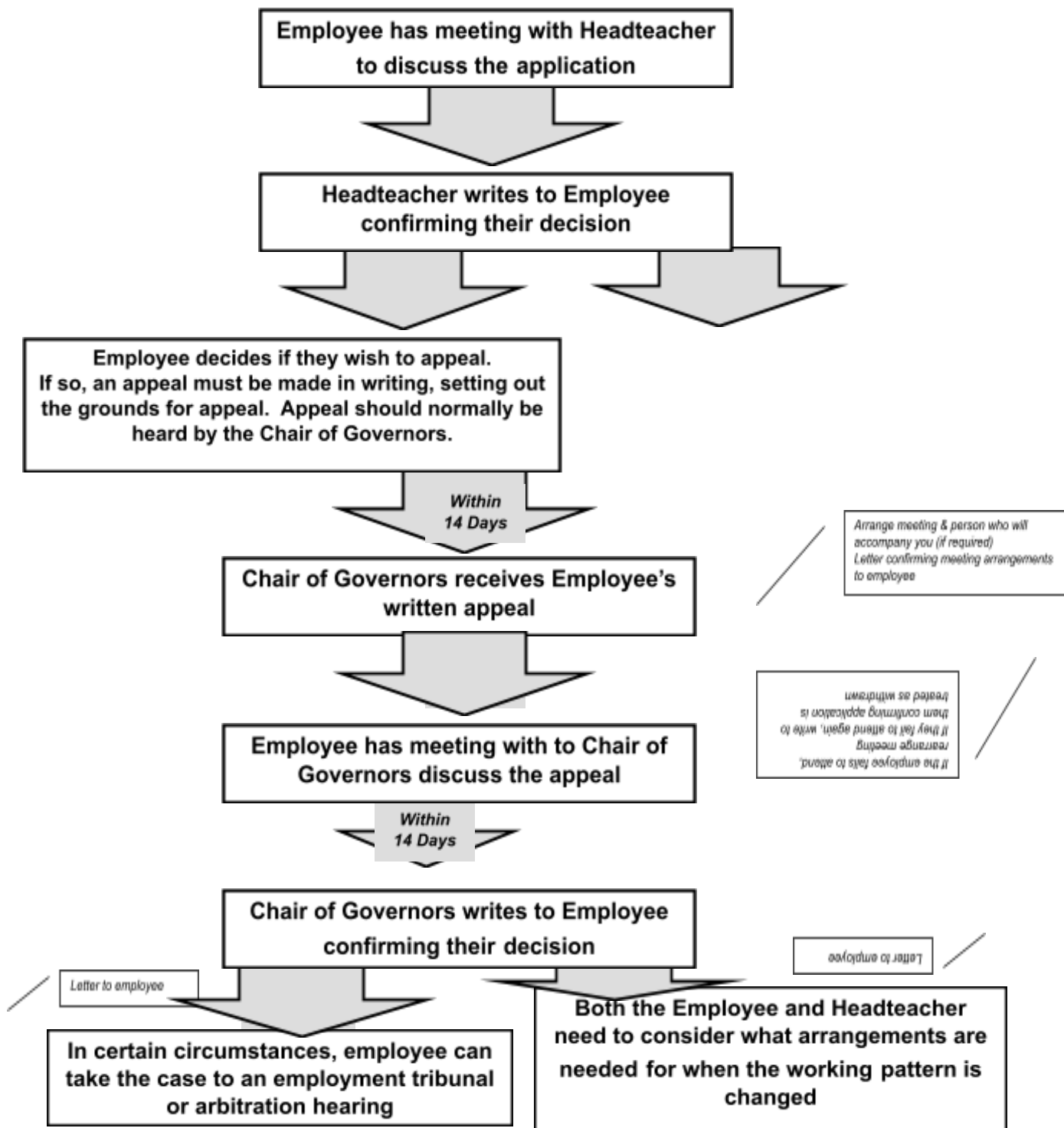
**You should now submit this form to your Headteacher,
who should arrange to meet with you within 28 days of receiving this application.**

