



Flexible working policy

1. INTRODUCTION

Stretton Preschool is happy to consider all requests for flexible working. Stretton Preschool recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements that enable them to balance their working life with other priorities, including parental and caring responsibilities, life-long learning, charity work, leisure activities and other interests. In turn Stretton Preschool recognises that staffing levels must at all times remain in line with the demands of the organisation.

Data Protection

In the implementation of this policy, Stretton Pre-School may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform Stretton Pre-School for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with Stretton Pre-School's GDPR and data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under Stretton Pre-School's disciplinary procedure.

2. RIGHT TO REQUEST FLEXIBLE WORKING

As from 30 June 2014, the Employment Act 2002 and regulations made under it gives the right for all employees with 26 weeks continuous service, to request a change to the number of hours that they work, the times that that they work or their place of work.

3. ELIGIBILITY

Although it is recognised that not all of the flexible working patterns considered will be suitable for all areas of the organisation's workforce, there should be no arbitrary barriers. Employees in all areas and levels will be considered for flexible working regardless of their age, sex, sexual orientation, race, religion or belief, employment status, or whether they have a disability or their current working pattern. However there is no automatic right for employees to change to any of the flexible working patterns - each application will be considered on the basis of the particular work involved and any detrimental effect the change could have on individual, team or organisational performance.

4. MEANING OF 'FLEXIBLE WORKING'

Flexible working could involve shorter working hours, or a shorter working week, a system of compressed or annualised hours, flexi-time, job sharing, part-time work, term time working and so on. In some circumstances (given the nature of the employee's duties) an employee's working pattern will (if agreed) amount to a permanent variation in the employee's terms and conditions of employment.

5. CONTENTS OF EMPLOYEE'S APPLICATION

An employee must complete a Flexible Working Application Form (Appendix A) and ensure that all parts of the form are completed or submit a request by letter.

Before submitting an application, the employee should not only consider the financial implications (eg. a drop in pay, if the employee's application is accepted), but also bear in mind that, once the application is accepted, the variation in the employee's terms and conditions will be permanent and irreversible.

If the employee is only looking for an informal change for a short period to their working hours or conditions, for instance to cope with a bereavement or to pursue a short course of study, Stretton Preschool may consider allowing a reversion back to their original terms and conditions after a specified period. Employees must be aware that if Stretton Preschool approves their application under the right to request, the employee does not have a statutory right to request another variation in contractual terms for a period of 12 months although they may still ask without the contractual right.

6. MAKING A REQUEST

The following procedure will apply to all requests made:

- Only one request in any 12 month period
- An accepted request will mean a permanent change and there is no right to revert back to the former arrangement
- The employee has to make a considered application either by letter or by completing a Flexible Working Application Form and return it to the Preschool Manager.
- On receipt of the application/letter and if, after consultation with the line manager, your request is approved, it will not be necessary for a meeting to be arranged. However, if this is not the case, a meeting will be arranged within 28 days of the request being made, in order to discuss and explore the employee's request. The employee has the right to be accompanied to the meeting by a work colleague, Trade Union representative or a representative not acting in a legal capacity.
- Within 14 days of the meeting Stretton Preschool will write to the employee either agreeing to a new work pattern and a start date or to explain on clear business grounds why the application cannot be accepted. Details of the right to appeal will be sent to you at this time.
- An Appeal should be lodged by the employee in writing within 14 days stating the grounds for your appeal.
- The Preschool Manager will arrange an appeal hearing within 14 days which will be heard by another Committee member or management team member of Stretton Preschool. The employee has the opportunity to be accompanied to that meeting by a work colleague, Trade Union representative or a representative not acting in a legal capacity.
- Stretton Preschool will give a decision on the appeal within 14 days of the Appeal hearing.
- The whole request, including the outcome of any appeal will be considered by Stretton Preschool within a three month period, unless an extension is agreed with the employee.

If Stretton Preschool decides to dismiss the appeal they will state the grounds on which the dismissal is based.

Stretton Preschool may only refuse an application for flexible working if one or more of the following grounds applies:

- Burden of additional cost to the organisation
- Inability to organise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental effects on the employer's ability to meet customer demand
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes
- Planned structural changes
- Such other grounds as may be specified in regulations made by the Secretary of State

7. COMPLAINTS

Employees whose applications for more flexible working have been rejected by Stretton Preschool may complain to an employment tribunal if they believe that the rejection of their applications is based on grounds other than those listed in the preceding paragraph (eg. on grounds of sex, race, disability or trade union membership) or that Stretton Preschool's letter failed to fully address or explain the reasons for refusing the application.

An employee may also complain to a tribunal if their application has been rejected out of hand (without the benefit of either any initial meeting or an appeal hearing). If an employment tribunal finds such a complaint to be well founded, it will make a declaration to that effect and may order Stretton Preschool to reconsider the employee's application and to pay such compensation to the employee as the tribunal considers to be just and equitable in all the circumstances (subject to a maximum of eight weeks pay).

8. DISMISSAL AND DETRIMENTAL TREATMENT

An eligible employee has the right not to be dismissed, selected for redundancy, victimised or subjected to any detriment by Stretton Preschool for presuming, to exercise, or assert the employee's right to apply for flexible working, or for challenging, or questioning any alleged infringement of those rights (whether before an employment tribunal or otherwise).

This policy was adopted by

Stretton Pre-School

On

30 November 2022

Date to be reviewed

Annually

Signed on behalf of the provider

E. Greenfield

Name of signatory

Emily Greenfield

Role of signatory

Chair Person

