

General Welfare Requirement: Suitable People

Providers must ensure that adults looking after children, or having unsupervised access to them, are suitable to do so.

Employment

2.1.8 Flexible Working

Policy Statement for St Joseph's Pre-school

This policy follows the statutory (legal) minimum procedure for flexible working requests. Employers must make a final decision on statutory requests, including any appeal, within a maximum of 2 months.

Introduction

St Joseph's Pre-School encourages staff to consider flexible working arrangements. The Pre-school recognises that a better work-life balance can improve employee motivation, performance and productivity, and reduce stress. Therefore the Pre-school wants to support its employees to achieve a better balance between work and their other priorities, such as caring responsibilities, leisure activities, further learning and other interests.

The Pre-school is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Pre-school and the employee can be met.

It is the Pre-school's policy to encourage open discussion with employees. If an employee thinks they may benefit from flexible working, they can either:

- job sharing : contact their line manager to arrange an informal discussion to talk about the options;
- submit a flexible working request, by following the steps in this policy

This policy does not form part of the employment contract, and can be amended at any time.

What flexible working is

Flexible working is any type of working arrangement that gives some degree of flexibility on how long, where and when an employee works. For example:

- job sharing
- term-time working
- working from home

These examples are considered to be the typical arrangements that employees will request. However, St Joseph's Pre-school recognises that there may be alternatives or a combination of options which are suitable to both the Pre-school and the employee.

Types of flexible working

Job sharing

Job sharing is an arrangement where a full-time post is divided into 2 part-time roles. The 2 job holders then share the overall duties and responsibilities. Their skills and the hours each employee wishes to work must be compatible, and meet the needs of the Pre-school.

Pay and benefits are shared in proportion to the hours each person works. Job sharing can be considered where the creation of a single part-time post is difficult, or where 2 individuals wish to work part-time.

Term-time working

Term-time working is where an employee's contractual working hours are during school terms only.

An employee does not work during school holidays. Any weeks above their annual leave entitlement are unpaid. Salary can be paid in 12 equal monthly instalments. Alternatively, an employee can ask to be paid for the time worked only and receive no pay during the holidays apart from their holiday entitlement (annual leave).

Working from home

Working from home or homeworking is when an employee regularly carries out all, or part of, their duties from home rather than the employer's premises. The Pre-school can consider homeworking being an occasional agreed day, a mix of working at home and in the workplace, or a full time arrangement.

Our approach to flexible working

St Joseph's Pre-school is committed to providing a range of appropriate working patterns.

There are many different types of flexible working. While some might not be practical for every job, it's likely other types will work. The Pre-school commits to look at what's possible.

Where a flexible working arrangement is requested, the Pre-school will take into account a number of criteria. This includes:

- the costs associated with the proposed arrangement;
- taking accounts of staff to child ratios;
- the effect of the proposed arrangement on other staff;
- the need for, and effect on, supervision;
- the availability of staff resources;
- details of the tasks specific to the role;
- the workload of the role;
- whether it is a request for a reasonable adjustment related to a disability;
- health and safety issues.

The Pre-school is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the Pre-school and the employee can be met.

Eligibility

All employees have a statutory right to request flexible working from the first day of employment.

The Pre-school is also open to discussing flexible working arrangements with employees before their first day. Hiring managers will discuss flexible working with the successful applicant before they start.

Submitting a flexible working request

An employee is entitled to submit 2 statutory flexible working requests in a 12-month period.

An employee can only have one live request at a time. A request will stay live until any of the following happen:

- the Pre-school makes a decision;
- the employee withdraws the request;
- the employee and Pre-school agree an outcome;
- it's been 2 months since the date of the request.

All requests must be made by email to the employee's line manager. Any request must include:

- the date of the request;
- the changes that the employee is seeking;
- the date the employee would like the proposed change to start;
- whether this is a statutory or non-statutory request;
- whether the employee has made any previous flexible working requests to the Pre-school;
- the dates of any previous requests.

If the request relates to a reasonable adjustment for a disability under the Equality Act 2010, the employee should make this clear in the request.

If a request does not contain all of the required information, the employee's line manager will advise the employee what else they need to provide and ask the employee to resubmit the request.

Responding to a flexible working request

The employee's line manager will consider the proposed flexible working arrangements in consultation with the Chair and Treasurer. They will look at the potential benefits and adverse effects to the employee and to the Pre-school in implementing the proposed changes.

Each request will be considered on a case-by-case basis, in the order they are received. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

Where an employee's request needs further discussion, the Pre-school will invite the employee to a consultation meeting. If a meeting is arranged it will be held within 10 working days of the Pre-school receiving the request. This time limit may be extended with the agreement of both the employee and their line manager.

