



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru  
Her Majesty's Inspectorate for Education and Training in Wales

## **Flexible working policy**

## Information sheet

Information box

For further advice contact: Human Resources

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## Version control

Document version	Author	Date of issue	Version
Version 2.0	Jenny Wagner	December 2014	Regular review
2.1	Bethan Rees	January 2016	Checklist amended
Version 3.0	Vicky Price	July 2018	Regular review
3.1	Bethan Rees	September 2018	Process amendment (CS)

## Impact assessment

- A business rationale assessment has been carried out and this policy contributes to Estyn's strategic objectives and delivery principles.
- An equality impact assessment has been carried out and this policy is not deemed to adversely impact on any people on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation or Welsh language.

## Policy agreement

This policy and its associated procedures are agreed by Estyn's management and Trade Unions.

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## Flexible working policy

### Policy principles

- 1 Estyn is committed to delivering its business more effectively and improving the working lives of all staff by encouraging them to find the appropriate balance between their working and home lives.
- 2 This policy aims to help staff to achieve a satisfactory work-life balance by enabling flexible working in line with business needs. The policy is based on the right to apply to work flexibly.

### Scope of the policy

- 3 Whilst flexible working is welcomed, wherever possible, not all roles are suitable for all forms of flexible working. Working flexibly is always subject to business need.
- 4 This policy does not apply to temporary workers or workers on loan or secondment. The working pattern and arrangements for these staff will be determined between the individual and Estyn as part of the agreement of their contractual terms.

### Eligibility

- 5 All employees with 26 weeks' service have the right to apply to work flexibly, although Estyn has the discretion to permit applications from staff with fewer than 26 weeks' service.
- 6 All employees who meet the following eligibility criteria may request to work flexibly:
  - have satisfactorily completed their probation period
  - not have made a request for a formal flexible working arrangement in the last 12 months

### Welsh language

- 7 Staff can make an application for flexible working using the [flexible working request form](#) in Welsh or English.

## **Flexible working procedure**

- 8 Managers and employees are encouraged to discuss the employee's requirements to help identify the right flexible working arrangement for them and the business. The flexible working [guide](#) supports managers and employees with flexible working arrangements.

## **Informal occasional or temporary arrangements**

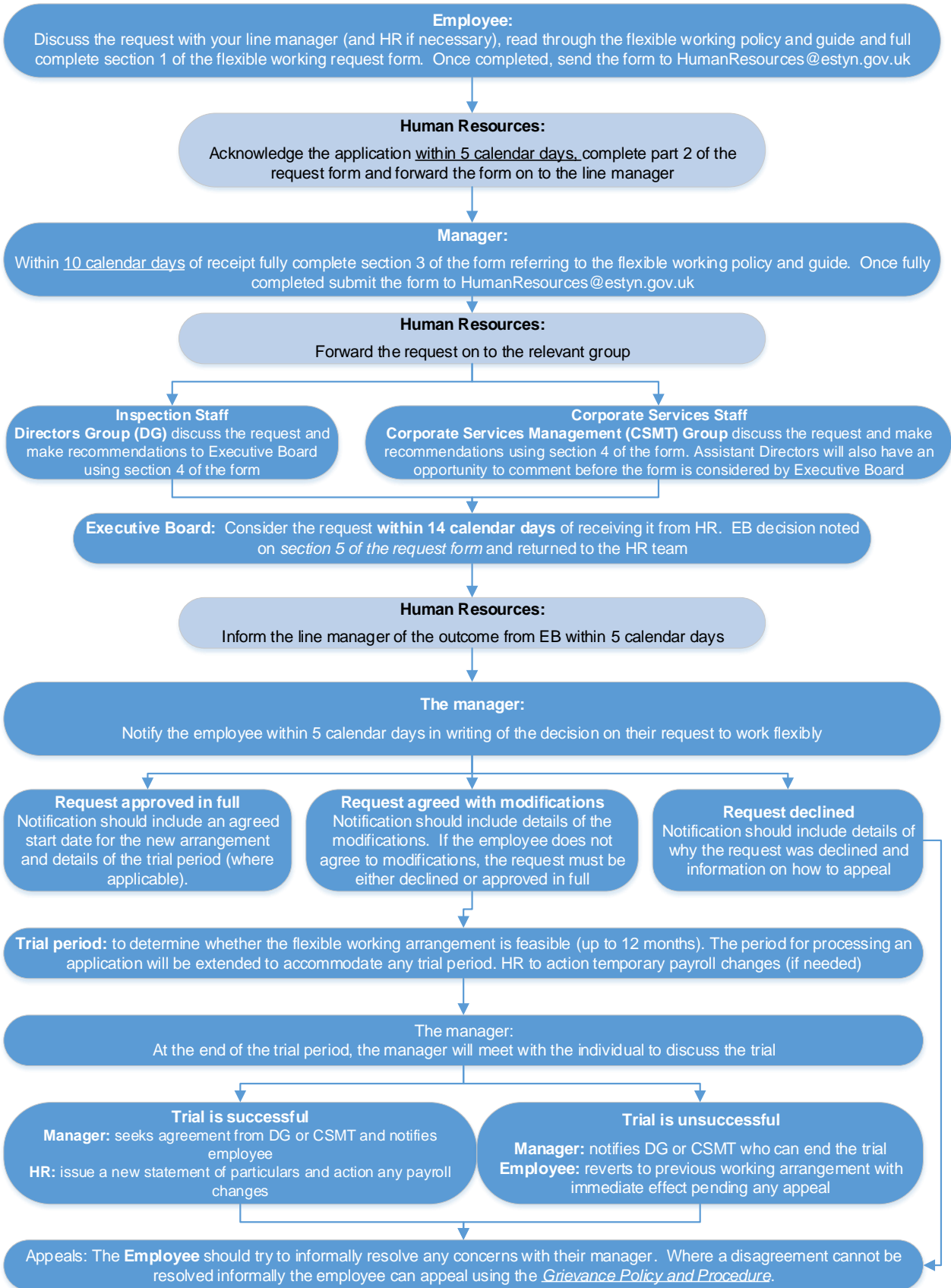
- 9 In many instances, an informal, occasional or temporary arrangement may be beneficial for both, if the change is occasional or temporary and has no impact on pay, an informal flexible working is ideal. This should be agreed between managers and employees without the need to follow a formal request process. Informal arrangements can be put in place quickly and can be changed or ended quickly if circumstances change.