APPENDIX 3

NOTES FOR HEADTEACHERS

SUMMARY OF PROCESS





APPENDIX 3

NOTES FOR HEADTEACHERS

Providing employees with opportunities for alternative working patterns has positive benefits for the School as well as employees. It enables the recruitment and retention of employees and also has the potential to increase employee morale and reduce absenteeism. There can also be a negative impact if requests are not taken seriously. It is therefore important that any request for a change to working arrangements is given full and fair consideration and that the correct process is followed. If an initial request cannot be accommodated, you should ensure that you explore alternative options with the employee. If a request is rejected without justification, the employee can make a complaint to an employment tribunal or binding arbitration hearing. You should also be aware that if you reject an application, you must take into account existing discrimination legislation (Sex / Race / Disability) and ensure that the decision you are taking does not directly or indirectly discriminate against one group of people (e.g. female employees).

You should consult your HR Provider if you need clarification on these issues.

PROVIDING WRITTEN CONFIRMATION OF PROCESS

The regulations set down clear timeframes for the application process. There is also an emphasis on having each stage of the process confirmed in writing with the relevant dates documented. As well as specifying what information an employee must include in their application, the regulations also specify what information the School must provide to an employee, particularly if a request has been rejected. The following section highlights the correspondence that you may have with an employee during the application process and what information must be provided.

Incomplete Application Form

- Confirm to the employee when the application form was received
- Confirm which sections are incomplete / what further information is required. Refer employee to sources of help to complete the form if necessary.
- Explain that if the application is not fully completed, it will be treated as being withdrawn

Arranging a meeting to discuss an application / hear an appeal

- Confirm when the application form / appeal letter was received
- Confirm date / time / venue of the meeting
- Confirm that the employee can be accompanied at the meeting, by someone who is also be an employee of the School (this includes trade union representatives)

Extending Time Limits

- Confirm which part of the process you wish to extend (e.g. the 28 days to arrange a meeting to discuss the application)
- Confirm how long you wish to extend the period by and the date that this will take the process up to

- Provide reason(s) why the extra time is required
- Ask the employee to confirm their agreement in writing (e.g. tear off slip / copy letter to return)

Employee withdraws application

- Confirm receipt of employee's withdrawal
- Confirm that employee can not make another application for 12 months

Employee fails to attend meetings / provide information leading to the application being treated as withdrawn

- Confirm that employee's actions have led to their application being treated as withdrawn
- Confirm that employee can not make another application for 12 months

Accepting an Application / Appeal

- Confirm the date when the meeting was held
- Confirm that the application can be accommodated (if amendments to the original application have been agreed, confirm these)
- Confirm the details of the new working pattern
- Confirm the date from which the new working pattern will commence
- Remind the employee that (unless you have agreed otherwise) this is a permanent change to their terms and conditions and that they do not have the right to revert back to their previous working pattern.

Rejecting an Application / Appeal

- Confirm the date when the meeting was held
- Confirm that the application has been rejected
- Confirm the business ground(s) for rejecting the application. This must be 1 or more of the following:
 - *The burden of additional costs*
 - *A detrimental effect on the ability to meet customer demand*
 - *An inability to reorganise work among existing staff*
 - *An inability to recruit additional staff*
 - *A detrimental impact on quality*
 - *A detrimental impact on performance*
 - *An insufficiency of work during the periods the employee proposes to work*
 - *Planned structural changes*
- Provide sufficient explanation* as to why the business ground(s) apply in the circumstances
- Confirm that employee can not make another application for 12 months
- If initial application: Confirm the appeals procedure (i.e. should be in writing, stating grounds for appeal, within 14 days of receiving this letter)
If an appeal: Confirm that this is the end of the internal School procedure.

***Providing sufficient explanation**

The Department of Trade and Industry have provided guidance and examples on how much detail and information should be provided if you are rejecting a request. The DTI suggest that an explanation of around 2 paragraphs will be sufficient, although it will depend on the case. The explanation should concentrate on the key facts and should be written in plain English. The employer does not have to provide a lengthy and complex explanation, going into fine detail and the employee should not expect to receive this.