Where an employee's request can be approved in full without a consultation meeting, the Pre-school will confirm this in writing within 10 working days of receiving the request. This will include details of the new arrangements and an invitation to talk about the new arrangements. This time limit may be extended with the agreement of both the employee and the employee's line manager.

The Pre-school will make a decision on all requests, including any appeal within a maximum of 2 months. This time limit may be extended with the agreement of both the employee and the employee's line manager.

Consultation meetings about flexible working

If the employee is invited to a consultation meeting, the line manager will discuss:

- the request;
- how the proposed working arrangements might work;
- how it could be of benefit to both the employee and Pre-school;

The employee will be given advance notice of the time, date and place of the meeting. If the initial date is problematic then one further date will be proposed. This meeting will be in person or a video call, or a telephone call if neither of those are possible.

At the meeting the employee may, if they wish, be accompanied by a colleague, trade union representative or friend.

If the employee fails to attend a meeting and then fails to attend a rearranged meeting without good reason, their request will be deemed to have been withdrawn.

Communicating a decision after consultation

After a consultation meeting, the request may be granted in full, in part or refused.

St Joseph's Pre-school may:

- propose an alternative option;
- grant the request on a temporary basis;
- ask the employee to try the flexible working arrangement for a trial period.

If a working arrangement is agreed, the employee will be sent a confirmation letter within 10 working days of the consultation meeting. This will include details of the new arrangements and an invitation to talk about the new arrangements.

If the Pre-school refuses the request, the employee will be given the decision in writing within 10 working days of the consultation meeting.

Right to appeal a decision

An employee has the right to appeal the decision if their request is refused or is only agreed in part.

The employee may submit an appeal within 5 working days of being notified of a decision on their request. This should be done in writing and clearly state the reasons for their appeal. The appeal will be heard within 5 working days. The employee will then be informed of the outcome of their appeal within 5 working days of an appeal meeting. These time limits may be extended with the agreement of both the employee and their line manager.

At the appeal meeting the employee may, if they wish, be accompanied by a workplace colleague, a trade union representative or a friend

What a "Companion" Person should do

With the permission of the person raising the appeal, the companion is allowed to:

- take notes;

- set out the case of the person raising the appeal;
- speak for them;
- talk with them during the meeting.

The companion cannot:

- answer questions put to the person raising the appeal;
- prevent anyone else at the meeting from explaining their side of things.

Requesting a reasonable adjustment

The Pre-school is committed to reducing and removing disadvantages for disabled employees.

If an employee needs to change where, how or when they work because of their disability, they can request a reasonable adjustment under the Equality Act 2010. If an employee requests a reasonable adjustment, they do not need to also make a flexible working request.

To request a reasonable adjustment, send your request by email or letter to your line manager and include:

- that you're making a request for a reasonable adjustment under the Equality Act 2010;
- the adjustment you're requesting.

The employee's line manager will discuss your request with you within 10 working days of the Pre-school receiving the request. The outcome will be confirmed in writing within 5 working days of the discussion, including any agreed reasonable adjustments. These time limits may be extended with the agreement of both the employee and the line manager.

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practical for an employee or the Pre-school, a trial period may be agreed.

A trial period will allow enough time to implement and get used to the new arrangement before making any decisions on its viability.

St Joseph's Pre-school will put any trial arrangements in writing to the employee. This will include their new working pattern and make clear that it is only a temporary change to the employee's terms and conditions.

The employee will be informed in writing of the start and end dates of the trial period. The Pre-school may reduce or lengthen the trial period where necessary, with the agreement of the employee.

The Pre-school will reserve the right, at the end of the agreed trial period, to require the employee to revert to their previous working arrangement. In this situation, the Pre-school will give the employee two weeks' notice.

Varying an employee's contract

Where flexible working practices are agreed as a permanent change, any variation to the employee's terms and conditions will be put in writing. Written confirmation of the changes will be sent to the employee within one month of the change being agreed.

If the change in flexible working is a temporary measure, then any additional hours will be counted as overtime.

If the employee has any questions or concerns they should contact their line manager.

Complaints and further information

An employee should raise any concerns with their line manager if they:

- are not satisfied with any stage of the flexible working request process;
- feel they have been treated unfairly because they've made a flexible working request.

If informal discussions do not resolve the matter to an employee's satisfaction, they should raise a grievance under the Pre-school's grievance procedure¹.

Further Guidance

- www.Gov.uk: Flexible Working
- www.acas.org.uk: Flexible Working

Associated Policies and Procedures

- 2.1 Employment and Staffing
- 2.1.2 Grievance
- 2.6 Staff Wellbeing

Version Number	Author	Purpose of change	Date
1.0	K Coupe	New policy to comply with the Employment Regulations (Flexible Working) Act 2023 which came into force on 6 April 2024. ACAS template used.	15 June 2024 Committee Member (L Finn-Powers)

¹ 2.1.2 Grievance