## **Formal arrangements**

- 10 Where either party requires greater stability in the arrangement or where the employee wishes to exercise their right to make a statutory request, a formal arrangement will be required.
- 11 A formal arrangement will also be needed when there is an impact on pay.
- 12 The process for requesting a formal flexible working arrangement can be found below.

## Flexible working policy

### Process for making and considering a formal flexible working request



### **Requesting a flexible working arrangement**

- 13 An employee should discuss their intention to request a flexible working arrangement, or to vary an existing flexible working arrangement, with their line manager prior to submitting a request. Discussions should help to clarify the information required to complete the [Flexible Working Request Form](#) and should help to achieve a timely decision on the request. The checklist for employees provides a useful prompt of the issues for employees to consider when making a request.
- 14 Once completed, the requests must be submitted to Human Resources using the [Flexible Working Request Form](#).
- 15 Where the reason for a request to work flexibly is connected to a disability or other medical condition the request will be considered as a reasonable adjustment under Estyn's [Attendance Management Policy and Procedures](#).

### **Timescales for requests to be considered**

- 16 The statutory period for requests to be considered and decided is three months from the date of the request, unless an extension is mutually agreed. Any appeals that may arise must also be completed within this three-month period.
- 17 Following the suggested timescales in the flowchart above, will help to ensure these timescales are met.
- 18 There may be some occasions where the time limits laid out in this procedure may have to be extended, for example due to sickness absence, agreement to a trial period, other reasons such as having to obtain further information to support the request or assess the potential impact of a request.
- 19 Such an extension will have to be agreed by both the manager and the employee and this agreement must be recorded in writing, specifying the date on which the extension is to end. Such an extension should be no longer than absolutely necessary. A copy of this agreement must be sent to the employee.

### **Considering requests**

- 20 Once the form is received by Human Resources, it will be passed back to the manager. Managers must consider all formal requests promptly and in a reasonable manner. The suggested timescale for managers considering request is 10 days. The Manager's Checklist provides a helpful prompt for managers.
- 21 The manager must consult with Human Resources and other appropriate colleagues in order to assess the impact of agreeing to the change. Whilst the request may be discussed, the reasons for a request should not be divulged without the applicant's prior agreement.
- 22 If the manager arranges a meeting to discuss the request and the employee fails to attend both this and a rearranged meeting without a good reason, Estyn will consider that the employee's request is withdrawn and inform the employee of this in writing.

- 23 The applicant has the right to be accompanied by a fellow work colleague or trade union officer at any meeting to discuss the request.
- 24 Once the manager has completed section three of the flexible working request form, they should return the form to Human Resources who will send it on to Directors Group (for Inspection staff) or Corporate Services Management Group (for Corporate Services staff). There, the request will be discussed in full and the group make comments/recommendations to the Executive Board using section 4 of the request form. Assistant Directors will also have the opportunity to comment on Corporate Services staff requests, prior to Executive Board.
- 25 Following this decision the form will be sent to the Executive Board. The Executive Board will consider the benefits of the requested changes for the employee and the business. These will be weighed against any adverse impact when reaching a decision on the business reasons for agreeing, declining, or proposing an amendment to the flexible working request, and whether final confirmation of a request will be subject to satisfactory completion of a trial period.
- 26 The Executive Board complete part 5 of the flexible working request form and return to Human Resources. Human Resources pass on the decision to the manager within 5 calendar days.

