

52. Flexible working policy

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This policy follows the statutory (legal) minimum procedure for flexible working requests. North Nibley Preschool must make a final decision on statutory requests, including any appeal, within a maximum of 1 month.

Introduction

North Nibley Preschool will consider flexible working arrangements. The organisation recognises that a better work-life balance can improve employee motivation, performance, and productivity, and reduce stress. Therefore, preschool 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.

North Nibley Preschool is committed to agreeing flexible working arrangements, provided that the needs and objectives of both preschool and the employee can be met.

It is preschools policy to encourage open discussion with employees. If an employee thinks they may benefit from flexible working, they can either:

- contact the Setting Support Officer to arrange an informal discussion to talk about the options.
- submit a flexible working request, by following the steps in this policy.
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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:

- annualised hours
- flexitime
- hybrid working
- job sharing
- part-time working
- remote working
- term-time working
- working from home

These examples are the typical arrangements that employees will request. However, the organisation recognises that there may be alternatives or a combination of options which are suitable to both preschool and the employee.

Our approach to flexible working

North Nibley Preschool 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 is possible that some maybe. Preschool commits to look at what's possible.

Where a flexible working arrangement is requested, preschool will consider several criteria. This includes:

- the costs associated with the proposed arrangement.
- the effect of the proposed arrangement on other staff
- the need for, and effect on, supervision
- the existing structure of the setting
- 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

North Nibley Preschool is committed to agreeing any flexible working arrangements, provided that the needs and objectives of both the organisation and the employee can be met.

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

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 organisation makes a decision
- the employee withdraws the request
- the employee and organisation agree an outcome
- it has been 2 months since the date of the request

All requests must be made by emailing the Setting Support Officer.

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 organisation
- the dates of any previous requests
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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.

Responding to a flexible working request

The Setting Support Officer will consider the request and discuss with the playleader and committee. They will look at the potential benefits and adverse effects to the employee and to preschool 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, preschool will invite the employee to a consultation meeting. If a meeting is arranged it will be held within **10 working days** of preschool receiving the request.

Where an employee's request can be approved in full without a consultation meeting, the organisation 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.

North Nibley Preschool will make a decision on all requests, including any appeal within a maximum of 1 month. This time limit may be extended with the agreement of both the employee and Setting Support Officer.

Consultation meetings about flexible working

If the employee is invited to a consultation meeting, the Setting Support Officer will discuss:

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

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 or a trade union representative.

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.

Preschool 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 preschool 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 (via email) and clearly state the reasons for their appeal.

The appeal will be heard within **10 working days**. The employee will then be informed of the outcome of their appeal within **5 working days** of an appeal meeting.

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

Requesting a reasonable adjustment

Preschool 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 the Setting Support Officer and include:

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

Setting Support Officer will discuss your request with you within **10 days** of receiving the request. The outcome will be confirmed in writing (email) within **5 days** of the discussion, including any agreed reasonable adjustments.

Trialling new working arrangements

Where there is some uncertainty about whether the flexible working arrangement is practical for an employee or for preschool, 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.

North Nibley Preschool 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. Preschool may reduce or lengthen the trial period where necessary, with the agreement of the employee.

Preschool 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 organisation will give the employee **2 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. When flexible working is granted but temporary, a contract addendum will be composed and signed by the setting support officer and employee.

If the employee has any questions or concerns, they should contact the setting support officer/committee.

Complaints and further information

An employee should raise any concerns with the Setting Support Officer/Committee 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 preschools grievance procedure.

Further Information

- The Equality Act 2010
- The Employment Relations (Flexible Working) Act 2023

Associated policies and procedures

- 8 Equality and diversity
- 18 Employment & Staffing
- 38 Grievance