The DTI provides the following examples in its guidance (which can be found via the dti website www.dti.gov.uk/er/flexible.htm :

Example 1

A manager in a small firm manufacturing curtains receives a request from an employee to not work Thursdays. The manager rejects the request, as the weekly fabric delivery is received on Thursday, and preparations begin for the following day's despatch of customer orders. The explanation might say:

"...I am sorry that I cannot grant your request to change the days that you work, but to allow you to not work on a Thursday would have a detrimental effect on the performance of the business. Thursday is our busiest day of the week, when all staff are required to ensure that the machinists can continue making curtains while stock is received, and finished curtains are packaged ready to be despatched the following morning. You are aware that on a Thursday morning we receive our weekly delivery of fabric. This requires the involvement of all staff to help move the material from the delivery bay into the storeroom, before the newly made curtains can be prepared for dispatch the following morning. As I indicated when we met to discuss the application, if you decide to change the day you would prefer not to work to one earlier in the week, then I would be happy to reconsider your application".

Example 2

A systems administrator for a small IT company applies to change from working weekends to her existing days off in the week. She has recently participated in an extensive training programme to undertake the role. The systems administrator role includes undertaking maintenance of the computer system to ensure that all IT equipment is working fully during trading hours. Her manager discusses the request but is unable to agree to a change to the days when she is required to work. When stating the business grounds she includes **inability to recruit additional staff** and the **burden of additional costs** within the explanation about why the grounds apply in the circumstances.

"...The role of the weekend administrator is vital to the running of the company. It is essential that the IT equipment is operational from the moment staff arrive on a Monday morning and maintenance occurs out of our core hours. You are aware of

the difficulties that we have had during the past year of filling the Systems Administrator posts. The vacancy was advertised twice (at the job centre and in trade press) and on both occasions no suitable applicant was found. You subsequently expressed an interest and agreed to receive the necessary training. We discussed at the time that a necessary part of the job was to fulfil the weekend systems administrator's duties. It was on this basis that I made the case to our board to invest substantially more on training this year than was planned and, specifically, to fund your course. The training programme was extensive and completed only last month. As such, we do not presently have the budget or resources to train anyone else. When we met to discuss your application I agreed to also speak to John, our other administrator, to explore whether he can change his hours but he is unable to help. I am therefore afraid on this occasion I am unable to amend your working hours. I have attached details of the appeal procedure should you wish to appeal."

Example 3

A pharmacist makes an application to the owner of a chemist if he can amend his hours so that he can drop off and collect his child from school. At the meeting to discuss the request the owner explains that it is a legal requirement for a pharmacist to be on duty at all times. In his written decision the employer states that due to the business ground of an **inability to reorganise work** amongst existing staff he is unable to accept the request.

"...because we handle prescriptions we are contracted by the NHS to provide a dispensing service between 8:30 and 5:30 each day. Despite both dispensers being prepared to cover your absence, by law I must have a qualified pharmacist on duty between these times. The only other weekday pharmacist works part-time over the busy lunch period and does not want to change his hours of work.

You suggested during our discussion that I could make use of locum pharmacists to cover the periods when you would be absent, in the same way that I use locum pharmacists during periods of leave. I explored this with the locum agency and, as I speculated during our discussion, they confirmed that it is unlikely that a locum pharmacist would be willing to work for an hour in the morning and at the end of the day. As such, the agency said that they could not guarantee cover. I regret therefore that I cannot agree to the work pattern set out in your application. You do have a right to appeal this decision, which is set out below."

Example 4

An employee at a fish and chip shop applies to work on a Monday and Tuesday instead of Thursday and Friday. The employer provides **insufficiency of work during the period the employee proposes to work** as the business ground for not being able to agree to the request.

"...as you know Thursday and Friday are two of our busiest days of the week. Only Saturdays are busier. It is during this busy time when I need extra people to help out in the shop. However, at the beginning of the week, the shop is relatively quiet and as such, I do not need extra staff at this time.

I am therefore afraid that I am unable to agree to your request. You do have a right to appeal this decision and details are attached.”