#### **Notification of decision on a formal flexible working request**

- 27 The manager should notify the employee of the decision within three months of the initial request having been received by Human Resources, or any later date agreed with the employee.
- 28 This notification will either:
  - a approve the request in its entirety and establish a start date
  - b approve the request subject to the applicants agreement to modifications (including a trial period)
  - c decline the request and set out clear business reasons for the rejection together with information on the appeals process.
- 29 Managers should inform the employee of the outcome and discuss how and when any changes might best be implemented.

#### **Following notification**

- 30 Human Resources will notify payroll of any changes to salary, make any changes to the working pattern and annual leave allowance on Tensor and confirm the decision in writing to the employee. This includes details of the agreed start date, any changes to the employee's terms and conditions of employment and the review date(s) or end date (whichever is applicable – both in some cases).
- 31 If the approved flexibility is to work from home, the employee will be required to sign a homeworking agreement and complete a [risk assessment](#) before they can start working from home. The home working risk assessment should be re-visited annually to ensure it is fit for purpose.



### **The use of trial periods**

- 32 A flexible working arrangement may be agreed for a temporary period of up to 12 months.
- 33 Trial periods may also be used to see how well a proposed arrangement works for both the business and the employee before making a decision to agree to the formal working arrangement longer term.
- 34 In order to make an assessment about the success or otherwise of the flexible working arrangement and to determine if it should be made permanent the manager should ensure that the employee understands that during the trial period, the employee will have to demonstrate that:
  - a service delivery has been satisfactory
  - b they have not shown deterioration in their performance due to the flexible working arrangement (or any other reason)
  - c the flexible working arrangement has not been abused by the employee
- 35 At the end of the trial period, the employee and the manager will meet to discuss how the flexible working arrangement worked in practice and to reach a view on whether the arrangement should be made permanent.
- 36 The line manager feeds back to Directors Group (Inspection staff) or Corporate Services Management Group (Corporate Services staff) whether the trial has been successful or not and the group will confirm the outcome of the trial.
- 37 If successful, the Human Resources team will issue the employee with a new employment contract, which confirms the new flexible working arrangement. The change in working arrangement will be permanent but may be subject to review.
- 38 If unsuccessful the arrangement will be terminated and the employee will return to their previous working arrangement.

### **Reviewing and or terminating arrangements**

- 39 Reviews of all those who work flexibly will usually be on an annual basis. For contractual arrangements, reviews must be agreed between the manager and the employee from the outset and should be confirmed in writing.
- 40 To meet the needs of the business, employees may be required to alter a flexible working arrangement. The manager will reserve absolute discretion to change the arrangements. Full details on reviewing and terminating arrangements can be found in the [guide](#).
- 41 Estyn will consider requests from employees to return to a previous working arrangement, but employees have no automatic right to revert to a previous working arrangement. Requests to vary a formal flexible working arrangement should be made using the process above.
- 42 If flexible working arrangements have been abused by the employee, the manager should give notice that the arrangement will be terminated immediately and the employee will revert to their previous working arrangement. Depending on the nature of the abuse, the employee may also be subject to disciplinary action.

- 43 Managers must provide notice of termination of the flexible working arrangement in writing, providing the reasons why the arrangement is ending, a copy of the correspondence must be sent to Human Resources who will ensure that appropriate payroll adjustments are implemented.

**Appealing against a decision**

- 44 Employee's can appeal against the decision not to confirm the flexible working arrangement following a trial period. Full details on how to appeal can be found in the [guide](#).

<b>Employee's Checklist for Making a Flexible Working Request</b>
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This checklist will help you plan in advance and think about the implications, and actions required, when making an application for flexible working.

<b>Checklist for Making a Flexible Working Request</b>	
Have you read and understood Estyn's Flexible Working Policy and <a href="#">guide</a> ?	<input type="checkbox"/>
Is your request to change your working pattern connected to a disability? If so, this should be discussed with your manager as a reasonable adjustment under the <a href="#">Attendance Management Policy and Procedures</a>	<input type="checkbox"/>
Is your request for an informal/occasional change one that can be put in place quickly and not have an impact on your pay, pension or annual leave? If so, this is an informal request and you don't need to complete an application form. You can simply discuss your request with your manager.	<input type="checkbox"/>
<b>Business impacts</b>	
Is your role suited to the requested working arrangement?	<input type="checkbox"/>
Can you demonstrate how the proposed arrangement can be successfully carried out?	<input type="checkbox"/>
Will the new arrangement allow you to meet your key work objectives? Include how the work is organised.	<input type="checkbox"/>
Are you willing to be flexible and vary your arrangement to accommodate, where necessary and possible, important events or team meetings?	<input type="checkbox"/>
Can you foresee any impacts to the business? Where there are impacts, can you think of ways to overcome these?	<input type="checkbox"/>
Have you considered customer demand and is there a need to deliver your work at specific times of the day/week? Are the hours you are requesting reasonable and proportionate? Would they exclude you from undertaking any of your current duties?	<input type="checkbox"/>
Would the change incur a cost to the business?	<input type="checkbox"/>
Will your request fit in with your colleagues' existing arrangements?	<input type="checkbox"/>
<b>What to consider</b>	
Are you prepared to let your manager discuss your proposed working pattern with others who may also be making a request to see what flexibility there may be across Estyn to help support your request?	<input type="checkbox"/>
When making a flexible working request, be aware it will be subject to you agreeing to periodic reviews. Are you clear what this means – i.e. the working arrangement may have to come to an end if business needs require?	<input type="checkbox"/>
Have you considered whether a trial period might be helpful?	<input type="checkbox"/>
Have you considered the impact of your new working arrangement on your pay, pension and annual leave entitlement, etc?	<input type="checkbox"/>
Have you thought about what alternative solutions are available if your request cannot be accommodated?	<input type="checkbox"/>
<b>Additional considerations for homeworking only</b>	
Is your proposed working environment suitable for homeworking?	<input type="checkbox"/>
Are you clear on what is expected of you?	<input type="checkbox"/>
Have you considered whether your role is suited to homeworking?	<input type="checkbox"/>
What IT equipment is required to enable you to carry out your role?	<input type="checkbox"/>
Have you considered any risks (e.g. security and health and safety) of home working?	<input type="checkbox"/>
Is your health and safety training up to date?	<input type="checkbox"/>
Are you able to meet the IT and document security requirements?	<input type="checkbox"/>
More detail can be found in the Homeworking guidance	

<b>Manager's Checklist when Considering a Request</b>
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This checklist will help you think about what to consider, including the potential business impacts, when an employee makes a request for flexible working.

<b>What do you need to consider?</b>	
Have you read and understood Estyn's Flexible Working Policy and <a href="#">guide</a> ?	<input type="checkbox"/>
Is the request to change the working arrangement connected to an employee's disability? If so, consider the request as a request for a reasonable adjustment under the <a href="#">Attendance Management Policy and Procedures</a> .	<input type="checkbox"/>
Is the request for an occasional change that can be put in place quickly? If so, this is an informal request and you can simply have a discussion and follow up with an email.	<input type="checkbox"/>
Have you considered the broader benefits the requested flexible working arrangement may bring? E.g. increased productivity/employee engagement and reduced travel time?	<input type="checkbox"/>
<b>Business impacts:</b>	
Is your employee's role suited to the requested working arrangement?	<input type="checkbox"/>
Have you considered the impact on business delivery and performance both for the employee and the wider team? Include how the work is organised. E.g., explain shift patterns in relation to the business delivery model, reorganising work or redirecting to another team.	<input type="checkbox"/>
Identify and gaps and gather supporting evidence to demonstrate the impact of working arrangements on delivery/performance.	<input type="checkbox"/>
Have you assessed whether there will be a detrimental effect on the ability to meet work demand?	<input type="checkbox"/>
Have you considered how soon the new arrangements could be put in place?	<input type="checkbox"/>
Has the employee chosen a working arrangement that will support peak activity time in the business?	<input type="checkbox"/>
Have you considered what would be a suitable review date in order for you to consider the arrangement in the future?	<input type="checkbox"/>
<b>Consider existing team members' arrangements:</b>	
Identify those employees potentially affected by the current working arrangements. Will the request fit with other colleagues' and their existing working patterns?	<input type="checkbox"/>
Are the hours requested reasonable and proportionate and would there be adequate staffing levels at all times?	<input type="checkbox"/>
Consider any need to re-organise work amongst the team – do others have required skills, abilities etc?	<input type="checkbox"/>
If the change is likely to affect a number of employees, would holding a team meeting be helpful?	<input type="checkbox"/>
<b>Consider any additional cost implications</b>	
Are they appropriate and justifiable?	<input type="checkbox"/>
Would additional staff be needed to cover work? Is the budget available to do so and would this be an efficient use of resource?	<input type="checkbox"/>
Have you discussed the request with HR and a senior manager where appropriate?	<input type="checkbox"/>